HOUSE OF ASSEMBLY

Wednesday, 18 October 2017

Parliamentary Procedure

SPEAKER, ABSENCE

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

The Deputy Speaker took the chair at 11:00 and read prayers.

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

Parliamentary Committees

PUBLIC WORKS COMMITTEE: INSTALLATION OF HYBRID TURBINES

Ms VLAHOS (Taylor) (11:01): On behalf of the member for Colton, I move:

That the 575th report of the committee, on Installation of Hybrid Turbines as a Long Term Backup Power Plant, be noted.

The installation of hybrid turbines as a long-term backup plant needs to be noted by this parliament. In March 2017, the South Australian government released its energy plan to address concerns of both business and residents regarding energy reliability, capacity and cost. This included the establishment of a gas-fuelled backup power plant. This project is for the establishment of the backup power generators by 1 December 2017 to ensure that capacity is available during possible load-shedding events that may occur during the summer season.

Four generators will be located at the Adelaide Desalination Plant at Lonsdale and five generators will be located at the GMH site at Elizabeth. This will provide a total capacity in excess of 200 megawatts, including on days with temperatures in excess of 40°. These sites have been chosen because of the ability to access the distribution network at 66,000 volts, the sites' close proximity to substations with redundant capacity that will allow at least 100 megawatts in contingency events, and adequate electrical separation between the two sites.

These generators will initially be fuelled by diesel as neither of these sites have a gas connection. The committee was informed that a gas-fuelled facility could not be installed and operational by 1 December this year, and priority was given to these facilities operating this summer because of the type of fuel used in the short term. Investigations are underway to identify a permanent location for the backup power plant with access to a gas connection. It is anticipated that the nine generators will be relocated after the 2018-19 summer.

SA Power Networks, on behalf of the government, has contracted APR Energy to provide the nine TR2500 hybrid (gas-diesel) generators on a 13-month lease agreement, which includes the ongoing maintenance and operation for these 13 months. The lease agreement can be extended for a further 12 months if required. As part of this agreement with APR Energy, there is an option to purchase the nine generators at the end of the 13-month lease period but before the expiry of 25 months from the commencement of the lease. This is the government's preferred option. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr VAN HOLST PELLEKAAN (Stuart) (11:05): With regard to the Public Works Committee's Installation of Hybrid Turbines as a Long Term Backup Power Plant report, I can understand why the government is doing this, because they have got themselves in a real bind. The government were told way back in 2009, by two independent consulting organisations that the government went to and paid money to receive advice, that they were heading in the wrong direction with regard to their energy policy.

They had that advice in writing and they ignored it. They were told at the time that if they increased their renewable energy target from 25 per cent to 33 per cent it would have a very negative, very harmful impact upon South Australia's energy grid and prices to consumers and reliability of supply. With that information in hand, the government then did move from 25 to 33 per cent anyway and, as we all know, subsequently have moved to 50 per cent, only exacerbating the problem.

Let me be very clear: I and my opposition Liberal colleagues believe very strongly that we need to make a transition away from fossil fuels towards renewable energy, but it must be done in a well-planned, well-managed way, not in the haphazard way whereby the government has overprovided permission to install too much wind energy too quickly in our state, and that wind energy being without any sort of supply so that the intermittent generation, which in itself is a terrific thing, can then be stored so that it can be used and dispatched upon demand. It is the lack of that link between the intermittent generation and the dispatch on demand that has got this government into so much trouble.

Having created this problem over many years knowingly, the government now says that it wants to spend $550 million of taxpayers' money to fix the problem that the government itself created. Part of the plan was announced: a $360 million permanent government-owned, government-operated gas turbine to be in place and operating in Adelaide by 1 December this year. Of course, that commitment evaporated and has been changed many times. As I said, I can understand why the government is doing it, because they have got themselves in a bind. They have their own backs up against their own wall, so to speak.

That commitment soon changed, from being a gas generator in place by this coming summer to being diesel generators in place for two years. The government went out to tender, looked at all the options and realised that what they had promised was not what they were going to do, that it was actually an inappropriate commitment because it was not practically possible. Once they realised that, they went to these diesel generators, which is what we are looking at in the Public Works Committee at the moment.

Everything in the main body of the report is very straightforward and completely above board and completely appropriate, but I would like to draw the house's attention to the dissenting report by the member for Mount Gambier and the member for Unley. I will not read through all of it, but the two key components they have jointly identified are:

- [They] have seen no evidence that all potential options to increase the capacity and reliability of power supply in South Australia, at least possible cost to taxpayers have been adequately assessed by the government.
- [They] do not believe that the Government has been transparent with the public about the full potential costs of this plan.

We know both those points to be true. We know both those points to be very valid because, here in this house in debates and in question time, we have asked questions about those issues and the answers have not been forthcoming. The media have asked questions about those issues, and the answers have not been forthcoming.

The government says that it wants to spend hundreds of millions of taxpayers' money to build a generator to provide backup security to the South Australian energy grid. The government itself says that it expects it to rarely be used, if ever. The government will not come clean to the people of South Australia about exactly how the government wants to spend hundreds of millions of dollars of the people's money.

I do understand the need to have security. I do understand the fact that the government essentially vandalised South Australia's electricity supply. They had the opportunity to spend $8 million per year for three years to keep the Port Augusta power station open for three years while we had what I referred to before as a sensible, well-planned and well-managed transition to a cheaper, more reliable and more environmentally responsible energy system in South Australia. But they decided not to spend $23 million over three years; they decided to spend $550 million instead.

That goes to the mismanagement of the government's energy policy, it goes to the mismanagement by the government of the public's money and it goes to an endemic problem within the government which this report highlights: the secrecy with regard to their wanting to go about

trying to fix things. Deputy Speaker, as you would know, the Liberal opposition has released its energy policy, and there are many components, which have been independently assessed by ACIL Allen, which will deliver lower electricity prices to the people of South Australia.

Very importantly, we have developed a policy which will deliver lower prices without sacrificing reliability of supply and without sacrificing any environmental aspects. We have of course had to include in our policy some elements of the government's policy. Let me be very clear about that: the only components of the government's energy policy we have included in our energy policy are those components to which the state government has already contractually bound our state. We have disregarded every aspect of the government's policy to which we are not already contractually bound and added better, more effective and more constructive components in our policy.

Back to where those policies come directly to this report, the state Liberals have said very clearly that we will run with the diesel generators because the government has already contracted the state to them, but we will not run with the gas generator—the purchase of those assets—after that time. There are a few very good reasons for that. One of them is that we will deliver at least as much reliability of supply to South Australia in other more cost-effective ways. You will remember the comments about the fact that there was no evidence to say that the government plan was going to be delivered at the most effective, lowest cost to taxpayers, which the member for Mount Gambier and the member for Unley put in their dissenting report.

We also have independent modelling that says it will be a one in 10 year event for a period of years, and it will be a one in 20 year event for another period of years in which it would be expected that the generator would need to come into the market to avoid a supply shortfall. I am a realist. I understand that a one in 10 year event could occur tomorrow; of course I realise that. I realise it may never occur either. We have provided a better way to provide that security. The ACIL Allen report also said that if the one in 10 or the one in 20 year event occurred, they predict that a maximum of 162 megawatts of supply shortfall would occur. The government is spending hundreds of millions of dollars to deliver far more than that.

I do understand the government's point where they say, 'Well, we might get our money back in the one blackout.' My point is that there are better ways to provide security of supply to the people of South Australia without wasting their money in this way. There are smarter ways to deliver the same security and spend less of their money in doing so. One of the most important key issues when it comes to considering how this report, and the diesel generators and potential gas generator that it refers to, play into the difference between energy policies of the two major parties is that our policy has been independently modelled. It shows that our policy will drive down the wholesale price of electricity, which will flow through to a reduced price of electricity to consumers. The government say that will happen, but they have provided no independent modelling to say so.

In summary, the public has a choice between a Labor energy policy, which they say will drive prices down, but they cannot find anybody—they certainly have not produced anybody—who will confirm that. With regard to security and environment, the Liberal Party has a more responsible policy that we say will drive down prices, and we do have independent evidence that says our policy will drive down prices for South Australian consumers without sacrificing security of supply or the environment.

Mr WILLIAMS (MacKillop) (11:15): This is an interesting event that has occurred, with the government coming out with an energy policy but refusing to own up to what the problem is. The government remains in denial, and the simple reason for that is that the government absolutely knows and understands what the problem is: their ideological headlong charge to incorporate renewables to the level that they have in our electricity sector in South Australia. Everybody in Australia, apart from the Labor government in South Australia, understands the problem.

I have spent most of my life coming up against problems, working out how to resolve them and how to move forward. The one fundamental thing I have learned every time I have come up against a problem is that the first step in moving forward is to ask the question and get the answer to, 'What has caused the problem?' If you do not ask yourself that question and you do not get some sort of reliable answer, it is impossible to work forward in any cogent way, and that is what this government continues to do. As I said, the government continues to do that because it is too afraid

of the consequences of owning up to being the villain in this whole scenario. It is the government's 15 to 16 years of bad policy that have left South Australia vulnerable to the highest electricity prices in the world.

The manufacturing base of South Australia was built on the fact that we had a low-cost structure in this state. We were able to provide good, solid, reliable electricity at a good price comparative to everybody else in the world, all those markets that we wanted to sell our manufactured goods to. Electricity is a large component of the cost of manufacturing. The fact that we now have the highest electricity prices in the world has put us at a huge disadvantage. In itself, that is bad enough, but to compound that disadvantage we have probably the most unreliable electricity supply system in the developed world, and the government takes no responsibility whatsoever for that.

This government would have us believe that it was the sale of ETSA that caused these problems. That was a long time ago. I suspect that even today our average and our peak electricity consumption is still less than it was when ETSA was sold from public ownership, so it was not that there has been no new investment. The capacity of those privatised assets was still large enough to meet the needs of South Australia. However, as I said, with this ideological drive to have more and more wind farms and more and more rooftop solar panels installed in South Australia, we saw a huge competitive disadvantage thrust upon the traditional generators, to the point that the Northern power station is now closed and in the process of being demolished—a huge shame.

The Pelican Point cogeneration plant, which is the most efficient generator probably in the whole of Australia but certainly within South Australia, was also mothballed for a number of years. It is a plant that is probably close to, if not more than, twice as efficient as the old Torrens Island power station; that is, it probably produces only half the carbon footprint per unit of energy produced and that is because it uses the world's best technology.

It is a modern power plant, but that was the power plant in South Australia that was mothballed for a number of years for one reason and one reason only—this government saw to it that it was competed out of the market predominantly by wind farms and rooftop solar panels, which had a very low level of reliability and probably a very high cost of energy output. We are the beneficiaries of those dumb, dumb, dumb policies.

Let me add the one thing I think the people of South Australia need to be aware of. The Treasurer and energy minister revealed to the parliament earlier this year, in one of the first or second sittings weeks back in February or March, that $7 billion—I think he said in excess of $7 billion—has been expended in South Australia on renewable energy generation in the last period—$7 billion. If we were of a mind to, I reckon we could have had a nuclear power plant for that. Our energy security could have been guaranteed into the foreseeable future for that amount of money and we would all be a hell of a lot better off.

But this government's ideology is not to embrace something that is proven, reliable and cheap. Its ideology is to seek to get preferences from the Greens and to try to capture some of the green vote itself, so it went down this path of embracing renewables. This government even changed the planning laws temporarily to allow development approval to be gained by a proponent of a wind farm in my electorate.

There might have been a couple of others throughout the state, but I remember there was one in my electorate that took advantage of a short-term change to the planning rules in South Australia, yet the Premier and the minister would have us believe that all these renewables were driven by the federal government and the renewable energy target. That is a nonsense. If that were the case, we would see wind farms all over the rest of Australia too. I do not think there are any, or if there are they are only very recent. I do not think there are any wind farms in Queensland.

This problem has been created by this government. If spent wisely, $7 billion would have seen our security future guaranteed but, no, it was more convenient for this government to lie to the people of South Australia about our energy future, and to continue to do that, and to try to hoodwink people into supporting it because it believed it was demonstrating green credentials—a very poor way to govern.

The government in a lot of its energy plan has admitted the failings of the past. In this particular proposal, the government has admitted that you need backup, that when you use a power generation system for a significant part of your needs, and that system is unreliable, you need a backup. That is why we no longer have the Northern power station. It was treated by this government as a backup power station, yet it had to keep the boilers running 24/7 and was only called on occasionally during the day to supply our needs as the wind dropped out and the sun went down, but it had to keep shovelling coal into those boilers.

As a consequence, it lost hundreds of millions of dollars over a few years. That is why it closed down, yet the minister would say it was not closed down because of renewables. It was closed down because of renewables. If this government had not charged headlong into bringing more and more renewables onto our grid, the Northern power station would still be operating, Pelican Point would never have been mothballed and we probably would never have had the blackout that cost us hundreds of millions of dollars a bit over 12 months ago.

I note from the report that the installation of the sites here will allow at least 100 megawatts in a contingency event. It seems to me that we have 150 megawatts proposed for one site and 120 megawatts for the other. Of the 270 megawatts that are being proposed, it seems that only 200 megawatts may be available. Again, the report does not seem to canvass why that would be so and why we are installing 270 megawatts when only 200 megawatts might be available. I wish my time were longer.

Mr PEDERICK (Hammond) (11:25): I rise to speak on the Installation of Hybrid Turbines as a Long Term Backup Power Plant, the 575th report of the Public Works Committee. Let's make it perfectly clear that this is not going to be hybrid generation: this is diesel generation, diesel generation that this Labor government have been forced to bring in as an emergency measure because of their failed electricity and power reliability policies for almost 16 years.

I have talked about some of these issues in the past when we had the former premier. He had little turbines that he was putting on top of this place, until they worked out they were little more than toys. It was just a gimmick to make out that the government had green credentials. Then we have the overinstallation of wind energy in this state where around 50 per cent of our energy, something like 1,700 megawatts, is wind energy so the government can spruik their supposed green credentials. The only way these turbines work, obviously, is when the wind is blowing.

Yes, we have a massive amount of solar installed around the state. I have declared in here before that I have solar panels on two of my properties. The issue is that it is because I need to save money, and it does come at significant expense. I note some of the commentary in the media about people with solar panels, but they do come at significant expense. There are far better plans coming online through different companies at the moment, where people can borrow a sizeable amount, if not the whole amount, to install panels on their property. Again, it only puts power into the home system when the sun is shining.

We hear lots of talk about power plants going in around the state and the so-called big battery, which will soon be outdone by the 300 megawatt big battery at Morgan. The Elon Musk battery is only 100 megawatts. You still need the sun to shine or the wind to blow to load these batteries. At the end of the day, we must reflect on where all these green policies have led this state. On 28 September last year, we saw the absolute chaos of a few towers that collapsed 250 kilometres north of Adelaide and power was completely disrupted right across the state, from the north of the state right down to Mount Gambier.

It is completely outrageous that, effectively, our power system is run on one circuit-breaker. It is madness. I have been informed that back in the day when Northern was operating, there were five circuit-breakers, for want of a better word, five systems, so that if one went down it would not pull the whole state down. It is just ridiculous. Who would set up a state to fail like that? The South Australian Labor Party.

It has brought the highest power prices to this state, and they are the highest prices in the world, and the least reliability. It is just outrageous that we are living in basically what many people look at as a Third World state. It has to be a lot better, and it is just madness that we are here. I note that it has been in less than my lifetime that I have had electricity hooked up at Coomandook on the

farming property. It was only 1966 when it went through. We still have the old 32-volt engine room along the homestead; I might have to fire it up again with a backup generator the way things are going.

What really gets me is that you do not see the Premier out spruiking the fact that he will be burning millions of litres of diesel when these generators are running to keep power going in this state, to keep the lights on, to keep the air conditioners on and to keep it so that people can stay alive in comfortable surroundings. How green is diesel? I think everyone can work that out. This is because of failed policies. In emergency, the government have had to bring in nine B-doubles of diesel generation to keep this place going.

When 28 September happened—the big blackout, or black Wednesday, as I call it—there was at least $450 million worth of damage across the state, and there were multiple reports of backup generation not kicking in. On the West Coast around Port Lincoln, it did not work; at Flinders Hospital, it did not work; at a whole range of places in various scenarios, power generation failed. Since then, we have had not just industry put in either backup generation or go completely off grid. I have talked before about the new almond hulling plant at Swan Reach, with diesel with battery backup, where it was far cheaper. In fact, it will be hundreds of thousands if not millions of dollars cheaper over time for accessing power than hooking into the network.

More and more people are doing this, so over time we will have a grid, essentially, that will not connect anywhere, with more cost to those on the grid. Because of the cost to hook up and the cost of paying for that power, it will be completely out of reach for people, so they will do their own thing. There will be far more of that going into the future, whereas we on this side of the house put up a policy that includes an interconnector to New South Wales. It is interesting that as soon as we come out talking about an interconnector we have the government spruiking that interconnection is no good. They want to live on an island. They want to live totally disconnected from the rest of the country and the national energy market. How ridiculous!

The Heywood interconnector connects us to 650 megawatts of power through to Victoria, and we also have Murray Link, which is a groundbreaking link through to Victoria with two cables buried in the ground at 220 megawatts. We now have 870 megawatts of power on two interconnectors, but we have the Treasurer and the Premier indicating that we want to live on an island. I challenge them: are they going to shut down those interconnectors? Of course they will not. They know that we are absolutely reliant on that interconnection to drag in power from the Eastern States. Where is it generated from? Coal-powered turbines, and this state is still absolutely reliant on that generation because of the intermittency of the variable wind power, and that is exactly what happens.

It was only yesterday during question time that the Treasurer made some claims, and I will quote exactly what he said:

> 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.

In regard to his claim that power prices were lower than those of Victoria, it must have been for a very short space of time. Here we have the Treasurer, the energy minister who hates interconnection—he has made that clear earlier—yet here he is spruiking the fact we are a net exporter. You cannot have it both ways, Treasurer and Premier. You cannot have it both ways. It just does not work like that.

You cannot come in here and talk about the net exporting of electricity and in the other breath say, 'We hate interconnection.' It is a ridiculous statement to make. We are part of the national energy market, and as part of our policy we will look at connecting ourselves better to the grid in the Eastern States with $200 million worth of investment. We will not just look at it; we will get an interconnector installed through to New South Wales.

Hundreds of millions of dollars will be spent on this dirty diesel generation because of the failed Labor policies. This is the same government that wants us to live on an island, but when it suits them they are happy to talk about the benefits of exporting wind energy when it does blow to the Eastern States. It is absolutely outrageous, and the government should have a look at how the national energy market works and what is best for this state in regard to reliability and power pricing.

Mr BELL (Mount Gambier) (11:35): I rise to make some comments on the installation of hybrid turbines as long-term backup power, and the interesting part of that is the long-term aspect. This contract is a lease for 13 months, so if that lease arrangement constitutes a long term, then I guess it fulfils the definition in the title.

Some of the issues around this include spending $110 million for backup generation, which can only come in to operation via the rules once there is a blackout. So we are spending literally a palletful of cash. I tried to do an analysis of how much $110 million actually is if you stack it up in $50 bills and put it on a pallet. At the end of the 13 months, those generators, which we are only leasing, technically can go back to the supplier. We are paying $110 million for that privilege, knowing that there is a strong likelihood they will never be used. It is a lot of money for a backup plan, and I would have liked to have seen a much longer term outlook.

There was a dissenting report, and I thought I would read through that. After hearing evidence on the above project, I want to congratulate Sam Crafter and other government presenters in the Public Works Committee. I thought they gave a thorough presentation on the constraints that were presented to them and the solution, but there are still concerns that we have. We have seen no evidence that all potential options to increase the capacity and reliability of power supply in South Australia, at the least possible cost to taxpayers, have been adequately assessed by the government. We do not believe that the government has been transparent with the public about the full potential costs of this plan.

For example, the Minister for Mineral Resources and Energy told Estimates Committee A on 26 July (less than three weeks from this report) that once the procurement of additional generation capacity had been completed the government would provide further information on this component of the plan's cost. However, the Public Works Committee, which I was a member of, was subsequently told that the cost of the temporary generation and conversion to permanent generation facilities remain confidential, hence leaving us in the dark to a degree, although to be fair they did say that it will be within the $550 million envelope. For these reasons, two members of the committee were unable to endorse the committee's report.

On top of the $110 million, there will be maintenance costs. Every day, a couple of people will be rocking up to these generators that will not be turned on, unless there is a blackout, and basically turn them over, so there is an ongoing cost to the people of South Australia above that initial price. What I would like to see is some work done at the COAG level on the rules around the national energy market.

There were some suggestions. A Senate report showed there would be a reduction in the cost of electricity if Victoria, Tasmania and South Australia joined forces and counted themselves as one region, so actually working together. It is currently prohibited through the rules, but that could be changed very easily. In terms of the bid-in rules, if you understand the energy market, how these companies bid in to the system allows market manipulation. Particularly when they see that demand is going to be close to capacity, they put in at the highest level. It is not what they generate it at; it is what their profit margin dictates.

On days of high usage, they know that they can bid in pretty close to the legislated limit and that power will be dispatched at that time. Likewise, there are multiple bid offerings, where a bid can be put in, so that it looks to be dispatched, and then withdrawn at the very last minute and then put in at a higher price. There are rules around bidding in that could easily be changed at COAG to make it that the bid-in price is the price that is paid. Of course, the other issue is lowering the ceiling on the maximum amount to be charged.

There is no doubt we need more generating capacity in South Australia. I think the Treasurer hits that on the head very well, obviously being advised by some very knowledgeable people. This project does not add to generation capacity; therefore, it will not lead to lower electricity prices. It is a backup option only, and in my mind it is a very expensive option at $110 million for 13 months. It is something that I think the Liberal team needs to be aware of, and that is why we need transparency in this. There are some transition efficiencies in going from a backup lease arrangement into a more permanent generation capacity.

I do hope the Treasurer is forthcoming with that information because that may decide certain options going forward. There is no doubt we need greater generation capacity to drive down power prices. There are things that could be done at COAG. This is a backup option only, a bit like the desal plant, which again has ongoing costs because of maintenance and percentages that have to go through it for insurance reasons. This will be exactly the same: there are ongoing costs above the price indicated. With those words, I will conclude my debate.

Mr PENGILLY (Finniss) (11:42): I wish to add a few words to this debate this morning on this particular issue. It is all part of the great sham and disgrace that is the current Labor government's handling of electricity over the last 16 years. It is arrant nonsense what the Premier and the energy minister/Treasurer have been running around trying to sell in the last few months with something under their arms.

As was indicated earlier on this side of the house, they let the Port Augusta power station fall over, with the subsequent loss of jobs and everything else that went with it. They could have quite easily kept it going long enough to make sure that we had something else in place, but, no, they did not choose to do that. Now that it has been to the Public Works Committee, this report has come to the parliament on the installation of hybrid turbines as long-term backup power for South Australia. It is a sham.

The issue for people out and about in South Australia—families and whoever else—is not where the power is produced: it is about how on earth they can pay their power bills that come in regularly. Just in the last few days, we have seen that people are not able to feed their families because they cannot pay their power bills. I can tell you that I know families that are using candles instead of having lights. It has gone back to the Dark Ages, literally.

Part of this ridiculous situation is that when we had the massive state power blackout last year, which only seems like the other day, only two areas in South Australia had power. One was the APY lands and the other area was Kangaroo Island—the APY lands because they had put in generators in the separate communities to provide power and Kangaroo Island because, in another life, I hassled the government at the time to do something about the continual breakdowns in power and power interruptions to the island and generators had been put in.

Fortunately, when we had the power blackout the South Australian Power Networks people were wise enough to see what was coming. They put all their staff on stand-by and got everything fuelled up so that when the power went out on the mainland and in Adelaide and most other places the power was switched on on the island and there was no interruption. That was good planning. What the Premier and the Treasurer are running around trying to sell is arrant nonsense. They stand absolutely condemned. They stand condemned on power prices.

This week, they are blaming the federal government for everything. It seems as though they do not have the guts to take responsibility for anything, and they continue to just play around the edges and try to persuade the people of South Australia that they have this wonderful plan for power. This is a backup power plant at Pelican Point—a backup power plant. I am pleased that a minority report was put in on this because there will be significant cost to the taxpayers of South Australia, and as the member for Mount Gambier correctly said, 'If 13 months is long term, then heaven help me!'

As was also discussed a while ago by, I think, the member for Hammond, you need only go back to former premier Rann with his rush for wind turbine power in South Australia. I have no problem with wind turbines and never have had. I actually have the first wind farm in South Australia in my electorate at Starfish Hill at Cape Jervis. I do not have any issue with it, but the wind does not always blow.

Port Augusta always worked. Provided you put coal in and heated the water, we still had power. They allowed that to fall over, and we have been pushing alternatives to that for some time, which I think are going to come to fruition. I am pretty disgusted and appalled that South Australia's electricity grid and generation capacity has fallen to the level it has due to the actions of this nearly 16-year-old Labor government. It is disgraceful.

As I said, they stand condemned, and I am sure that on polling day next year the people of South Australia will let them know in no uncertain terms what they think of the management of this

state's economy, its finances and more particularly the impact that power breakdowns and more particularly power prices are having on their everyday lives and how they go about their business. It is a great tragedy for South Australia that we have got to where we have with this and I look forward to a day of vengeance on this government in March next year.

Motion carried.

PUBLIC WORKS COMMITTEE: NORTHERN AMBULANCE STATION

Ms VLAHOS (Taylor) (11:48): On behalf of the member for Colton, I move:

That the 576th report of the committee, entitled Northern Ambulance Station, be noted.

The South Australian Ambulance Service proposes to build a new single-storey purpose-built ambulance station on a greenfield site in northern metropolitan Adelaide at a cost of $5.388 million exclusive of GST. It will be located on Lockheed Lane at Parafield Airport with easy vehicle access to Kings Road, adjacent to the electorates of Ramsay and Taylor. The land will be leased from Adelaide Airport Limited for an initial 10-year period with an option for a further 10-year lease. The location is ideally suited to provide services to the northern Adelaide region and is well positioned to provide synergy with the Northern Adelaide Local Health Network and the Lyell McEwin and Modbury hospitals.

The project construction incorporates four key components: undercover vehicle parking for 14 ambulances and four solo response cars; office space containing a mix of workstations, hot desks and offices located around the open plan; staff rest, wet and meals area, which includes 10 on-site rest areas for staff on night rosters, locker rooms, ambulance crew amenities, kitchen facilities and on-site parking; and a large training room to cater for regional training where staff will come together from other ambulance stations nearby. The site allows for further expansion, building in needs for the future including increased garaging. The construction of the new ambulance station is due to commence this November and be completed by August next year.

The purpose-designed contemporary facility will meet the current quality standards and statutory requirements. It will be streamlined to ensure that the layout supports a reduction in emergency response times and in turnaround times required for restocking and cleaning vehicles. The facility will also provide staff with the equipment and infrastructure necessary to deliver effective service as well as allowing for future growth and demands in the northern metropolitan area, which continues to grow. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to the parliament that it recommends the proposed public works.

Mr SNELLING (Playford) (11:51): I support this report. In the time I was the minister for health, the initiative was to build this ambulance station. It replaces an old station at Salisbury South, the construction of which I think would date back to the 1980s. I had an opportunity to spend time on an overnight shift with an ambulance crew going out of the Salisbury South station. While it is fair to say that they did not spend an enormous amount of time in the station—they were mainly on the road—it is nonetheless a station that does not really provide modern facilities for the comfort of crew. This new station is better located to serve the people of the northern suburbs and to better look after the crew who work from that station. I heartily endorse the report.

Mr TRELOAR (Flinders) (11:52): As a relatively new member of the Public Works Committee, I was not sitting on the committee when they undertook this particular report but, on reading the report that has been tabled in the parliament today, the opposition members of the committee fully support some public works that certainly appear to tick all the boxes.

Ms VLAHOS (Taylor) (11:53): I thank the members for their comments and I certainly agree that many members in the northern area will value this unique station as it provides services into the future.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT LINCOLN WASTEWATER NETWORK CAPACITY UPGRADE PROJECT

Ms VLAHOS (Taylor) (11:53): On behalf of the member for Elder, I move:

That the 572nd report of the committee, entitled Port Lincoln Wastewater Network Capacity Upgrade Project, be noted.

The Port Lincoln wastewater network consists of 143 kilometres of gravity sewers and pumped pipelines and 20 sewer pumping stations. Five of these pumping stations flow into a combined rising main, which is now at capacity. There is a need to expand the network to address this and meet the future growth needs of the area both from increased residential and business connections and in particular from the seafood processing industry, and we know how important that is to our state.

SA Water proposes to duplicate the rising main with the construction of a new pipeline under Marina Drive and St Andrews Drive. The new rising main will branch off the existing main, travel around the marina and follow St Andrews Drive to the wastewater treatment plant at Billy Lights Point. In addition, there will be an upgrade of two sewer pumping stations. The total cost of these works is $5.1 million, GST exclusive. These works will reduce the operational and environmental risks from overflow and address the concerns that the current pipeline poses a crossing under the marina.

This upgrade is anticipated to accommodate the future growth of the region for the next 30 years. Work is to commence in November this year, with construction works to be completed by the end of September 2018. I wish to thank the current and past members of the Public Works Committee for their work in considering this project, and I am sure the member for Flinders will have further comments on this. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to the parliament that it recommends the proposed public works.

Mr TRELOAR (Flinders) (11:55): I am very pleased to rise today to speak on this report, not just as a member of the Public Works Committee but also as the member for Flinders. This has been a long time coming, but we are very pleased that we are almost there. The Port Lincoln wastewater network currently consists of 143 kilometres of gravity sewers and pump pipelines, as well as 20 sewer pumping stations (SPS). Five of these SPS pump into a combined rising main, which crosses under the Port Lincoln marina twice. This main is at capacity and the network needs to be expanded to meet the long-term growth needs of the area, both from increased residential connections and businesses, in particular from the seafood industry and processes.

This project will improve environmental compliance by eliminating overflow risks, and reduce operational risks at the marina crossing, accommodate future growth for approximately the next 30 years, and assist industry to meet its environmental compliance. It was determined that option 1 has the lowest net present value after the base case, noting that the base case does not meet the project objectives. It has an overall capital expenditure of $5.144 million, excluding GST. The expenditure is included in SA Water's approved regulatory business proposal for 2016-20. It will not have an impact on the general government net operating result.

There was just one proposal from the broader community, and that was from SA Water. It falls under the policy guidelines adopted by the Public Works Committee for project hearing requirements, which fall before the committee when it qualifies for ministerial approval and it is in the threshold of $4 million and less than $11 million. I am really pleased that this has come to fruition. I have spoken many times about water security on Eyre Peninsula. I think this contributes to that ongoing security because this project is not just about dealing with wastewater from both residential and industrial uses. It also has the potential to complement and provide further water, if not to a potable level, at least to a standard possibly suitable for irrigation or industrial use.

If at some point in the future infrastructure expenditure can see its way clear to pumping to the top of Winters Hill, getting it over the hill and out of Port Lincoln, it opens up all sorts of opportunities, as I said, for irrigation or, beyond that, into industrial use. One of the challenges for the seafood industry in Port Lincoln, particularly the processing part of that sector, was dealing with their wastewater, which generally has quite a high saline content. Of course, that has to be managed,

and much effort has been made over many years into getting that to an appropriate level to be able to deal with.

It is far better to do that than restrict the processing of our most famous product—the tuna fish and the general fishing industry of Port Lincoln—and I am very pleased that this is about to begin. The infrastructure work will begin in November 2017, which is just next month, and it is expected to take about 12 months to be in place. I think it really indicates confidence in the City of Port Lincoln and the area surrounding Lower Eyre Peninsula, and it highlights its opportunity for growth and ongoing industrial development.

Motion carried.

Bills

CIVIL LIABILITY (TRESPASS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:00): Obtained leave and introduced a bill for an act to amend the Civil Liability Act 1936. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:00): I move:

That this bill be now read a second time.

The Civil Liability (Trespass) Amendment Bill provides that no action for trespass arises when an officer serving a notice or a summons on behalf of the Crown trespasses in the course of serving the notice or summons. There is a range of government agencies that are required to service notices or summonses under various pieces of legislation. For those who wish to know more, I seek leave to insert the remainder of my second reading explanation into *Hansard* without my reading it.

Leave granted.

Where service is to be effected personally, an officer acting for or on behalf of the government agency will attend the property where the person to whom the summons or notice is addressed resides or works in order to serve the summons or notice. In many cases, this will involve entering the property, walking to the front door of the house, knocking on the door, asking for the relevant person and serving the relevant documents. Where there is no locked gate on a property or other contrary indication there is, at common law, an implied licence to enter a property that enables an officer to knock on the front door and serve a summons.

From time to time, in the context of notices or summonses being served, issues can arise with the law of trespass. This can occur where, for example, an occupier of property asserts that they had either expressly or impliedly revoked the implied licence to enter the property.

This Government considers that it is undesirable for taxpayer's money to be directed toward trespass claims that arise in the context of a notice or summons being served. The Bill amends the common law so that there is no action for trespass in those circumstances.

The Bill has been drafted so that it will operate in the least intrusive manner possible. It applies to authorised officers. It does not give those authorised officers broad power to enter land. Nor does it change the fact that a trespass has occurred. This is relevant to whether any information or evidence that may be obtained in the course of the trespass can subsequently be relied on in a Court. The Bill will not prevent an action for trespass where an authorised officer enters a home or residence. The Bill will also not apply to any actions of an authorised officer that go beyond serving the notice or summons.

The effect of the Bill is appropriately targeted and limited—namely that if an authorised officer trespasses on land in the context of serving a notice or summons, no action for trespass arises.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Civil Liability Act 1936*

4—Insertion of Part 9 Division 12B

This clause inserts Part 9 Division 12B into the principal Act.

Division 12B—Exclusion of liability for trespass—authorised officers

75B—Exclusion of liability for trespass—authorised officers

Proposed section 75B establishes that there will be no action for trespass arising by reason only of an authorised officer carrying out official duties to which the proposed subsection applies on another person's premises. The section sets out the nature and type of official duties that it is concerned with and it defines authorised officer and premises for the purposes of the provision.

Debate adjourned on motion of Mr Knoll.

STATUTES AMENDMENT (LEADING PRACTICE IN MINING) BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (12:01): Obtained leave and introduced a bill for an act to amend the Mining Act 1971, the Opal Mining Act 1995 and the Mines and Works Inspection Act 1920. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (12:02): I move:

That this bill be now read a second time.

I seek leave to insert the second reading explanation into *Hansard* without my reading it.

Leave granted.

South Australia possesses a wealth of mineral resources. These are owned by the people of South Australia, and need to be managed in the community's best interests.

For 180 years our mineral resources industry has made an immense contribution to the economic and social development of South Australia. Our State and our strong regional centres have been built on the back of mining and farming, and these two industries have together seen us through many turbulent times.

Through the copper and grain booms of the mid to late 1800s, these industries worked together to bring rail, jobs and prosperity to our regions and underpinned the rapid development of our great cities. Indeed, the construction of this this place is not only a testament to the importance of locally available resources – Kapunda marble, Mitcham sandstone, West Island granite – but is a testament to the dominance of the South Australian agricultural sector from 1850-1890 and the importance of the Burra 'Monster Mine' which supplied 5%-10% of the world's total copper consumption for decades. For this reason, we were known internationally as the 'Copper Kingdom.'

But, mining and farming are not only industries of our past; they will continue to be the twin 'engine rooms' of the South Australian economy moving forward.

In 2016-2017 South Australian mining and petroleum exports were $3.8 billion (representing 32% of our total export GDP), and the mining sector continues to provide over 25,000 regional and metropolitan South Australian jobs (both direct and indirect). We also continue to see the benefits of mining and quarrying in our individual daily lives: from the construction materials used to build our homes, highways and stadiums; to the steel in our cars, trains and power poles; the fertiliser used by our farmers to grow their crops; and the copper needed for our phones and homes. We are, among other things, very much a 'mining state.'

So we must remain committed to leading practice regulation of the mineral resources sector, so that we continue to attract and retain explorers and mining and quarry operators who are committed to 'unlocking our resources' in a sustainable manner and building strong long-term relationships with landowners and communities.

Over our history we have substantially updated our mineral resources legislation in five main stages. This Bill will be the sixth major reform of our legislation, and directly reflects the 82 recommendations from the *Leading Practice Mining Acts Review* that came out of the most comprehensive community consultation undertaken on the *Mining Act 1971,* the *Opal Mining Act 1995* and the *Mines and Works Inspection Act 1920* in our history.

The purpose of these Acts is clear: to enable mineral exploration and production in South Australia in a safe, environmentally responsible, and transparent manner. As community expectations around consultation, transparency and environmental safeguards change over time, we must ensure that our legislation continues to strike the right balance between these factors and the importance of promoting economic growth that prepares us for the future.

This Bill contains a balanced package of amendments that have attracted the support of leading academics and mining, agricultural, regional and legal representative bodies and stakeholders.

The Bill will increase protections and assistance for communities and landowners via nation-leading transparency requirements, a free and open mining register, increased protection zones around rural residences, increased industry-funded legal advisory assistance at an early stage, and clearer engagement obligations.

This Bill will drive greater investment, regional jobs and improved jurisdictional competitiveness through simplified processes, improved market mechanisms to drive international investment and partnerships, and the removal of outdated tenement structures and obsolete requirements.

This Bill will ensure improved environmental protections through a fit-for-purpose evidence gathering and enforcement scheme, better protections for conservation areas, clarified rehabilitation requirements and enforcement powers, strengthened requirements for decision-makers to consider all environmental and social factors in the pre-grant assessment, and further alignment with the *Environment Protection and Biodiversity Conservation Act 1999*.

This Bill will ensure landowners have better access to justice via simpler court and mediation processes under the *Mining Act 1971*, which will complement projects being developed alongside the *Review* aimed at ensuring landowners have access to timely, accurate and independent advice services.

This Bill will also improve processes under the *Opal Mining Act 1995* to ensure the sustainable expansion of our important and unique opal mining industry that continues to drive tourism in the north of our State, and supply approximately 40% of the world's opal.

These balanced amendments are the result of consultation with over 1700 stakeholders, including landowner groups, resource companies, landowners, tenement managers, industry consultants, commonwealth, state and local government agencies, mining lawyers, academic experts, environmental groups, regional boards and authorities, councils, community consultative committees, traditional owner groups, primary industry associations, business associations, unions, and interest groups.

The Bill was also drafted in accordance with advice received from various cross-jurisdictional forums and independent expert panels, including the *Leading Practice Mining Acts Review Academic Advisory Panel*, the *Mining and Farming Roundtable* and the *Specialist Legislative Panel*. The *Academic Advisory Panel* was comprised of recognized international leaders in the areas of mining law, environmental regulation and rehabilitation, native title and agreement making, mine safety, and commercial law, such as Dr John Southalan from the Centre for Mining, Energy and Natural Resources Law at the University of Western Australia and our own Dr Alex Wawryk from the University of Adelaide. The *Specialist Legislative Panel*, comprised of pre-eminent judicial members and mining and landowner lawyers from leading law firms, also provided important advice on the Bill, which complimented the knowledge gleaned from over 45 meetings and forums with leading international and national regulatory agencies.

This Bill reflects the suggestions and changes recommended by community members and stakeholders in over 200 *Review* meetings and forums, and in the over 1000 pages of written submissions submitted during the *Review*.

These timely amendments will ensure South Australia remains a leading mining jurisdiction, will prepare South Australia for the future, and will provide balanced benefits for all.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 6—Interpretation

This clause amends a number of definitions consequent on new or updated provisions in the measure. This includes the amendment and recasting of key terms used in the Act such as *mineral tenement* (instead of mining tenement), *authorised operations* (instead of mining operations), and *tenement holder* (instead of mining operator).

5—Amendment of section 7—Application of Act

This clause inserts new subsections (2), (2a) and (2b). Subsections (2) and (2a) provide power to make regulations in respect of the application or non-application of specified provisions of the Act depending on various specified factors. Subsection (2b) provides for the circumstances in which royalty is payable or not payable under the Act.

6—Amendment of section 8—Declaration of mineral land etc

The amendments in subclauses (1) and (2) are consequential. Subclause (3) provides for the circumstances in which a proclamation made under the section before 29 June 1972 will be taken to have limited or affected the exercise of the power to make a proclamation under the section on or after that date.

7—Amendment of section 8A—Opal development areas

This amendment is consequential.

8—Amendment of section 9—Restricted land

Land previously defined as exempt land is proposed under this clause to be referred to as restricted land. The clause further amends section 9 to declare land of the following kinds to be restricted land:

- land that is lawfully and genuinely used as a yard or garden;
- land that is lawfully and genuinely used as a cultivated field, plantation, orchard or vineyard for commercial purposes;
- land situated within the prescribed distance (as now defined in the section, which varies in relation to whether the operations are low impact or advanced exploration operations, or any other authorised operations) of a building or structure used as a place of residence;
- land within 150m of a building or structure with a value equal to or exceeding the prescribed amount (as defined in the section) used for an industrial or commercial purpose.

The clause also makes a number of consequential amendments to section 9.

9—Amendment of section 9AA—Waiver of restriction (including cooling-off)

Section 9AA provides a formal process for a tenement holder to invite an owner of land to enter into an agreement with the tenement holder to waive the benefit of a restriction under section 9. If the tenement holder is unable to reach an agreement with the owner of land, they can apply to the ERD Court for an order waiving the benefit of the restriction for the person.

Under section 9AA as proposed to be amended by this clause, an owner of land who has the benefit of a restriction in respect of land to which a mineral claim has been registered will be able to advise the tenement holder of their position in relation to the waiver of the benefit of the restriction, and the conditions (if any) on which they may agree to waiving the benefit of the restriction. If application is made for a production tenement or a miscellaneous purposes licence, an owner of land who has the benefit of a restriction under section 9 in respect of the land to which the application relates will be able to apply to the appropriate court for orders under subsection (9).

Subsection (9) as recast will authorise the appropriate court to make the following orders:

- an order confirming that the owner of land is entitled to the benefit of a restriction under section 9;
- if the tenement holder or owner of land satisfies the court that any adverse effects of the proposed authorised operations on the owner of land can be appropriately addressed by the imposition of conditions on the tenement holder (including the payment of compensation to the owner)—an order waiving the benefit of the restriction and imposing conditions on a party to the proceedings.

New subsection (14b) requires an agreement made under the section to be given to the Mining Registrar for registration on the mining register.

New subsection (14c) makes it clear that nothing in section 9AA derogates from the jurisdiction of the Warden's Court under section 67 to make determinations about whether land is restricted land under section 9.

10—Amendment of section 9A—Special declared areas

The amendments in this clause are of a consequential nature.

11—Repeal of section 10A

This clause repeals section 10A dealing with special conditions attaching to the mining of radioactive minerals.

12—Amendment of section 10B—Interaction with other legislation

The clause adds section 10B(e) which provides that the Minister must, in acting in the administration of the Act, take into account the code of management of wilderness protection areas and wilderness protection zones under the *Wilderness Protection Act 1992*.

13—Amendment of section 12—Delegation

This clause amends section 12 to extend and clarify the power of delegation of the Minister and the Director of Mines.

14—Amendment of section 13—Mining registrars and other staff

The clause amends section 13 to extend and clarify the power of delegation of the Mining Registrar.

15—Amendment of section 14B—Authorised investigations

The clause makes a number of consequential amendments, as well as provides additional circumstances in which an investigation is to be taken to be an authorised investigation, namely if the purpose of the investigation is—

- to undertake any inquiry relevant to the administration or enforcement of the Act; or
- to inspect any authorised operations which are creating, or are likely to create, a nuisance, or are damaging, or are likely to damage, property.

16—Amendment of section 14C—Powers of entry and inspection

This clause amends section 14C to extend and clarify the powers of entry and inspection of authorised officers under the Act. The clause also provides additional provisions that require an authorised officer to only exercise powers of entry and inspection as provided in the section on the authority of a warrant issued by a magistrate (including as a warden) or justice in accordance with the section.

17—Amendment of section 14D—Power to gather information

The clause amends section 14D to delete the existing self-incrimination provision and clarify the consequences for a person who fails to comply with a requirement to answer a question or to provide information. New subsections (6) and (7) make it an offence with a maximum penalty of $5,000 to refuse to state a person's full name, usual place of residence and to produce evidence of the person's identity when required to do so by an authorised officer.

18—Amendment of section 14E—Production of records

This clause makes a number of consequential amendments, and extends the powers of authorised officers to retain, seize and make copies of records produced under the section.

19—Insertion of sections 14G and 14H

This clause inserts new sections as follows:

14G—Power to issue expiation notices

The proposed section enables authorised officers to give expiation notices for alleged offences which are expiable under the Act.

14H—Provisions relating to things seized

The proposed section sets out the process for dealing with things that are seized under Part 2.

20—Amendment of section 15—Power to conduct geological investigations etc

The amendments in this clause prevent geological investigations on land constituted as a wilderness protection area under the *Wilderness Protection Act 1992*, and make a number of other consequential amendments.

21—Repeal of section 15A

This repeal is consequential on the re-enactment of this provision in proposed Part 2A.

22—Insertion of Part 2A

This clause inserts a new Part as follows:

Part 2A—Mining register and information

Division 1—Mining register

15AA—The register

The proposed section provides that there is to be a mining register kept by the Mining Registrar, sets out the matters that are to be registered on the register, the circumstances in which matters must be

registered and the form and manner in which the register must be kept. It is an offence with a maximum penalty of $5,000 for a tenement holder or other person who fails to meet registration requirements.

15AB—Dealings with mineral tenements

The proposed section provides that a mineral tenement or an interest in a mineral tenement (being a legal or proprietary interest) must not be transferred, assigned, sublet or be held subject to a trust, whether directly or indirectly, without the consent of the Minister. The section further sets out the consent and registration requirements for dealings with such mineral tenements and interests.

Division 2—Mortgages

15AC—Mortgages

The proposed section provides for the requirements in relation to a party to a mortgage over a mineral tenement who applies to the Mining Registrar for the registration of a mortgage, including the application requirements, requests for information from the Mining Registrar, the status of a registered mortgage, and the effect and circumstances in which the mortgage may be surrendered and discharged.

15AD—Application to court to challenge aspects of mortgages

The proposed section provides for the circumstances in which a person who has an interest in a mineral tenement subject to a registered mortgage or an interest directly affected by a registered mortgage may apply to the appropriate court for an order or declaration in relation to the mortgage, as provided in the section.

Division 3—Caveats

15AE—Caveats

The proposed section provides for the circumstances in which a person who has or is claiming an interest in a mineral tenement may apply to have a caveat registered in accordance with the Division, including the form and manner in which the caveat is to be made, the matters to which a caveat may relate, and the effect of a caveat.

15AF—Application to Warden's Court to lapse caveat or obtain compensation

The proposed section provides for the circumstances in which a person who has an interest in a mineral tenement subject to a registered caveat or an interest directly affected by a registered caveat may apply to the Warden's Court for a declaration or order in relation to the caveat as registered under the proposed Division.

Division 4—Other dealings

15AG—Other dealings

The proposed section provides for the manner and circumstances in which a tenement holder may apply to the Mining Registrar for the registration on the register of any agreement, memorandum, arrangement, instrument, document or dealing (a *registrable dealing*) relating to—

- the relevant mineral tenement or an interest in the mineral tenement; or
- authorised operations carried out, or to be carried out, on the relevant mineral tenement.

Division 5—Protection from liability

15AH—Protection from liability

The proposed section provides for the status and liability of the Mining Registrar, Minister, Director of Mines and Crown in relation to an interest, instrument, agreement, statement, notice, order, direction, bond, penalty or other document or dealing on the mining register.

Division 6—Information

15AI—Interpretation

The proposed section defines terms to be used in the proposed Division, and provides the manner in which the Director of Mines may specify information or material as designated material.

15AJ—Compilation, keeping and provision of material

The proposed section provides requirements for a tenement holder in relation to the compilation, keeping and provision of material relating to the tenement. An administrative penalty applies to any tenement holder who fails to comply with a provision of the proposed section.

15AK—Tests

The proposed section requires a tenement holder to allow testing and samples of minerals to be taken at the request of the Director or person acting under the written authority of the Director.

15AL—Release of material

The proposed section provides for the manner and circumstances in which prescribed material may be released by the Minister or Director of Mines.

23—Amendment of section 17—Royalty

Section 17 as amended by this clause will provide that, subject to the Act, royalty is payable on all minerals recovered from mineral land. An exception is made for extractive minerals in certain specified circumstances.

This clause also makes substantial changes to the manner in which the value of minerals is to be determined for the purposes of calculating royalty. Where minerals are sold pursuant to an arm's length contract with a genuine purchaser, the value of the minerals for the purposes of determining royalty will be the market value on the day that ownership passes, and the market value will be the contract price. The section as amended by this clause will set out a number of alternative methods for determining market value that apply in circumstances where there is no contract with a genuine purchaser at arm's length.

24—Amendment of section 17A—Reduced royalty for new mines

This clause makes consequential amendments.

25—Insertion of sections 17AB and 17AC

This clause re-enacts sections 73E and 73EA of the current Act. Those sections, which deal with payment of royalty for private mines, currently sit within Part 11B, which is to be repealed by clause 95. Provisions within current section 73E relating to enforcement of the requirement to pay royalty are not reproduced in section 17AB because Part 3 of the Act, which includes provisions relating to enforcement, will apply to private mines.

26—Substitution of section 17B

This clause repeals section 17B and substitutes a new section that broadens the circumstances in which the Treasurer may make an assessment of royalty that a person is liable to pay. In addition to the circumstances that apply currently, the Treasurer will be authorised to make an assessment if—

- there is disagreement about an estimate of the market value of minerals; or
- there is a default in furnishing a return; or
- the Treasurer is not satisfied with a return; or
- the Treasurer is of the view that there has been an underpayment or an overpayment of royalty.

If there has been an overpayment of royalty, the Treasurer is required to refund the amount of the excess to the person or set off the amount against a future liability.

27—Insertion of section 17CA

New section 17CA, inserted by this clause, is substantially similar to current section 76, which is to be repealed. The section requires a tenement holder to furnish a return twice in each year. There is also a requirement for a return to be furnished if a tenement is cancelled, suspended, transferred, forfeited or due to expire.

28—Amendment of section 17D—When royalty falls due (general principles)

The amendments made by this clause are consequential.

29—Amendment of section 17DA—Special principles relating to designated tenement holders

The amendments made by this clause are consequential.

30—Amendment of section 17E—Penalty for unpaid royalty

A penalty applies under section 17E if royalty is not paid on or by the date on which it fell due. Currently, the formula for determining the penalty refers to the loan reference rate applied by the Commonwealth Bank of South Australia. The section as amended will refer instead to the applicable market rate under section 26 of the *Taxation Administration Act 1996* on the day on which royalty fell due.

31—Substitution of section 18

Current section 18 provides that property in minerals passes to a person in consideration of payment of royalty or, if royalty is not payable, on recovery of the minerals. This clause substitutes a new section that provides that property in minerals recovered from mineral land passes to the tenement holder on the day on which a determination of the value of the minerals is made for the purposes of assessing royalty payable on the minerals under section 17. It is still the case under the new section that if royalty is not payable, property passes on recovery of the

minerals. The new section also provides that the liability of a tenement holder to pay royalty to the Crown arises when the property in minerals passes to the tenement holder or the proprietor.

32—Amendment of section 20—General right to prospect for minerals

This clause makes a consequential amendment.

33—Amendment of section 21—Steps to establish a mineral claim

This clause contains amendments consequential on the insertion of common provisions in proposed Part 8B. It also amends the section to make the Mining Registrar responsible for the manner and form of an application for the establishing of a mineral claim.

34—Amendment of section 25—Rights conferred by ownership of mineral claim

This clause amends section 25(3) consequent on amendments to section 17.

35—Amendment of section 26—Mineral claim not transferable etc

This amendment is of a technical nature.

36—Amendment of section 27—Land not to be subject to successive mineral claims

A new subsection 27(2) is proposed which relate to the circumstances in which a mineral claim due to lapse is the subject of another mineral claim covering the same area. The clause also makes a number of technical amendments.

37—Substitution of sections 28 and 29

This clause substitutes sections 28 and 29 as follows:

28—Preliminary

The proposed section defines terms to be used in relation to Part 5 which makes provision for the granting of an exploration licence, including when land will be taken to be open ground or relinquished ground. The proposed section also provides for an area of land to be declared by notice to be an exploration release area, and for the circumstances in which an exploration licence may be granted by the Minister.

29—Nature of exploration licence

The proposed section sets out the operations able to be undertaken by the holder of an exploration licence.

29A—Application for exploration licence

The proposed section sets out the application process for an exploration licence, including the requirements that the applicant must meet and the manner in which the Director and Minister must consider and deal with such applications.

29B—Grant of exploration licence

The proposed section provides for the circumstances in which an exploration licence will be taken to be granted, and for the Minister to give notice of the granting of such a licence.

38—Amendment of section 30—Incidents of licence

The clause updates references in the section to refer to terms or conditions of licence (instead of just conditions). It increases the maximum penalty for the offence provided for in section 30(8) from $120,000 to $250,000.

39—Insertion of section 30AAA

This clause inserts a new section as follows:

30AAA—Expenditure

The proposed section requires a tenement holder, as a condition of an exploration licence, to achieve a level of expenditure specified in or in relation to the licence on operations carried out under the licence (an *expenditure commitment*).

The tenement holder must furnish a statement to the Minister in a manner and form, and including such information or evidence, as determined by the Minister and the requirements of the proposed section and the regulations, outlining the exploration operations to be carried out under the licence and declaring the amount of expenditure incurred and estimated to be incurred in carrying out such operations.

The proposed section allows for a tenement holder or tenement holders to amalgamate their expenditure commitments in relation to 2 or more exploration licences, and also for the deferment or variation of the amount of an expenditure commitment.

40—Amendment of section 30AA—Area of licence

The clause inserts new subsections (3) to (11) which provide for the manner and circumstances in which the holder of an exploration licence may apply to the Minister for approval to surrender a part of the area of the licence under an agreement that is intended to enable another party to the agreement to obtain a new exploration licence in relation to the land to be surrendered. The clause also provides for the manner in which the licences will be dealt with if the Minister grants such an approval.

41—Amendment of section 30A—Term and renewals of licence

The clause amends various provisions in the section to increase the maximum term for which an exploration licence may be granted from 5 years to 6 years. It also amends the section to provide for the manner in which an exploration licence may be renewed.

42—Substitution of section 30AB

This clause deletes current section 30AB which provides for a subsequent exploration licence to be granted. These provisions are now covered in the proposed amendments to section 30A allowing for renewal of an exploration licence. The proposed new section 30AB is as follows:

30AB—Excise of land for public purposes

The proposed new subsection allows the Minister, if of the opinion that land comprised in an exploration licence is required for a public purpose, to excise the land from the licence. The proposed section outlines the manner in which the Minister may undertake such a process and the rights of the tenement holder to apply to the ERD Court for compensation.

43—Amendment of section 31—Fee

The clause amends section 31 to provide that the liability to pay a fee under the section is a debt due to the Crown.

44—Repeal of sections 32 and 33

The clause repeals sections 32 and 33, which are now provided for in proposed Part 8B.

45—Insertion of section 33B

This clause inserts a new section as follows:

33B—Retention status

The proposed section outlines the manner and circumstances in which the holder of an exploration licence may apply to the Minister for retention status in relation to the licence. The section further provides for the following:

- the circumstances in which retention status may be granted;
- the requirements on the tenement holder who has been granted retention status in respect of the licence;
- the terms and conditions of the licence to which retention status applies;
- the status of land before, during and after retention status applies to the land.

46—Substitution of sections 34 to 37

The proposed sections recast and consolidate the sections to be substituted as follows:

34—Preliminary

The proposed section outlines the circumstances in which the Minister may grant a mining lease.

35—Nature of mining lease

The proposed section outlines the rights conferred under a mining lease, that mining leases may be of a prescribed class and that terms and conditions may apply to the lease.

36—Application for mining lease

The proposed section sets out the requirements for a person making an application for a mining lease.

37—Approval of application and registration

The proposed section states the circumstances in which the Minister may or may not grant a mining lease.

47—Amendment of section 38—Term and renewal of mining lease

The clause amends section 38 to consolidate, simplify and clarify the process for the renewal of a mining lease.

48—Repeal of sections 39 to 41

The repealed sections are to be re-enacted in proposed Part 8B.

49—Substitution of Parts 6A and 8

This clause substitutes Parts 6A and 8 which provide for retention leases and miscellaneous purposes licences as follows:

Part 7—Retention leases

42—Preliminary

The proposed section outlines the persons to whom a retention lease may be granted and the requirements and limitations on the type of person and stratum to which the licence may relate.

43—Nature of retention lease

The proposed section sets out the cases in which a retention lease may be granted, and the rights that such a lease, if granted, confers on the holder of the lease, and that the lease is to be subject to terms and conditions as may be prescribed and as may be specified by the Minister in the lease.

44—Application for retention lease

The proposed section sets out the requirements for a person applying for a retention lease, including the requirement for the application to be accompanied by a retention proposal setting out the nature of the operations to be carried out under the lease and the environmental impacts.

45—Approval of application and registration

The proposed section states the circumstances in which the Minister may or may not grant a retention lease.

46—Term and renewal of retention lease

The proposed section sets out the term for which a retention lease may be granted and the manner in which the holder of a retention lease may apply for renewal of the lease.

Part 8—Miscellaneous purposes licences

47—Preliminary

The proposed section sets out the circumstances in which the Minister may grant a miscellaneous purposes licence.

48—Nature of miscellaneous purposes licence

The proposed section provides that a miscellaneous purposes licence is to be granted for ancillary operations and that the Minister may limit the scope of operations under the licence by terms and conditions to which the licence is subject.

49—Application for miscellaneous purposes licence

The proposed section outlines the process by which a person may apply for a miscellaneous purposes licence.

50—Approval of application and registration

The proposed section outlines the circumstances in which the Minister must not grant a miscellaneous purposes licence, and that the licence will be taken to be granted by the Minister when registered.

51—Term and renewal of miscellaneous purposes licence

The proposed section provides for the term for which a miscellaneous purposes licence may be granted, and outlines the process by which a miscellaneous purposes licence may be renewed.

50—Substitution of section 56B

This clause substitutes section 56B as follows:

56B—Special mining enterprises

The proposed section defines a special mining enterprise, and provides for the manner in which an agreement is to be made between a proponent and the Minister prior to an application under Part 8A being made, and the sections of the Act that are to apply to such an application.

56BA—Concept phase

The proposed section outlines the first step that a proponent seeking special mining enterprise status must undertake, namely to consult with the Director of Mines about the proposal in a manner set out in the section. The Director may then bring the consultation to an end by advising the proponent that the matter may proceed to an application to the Minister under Part 8A, or that the matter is not, in the opinion of the Director, suitable for further consideration. The effect of this is that the proponent is then not entitled to make an application to the Minister under the Part.

56BB—Application phase

The proposed section outlines the manner and form of an application to the Minister under Part 8A and the process by which the Minister must consider the application.

51—Amendment of section 56C—Power to exempt from or modify Act

The clause amends section 56C to provide that the following sections cannot be exempted or modified by agreement as contemplated by the section:

- sections 9 and 9AA;
- section 61;
- Part 9B;
- any other provisions specified by the regulations.

The clause also increases the maximum penalty for failure to comply with a condition of an exemption or a modification under the section from $50,000 to $250,000.

52—Amendment of section 56D—Existing tenements

This clause makes a technical amendment.

53—Insertion of Part 8B

This clause inserts a new Part as follows:

Part 8B—Common provisions

Division 1—Identifying areas and considering applications

56E—Identification of areas

The proposed section outlines the manner in which an area to which the section applies is to be identified, delineated or defined, including in accordance with any manner or form determined or approved by the Mining Registrar. The section applies in relation to the following:

- establishing a mineral claim;
- an application for an exploration licence;
- an application by the holder of an exploration licence for retention status in relation to the licence;
- an application for a mining lease, retention lease or miscellaneous purposes licence;
- a registered mineral tenement.

56F—Related environmental legislation

The proposed section provides that if an application to which the section applies relates to an area within the Murray-Darling Basin, the Minister must, in considering the application, take into account the objects of the *River Murray Act 2003* and the *Objectives for a Healthy River Murray* under that Act. The section applies to the following:

- an application for an exploration licence, mining lease, retention lease, miscellaneous purposes licence or for the renewal of such a lease or licence;
- in relation to an exploration licence after it has been granted—an application to revise the program that applies in relation to the licence under Part 10A so as to authorise the use of declared equipment.

56G—Specially protected areas

The proposed section provides for applications to which the section applies relating to an area within or adjacent to a specially protected area to be referred by the Minister to the relevant Minister for

consideration, and for the referral of the matter to the Governor for determination if the Minister and the relevant Minister cannot agree. The section applies to the following:

- an application for an exploration licence, mining lease, retention lease, miscellaneous purposes licence or for the renewal of such a lease or licence;
- in relation to an exploration licence after it has been granted—an application to revise the program that applies in relation to the licence under Part 10A so as to authorise the use of declared equipment.

Division 2—Notice

56H—Notice

The proposed section provides for the manner in which the Minister must give notice of an application to which the section applies before granting such applications. The section applies to an application for a mining lease, retention lease (unless exempt by the regulations), miscellaneous purposes licence or an application under Part 8B Division 7 (to the extent that the requirements of that Division are applied by the regulations).

Division 3—Terms and conditions

56I—Matters to be considered

The proposed section sets out the matters to which the Minister must give proper consideration in determining the terms and conditions subject to which a mining lease, retention lease or miscellaneous purposes licence is to be granted.

56J—Alteration of terms and conditions

The proposed section sets out the manner in which the terms and conditions of a mining lease, retention lease or miscellaneous purposes licence may be added to, varied or revoked by the Minister, and the circumstances in which the holder of a mineral tenement must be consulted or may appeal to the ERD Court in relation to such an addition, variation or revocation.

56K—Special term or condition relating to extractive minerals

The proposed section provides that the terms or conditions of a mineral tenement may make provision for the management and use of extractive minerals, and the exemption of those extractive minerals from the payment of royalty.

56L—Offence to contravene terms or condition

The proposed section creates an offence with a maximum penalty of $250,000 for a person to contravene or fail to comply with a term or condition of a mineral tenement.

Division 4—Rental

56M—Rental

The proposed section provides for the manner and circumstances in which rental is payable in relation to a mining lease, retention lease or a miscellaneous purposes licence.

56N—Debt payable to Crown

The proposed section provides that the liability to pay any rental under the proposed division is a debt due to the Crown.

Division 5—Rectification of boundaries

56O—Rectification of boundaries

The proposed section outlines the manner and circumstances in which the Mining Registrar may vary the boundaries or delineation of a mineral tenement.

Division 6—Amalgamation of areas

56P—Amalgamation of areas

The proposed section provides for the manner in which the Minister may, on application by a tenement holder or by agreement with a tenement holder, amalgamate the areas of 2 or more mineral tenements.

Division 7—Change in operations

56Q—Preliminary

The proposed section provides that a change in authorised operations under a mining lease, retention lease or a miscellaneous purposes licence of a kind outlined in the section must not be made without the approval of the Minister, with a maximum penalty of $250,000.

56R—Application

The proposed section outlines the manner in which an application for an approval is to be made under the proposed Division.

56S—Consultation

The proposed section provides that the Minister must undertake consultation in a manner outlined in the section in relation to an application under the proposed Division.

56T—Consideration of proposal

The proposed section outlines the considerations that must be undertaken before a change under the Division is approved by the Minister.

56U—Terms and conditions

The proposed section provides the circumstances in which the Minister may, at the time of granting an approval under the proposed Division, add, vary or revoke a term or condition of the relevant mineral tenement, and the matters to which the Minister must give proper consideration in adding, varying or revoking such a term or condition.

56V—Registration

The proposed section provides that if the Minister decides to approve an application under the proposed Division, it will be taken to be granted when the approval is registered on the Mining Register.

Division 8—Cancellation and suspension

56W—Cancellation and suspension—action by Minister

The proposed section outlines the process and circumstances in which the Minister may cancel or suspend an exploration licence, mining lease, retention lease or miscellaneous purposes licence.

56X—Surrender on application

The proposed section outlines the manner in which a tenement holder may apply to the Minister for an approval to surrender a mineral tenement, or a part of the area of a mineral tenement, and how such a surrender will be taken to be approved.

Division 9—Reinstatement of tenement

56Y—Reinstatement of tenement

The proposed section sets out a scheme by which the Minister may renew a mining lease, retention lease, miscellaneous purposes licence or (if the regulations so provide) an exploration lease that has expired under another provision of the Act.

Division 10—Assessment reports

56Z—Assessment reports

The proposed section provides that the Minister may prepare a report (an *assessment report*) under the proposed section that sets out or includes the Minister's assessment in respect of matters set out in the section. The section further provides for the manner in which the assessment report is to be dealt with.

54—Amendment of section 57—Entry on land

The proposed clause makes amendments consequential on other provisions in the measure.

55—Amendment of section 58—How entry on land may be authorised

The proposed clause makes amendments consequential on other provisions in the measure.

56—Substitution of section 58A

The clause substitutes section 58A as follows:

58A—Notice requirements

The proposed section recasts the current section 58A which provides for the manner and circumstances in which a person intending to prospect for minerals under section 20 or the holder of an exploration licence or a mineral claim must give notice to the owner of land before entering the land to carry

out authorised operations. The proposed section further provides for the circumstances in which an owner of land may object to the entry on the land by the person or to the use of the land for authorised operations.

57—Repeal of section 59

The clause repeals section 59 which dealt with the authorisation of the use of declared equipment, which is now to be undertaken as part of the program under Part 10A.

58—Amendment of section 61—Compensation

This clause makes a number of amendments consequential on other changes in the measure.

59—Amendment of section 62—Bond and security

Subclauses (1) to (5) make a number of amendments consequential on other changes in the measure. Subclause (6) recasts the current subsections (4), (5) and (6) to update the provisions, increases the maximum penalties from $120,000 to $150,000 and adds further provisions to clarify that liability to pay an amount of bond paid under the section is a debt due to the Crown.

60—Insertion of section 62AA

This clause inserts a new section as follows:

62AA—Mining Rehabilitation Fund

The proposed section provides for the Minister to establish a fund entitled the Mining Rehabilitation Fund and outlines the following matters:

- amounts that will be paid into the fund;
- the manner in which those amounts are to be paid;
- the circumstances in which the Minister may require a tenement holder to pay an amount into the fund;
- the purposes for which money standing to the credit of the fund may be used by the Minister;
- power for the Minister, Director of Mines or a person authorised in writing by the Minister or Director to enter land and carry out tests or work for the purpose of carrying out operations associated with using fund money for a specified purpose, making it an offence for a person to interfere with or obstruct such a person in the exercise of such a power.

61—Amendment of section 62A—Right to require acquisition of land

This clause makes amendments of a consequential nature.

62—Amendment of section 63—Extractive Areas Rehabilitation Fund

This clause makes amendments of a consequential nature.

63—Repeal of Part 9A

This clause repeals Part 9A.

64—Amendment of section 63F—Qualification of rights conferred by exploration authority

This clause makes amendments of a consequential nature.

65—Amendment of section 63K—Types of agreement authorising mining operations on native title land

This clause makes amendments of a consequential nature.

66—Amendment of section 63L—Negotiation of agreements

This clause makes amendments of a consequential nature.

67—Amendment of section 63N—What happens when there are no registered native title parties with whom to negotiate

This clause makes amendments of a consequential nature.

68—Amendment of section 63O—Expedited procedure where impact of operations is minimal

This clause increases the period during which a notice may be given under Part 9B Division 4 from 2 months to 4 months.

69—Amendment of section 63R—Effect of registered agreement

This clause makes amendments of a consequential nature.

70—Amendment of section 63S—Application for determination

The clause amends section 63 to substitute the definitions of *relevant period* for the purposes of subsections (1) and (4) to refer consistently to a period of 6 months.

71—Amendment of section 63V—Effect of determination

This clause makes an amendment of a consequential nature.

72—Amendment of section 63ZB—Review of compensation

This clause makes an amendment of a consequential nature.

73—Amendment of section 63ZBA—Mining Native Title Register

The clause increases the maximum penalty for an offence against subsection (7) from $10,000 to $50,000.

74—Substitution of heading to Part 10

This clause substitutes the heading to Part 10 as follows:

Part 10—Warden's Court—general provisions

75—Amendment of section 64—Establishment of Warden's Court

This clause inserts a new subsection (1a) which provides that the jurisdiction of the Warden's Court will be such jurisdiction as conferred by or under this or any other Act or contemplated by this or any other Act.

76—Amendment of section 65—Powers etc of Warden's Court

This clause proposes amendments to section 65 that will give the Warden's Court the powers and authorities of the Magistrates Court. However, the Warden's Court will not have a power or authority of the Magistrates Court that is prescribed for the purposes of the section. Under the section as amended, additional powers and authorities may also be prescribed.

77—Amendment of section 66—Rules of Warden's Court

The clause amends subsection (1) to provide that the rules of the Warden's Court are to be made by the Senior Warden, being a warden nominated by the Attorney-General to be the senior warden of the Warden's Court.

78—Amendment of section 67—Jurisdiction relating to tenements and monetary claims

The clause amends section 67(1a) to increase the jurisdictional limit on claims to be heard in the Warden's Court from $100,000 to $150,000. The clause makes further amendments of a consequential nature.

79—Repeal of section 69

This clause deletes section 69.

80—Amendment of section 70—Forfeiture and transfer of mineral tenement

The clause amends section 70 significantly to clarify the circumstances in which the Warden's Court may, on application under the section, adjudge that a mineral tenement to which the section applies is liable to forfeiture and recommend to the Minister that the tenement be forfeited. The section applies in relation to a mineral claim, an exploration licence (if the regulations so provide), a mining lease or a retention lease. The clause further allows the regulations to provide for matters associated with making an application under the section, and makes amendments of a consequential nature.

81—Amendment of section 70A

This clause makes amendments of a consequential nature.

82—Amendment of section 70B—Preparation or application of program

The clause amends the manner in which programs under Part 10A are to be submitted, and also makes a number of amendments of a consequential nature.

83—Amendment of section 70C—Review of programs

The clause makes amendment to the review of program provisions to provide for additional circumstances in which a program must be reviewed. The clause also makes amendments of a consequential nature.

84—Substitution of section 70D

This clause deletes section 70D and inserts a new section as follows:

70D—Audit of program

The proposed section requires a tenement holder to carry out tests, environmental monitoring or other investigations (a *program audit*) in relation to authorised operations carried out under the relevant

mineral tenement. The tenement holder must comply with the requirements or outcomes as determined by the program audit to the satisfaction of the Minister. The section allows the Minister to provide directions regarding a program audit, which must be carried out in accordance with the provisions of the proposed section.

70DA—Related matters

The proposed section recasts current section 70D, clarifying offence provisions and increasing the maximum penalties from $120,000 to $250,000.

85—Substitution of heading to Part 10B

This clause substitutes the heading to Part 10B as follows:

Part 10B—Compliance and enforcement

86—Amendment of section 70E—Power to direct tenement holders to take action to prevent or minimise environmental harm

The clause makes amendment to the section to remove the ability of an authorised officer to issue an environmental direction that is urgently necessary (which is now to be incorporated into a new provision permitting authorised officers to issue emergency directions—see proposed section 70FB), inserts into subsection (3) more detailed requirements in relation to a direction relating to testing and monitoring, and makes a number of other consequential amendments.

87—Amendment of section 70F—Power to direct rehabilitation of land

The clause clarifies the requirements in section 70F(6) that a rehabilitation direction may be issued at any time including after a mineral tenement has expired or been cancelled, and makes a number of other consequential amendments to the section.

88—Insertion of sections 70FA, 70FB and 70FC

This clause inserts new sections as follows:

70FA—Compliance directions

The proposed section allows the Minister to issue a compliance direction for the following purposes:

- securing compliance with a requirement under the Act, a mineral tenement or any authorisation or direction under or in relation to a mineral tenement;
- preventing or bringing to an end specified operations that are contrary to the Act or a mineral tenement (including a term or condition of a mineral tenement);
- preventing or rehabilitating land on account of any authorised operations carried out without an authority required by the Act.

The compliance direction must be given in a manner and form outlined in the proposed section. It is an offence with a maximum penalty of $250,000 for a person to fail to comply with a compliance direction within the time allowed in the direction.

70FB—Emergency directions

The proposed section provides for the circumstances in which an authorised officer may issue a direction (an *emergency direction)* to a person involved in undertaking authorised operations. Such circumstances include if, in the opinion of the authorised officer, it is urgently necessary to take action as authorised operations are being carried out in a way that results in, or that is reasonably likely to result in undue damage to the environment, a breach of an environmental outcome under a Part 10A program or a breach of a term or condition of a mineral tenement.

The proposed section further provides for the manner in which an emergency direction may be issued, the term and duration of the direction and the manner in which a direction may be varied or revoked. It is an offence with a maximum penalty of $250,000 for a person to whom an emergency direction relates to fail to comply with the direction within the time allowed in the direction.

70FC—Contravention of Act

The proposed section provides that the Minister or an authorised officer may, if of the opinion that it is reasonably necessary to do so in the circumstances, include in a direction under the Part requiring an act or omission that might otherwise constitute a contravention of the Act and, in that event, a person incurs no liability to a penalty under the Act for compliance with the requirement.

89—Amendment of section 70G—Application for review of direction

The clause makes amendments consequential on the insertion of the sections proposed in clause 88.

90—Amendment of section 70H—Action if non-compliance occurs

The clause makes amendments consequential on the insertion of the sections proposed in clause 88.

91—Insertion of sections 70HA and 70HB

This clause inserts new sections as follows:

70HA—Restriction of claims

The proposed section provides that the Warden's Court may make orders restricting claims under the Act until the requirements of a direction under Part 10B have been complied with.

70HB—Self-incrimination

The proposed section makes provision for the grounds on which a person may refuse to provide information required by or under a direction under Part 10B if to do so might tend to incriminate the person or make them liable to a penalty.

92—Insertion of Part 10C

This clause inserts a new Part as follows:

Part 10C—Offences and penalties

70HC—Penalty for illegal mining

The proposed section sets out the offence of illegal mining.

70HD—Obstruction of person authorised to mine etc

The proposed section sets out the offence of obstructing or hindering the holder of a mineral tenement in the reasonable exercise of rights conferred under the Act.

70HE—Civil penalties

The proposed section sets out a scheme for the imposition of civil penalties as an alternative to undertaking criminal proceedings against a person who has committed an offence under, or contravened a provision of, the Act.

70HF—Additional orders on conviction

The proposed section provides for additional orders that the court may make in relation to a person who is convicted of an offence against the Act.

70HG—Continuing offences

The proposed section provides for the manner and circumstances in which a person convicted of an offence against the Act in respect of a continuing act or omission may be liable to further and ongoing penalties for each day during which the act or omission continues.

70HH—Offences by bodies corporate

The proposed section provides for the circumstances in which a director of a body corporate may be guilty of offences against the Act for which the body corporate is found guilty.

70HI—Time limits

The proposed section sets out the time limits for commencement of criminal proceedings under the Act.

70HJ—Summary offences

The proposed section provides that all offences under the Act are to be classified as summary offences.

70HK—Evidentiary provisions

The proposed section provides certain evidentiary provisions for the purposes of the Act .

93—Amendment of section 71—Minister may assist in conduct of operations

This clause makes a consequential amendment.

94—Amendment of section 72—Research and investigations

This clause makes a consequential amendment.

95—Repeal of Parts 11A and 11B

This clause repeals Parts 11A and 11B of the Act.

96—Substitution of sections 74 and 74AA

This clause substitutes sections 74 and 74AA as follows:

74—Civil remedies

The proposed section provides for the circumstances in which the Minister or the Director of Mines may make application to the ERD Court for various orders as provided in the section in respect of the following persons:

- a person who has engaged, is engaging or is proposing to engage in conduct in contravention of the Act;
- a person who has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act;
- a person who has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage.

The proposed section further provides for the manner in which the Court may deal with such orders.

74AA—Enforceable voluntary undertakings

The proposed section provides for the Minister to accept a written undertaking from a person in connection with a matter relating to a contravention or alleged contravention by the person of the Act, and for a penalty to apply and powers for the ERD Court to make orders in respect of a person who contravenes the undertaking.

97—Amendment of section 74A—Compliance orders

This clause makes a consequential amendment.

98—Amendment of section 75—Provision relating to certain minerals

The clause makes an amendment to provide for the circumstances in which a claim, lease or mineral tenement is not required under the Act for the recovery of extractive minerals from land.

99—Amendment of section 75A—Avoidance of double compensation

This clause makes a technical amendment.

100—Repeal of sections 76 to 77D

The section repeals sections 76 to 77D (inclusive) consequent on the recasting and relocation of these provisions in proposed Part 8B.

101—Amendment of section 78—Persons under 16 years of age

This clause makes consequential amendments.

102—Amendment of section 79—Minister may grant exemptions

This clause makes consequential amendments.

103—Substitution of section 79A

This clause deletes section 79A (which is obsolete) and substitutes the following:

79A—False or misleading information

The proposed section makes it an offence with a maximum penalty of $150,000 for a person who furnishes information to the Minister, the Director, the Mining Registrar or any other person involved in the administration of the Act that is false or misleading in a material particular.

104—Amendment of section 80—Conditions under which land may be simultaneously subject to more than 1 tenement

The clause makes a number of amendments consequential on other amendments in the measure, and increases the maximum penalty for the offence in subsection (1d) from $5,000 to $20,000.

105—Substitution of sections 81, 82 and 83

This clause substitutes sections 81, 82 and 83 as follows:

81—Additional provisions relating to liability

The proposed section provides for joint and several liability of each tenement holder in circumstances where there are 2 or more tenement holders in relation to the same mineral tenement.

82—Deemed consent or agreement

The proposed section provides for deemed consent or agreement between an owner of land and a tenement holder in circumstances where the owner of land and the tenement holder are the same person.

106—Repeal of sections 84 and 84A

This clause repeals obsolete sections.

107—Substitution of sections 85 and 86

This clause substitutes sections 85 and 86 as follows:

85—Charge on property if debt due to Crown

The proposed section makes provision in relation to the creation of a charge on property if the owner of the property is liable to pay a debt due to the Crown under the Act.

86—Removal of machinery etc

The proposed section recasts and updates the current provision in relation to removal of machinery on land that is within a mineral tenement that has been transferred or that has ceased to be subject to a mineral tenement.

108—Substitution of sections 88 and 89

This clause substitutes sections 88 and 89 as follows:

88—Hindering authorised officers

The proposed section updates and consolidates the offences formerly contained in sections 88 and 89 of the Act.

109—Insertion of section 89A

The clause inserts a new section as follows:

89B—Penalties and expiation fees payable into fund

The proposed section provides that penalties payable in respect of offences against the Act and expiation fees paid under the Act are payable into the Mining Rehabilitation Fund.

110—Substitution of section 90

This clause deletes section 90 (the content of which is relocated elsewhere in the measure) and substitutes the following:

90—Reports and verification of information

The proposed section provides for the manner and circumstances in which a tenement holder must provide a report, at the request of the Minister, setting out or accompanied by information or material relevant to matters set out in the section. A tenement holder is liable to a maximum penalty of $20,000 for failure to comply with a requirement under the section within the period specified by the Minister.

111—Amendment of section 91—Administrative penalties

The clause amends the section to allow the Director of Mines (instead of the Minister) to impose an administrative penalty on a person, and to issue a penalty notice without prior consultation with the person and without the need to give a warning or any prior notice in relation to the matter. The level of administrative penalty is increased from a maximum of $10,000 to a maximum of $15,000. Any such penalty recovered will be paid into the Mining Rehabilitation Fund.

112—Substitution of section 91A

This clause substitutes section 91A as follows:

91A—Revocation of private mine

The proposed section re-enacts and updates a provision deleted as a consequence of the repeal of Part 11B in relation to private mines.

91B—Power to correct errors in private mine declarations

The proposed section re-enacts and updates a provision deleted as a consequence of the repeal of Part 11B in relation to private mines.

113—Amendment of section 92—Regulations

The clause amends section 92 to update and include provisions in relation to the circumstances in which the Governor may make regulations as a result of the measure.

114—Amendment of Schedule

This amendment is consequential.

115—Renumbering

This is a technical amendment allowing for the renumbering of the provisions of the Act after all provisions in Part 2 of the measure have been brought into operation.

Part 3—Amendment of *Opal Mining Act 1995*

116—Amendment of section 3—Interpretation

The clause amends various definitions, and inserts new definitions to support provisions in the measure.

117—Amendment of section 6—Restricted land

The clause makes amendments to change all the references to 'exempt land' to 'restricted land', makes a number of amendments to ensure consistency with amendments made to the *Mining Act 1971* in the measure, and makes other consequential amendments.

118—Amendment of section 7—Application for permit

These amendments update the manner in which an application for a permit may be made, and change references to 'a mining registrar' to 'an opal mining registrar'.

119—Amendment of section 8—Nature of permit

This clause substitutes the penalty in section 8(4) with an administrative penalty as provided for in the measure.

120—Amendment of section 9—Terms and renewal of permit

These amendments update the manner in which the terms and renewal of precious stones permits may be made, and change references from 'mining registrar' to 'opal mining registrar'.

121—Amendment of section 10—Rights of holder of permit

This clause amends the section to extend the prohibition on residing on precious stones fields other than in the Mintabie township lease area.

122—Amendment of section 10A—Special provisions in relation to Mintabie precious stones field

The clause makes a number of amendments consequential on the amendments in clause 121 and further consequential amendments related to the change of reference from 'mining registrar' to 'opal mining registrar'.

123—Amendment of section 11—Qualifications to permits

The clause makes a number of amendments consequential on the change of reference from ''exempt land' to 'restricted land' and changes of reference from 'Mining Registrar' to 'Opal Mining Registrar'. Subclause (2) inserts a new subsection that provides that a precious stones prospecting permit does not authorise the pegging out of an area that is not either wholly within, or wholly outside, a precious stones field.

124—Amendment of section 15—Effect of pegging an area

This amendment is consequential on the amendment in clause 123.

125—Amendment of section 16—Ballot may be conducted in certain cases

This clause makes consequential amendments related to the change of reference from 'mining registrar' to 'opal mining registrar'. The clause also updates the penalty provisions currently in subsection (9) to include an administrative penalty for pegging out an area for a precious stones tenement in contravention of the section.

126—Substitution of section 18

This clause substitutes section 18 as follows:

18—Contravention of Part

The proposed section recasts current section 18 to update penalties and insert administrative penalties for certain offences under the section.

127—Amendment of section 18A—Special conditions for tenements in relation to Mintabie precious stones field

The clause makes amendments consequential on the amendments in clause 121.

128—Amendment of section 19—Application for registration of tenement

This clause makes amendments of a consequential and technical nature.

129—Amendment of section 19A—Special provision related to application for and registration of tenements on Mintabie precious stones field

This clause makes a number of consequential amendments related to the change of reference from 'Mining Registrar' to 'Opal Mining Registrar'.

130—Amendment of section 20—Registration of tenement

This clause makes a number of consequential amendments related to the change of reference from 'Mining Registrar' to 'Opal Mining Registrar', and, in subclause (10), makes a technical amendment.

131—Amendment of section 22—Term and renewal of tenement

These amendments update the manner in which the terms and renewal of precious stones permits may be made, and change references from 'Mining Registrar' to 'Opal Mining Registrar'.

132—Amendment of section 23—Rights conferred by a tenement

The clause inserts a new subsection (3) to provide that it is a condition of every registered precious stones claim and every registered opal development lease that the holder of the claim or lease (being a holder who is a natural person) must not reside on the land comprising the claim or lease other than in the Mintabie township lease area in accordance with a licence issued under section 29D of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*, or as otherwise allowed under that Act.

133—Amendment of section 25—Unlawful entry on tenement

This clause updates the penalty provision in section 25(1).

134—Substitution of section 26

This clause substitutes section 26 as follows:

26—Caveats

The proposed section provides for the circumstances in which a person who has or is claiming an interest in a matter relevant to the registration of a tenement may apply to have a caveat registered in accordance with the section, which includes the form and manner in which the caveat is to be made, the matters to which a caveat may relate, and the effect of a caveat.

26A—Application to Warden's Court to lapse caveat or obtain compensation

The proposed section provides for the circumstances in which a person who has an interest in a tenement subject to a registered caveat or an interest directly affected by a registered caveat may apply to the Warden's Court for a declaration or order in relation to the registered caveat.

135—Amendment of section 27—Power of Opal Mining Registrar to cancel tenement

This clause makes a number of consequential amendments related to the change of reference from 'Mining Registrar' to 'Opal Mining Registrar'.

136—Insertion of section 27A

This clause inserts a new section 27A:

27A—Cancellation and suspension

The proposed section provides for the circumstances and manner in which in which the Opal Mining Registrar may cancel or suspend a precious stones tenement if the tenement holder contravenes or fails to comply with a term or condition of the tenement or a provision of the Act.

137—Amendment of section 28—Surrender of tenement, removal of posts etc

This clause makes a number of consequential amendments related to the change of reference from 'Mining Registrar' to 'Opal Mining Registrar' and on the amendments in clause 123.

138—Substitution of section 29

This clause substitutes section 29 as follows:

29—Removal of machinery

The proposed section recasts and updates the current provision in relation to removal of machinery on land that has ceased to be subject to a tenement.

139—Amendment of section 30—Maintenance of posts

The proposed section provides for an administrative penalty for the offence in the section.

140—Amendment of section 32—Notice of entry

The clause makes a consequential amendment updating the reference from 'Mining Registrar' to 'Opal Mining Registrar', and an amendment updating the penalty provision in section 32(7).

141—Amendment of section 33—Duration of notice of entry

The clause amends section 33(1) to provide that a notice of entry remains in force for a period of 12 months instead of 6 months.

142—Amendment of section 34—Use of declared equipment

The clause updates the penalty provisions in section 34 and makes an amendment updating the reference from 'Mining Registrar' to 'Opal Mining Registrar'.

143—Amendment of section 35—Rehabilitation of land

The clause updates the penalty provisions in the section and makes a consequential amendment.

144—Insertion of sections 35A and 35B

This clause inserts new sections 35A and 35B:

35A—Compliance directions

The proposed section allows the Minister to issue a compliance direction for the following purposes:

- securing compliance with a requirement under the Act, a tenement or any authorisation or direction under or in relation to a tenement;
- preventing or bringing to an end specified operations that are contrary to the Act or a tenement (including a term or condition of a tenement);
- requiring rehabilitation of land on account of any operations carried out without an authority required by the Act;
- requiring the taking of any action that, in the opinion of the Minister, is required to ensure public safety.

The compliance direction must be given in a manner and form outlined in the proposed section. It is an offence with a maximum penalty of $250,000 if a person fails to comply with a compliance direction within the time allowed in the direction.

35B—Contravention of Act

The proposed section provides that the Minister or an authorised officer may, if of the opinion that it is reasonably necessary to do so in the circumstances, include in a direction under the Part a requirement for an act or omission that might otherwise constitute a contravention of the Act and, in that event, a person incurs no liability to a penalty under this Act for compliance with the requirement.

145—Amendment of section 36—Bonds

The clause makes consequential amendments updating references from 'Mining Registrar' to 'Opal Mining Registrar', updates penalty provisions and makes another amendment consequential on the amendment in clause 123.

146—Amendment of section 37—Application of bonds

This clause makes a consequential amendment updating references from 'Mining Registrar' to 'Opal Mining Registrar'.

147—Amendment of section 42—Content of an agreement

This amendment is consequential on the amendments in clause 117.

148—Amendment of section 43—Registration of agreement

This clause makes a number of consequential amendments updating references from 'Mining Registrar' to 'Opal Mining Registrar'.

149—Amendment of section 44—Agreement may be varied or revoked

This clause makes a number of consequential amendments related to the change of reference from 'Mining Registrar' to 'Opal Mining Registrar'.

150—Amendment of section 45—Appeal to Warden's Court

This clause makes a consequential amendment to update the reference to 'Mining Registrar' to 'Opal Mining Registrar'.

151—Amendment of section 49—Qualification of rights conferred by permit

The clause amends section 49(1) to provide that a precious stones prospecting permit confers no right to carry out mining operations on native title land unless an indigenous land use agreement registered under the *Native Title Act 1993* of the Commonwealth provides that statutory rights to negotiate are not intended to apply in relation to the mining operations.

152—Amendment of section 50—Limits on grant of tenement

The clause amends section 50 to provide that a precious stones tenement may not be registered over native title land unless an indigenous land use agreement registered under the *Native Title Act 1993* of the Commonwealth provides that statutory rights to negotiate are not intended to apply in relation to the mining operations.

153—Amendment of section 51—Applications for tenements

The clause makes a consequential amendment updating the reference to 'Mining Registrar' to 'Opal Mining Registrar'.

154—Amendment of section 59—Agreement

This clause makes consequential amendments updating references from 'Mining Registrar' to 'Opal Mining Registrar'.

155—Amendment of section 64—Effect of determination

This clause makes a consequential amendment updating the reference to 'Mining Registrar' to 'Opal Mining Registrar'.

156—Amendment of section 70A—Opal Mining Native Title Register

The clause substitutes subsection (1) to provide that the Opal Mining Registrar must establish a distinct part of the opal mining register (which may be referred to as the *Opal Mining Native Title Register*) for the registration of agreements and determinations under Part 7. The clause makes a number of amendments consequential on proposed subsection (1) and updates the penalty provision in subsection (7).

157—Amendment to section 72—Jurisdiction relating to tenements and monetary claims

The clause updates the penalty provision in subsection (2a) and makes a number of other consequential amendments updating references from 'Mining Registrar' to 'Opal Mining Registrar'.

158—Insertion of section 75A

This clause inserts section 75A:

75A—Opal Mining Registrar

The proposed section provides for there to be an Opal Mining Registrar and other opal mining registrars who are to be Public Service employees, and sets out the powers of delegation of such officers.

159—Amendment of section 76—Opal Mining Register

The clause amends section 76 to provide that the Opal Mining Registrar must keep a register (the *opal mining register*) in accordance with the requirements set out in the section.

160—Amendment of section 77—Appointment of authorised persons

The clause updates penalty provisions in the section, and makes a number of other amendments to bring the appointment and powers of authorised persons into line with the powers of authorised officers under the *Mining Act 1971*.

161—Amendment of section 79—Exemptions

The clause substitutes subsection (1) to provide for the circumstances in which the Minister, if satisfied that it is justifiable to do so, may exempt the holder of a tenement from the obligation to comply with a term or condition of the tenement or a provision of the Act (except Part 7).

162—Amendment of section 82—Offences

The clause updates the penalty provisions for offences as outlined in the section.

163—Amendment of section 84—Prohibition orders

The clause updates the penalty for the offence in subsection (5).

164—Amendment of section 85—Power of Opal Mining Registrar to require pegs be removed

The clause makes consequential amendments to update references from 'Mining Registrar' to 'Opal Mining Registrar'.

165—Repeal of section 86

The repeal of section 86 is consequential on the enactment of proposed section 35A by clause 144.

166—Amendment of section 87—Evidentiary provision

The clause makes a number of amendments consequential on taking into account other amendments in the measure.

167—Amendment of section 89—Disposal of waste

The clause updates the penalty provisions in the section.

168—Repeal of section 91

The clause repeals an obsolete section.

169—Amendment of section 93—Interaction with Mining Act

The clause makes amendments consequential on amendments in Part 2 of the measure, and updates the penalty provisions in the section.

170—Insertion of section 98A

This clause inserts a new section:

98AA—Administrative penalties

The proposed section provides for an administrative penalty to apply to a provision of the Act (of an amount not exceeding $15,000 prescribed by the regulations in relation to the relevant provision) and the circumstances and manner in which such a penalty may be imposed.

171—Amendment of section 99—Regulations

The clause provides for further powers of the Governor to make regulations for the purposes of the Act.

Part 4—Amendment of *Mines and Works Inspection Act 1920*

172—Amendment of section 4—Interpretation

Subclause (1) deletes the definition of *manager*, as all references in the Act to 'manager' are to be deleted. Subclause (2) amends the definition of *mining operation* to limit it to mining operations in respect of which the Act applies.

173—Substitution of section 5

This clause substitutes section 5 as follows:

5—Application of Act

The proposed section provides that the Act applies in respect of the following operations:

- operations undertaken under the Indenture under the *Roxby Downs (Indenture Ratification) Act 1982*;
- operations under the Indenture under the *Whyalla Steel Works Act 1958*;
- operations by a person to whom a sale or lease of any seam of coal vested in the Crown at or near Leigh Creek has been made or granted by or on behalf of the Crown (including any successors at law of such a person) as authorised under section 48(1) of the *Electricity Corporations Act 1994*;
- operations by a person authorised under section 48(2) or (3) of the *Electricity Corporations Act 1994* to mine any seam of coal vested in the Crown or SAGC, at or near Leigh Creek.

174—Amendment of section 8—Disqualification for office of inspector

These amendments are consequential on removal of references to 'manager' in the measure.

175—Amendment of section 10—Power of inspector on inspection

These amendments are consequential on removal of references to 'manager' in the measure.

176—Amendment of section 12—Miners' inspectors

These amendments are consequential on removal of references to 'manager' in the measure, and replaces the references with 'owner'.

177—Amendment of section 13—Obstructing or refusing to assist inspector

These amendments are consequential on removal of references to 'manager' in the measure.

178—Substitution of section 16

This clause substitutes section 16 as follows:

16—Notice

The proposed section updates the current notice provision in the Act in line with current drafting standards.

179—Amendment of section 20—Imprisonment for wilful neglect

These amendments are consequential on removal of references to 'manager' in the measure.

180—Amendment of section 22—General provisions as to proceedings for offences

These amendments are consequential on removal of references to 'manager' in the measure.

181—Amendment of Schedule—Subject matter of regulations

These amendments are consequential on removal of references to 'manager' in the measure.

Schedule 1—Transitional provisions

Part 1—Transitional provisions—*Mining Act 1971*

This Part contains a number of transitional provisions consequent on the enactment of provisions in the measure dealing with the following:

- waiver of exemptions;
- references to mining operations in other Acts;
- registers;
- mortgages;
- registered documents and dealings;
- exploration licences;
- expenditure;
- reinstatement of tenements;
- the Mining Rehabilitation Fund;
- jurisdiction relating to tenements and monetary claims;
- programs for environment protection and rehabilitation;
- caveats;
- private mines;
- safety net.

Part 2—Transitional provisions—*Opal Mining Act 1995*

This Part contains a number of transitional provisions consequent on the enactment of provisions in the measure dealing with the following:

- the opal mining register;
- caveats;
- safety net;
- jurisdiction relating to tenements and monetary claims.

Debate adjourned on motion of Mr Griffiths.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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) (12:02):

Obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982; and to make related amendments to the Public Sector Act 2009. Read a first time.

Second Reading

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) (12:03): I move:

That this bill be now read a second time.

Reoffending has substantial costs for our community. It means more crime in our communities, more victims as a result of these crimes and more expense through costly court proceedings and incarceration. Repeat offenders are responsible for a large proportion of our state's crime and the 2017 Report on Government Services reported that South Australia's return to corrective services rate was 46 per cent.

We know that a reduction in reoffending means a safer community and frees up resources to invest more in important community services, like our schools and hospitals. That is why in August last year the government set a bold target to reduce the rate of reoffending 10 per cent by 2020 and, following a near 12-month review of the state's correctional system, a fundamental shift in corrections policy is now being driven.

This bill supports the 10 by 20 strategy and implements elements of the state government's action plan and response, ensuring that the Department for Correctional Services can continue to provide the highest level of prisoner and offender management, whilst building a strong rehabilitative culture, in line with national and international best practice in corrections. I seek leave to insert the remainder of my second reading explanation into *Hansard* without my reading it.

Leave granted.

Reforms in the Bill will have a range of positive impacts. A key proposal is the insertion of new Section 3 which introduces for the first time, an 'Objects and Guiding Principles' of the Act; the primary Objective and Principle being community safety. Along with providing for the proper administration of facilities and services and providing safe and secure management of prisoners, importantly, other key objectives and principles are to promote rehabilitation; to have regard to the rights of victims of crime; to consider particular needs and circumstances of prisoners and offenders; to recognise the importance of family and community involvement; and to support the reintegration of prisoners to the community as part of their rehabilitation. The new section also introduces a new objective to provide for the management of officers and employees. The objects and principles are fundamental in reducing reoffending and building a strong rehabilitative culture.

The Bill contains amendments that place a greater legislative emphasis on end to end case management as part of prisoner and offender assessment, planning and review functions. In correctional services, case management is the coordination of prisoner and offender care from the moment they enter the corrections system until the time they leave. Case management involves the individualised and planned management of offenders and prisoners based on a risks/needs assessment, and the development and implementation of case plans and progress reviews. Effective case management is fundamental in providing prisoners and offenders with the tools to develop pro-social lifestyles and the ability to reintegrate through access to support, programs and services and is based on international best practice.

This includes embedding these principles into staff requirements. Setting a higher standard for staff integrity and professionalism is important in underpinning offender rehabilitation, which in turn supports a reduction in reoffending. The Bill contains new provisions allowing the Chief Executive to compel staff to participate fully in post incident reviews and investigation processes.

An important aspect of this Bill is the introduction of drug and alcohol testing of Department for Correctional Services employees. This Government is absolutely committed to working to eliminate instances of contraband entering our prison system and to ensuring the highest standards of professionalism are maintained by those working in our prison system, and the introduction of this testing is a vital step towards these goals.

Further to this, the Bill introduces 'buffer zones' for the purpose of possession of drugs under the *Controlled Substances Act 1984*, to increase penalties for possession and increased penalties for unauthorised mobile telephones within a buffer zone surrounding prison sites. The intention is to be similar to school zones, in which the sale, supply or administration of a controlled drug is prohibited.

Further amendments include new provisions for the protection of biometric data from misuse. Biometric data is used as a security measure to control access to some of the States' prisons and it is important to ensure the proper safeguards are in place to maintain privacy and protect individuals.

The Bill also enables the use of recordings by body worn cameras worn by correctional officers. Body worn cameras have been trialled in New South Wales and Queensland corrective services. Amending the Act to allow for the future use of this technology in South Australian prisons will bring DCS in line with other jurisdictions. The cameras, which attach to the front of a correctional officer's uniform, eliminate the need for officers to carry hand-held cameras and are particularly useful in a spontaneous incident. Enabling this technology will provide additional benefits to current surveillance and CCTV used to monitor activities in prisons, will assist in protecting staff against violence, and could potentially deter unruly or offensive behaviour.

To further embed the principles of rehabilitation into law and better support the 10 by 20 Strategy and Response, the provisions relating to the inspection of prisons have been significantly amended. Whilst retaining the scheme's independence, which is key, the intention is to introduce 'Official Inspectors' to attract and retain a diverse, skilled independent and dynamic group that meets contemporary needs (for example inclusive of women and Aboriginal representatives, culturally diverse, and incorporating specialists in mental health and international standards), with a limiting term of appointment (three years) to ensure that involvement can be extended or limited in accordance with changing needs.

Other important reform includes preventing automatic parole for offences of dealing or trafficking drugs. Currently, prisoners who are sentenced to less than five years imprisonment for offences of deal or traffic drugs are eligible for automatic parole. To support the SA Ice Taskforce, and align with the *South Australian Alcohol and Other Drug Strategy 2017-2021*, the Bill excludes automatic parole for these offenders. Ensuring these offenders apply for parole will allow the Parole Board to consider such matters as the safety of the community and the likelihood of compliance with parole conditions before they are released into the community.

An emerging security issue is Remotely Piloted Aircraft (RPAs). Whilst the Commonwealth regulates airspace, it is a matter for each State to decide whether and how to deal with RPAs in relation to prison security in each State. There have been several examples interstate where RPAs have been flown over prisons. There is a risk that RPAs could be used to introduce contraband into prisons, and may threaten safety and security by recording images of prison security and operations. The emerging threat of RPAs (or drones) will continue to increase with the advancement of technology and sophistication around RPAs, as will accessibility of RPAs to the public. This Bill therefore contains new provisions to safeguard prisons from the potential risks associated with RPAs and other forms of aircraft to maintain the integrity of prison operations.

The confidentiality provisions in the Act have also been reviewed. Whilst necessary to maintain the security of prisons and protect the privacy of prisoners, the Bill provides better support for the principles in the *Public Sector (Data Sharing) Act 2016* and the Information Sharing Guidelines by improving access to information in appropriate circumstances and to relevant people such as family and kin and to Agencies. Appropriate release of certain information will create greater transparency and accountability.

The Bill also seeks to modernise and strengthen provisions relating to the sharing of information with external justice agencies, specifically in relation to recorded prisoner telephone calls. It allows for the rerecording and dissemination of recordings of calls, including to a Court, by external justice agencies for intelligence, investigative or evidentiary purposes. This is an important change that will enhance community safety allowing justice agencies greater ability to gather evidence and work together to prevent ongoing offending.

To further protect victims of crime, the entitlement of prisoners to send mail will be limited in certain circumstances; including preventing prisoners from contacting directly or indirectly any victim, alleged victim or persons associated with their offending. In addition to this, the Bill provides for the automatic suppression of victim's names, where a victim makes a civil claim against a prisoner in regard to an amount awarded to a prisoner that is paid into the prisoner compensation quarantine fund.

Finally, the Bill amends Part 7 of the Act with regard to any amount held to the credit of a prisoner at the conclusion of the quarantine period to support the 10 by 20 Strategy and Response principles, by providing that fifty percent of funds held to the prisoner's credit at the conclusion of the quarantine period be credited to the Victims of Crime Fund, with the remaining fifty percent being credited to the prisoner's resettlement account, to be used for rehabilitation and reintegration at the conclusion of the prisoner's sentence

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Correctional Services Act 1982*

4—Amendment of long title

The words 'to provide for certain powers relating to the management of correctional services officers and employees' are inserted into the long title.

5—Insertion of section 3

Proposed new section 3 sets out objects and guiding principles for the purposes of the Act.

3—Objects and guiding principles

6—Amendment of section 4—Interpretation

Definitions are inserted and amended for the purposes of the measure.

7—Amendment of section 7—Power of Minister and CE to delegate

These amendment allow for delegations by the CE without the Minister's approval.

8—Substitution of Part 3 Division 2

The existing provision relating to inspectors of correctional institutions is substituted with a new Division relating to official inspectors:

Division 2—Official inspectors

20—Official inspectors

The Governor will appoint official inspectors.

20A—Independence

Provision is made in relation to the independence of official inspectors.

20B—Remuneration

Provision is made in relation to the remuneration of official inspectors.

20C—Staff and resources

The Minister will provide official inspectors with necessary resources.

20D—Functions of official inspectors

The functions of official inspectors are set out.

20E—Use and obtaining of information

Certain powers to use and obtain information are set out for official inspectors.

20F—Requests to contact official inspector

Provision is made in relation to prisoners and their associates contacting official inspectors.

20G—Reporting obligations of official inspector

The reporting obligations of official inspectors are set out.

20H—Confidentiality of information

The provision provides that information about individual cases disclosed to an official inspector is to be kept confidential and is not liable to disclosure under the *Freedom of Information Act 1991*.

9—Amendment of section 22—Assignment of prisoners to particular correctional institutions

The requirement that a person who is sentenced to a term of imprisonment exceeding 15 days must not be imprisoned in a police prison is deleted.

10—Amendment of section 29—Work by prisoners

Distinctions in the current Act between remand prisoners and other prisoners relating to work are removed.

11—Amendment of section 33—Prisoners' mail

One amendment proposes that the regulations and the CE can prescribe that material is prohibited material for the purposes of the provisions relating to prisoners' mail.

Other amendments are consequential on the new Division relating to official inspectors.

Other amendments relate to prisoners nominating legal practitioners for the purposes of the provisions relating to prisoners' mail.

12—Amendment of section 34—Prisoners' rights to have visitors

The prohibition on children visiting child sex offenders is broadened so that a child cannot visit a prisoner who has ever been found guilty of a child sexual offence.

13—Amendment of section 35A—Power to monitor or record prisoner communication

Section 35A(2) is amended so that the regulations may, in relation to a communication of a kind prescribed by the regulations that may be monitored or recorded, provide that the parties to the communication must, at the commencement of the communication, be informed of that fact.

Another amendment is consequential on the new Division relating to official inspectors.

A new subsection is inserted to authorise the provision of a communication recorded or monitored (or evidence or information revealed by such a communication) to law enforcement agencies, prosecution authorities, any other agencies prescribed by the regulations, as well as the ICAC and the OPI for certain purposes set out in the provision.

14—Insertion of section 36A

Proposed new section 36A relates to the use of restraints:

36A—Restraints to be used on prisoners in certain circumstances

Officers and employees of the Department and police officers employed in correctional institutions are authorised to use restraints in certain circumstances, provided that the CE's requirements are complied with.

15—Amendment of section 37A—Release on home detention

This amendment is consequential.

16—Insertion of Part 5 Division 3

A new offence provision is proposed to be inserted:

Division 3—Criminal offences

49—Possession of certain items by prisoners

A prisoner commits an offence if the prisoner has possession of a controlled drug or a prohibited item in a correctional institution without the CE's permission.

17—Amendment of section 51—Offences by persons other than prisoners

Amendments are made to provide for an offence for persons to have possession of a prohibited item (which includes a controlled drug) in a correctional institution without the CE's permission. In addition, a similar offence is provided for in a correctional institution buffer zone. The latter offence is not committed if the person has a lawful excuse.

18—Amendment of section 55—Continuation of Parole Board

This amendment is consequential.

19—Amendment of section 57—Allowances and expenses

The allowances and expenses of members of the Parole Board will be determined by the Remuneration Tribunal (currently, the Governor determines these).

20—Amendment of section 60—Proceedings of the Board

These amendments relate to the constitution of the Parole Board and the sitting of the Board in divisions.

21—Amendment of section 64—Reports by Board

The time period within which the Board must report on the progress of life prisoners is amended from 1 year to the period of time designated by the presiding member.

22—Amendment of section 66—Automatic release on parole for certain prisoners

Section 66(1) is amended so that the Board is to order that prisoners entitled to automatic release on parole are released on the day on which their non-parole period expires.

Another amendment adds serious drug offenders to the list of those not entitled to automatic release on parole.

Another amendment is consequential.

23—Amendment of section 67—Release on parole by application to Board

The amendments relating to *prisoners of a prescribed class* are consequential on the amendments to Part 6 Division 4 (relating to reviews of the release on parole of certain prisoners).

The amendment to section 67(7ab) protects information relating to a victim (or a member of their family) of an offence of a prisoner from disclosure.

The amendment to section 66(11) is a technical amendment.

24—Amendment of section 68—Conditions of release on parole

Section 68(1aa)(b) is amended to provide that the release of a prisoner on parole automatically under section 66 is subject to the prescribed conditions (being conditions determined by the presiding member of the Board).

The deletion of section 68(2a) is technical.

Other amendments relate to the CE being given power to accept conditions of parole on behalf of a prisoner in certain circumstances.

25—Amendment of section 74—Board may take action for breach of parole conditions

This amendment is related to the insertion of new section 74AAA. It limits section 74 to breaches involving offences or serious parole breaches.

26—Insertion of section 74AAA

New section 74AAA is inserted:

74AAA—Board may suspend release on parole or take other action for certain breaches of parole conditions

The Board is empowered to make certain orders (including directing that a person serve a period of time in prison) where satisfied that the person has breached a condition of their parole (other than a breach that is to be dealt with under section 74).

27—Amendment of section 74AA—Board may impose community service for breach of conditions

This amendment is consequential.

28—Amendment of section 77—Proceedings before the Board

The provisions relating to proceedings before the Board are amended to provide that a prisoner is not entitled to be physically present in proceedings before the Board and that the Board can receive evidence or submissions from a prisoner not physically present by means of audio or visual link (or allow the prisoner to appear or be physically present before the Board).

29—Amendment of heading to Part 6 Division 4

This amendment is consequential.

30—Amendment of section 77A—Interpretation

Certain decisions of the Parole Board are reviewable by the Parole Administrative Review Commissioner. The current situation under section 77A is that the following decisions of the Board in relation to a prisoner serving a sentence of life imprisonment are *reviewable decisions*:

- a decision to order the release of the prisoner on parole;
- a decision as to the conditions to be imposed on the parole by the Board;
- a decision to vary or revoke a condition to which the parole is subject.

The amendments proposed to the definition of a *reviewable decision* will expand on the class of prisoners in respect of which a decision may be a reviewable decision so that it applies to decisions of the Board in relation to a prisoner of a prescribed class.

A *prisoner of a prescribed class* is defined to mean—

- a prisoner who is serving a sentence of life imprisonment for an offence; or
- a prisoner who is serving a sentence of imprisonment for an offence against section 12 of the *Criminal Law Consolidation Act 1935* (Conspiring or soliciting to commit murder); or
- a prisoner who is serving a sentence of imprisonment for an offence against section 241(1) of the *Criminal Law Consolidation Act 1935* (Impeding investigation of offences or assisting offenders) as an accessory if—
  - (i) the offence established as having been committed by the principal offender is the offence of murder; and
  - (ii) the principal offender committed the offence of murder in prescribed circumstances.

Accessory and *principal offender* are defined as having the same meanings as in section 241(1) of the *Criminal Law Consolidation Act 1935*.

For the purposes of Part 6 Division 4—

(a) an offence of murder will be taken to have been committed in *prescribed circumstances* if, in the opinion of the Commissioner—

(i) the offence was committed in the course of deliberately and systematically inflicting severe pain on the victim; or

(ii) there are reasonable grounds to believe that the offender also committed a serious sexual offence against or in relation to the victim of the offence in the course of, or as part of the events surrounding, the commission of the offence (whether or not the offender was also convicted of the serious sexual offence); and

(b) a reference to an *offence of murder* includes—

(i) an offence of conspiracy to murder; and

(ii) an offence of aiding, abetting, counselling or procuring the commission of murder.

31—Amendment of section 81L—Payments out of fund where legal proceedings notified

This amendment provides that the remainder of any prisoner compensation quarantine fund (after payments in accordance with the scheme) are to be divided equally between the Victims of Crime Fund and the prisoner.

32—Amendment of section 81M—Payments out of fund where notice from creditor received

This amendment is substantially similar to the amendment to section 81L.

33—Amendment of section 81O—Payments out of fund where no notice given

This amendment is substantially similar to the amendment to section 81L.

34—Insertion of Part 7A

A new Part is inserted relating to the management of officers, employees of Department:

Part 7A—Management of officers, employees of Department etc

Division 1—Preliminary

81S—Interpretation

A definition of *designated position* is inserted.

Division 2—General

81T—Investigative powers of CE

The CE is given investigative powers in relation to officers and employees of the Department.

81U—Commissioner of Police may object to certain applications for engagement or appointment

Certain employment applications may be referred to the Commissioner of Police, who may object to the application. If so, the CE may refuse the application (without providing grounds or reasons for the refusal).

Division 3—Drug and alcohol testing of officers, employees etc

81V—Interpretation

81W—Drug and alcohol testing of officers and employees

81X—Drug and alcohol testing of applicants to Department

81Y—Procedures for drug and alcohol testing

81Z—Biological samples, test results etc not to be used for other purposes

The sections in proposed Division 3 provide for drug and alcohol testing of officers and employees of the Department. The scheme is substantially similar to the scheme in the Police Act 1998. One key difference is that proposed section 81W(2)(d) allows the CE to require drug and alcohol testing on the ground that the CE considers that an officer or employee should undergo such testing.

35—Amendment of section 83—CE may make rules

The CE is empowered to make rules for the purposes of the new drug and alcohol testing scheme (see section 81W(2)).

36—Amendment of section 85C—Confidentiality

New subsection (a1) provides that certain information must not be disclosed except with the authorisation of the CE.

The other amendment and the inserted definitions relate to that new subsection.

37—Amendment of section 85D—Release of information to eligible persons

The need for a written application for release of information is deleted. Another amendment changes the reference from [a prisoner's] 'family or a close associate of a prisoner' to [a prisoner's] 'immediate family' (which is a defined term).

38—Insertion of section 85E

A new section is inserted relating to biometric data:

85E—Confidentiality of biometric data

Provision is made relating to the use and disclosure of biometric data obtained from visitors to prisons.

39—Amendment of section 86B—Use of correctional services dogs

The provision clarifies that correctional services dogs may be used to search an officer or employee of the Department at a correctional institution or probation and parole hostel.

40—Insertion of sections 87A and 87B

New sections are inserted relating to the operation of unmanned aircraft around correctional institutions:

87A—Operation of unmanned aircraft

It is an offence to operate an unmanned aircraft within 100 metres of a correctional institution without the permission of the CE.

87B—Unmanned aircraft—special powers

The CE is given powers relating to the seizure of unmanned aircraft in certain circumstances.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Public Sector Act 2009*

1—Amendment of section 59—Right of review

Certain decisions of the CE under the *Correctional Services Act 1982* (relating to refusing an application to which the Commissioner of Police has objected and to transferring or assigning different duties to an officer or employee of the Department if the CE considers that the officer or employee is not suitable to continue working in a correctional institution) are prescribed as decisions not subject to review for the purposes of section 59 of the *Public Sector Act 2009*.

Part 2—Transitional provisions

2—Transitional provision—allowances and expenses of members of Parole Board to continue

This transitional provision continues the determination of the Governor relating to the allowances and expenses of members of the Parole Board until the Remuneration Tribunal has made a determination under the section as amended.

3—Transitional provision—review of release on parole relating to prisoners of a prescribed class

This transitional provision makes it clear that the amendments to the *Correctional Services Act 1982* in this measure relating to the review of the release on parole of prisoners of a prescribed class do not apply to a prisoner of a prescribed class if, prior to the commencement of this clause, the prisoner has been released on parole. However, if, after the commencement of this clause, the release on parole of a prisoner of a prescribed class is cancelled, the relevant amendments to the *Correctional Services Act 1982* made by this measure will apply to the prisoner (including any application for release on parole made by the prisoner after that commencement).

Debate adjourned on motion of Mr Knoll.

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

Mr KNOLL (Schubert) (12:05): I rise to continue my contribution on the drink and drug driving bill, and in doing so I want to break down my contribution into four main areas. The first is identifying the scope of the drug problem that we have in Australia and South Australia. The second is looking at other ways that we could help to enhance the drink and drug driving bill and some associated policy measures that we think would actually help to improve that. I will then go through a discussion of the bill and the amendments because the bill that has come before our house is a bill that has had a number of amendments in the Legislative Council.

I will say from the outset that we like the bill as it has come from the Legislative Council. I am not sure that the government will see fit to, but we would love for that version of the bill to pass unamended. Having said that, I know that the minister has filed three tranches of amendments, so we will get to those in committee and have our discussions.

I talked in my previous remarks about alcohol and drug deaths in South Australia and the fact that overall the number of alcohol-related deaths has been falling in absolute terms and the number of people dying whilst driving under the influence of alcohol or drugs has held steady at somewhere between 10 and 15 persons per year. There are a couple of large national studies that really help to identify the problem and also some of the specific problems that we in South Australia face.

As I go through these statistics, the level of the problem we have here is quite remarkable, and I know that it is why the government has brought the bill to this place. It is also why we need to look at not only these measures but a broader range of measures in how we deal with drink and drug driving. The Australian Criminal Intelligence Commission conducted an Illicit Drug Data Report in 2015-16. Chris Dawson APM is the CEO of the Criminal Intelligence Commission. At the beginning of the report, he essentially talks about the way that the illicit drug trade is evolving and the new challenges that presents for law enforcement and also legislators. He says:

> The illicit drug market continues to evolve and diversify, presenting new and unique challenges for law enforcement, policymakers and the community. The threat and harm posed by illicit drugs to the Australian community is ever-growing and we need to continue to work collaboratively to combat both the supply and demand for illicit drugs in Australia.
>
> Serious and organised criminals are at the centre of Australia's illicit drug market, motivated by greed, power and profit. We know that serious and organised crime groups continue to generate significant profits from the sale of illicit substances, with the price paid for illicit drugs in Australia among the highest in the world.

I suppose that is one of those times when we would not mind having the highest prices in the world, unlike electricity. He continues:

> As such, the importation, manufacture, cultivation and distribution of illicit drugs and related precursors in Australia remain a focal point of Government, law enforcement and intelligence agencies.

The nature of drug use and drug importation in Australia is changing and presents us with new challenges, especially in relation to the way these new drugs that are coming onto the market impact upon our society. The executive summary goes on to say:

> The report presents illicit drug data from a variety of sources, including law enforcement, health and academia. The Illicit Drug Data Report (IDDR) is the only report of its type in Australia and provides an important evidence base to assist decision makers—

I suppose that means us—

> in the development of strategies to combat the threat posed by illicit drugs.

They talk about numerous instances of record detections at the Australian border this reporting period, with the number of cannabis, cocaine, gamma butyrolactone (GBL), GHB and ketamine detections in 2015-16 the highest on record. This does not seem to be a war that we are winning at the moment.

It goes on to say that the number of illicit drug seizures has actually increased by 84.7 per cent over the past decade, from 62,496 in 2006-07 to 115,421 in 2015-16, and that the number of illicit drug seizures increased 9 per cent in this reporting period alone. In one year, we have seen a 9 per cent increase in the number of illicit drug seizures, which is one of the methods by which we measure the level of the drug problem in this country.

Essentially, in this reporting period we have seen an increase from the 105,862 in the 2014-15 year. In this reporting period, cannabis accounted for the greatest proportion of the number of national illicit drug seizures, followed by amphetamine-type stimulants, other and unknown drugs, cocaine, heroin and other opioids. Cannabis and ATS are the two top drugs, and they are the two of the three drugs that we are really trying to attack and get at when it comes to this drink and drug driving bill.

The weight of illicit drugs seized nationally has increased by 78.6 per cent over the past decade, from 11.7 tonnes in 2006-07 to 21 tonnes in 2015-16. That is the fourth highest weight on record. The report goes on to say that the number of illicit drug arrests has increased by 87.6 per cent over the past decade, from 82,389 in 2006-07 to a record 154,538 in 2015-16. National illicit drug arrests increased 15.4 per cent in this reporting period, from 133,926 arrests reported in 2014-15. In one year, we have seen a 15 per cent increase in the number of illicit drug arrests in this country. Again, this is not a war that we are winning; in fact, it seems to be a war that we are losing.

The number of clandestine laboratories detected nationally has increased 61.5 per cent over the past decade, from 356 in 2006-07 to 575 in 2015-16, and the number of clandestine labs detected nationally decreased 13.8 per cent this reporting period—that is good news—from the 667 detections in 2014-15. It goes on to say that methylamphetamine remains the main drug produced in labs detected nationally and that the majority of clandestine labs detected in Australia continue to be addict-based and located in regional areas. That has important implications, especially in South Australia.

Our leader, the member for Dunstan, yesterday stood up in front of the police conference and talked through a number of issues that we are dealing with in South Australia. He was very quick to commend SAPOL and the broader law enforcement community for the work they have been able to do to reduce the rate of offending and reduce the number of arrests in certain areas, especially related to property crime and crimes against the person. It seems that in a number of measures we have been able to make inroads into the crime rate in South Australia and that, in fact, over the past decade to 15 years we have seen a continued decrease in some of those things.

When I look at the police annual report for 2015-16, what I see most clearly is that the one area we are not doing well in is the rate of illicit drug offending in South Australia. It is really a sore point when it comes to our efforts to reduce crime and improve our community and it is why we need to have a broader suite of measures to deal with these issues.

If I delve deeply into the report, it has some interesting statistics about what our specific problems are in South Australia. We know that the drink and drug driving bill deals with alcohol; it also deals with MDMA, ATS and cannabis. They are the three that we need to deal with in South Australia. If we look at the number of illicit drug seizures as a proportion of total seizures by state and territory in this Illicit Drug Data Report, we see that South Australia is the only state where ATS (amphetamine-type stimulants) accounted for the greatest proportion of the number of illicit drug seizures.

Cannabis accounted for the greatest proportion of illegal drugs seized in all states and territories in 2015-16. In South Australia, we have an ice problem. Everywhere else in the country, cannabis is very much the most common drug that is seized, especially when we look at Queensland, Tasmania and Northern Territory, three states where cannabis far and away is the greatest proportion of total seizures. South Australia is the only state where ATS is the biggest issue. We have an ice problem. In South Australia, 66.9 per cent of the number of illicit drug seizures related to ATS, the highest proportion recorded by any state or territory.

The report goes on to talk about the number of seizures and the weight in grams of the drugs that are seized. Essentially, for amphetamine-type stimulants we saw in 2015-16 that state police and other law enforcement were able to seize 18½ kilos of ATS and that the AFP (the federal police) were able to seize 63.727 kilograms of amphetamine-type stimulants. I was lucky enough to be granted permission by the Attorney-General to go to the Forensic Science SA lab and look through some of the processes they go through to determine drugs and their purity and type. It is quite important and relevant to this bill because we are essentially now asking forensics to undertake the stage 2 drug analysis that has previously been done by police on site.

Having a look through that facility really did open my eyes. As somebody who has basically had no interaction with illicit drugs in my lifetime and essentially—

Mr Odenwalder: No interaction?

Mr KNOLL: —yes, that's right, no interaction with drugs in my lifetime—to have a look at what these things actually look like, the scariest thing that happened was when we went to the area where they detect certain drugs but also detect the purity level of certain drugs. An interesting comment made by one of the lab technicians was, 'We very rarely these days actually test for the purity of ice because over previous decades the clandestine labs and the stuff that is being imported is now of such purity that we know that all of the stuff is 80 or 90 per cent pure.' Essentially, the production of these drugs has actually become more professional and more sophisticated.

They went to this locker, which was locked up in the corner, and they pulled out four one-kilo bags of what looked like rock salt. They showed them to me (I did not get to hold them, not that I really had a great desire to) and said, 'This little bag,' of what looked like rock salt, 'is essentially a million dollars' worth of ice'. We are talking here about 18½ kilos seized by SAPOL and 63 and a bit kilos seized by the AFP. We are talking about basically just over $80 million worth of ice that was seized in 2015-16. We have an ice problem in South Australia.

The report goes on to talk about cannabis and that essentially the state police were able to seize, in 456 seizures, 1.114 tonnes of cannabis. That is a lot of marijuana in one year—1,114 kilos of cannabis. That is a phenomenal effort and a real credit to SAPOL and the work they do, but it also goes a long way to show the problem we have here in South Australia. Looking at this, it actually rates us as having the third highest amount of cannabis seized.

Victoria had the most at about 1½ tonnes, New South Wales came in second at about 1.45 tonnes and then we came in third at 1.114 tonnes. In relation to ATS, a lot the seizures were of smaller size; in fact, SAPOL achieved 1,148 individual seizures of ATS. The AFP had only 18 for their 63 kilos, which obviously shows the size of the busts that they are going after. It goes on to talk about heroin seizures, which were really quite small (only 345 grams); although the comparative havoc that heroin can cause gram for gram is a lot worse. There was not much there for other opioids.

This report, which has a good couple of hundred pages, showed me the specific challenges we have in our state and the specific challenges we need to address. Speaking to police across all levels and spheres, the ice problem is of personal importance to them because ice is different from other drugs. Cannabis tends to make people a bit more mellow and a bit more relaxed, cocaine has the complete opposite effect, but ice is known to make people exhibit different behaviours—more angry and violent behaviours, more oppositional behaviours—and this is what creates the issue for our police.

That is one of the reasons why yesterday our leader, the member for Dunstan, announced that we are going to have an accelerated trial into light-armoured vests because when we are asking our police to go into these houses to search for these clandestine drug labs, to search for drugs, they are going to come across those who are addicted to ice. In the wrong context, at the wrong time and at the wrong level of their drug taking, our police are the ones who are going to be at the forefront of dealing with the aggressive and violent behaviours of those on ice, so giving them the tools to keep themselves safe during those times is extremely important.

We know that whilst gun violence is still an issue in South Australia, it is far outweighed by the level of knife attacks and other associated attacks upon our police, so we know that light-armoured vests that will be stab-proof as well as bulletproof for low-calibre guns are extremely important, and they are durable and wearable and deal with the South Australian climate which, as we are about to experience again, is dry and hot and unforgiving, so our police should have them.

The Australian Criminal Intelligence Commission does some other important and groundbreaking work in relation to the National Wastewater Drug Monitoring Program. In South Australia, we have eight different sites: four in the city, as I understand it, and four in the country where our wastewater (essentially, our sewage) is monitored and tested to see what level of drugs exist in those waste streams.

That is quite important because a lot of indicators that are talked about in the Illicit Drug Data Report relate to seizures, the identification of clandestine labs and the number of arrests. Whilst they are important indicators, there are known unknowns that do not allow us to identify fully the scope of what happens in there because for everyone who is arrested, I am sure there are a number of people out there who are not arrested. For every clandestine lab that is detected, there are more that go undetected. For every seizure made by SAPOL or the AFP, there are drugs that get through our system: they get onto our streets and they wreak havoc with people across all age spectrums in our state.

Looking at wastewater streams is a more honest way to look at the drug problem we have in South Australia and more broadly in Australia. It is an important piece of work and one that we support and one that I would like to now quote in defining the problem that exists in South Australia. If I look at the population weighted average annual consumption of oxycodone in Adelaide—and these figures all come from Drug and Alcohol Services South Australia (DASSA)— it shows that we have seen an increasing use of oxycodone in Adelaide since 2011. In fact, we have seen over a tripling up until 2015, but thankfully there was a drop in 2016. That is a welcome drop, but it is still well above when the data was first collected and something we need to be vigilant about.

The same goes for fentanyl, where we have seen an increase up until 2015 but a decrease in 2016. It is rather minor drug use. We have seen some real ability to decrease the consumption of methylone and mephedrone in Adelaide, and that is extremely important work and quite valuable.

Moving on to the more major drugs (not that it is relevant to this), nicotine consumption in regional South Australia rates the second highest in Australia, well above the regional national average and certainly above the entire national average. We are beaten only by the Northern Territory, which is by far and away the worst in the country. Nicotine use in metropolitan areas in South Australia is below the national average and below the capital city average, which is welcome. Hopefully, more work can be done towards that.

Alcohol consumption results are quite interesting. These are probably results that go against what I think most of us here would suggest is the hypothesis of alcohol consumption in South Australia. Again the Northern Territory is way out in front, well over double the rate of the estimated alcohol consumption in terms of litres per thousand people per day. South Australia on the capital average is below the national capital average, and the regional South Australian average for alcohol consumption is about half of the regional average across regional Australia.

Basically, this data says that people in metropolitan South Australia consume more alcohol than people in regional South Australia. I know and will often state, as the member who encompasses the Barossa Valley, that responsible alcohol consumption is okay. It is good to see that we are responsible, at least according to these figures, in the amount of alcohol that we consume on the whole.

We move on to methamphetamine. Again, this is where we have a specific problem. In terms of the estimated methamphetamine consumption in milligrams per thousand people per day, metropolitan Adelaide rates as the second highest in the country—interestingly, behind WA—and we rate third in the regional average in South Australia compared to other regional datasets collected across states. In fact, in both of those, we were beaten only by WA and regional Victoria. Again, this is more evidence of the fact that ATS is a problem for our community and why it is a specific drug that we need to target in our beautiful state.

It goes on to say that for cocaine consumption we are well below the national average. There has been some discussion, which we will discuss in another bill, about cocaine testing for police officers. I know that it is not part of this bill, but it is something that I think is considered, was considered and, potentially, should be considered in relation to whether or not it forms part of our drug-testing regime for drug driving.

South Australia does not have a particular problem; in fact, and maybe unsurprisingly, our hypothesis would be that this drug has its biggest problem in metropolitan Sydney. Whether or not that speaks to its use in certain sectors in certain industries of a more professional nature and in financial hubs is only my hypothesis, but certainly that is where the cocaine problem is. In South Australia, our capital or metropolitan average is less than half the national metropolitan

average and our regional average is about a third, as I am looking at this graph, of the regional average. It is probably not the biggest problem, but again it is something for us to be aware of.

MDMA is the other drug that is part of our drug-testing regime for people who are pulled over on the roadside. We are well below a third or a quarter of the national averages in both metropolitan and regional areas. Whilst this is small, I think the effects of people driving under the influence of MDMA warrant it being on the list, and thankfully it is not the biggest issue we are dealing with. In fact, the Northern Territory—in Darwin, essentially—is where the largest problem by far exists.

It is interesting that the drink and drug-testing regime we have in South Australia and in Australia is to a certain degree unique. We are one of the few countries in the world that actually drug tests and, as I understand it, one of the few countries in the world that tests for alcohol in drivers. At least, we have one of the most comprehensive regimes. When we look at international comparison of drug use, if we include amphetamine, methylamphetamine, cocaine and MDMA, Australia ranks second in the list of countries that were compared—second in the world for overall drug use.

For a country that is by all standards prosperous, free and happy, that we have such a problem says something about our culture that I think we do not necessarily want to acknowledge, and that is why again we need to do important work in this space. We are second only to Slovakia. When it comes to the different drugs, on both of these scores, excluding cannabis use, methylamphetamine is very much the biggest problem for Australia, Slovakia and the Czech Republic, which are the three highest ranked countries,.

By comparison, if we look at other major Western countries, we see a lot of the European countries—places like Norway, the Netherlands, Iceland, Germany, Croatia and Finland—tending towards about half our overall consumption but with amphetamine being a much greater component. Essentially, we outrank them when it comes to the use of methylamphetamine where, as I said, we are second only behind Slovakia. Interestingly, though, for use of cocaine, we are well down the list, well below most European countries and much of the world. That is very good to see but unfortunately according to this graph, in terms of use of MDMA, Norway and the Netherlands have specific problems and we sit fourth behind them.

Compared with the rest of the world, you can see that drug use in Australia is a problem we are grappling with while many other cultures simply do not have the same level of problem. Alcohol consumption, as well, is not at all a unique issue to Australia and in fact we sit well below many other countries. Denmark actually rates as the worst. I thought it would be somewhere like Germany where drinking beer for breakfast is considered okay, but actually Denmark has the highest rate of consumption. That is quite interesting data.

You can see that those figures speak to the definition of the problem we have in Australia. How that problem manifests itself in South Australia speaks to the good work that SAPOL and the AFP have been doing in trying to get drugs off our streets and also speaks to the fact that on a number of measures we still have a lot more work to do and we need to tackle those problems. We are looking at that and we are certainly looking at this bill and at the second reading speech of the police minister in the other place. Interestingly, in the change of the guard, the police minister is now here in our house handling this bill.

This drink and drug driving bill is very much about trying to send a signal to those who would drink and drug drive that it is not okay, sending a signal that, if you are going to consume these substances—in the case of alcohol, to excess—you should not drive. You should not get behind the wheel and damage or potentially put in danger others within the community. There is a lot of merit in this bill. We agree with the sentiment. We very much agree with the measures the government has sought to put in place and that is why we will be supporting this piece of legislation, but we think there are ways to make it better.

We think there are measures that could be included and should be included to help improve the rate of drug use. Whilst this bill specifically wants to deal with stopping people from drink and drug driving, we should also, especially in the case of illicit drug use, be looking at ways to reduce overall illicit drug use in our community. If we can do that, by extension we will be reducing the number of people who drive on drugs on our roads. If we can reduce the amount of times or the

number of people who take drugs on a regular basis, we can reduce the number of people who are driving on drugs on our roads.

An important measure around this is the use of the drug diversion program. This is the process as explained to me by the police commissioner: essentially, what happens is that officers pull over somebody and pinch them for simple possession charges but, instead of straight up giving them an expiation, they send them off to a drug diversion program. If the person successfully completes the drug diversion program, that offence goes away.

Especially for low-level possession offences, it is a way to send a message to people saying, 'Here is the stick. Here is the offence, and we are going to hold this over you as the stick to push you to change your behaviour.' The carrot then becomes, 'If you successfully complete a drug diversion program, this offence goes away.' I think that that is a good thing. I think that this carrot and stick approach in relation to drug diversion is extremely important and is a common tool used extremely often by police to try to change people's behaviour.

That is essentially what we want to do: we want to change people's behaviour in relation to their drug use. The statistics on the use of this, though, are actually quite damning. Essentially, the statistics on the number of people who are sent to drug diversion but then, more importantly, the number of people who complete the drug diversion show that this program has limited application in its success. An FOI that was returned to my office in late July shows the following in relation to the South Australian illicit drug diversion initiative. I will go through the years and break it down by youths and adults, again stating here that I think that a lot of the focus we need to have is around early intervention.

I said in my previous remarks that we need to balance enforcement and education and there needs to be a focus on prevention. This drug diversion initiative attempts to do that: enforcement on the one hand by the abeyance of a simple possession offence with a drug diversion program that is supposed to provide education. If we can tackle it when people are engaging in low-level offending, divert their behaviour and change their behaviour, then it has essentially saved us from having to deal with more serious crimes later on, whether they be heavier possession offences, drug dealing offences or drug-related crime offences down the track.

That is an extremely good thing and one that we on this side of the chamber support, except that we have to look at the evidence as it is presented to us. A significant report was done quite a number of years ago now in relation to this initiative that had some specific recommendations about changes to its use and in fact recommended what we in the Liberal Party have taken on board in relation to trying to change that.

In 2013-14, 804 individual youths were sent off to a drug diversion program. Of those 804, 81½ per cent completed that program. Interestingly, there were 981 episodes of youths being sent off to the program, which says to me that a number of kids, essentially a couple of hundred, were sent to the program more than once in the 2013-14 financial year and that 81½ per cent completed that program. I would say that that is a pretty good effort. I would say that that is 80 per cent, 650 or 680-odd kids, who successfully completed the program and it is hoped that it helped to change their behaviour. In 2014-15, that number was relatively similar, at 822 youths, with 992 and a compliance rate of 83.6 per cent. It was certainly trending in the right direction.

What we saw in 2015-16 was that 748 youths were sent for 897 episodes of treatment but the compliance rate dropped to 75.9 per cent, showing that this program from one year to the next went backwards significantly. But that is not the most alarming figure; it is relation to the adults where we have seen a complete collapse in the ability of this program to do its job. In 2013-14, 2,919 adults were sent off for 3,770 episodes of drug diversion. That shows that quite a number of people were sent more than once in a year, and in fact there would be a number of them who were potentially sent for more than that, at a compliance rate of 70.4 per cent.

Again, 70 per cent is a pretty good figure and shows that the program does have a level of success. In 2014-15, though, the figure increased by about 20 per cent, and 3,546 adults were sent for drug diversion for 4,692 episodes. That shows me that quite a number of people were sent to drug diversion at least twice in 2014-15. Unfortunately, the compliance rate dropped to 65.4 per cent. It is not a good figure, but it is still a reasonable figure. We move on to 2015-16, where we have seen

another massive increase—50 per cent in two years—in the number of adults sent to drug diversion: 4,571 adults for 6,434 episodes.

By my rough calculations, this means that 2,000 people were sent to that program at least twice. Interestingly, the rate of compliance dropped. It started off at 70.4 per cent and fell to 51.5 per cent. So we have seen a full 20 per cent drop in the number of people that complete the drug diversion, and now only one in two adults who are sent to this program actually completes it. That is half. That shows that the program it certainly hitting a bit of a brick wall when it comes to its effectiveness in helping to change drug-taking behaviour of people in our community.

The fact that there were almost 2,000 more episodes than there were people shows that most of those 2,000 people would have been sent twice, and there may have been some who attended more times. This shows that this program has its weaknesses. That is why we on this side of the chamber want to limit this program. We make the very sensible conclusion—a conclusion that was reached in the significant report that was done into this drug diversion initiative—that we would allow people to participate in this program a maximum of twice before people no longer get that option.

We saw evidence in the 10-year review that I think a single person had been through this program up to 20 or 30 times. If you look at the effectiveness of this initiative, we have the police attempting to use a carrot and stick approach to get people to change their behaviour. If it does not work the first time, or if there were some extenuating circumstances or some reason why a person did not complete the initiative, they should be given a second chance. I think that is a fundamental principle that we as a community should abide by; that is, in most circumstances, people deserve a second chance.

But once you have been through the program a second time and failed to complete it, or even if you have been through a second time and completed it, at some point the effectiveness of this initiative has to be called into question. Either you fail to complete and therefore you just do not take this seriously as an alternative pathway, or you do complete but that does not change your behaviour.

That is the reason we need to limit this as a program. It also potentially means that we are spending our time, our effort and our very limited resources on those who do want to change their behaviour as opposed to those who so very clearly do not. That is why we have put that option on the table: to help to more cleverly target or more properly target where our drug diversion initiative takes place.

I said earlier that we need to try to intervene and prevent as early as possible in a person's life cycle with drugs. The Institute of Health and Wellbeing's household survey says that a lot of people get their start in drug-taking behaviour when they are in their teenage years, when they are at school. That is why we need to tackle that more clearly. That is why I believe the government has chosen to put a new offence into this bill around drug taking whilst having children in a vehicle: not only because you are putting those kids at risk but also because we should be ensuring that parents or caregivers of children are responsible. We should be sending a message to the community that this is completely unacceptable behaviour.

The act of taking drugs, having kids in the car and then continuing to drive, is more serious because you are doing damage not only to yourself and potentially other road users but also to those people for whom you have responsibility. We know that children do not make these decisions for themselves; they trust in their parents and they rely on their parents. That is why we as a legislature want to hold those parents to account who choose to put their children at unreasonable risk.

However, we need to do more than just this. This is very much the stick, but we need to do more. The reason this measure is important but we should be doing more is that it is not just about the immediate risk to those children but it is also about the risk that these kids grow up seeing that taking drugs is okay, that there is a cultural or an intergenerational experience that means that today's drug users teach their children by example to be tomorrow's drug users. That is why this new offence in this bill is important but it is also why we need to do more, and we need to intervene as early as we possibly can.

In addition to what the government is seeking to do here, there are a number of other measures that we think need to be put in place. We cannot wait to test people as they are driving. We need to try to get more at the root causes or intervene in a broader range of circumstances when people are undertaking drug-taking behaviour. That is why we are very much wanting to engage schools in the war against drugs. That is why we want to help put a plan in place that allows sniffer dogs (little beagles) to go into schools to try to intervene at an early stage.

Much like the drug diversion initiative, this is not necessarily about trying to charge and convict young people for low-range drug offences. The method by which SAPOL will be allowed to go into schools means it will be very difficult to collect evidence to convict someone because we do not want the kids to be present when these inspections are undertaken. Much like the drug diversion program, it sends a message that says, 'We want to stop you right here. We want to come and we want to find where the problem is. We want to identify where the problem is and we want to help you to change your behaviour.'

Certainly, as a young person growing up, in my high school there was an occasion—in fact, as we understand now, one of the very, very few occasions when SAPOL has gone into a school—when my school was searched for drugs. I do not think that the experience yielded anything, but what happened was that all of us were scared straight by the experience.

The act of SAPOL coming into a school shows that they are serious about tackling drug use in schools. It shows that they are serious about intervening and educating our kids that it is not okay. It really did work and it was not about pinching kids and necessarily charging them. It was about intervening at an early stage.

It is interesting that the media picked up on this part of the policy when we also announced at the same time that we are going to improve education initiatives. What I will come back to time and time again is that we need to balance enforcement with education. We need to intervene early to help prevent these issues, and that is why we need to take a balanced approach.

We treat young people differently from adults. It is when they are forming their norms and their behaviours for later in life. It is when they are very impressionable. If we are able to intervene at that stage, we are going to help stop a lot of problems into the future, which is why we need to be giving them the education to teach them what happens if they take the path of illicit drug use and what that is going to mean for them going forward. It is also why we need SAPOL to help provide that gentle stick or gentle reminder for those amongst high school students who are choosing to head down that path that SAPOL is there to enforce, to get involved and to help do their part in reducing drug-taking behaviour into the future.

Another area that we believe needs to be addressed—again from the Illicit Drug Data Report that the Australian Crime and Intelligence Commission put forth—is around the role of outlaw motorcycle gangs in drug possession, drug dissemination and drug dealing in our community. It is why we have put our policies in relation to banning outlaw motorcycle gang members from visiting prisons. We know there is discretion at the moment with the chief executive of the department, but we want to send the signal that OMCG members will not be allowed to visit prisons because we need to intervene at every stage we possibly can, and we feel that this is a positive measure to do that.

We also announced increasing the maximum fine for cannabis to $2,000 from $500 in relation to drug possession offences, again sending another clear signal that we are serious about stamping out drug use in our community. We also need other methods to be able to intervene. We will get to talking about the drug dependency test, which is an established part of the Motor Vehicles Act, and the fact that the government has a great desire for the drug dependency test to be the be-all and end-all when it comes to assessing people in relation to their drug-taking behaviour and in relation to them being able to get their licences back, but that cannot be the only part of the story.

We need a full suite of measures and, as I have demonstrated with the drug diversion initiative, it has limitations, as does the drug dependency test. It is not the sole arbiter of whether somebody is going to offend again. In fact, as I will table in evidence later on, it does not work in a significant proportion of cases, which is why we need to look at a full suite of measures. It is why another policy that we have announced is in relation to youth treatment orders. We want to intervene

early and we want to intervene strongly, which is why we want to give magistrates the ability to send youths off for mandatory drug treatment.

We need to acknowledge the fact that some young people are able to drive and are under the age of 18, and send them off in an attempt to intervene early and change their behaviour at a younger age to try to stop the spiralling, ever-increasing use of drugs that people who get addicted and hooked tend to jump on. That is why we have announced a policy of providing children with a residency at a treatment facility for up to 12 months. Once a young person has been confirmed as suffering from an addiction or being at risk of harm, they would be provided with support from medical practitioners in a supportive and professional environment. These measures will ensure that those who need drug treatment the most will be able to undertake a drug rehabilitation program.

This is because we want to stop what is currently happening in our community. We want to stop young people in their tracks and divert them onto a better path earlier on in life. That is one measure. There is another measure that the government is undertaking, and interestingly one of the amendments that we are seeking to introduce in the bill is to give people greater access to drug rehabilitation. We think that that is an important part of the mix to help change people's behaviour.

It is why we have announced another policy, which would be complemented by our amendments, around greater access to rehabilitation services. We have announced one in the beautiful electorate of Chaffey, which I think everybody acknowledges has a significant problem with ice. It is something that the member for Chaffey has talked about on numerous occasions. I know that he has an ongoing forum that deals with these issues, and I know that he is extremely committed because his community is beautiful. In fact, at the next election he is going to steal part of the beautiful electorate of Schubert.

We talk about South Australia having an ice problem, but the Riverland has an ice problem. It is not solely the Riverland that has an issue; there are many pockets across South Australia. I know the member for Mount Gambier has made reference to it before. I know the member for Hammond has made reference to it before. This is something that exists in many larger regional centres across our state and it does seem to, unfortunately, have a particular manifestation in regional areas. That was something that was borne out by the wastewater treatment analysis and it is why we need to tackle it. Essentially, this is the type of treatment that we would like people to undertake if our amendments are successful, and I sincerely hope that the government gets on board and deals with this.

If I could take one step back, in the Barossa we had an ice forum organised by the Southern Barossa Alliance, which is a group of local businesses and retired business people who have a particular interest in the towns around Lyndoch, Williamstown, Rowland Flat and Altona, and who have a particular interest in looking after their end of the region. The chair of the alliance is a guy called Simon Taylor, who is an extremely hardworking advocate for his community and is involved in a whole host of organisations from the local aged-care facility, to helping the Men's Shed, right through to the Southern Barossa Alliance. He is an extremely active member of the community and I wish we had a lot more like him.

He said that he personally knew of a number of families who had been affected by ice and he was inspired to put a forum together. He got—I am going to get this name wrong—family support services to come up. The woman from family support services who came up did not really speak. What she did was bring up a parent of an ice addict and an ice addict who has, thankfully, come out the other side and been clean for quite a long time. The stories they told were absolutely scary. They did drive on drugs.

One gentleman, in particular, had come over from South-East Asia and he had had some significant drug-taking behaviour while he was over there. He came here, was clean for a while, but relapsed. He talked us through the stages of how he was going to commit suicide because he was so shameful at having relapsed after spending, I think, nine years clean. It was the death of a friend that triggered him to start using ice again.

He spoke about the methodical way that he thought through as to how he was going to kill himself and it involved a car. It involved taking his brother's car. The reason he would take his brother's car was because it did not have the airbags and all the things that would probably keep him

alive when he crashed it. Essentially, the only thing that stopped him from doing it was the fact that his young son, who he was looking after during the day as he was thinking about all this stuff, walked for the first time. He took that as a sign that maybe he should hang around because there are some things in life that are pretty good. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:01.

Petitions

NO JAB NO PLAY

Mr ODENWALDER (Little Para): Presented a petition signed by 370 residents of Adelaide and greater South Australia requesting the house to urge the government to vote against the 'No Jab No Play' legislation.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students from the School of the Air, Port Augusta, who are guests of the member for Stuart. I also welcome students from Tumby Bay Area School, who are guests of the member for Flinders.

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Ombudsman SA—Annual Report 2016-17

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

Ngaut Ngaut Conservation Park Co-management Board—Annual Report 2016-17

Question Time

PLANNING, TRANSPORT AND INFRASTRUCTURE DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:04): My question is to the Minister for Transport and Infrastructure. Why is the Department of Planning, Transport and Infrastructure spending only 8.4 per cent of its capital budget in the regions this financial year when regional South Australia has 29 per cent of the state's population?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:04): I thank the leader for his question about this particular issue. I was very pleased this morning, as I was checking how much money the state Labor government is investing into regional roads, to know that it is almost $100 million this year. We are spending $94 million from state government funds on regional roads. It's a record high. If you were to include all those revenues that we are also receiving from the federal government and you package that together, it's $188 million—nearly $200 million.

Of course, it's a tremendous opportunity to contrast this approach with an alternate approach, which I took some interest in reading about this morning, and that would be to denude the regions of that level of road funding and wind it back to only $75 million. What an extraordinary commitment, from somebody who is seeking for the first time to be popular amongst the regions, to decrease road funding by $20 million a year.

Mr PISONI: Point of order: the minister is debating the question.

Mr Marshall interjecting:

The SPEAKER: I was in Freeling this morning.

Mr Marshall interjecting:

The SPEAKER: And Hammond—don't forget Hammond. I uphold the point of order.

The Hon. A. KOUTSANTONIS: Point of order, sir: House of Representatives common practice is to allow ministers and governments to compare and contrast alternative policies. It has been a longstanding practice of the House of Representatives, and I ask you to consider—

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart was very lucky not to be rissoled out of this place yesterday for a completely bogus point of order. It does not lie in his mouth to take that point of order against the Treasurer. I will have a look at *House of Representatives Practice*, and I do allow some argy-bargy, but the minister had descended into an extended examination of the opposition's policy.

The Hon. T.R. Kenyon: That's part of the comparing and contrasting.

The SPEAKER: Yes, I know. Minister.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order. Minister.

The Hon. S.C. MULLIGHAN: Just for those who were wondering—because I didn't mention the opposition or the Leader of the Opposition who had come up with that policy to reduce regional road funding by nearly $20 million a year—now that the member for Unley has outed the Liberal Party for coming up with that plan on the front page of *The 'Tiser* to wind back regional road funding, it might help the chamber to perhaps examine how we got into this situation where we have reached record levels of regional road funding in this current financial year and that two years ago—

Members interjecting:

The SPEAKER: Yes, well he wouldn't be the only one. Minister.

The Hon. S.C. MULLIGHAN: As I was saying, that's because we had a budget commitment from the Treasurer, who increased regional road funding by $110 million across South Australia, and of course the vast bulk of that goes to the regions. As I outlined to the chamber yesterday, of the more than half a billion dollars that we spend in road maintenance and road upgrades across South Australia $341 million of that gets spent in the regions—a good chunk. Two-thirds, approximately, gets spent in the regions, a level, year on year, substantially higher than the opposition leader committed to this morning. How extraordinary that he would rush out without even checking his figures. It's alarming that, in purporting to represent regional interests, he runs around doing them out of regional road funding.

Ms CHAPMAN: Point of order.

The SPEAKER: Yes, I think—

Ms CHAPMAN: It is a direct contradiction of your ruling earlier.

The SPEAKER: Well, be that as it may, the minister is now debating the matter.

The Hon. S.C. MULLIGHAN: I will come back to the point. Our extra $110 million of road funding across the state, principally to be spent in regions, was absolutely necessary when we made that commitment not just because of course this state, like many states around Australia, went through a huge program following the Second World War of building new roads and sealing unsealed road, and of course over the last 50 or 60 years maintenance hasn't always been kept up.

It was particularly important because in May 2014, in the first federal Liberal budget, there was a road maintenance cut of $9 million a year to South Australia. So we had to increase the amount of money that we put into regional roads because the Liberal Party of Australia cuts road funding to

regional roads. That's why the Labor Party will always stand up for the regions while the leader of the Liberal Party thinks that this state finishes at Gepps Cross.

The SPEAKER: The minister's time has expired. Leader.

PENOLA BYPASS PROJECT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): My question is to the Minister for Transport and Infrastructure. Can the minister explain why the South Australian government refused $9 million in federal funding to complete the Penola bypass project?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:10): Given he didn't check the figures of his policy yesterday, now we learn that he hasn't checked the *Hansard* for the response that I gave some 12 to 15 months ago on this very question. There is an excellent reason why: the Penola bypass was always to be delivered in two separate stages, and this state Labor government funded entirely the first stage—entirely.

So when the federal Liberal government says, 'We'd like to fund a part of the second stage,' so that they wouldn't even be funding 50 per cent of this regional road project, understandably we say, 'Well, no, that's not good enough. That's not good enough.' Major regional highways, particularly the National Highway network, is funded on an 80:20 basis. Where does, for example, the federal member for Barker come across by saying, 'Well, we'll ignore the 80:20 rule. We can't even get ourselves to fifty-fifty, and once again I'll sell out the community of the South-East that I purport to represent in the federal parliament and not even offer 50 per cent for this road project'? That's why we didn't accept yet another dud deal from the federal Coalition government.

PENOLA BYPASS PROJECT

Mr WILLIAMS (MacKillop) (14:11): Supplementary question.

The SPEAKER: Supplementary question, Penola's redoubtable representative.

Mr WILLIAMS: Thank you, Mr Speaker. Can the minister assure the house that in the answer he just gave, when he said the state government funded all of the stage 1 of the Penola bypass, he omitted to acknowledge that the local Wattle Range Council indeed funded a significant portion of that?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:12): I'm not going to be verballed by the member for MacKillop. The fact remains the federal government has not put one cent on the table for the Penola bypass. Not only has the federal member for Barker sold out the South-East but he won't even fund the Mount Gambier Airport upgrade. They are a disgrace, that Liberal Party, in the way they treat the South-East.

Members interjecting:

The SPEAKER: I take it from the Treasurer's gesticulation that he wants to make a wordless point of order.

The Hon. A. KOUTSANTONIS: The member asked a supplementary question. The minister began to answer it, and it was greeted with a wall of disruptive sound and, Mr Speaker, question time cannot function this way.

The SPEAKER: The minister concerned opened his answer with, 'I'm not going to be verballed by the member for MacKillop,' and therefore he accepted with equanimity the response he sought. The member for Flinders.

TOD HIGHWAY

Mr TRELOAR (Flinders) (14:13): My question is to the Minister for Transport and Infrastructure. When will the state government provide funding to complete the shoulder sealing on the Tod Highway between Kyancutta and Karkoo?

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is called to order.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:13): As the member for Flinders would know, his personal entreaties to me for the state government to provide funding for the Tod Highway have already seen some action from the state government on that. Not only have we provided funding for regional roads of Eyre Peninsula but we have been increasing regional funding in every region across South Australia, whether it's the nearly $35 million that I announced yesterday in this chamber, whether it's the $40 million package of road upgrades that we announced previously for Yorke Peninsula, whether it's the roads that we continue to fund in the South-East in full knowledge that the federal government won't fund roads down in the South-East on an appropriate basis for that community.

We are making sure that we are ramping up road funding across South Australia for the benefit of the regions. Not only are we doing that, but we are doing that for two reasons: one, because it is important for road safety and, secondly, because it's important for freight productivity. We don't come into this chamber like those opposite, like the member for Chaffey, and say, 'We shouldn't have large trucks in our community because it's bad for them.' We are sticking up for farmers where this party won't.

Members interjecting:

The SPEAKER: The minister has made the point that he is not as publicans and sinners.

ROAD MAINTENANCE

Mr TRELOAR (Flinders) (14:14): My question is to the Minister for Transport and Infrastructure. When will the state government finally fix the rail crossing on the western approach road to Ceduna?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:15): As the member for Flinders would know, that particular rail crossing involves a discussion between the transport department and also the rail operator. I will check to see where this issue is up to, but my latest mail that I can recall was that we were still discussing with both the rail operator and I think also surrounding landowners how that crossing was to be best addressed to improve safety.

ROAD FUNDING

Mr TRELOAR (Flinders) (14:15): My question is to the Minister for Transport and Infrastructure. When will the state government finally begin work on building overtaking lanes between Whyalla and Port Augusta, given that the federal funding was secured two years ago?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:15): It's a timely question and the third in a row that I have had from the member for Flinders, which is again drawing attention to the amount of effort we are putting into his regional community with regional road funding. And, yes, we do have—

Members interjecting:

The SPEAKER: I call the member for Mitchell to order.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. Yes, we do have a funding commitment for overtaking lanes that we will be delivering. In fact, it is a timely question for another reason and that is that only this week did I receive correspondence from the local council congratulating the transport department on their approach to this project.

Mr Hughes interjecting:

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

ROAD FUNDING

Mr VAN HOLST PELLEKAAN (Stuart) (14:16): My question is for the Minister for Transport and Infrastructure. Why has the government still not submitted a funded proposal to Infrastructure

Australia for the sealing of the Strzelecki Track given that the government knows that an unfunded proposal cannot be fully assessed by Infrastructure Australia?

Mr Knoll: Another example of the minister not doing his homework.

The SPEAKER: The member for Schubert is called to order

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:16): Unfortunately, the member for Stuart's question is not framed correctly. He said that an unfunded proposal cannot be assessed by Infrastructure Australia. I understand that colloquially the expression is 'chicken and egg'. If a project was fully funded, why would it need assessment by Infrastructure Australia? Unfortunately for the member for Stuart, he is yet another in the conga line of members of the Liberal Party nationally making excuses for the federal government as to why they are not funding these projects.

The SPEAKER: Point of order.

Mr PISONI: Debate.

The SPEAKER: What, because of the use of the expression 'conga line'? It didn't end where it did on another occasion.

ROAD FUNDING

Mr VAN HOLST PELLEKAAN (Stuart) (14:17): Supplementary: has the government submitted a funded proposal to Infrastructure Australia to upgrade the Strzelecki Track?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:17): We have certainly made submissions to Infrastructure Australia that include the Strzelecki Track. We have made it clear to the federal government that we would be a willing co-contributor to that project, and the problem we have is that when the federal government—and indeed, unfortunately, Infrastructure Australia—is in receipt of a suggestion to fund a project, if they like that suggestion, it gets funded. It gets funded straightaway.

In fact, with the Darlington project, a $620 million project funded on an 80:20 basis by the federal government, the funding was committed to by a federal minister before a design had even been conceived let alone before any project report, any business case, any submission was made to a federal minister or indeed to Infrastructure Australia. Take the recent federal budget. When a rail project in Western Australia, which hadn't had a submission, which hadn't had a project report, which hadn't had a business case put together, receives hundreds and hundreds of millions of dollars of funding, that's a big tick.

That's a big tick from the federal Coalition, knowing the sandbagging they need to do in Western Australian seats, but when it comes to South Australia, when we put in submission after submission after submission for projects like the Gawler electrification, there is some furphy claim that we haven't done any work on this issue, despite the fact that this government received a letter from the federal Minister for Infrastructure when that project was first funded in 2013, I think it was, saying, 'Based on the information submitted to Infrastructure Australia, I am pleased to provide funding for the Gawler electrification project.'

That just goes to show you the disparity between those people who make excuses for not funding projects in South Australia, those people who go out into the media and boast about cutting regional road funding by up to $20 million a year, and this government that gets on with the job of securing funding and delivering projects across this state.

The SPEAKER: Could I reiterate to people in the Speaker's gallery on my right that, since the supply of the video-on-demand feed, it is out of order and a breach of privilege to film or photograph, and the use of flash photography was always prohibited. Member for Stuart.

ROAD FUNDING

Mr VAN HOLST PELLEKAAN (Stuart) (14:20): Supplementary: how many dollars has the government offered to contribute towards the sealing of the Strzelecki Track?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:20): In the lead-up to the last election—

Mr Marshall interjecting:

The SPEAKER: The leader is warned.

The Hon. J.W. WEATHERILL: I just recall that in the lead-up to the last election I—

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned.

The Hon. J.W. WEATHERILL: I have a recollection of promoting one of these projects, the Strzelecki Track along with 11 other projects on a list, to the Prime Minister. Indeed, in the lead-up to the last federal election, we made a series of strong representations including to the local member, Rowan Ramsey. Of course, nothing happened out of that process. Of course, I did have some discussions with another member of parliament, Senator Xenophon, and I received quite a positive and warm welcome. Indeed, myself and Senator Xenophon have worked closely together on a series of projects, which have actually delivered outcomes.

Members interjecting:

The Hon. J.W. WEATHERILL: The proton therapy unit, for one, the South Australian Health and Medical Research Institute—

Mr MARSHALL: Point of order, sir: I ask that you bring the Premier back to the substance of the question. It was very, very specific, this question, and had nothing to do with the proton therapy unit.

The Hon. J.W. WEATHERILL: I don't necessarily want to talk about the success I have had working with—

The SPEAKER: I am listening to the Premier.

The Hon. J.W. WEATHERILL: —Senator Xenophon on other projects, but they did ask me. What I think emerged is that I have had discussions with Rowan Ramsey, the local member. Of course, the model that we were promoting at that time, because it is a very expensive project, was one which called for a private sector contribution, so the discussions were around a private sector contribution. There were also discussions about network charging. The industry was open to making a contribution, and so the discussions with Rowan Ramsey and with Senator Xenophon centred around those matters. I think that those opposite—

Ms Chapman interjecting:

The SPEAKER: The deputy leader I call to order.

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: Better be better than yesterday's.

Mr VAN HOLST PELLEKAAN: Standing order 98: I ask you to bring the Premier back to the substance of the question, which was: how many dollars has the government offered to contribute towards this program?

The Hon. J.W. WEATHERILL: Yes, and I—

The SPEAKER: Premier.

The Hon. J.W. WEATHERILL: This is germane. It is very germane to the question. The state government spends a very substantial amount of money on the—

Members interjecting:

The Hon. J.W. WEATHERILL: If you just for a moment listen rather than interject, you will be better informed. The maintenance commitment that the South Australian government has on the Strzelecki Track is very substantial. What we were proposing—

Members interjecting:

The Hon. J.W. WEATHERILL: If you just listen for a moment, you will actually understand. That money that would otherwise be spent on maintenance could be applied into a species of—

Mr Marshall: How much? How much did you offer the commonwealth for the upgrading?

The Hon. J.W. WEATHERILL: The Leader of the Opposition simply doesn't understand the model that was being proposed, that is, that the money that would otherwise be spent on maintenance could be provided to a private operator. The private operator would provide a network charge. The network charge would permit the private operator to borrow, potentially with the commonwealth's support, to actually seal this track. It is an intelligent model. It is the same sort of model that's being promoted by Malcolm Turnbull. Indeed, it was at his invitation that we actually pursued this model.

I can't help it if I'm getting more luck out of working closely with Senator Xenophon than I am with working with the Prime Minister. I can't account for that. I know that there is an enormous amount of white-knuckled panic on the other side about Senator Xenophon arriving in state politics.

Ms CHAPMAN: Point of order, sir: I don't care who the Premier sleeps with, but I do want an answer—

Members interjecting:

Ms CHAPMAN: —I do want an answer to that question. He can cuddle up to whoever he likes, but we'd like an answer to the question, and if he can't answer it let the Treasurer or minister answer the question.

The SPEAKER: Have you got that out of the system? The deputy leader will depart from the house for the remainder of question time for a bogus point of order.

The honourable member for Bragg having withdrawn from the chamber:

The Hon. J.W. WEATHERILL: Mr Speaker, I am trying to make a serious point here. There is a difference between simply funding a project off the balance sheet and actually doing something intelligent about putting your maintenance dollars on the table, making a partnership with the private sector, getting people who are going to benefit from the improvement in the track—we know there are a lot of road trains that get rattled to death along that track—so that the savings that they would make would mean that they might be prepared to make a contribution. The combination of all those things frees up a pool of money—

Members interjecting:

The Hon. J.W. WEATHERILL: —yes, of course—for industry, and that is something that we had been discussing. They have been a network charging model for industry at their election. To pay was the model that was being proposed.

The SPEAKER: It seems that Nick Xenophon is having quite an influence on our question time. Member for Stuart.

YORKEYS CROSSING

Mr VAN HOLST PELLEKAAN (Stuart) (14:26): My question is for the Minister for Transport and Infrastructure. Why has the government not committed to the upgrading of Yorkeys Crossing around Port Augusta to allow all-weather access for oversized and overweight vehicles and other vehicles when the Joy Baluch AM Bridge is closed?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:26): I had this discussion this morning on radio. We've got a situation where, unfortunately, the pedestrian and cycling facilities adjacent to the Joy Baluch AM Bridge have fallen into disrepair and can no longer be used. The federal Minister for Infrastructure requested of me that I have the transport department try and do a piece of work to see if it would be possible—and the federal government, to its credit in this regard—to see if some sort of bridge structure which could accommodate cycling and walking could be attached to the Joy Baluch AM

Bridge, and take some risk away from the current situation which we have been left with since the closure of the—

Mr VAN HOLST PELLEKAAN: Point of order.

The Hon. S.C. MULLIGHAN: Yes, I'm coming to the point.

The SPEAKER: Look, just give the minister a minute.

Mr van Holst Pellekaan interjecting:

The SPEAKER: The minister has not yet completed a minute of his four-minute answer; let him get to it in his own way—in his own idiom.

The Hon. S.C. MULLIGHAN: This should be of particular interest to the member for Stuart, because this is of course his electorate and his constituents that we are trying to benefit here. The suggestion would be that if some sort of species of shared cycling and walking bridge could be attached to the Joy Baluch AM Bridge, then it would reduce the risk that we are currently having, where people who are walking or cycling are needing to use the Joy Baluch AM Bridge, where we have a high volume of traffic and, more to the point, a high volume of heavy vehicle traffic.

That would be, in my view, as I said on radio this morning, a stopgap measure at best. What industry have been calling for, and indeed what members of the local community have been calling for, is a permanent solution. A permanent solution, to my mind, would comprise one of two things, one of which is what the member for Stuart was alluding to in his question, which is the upgrading of Yorkeys Crossing. To be fair to the member for Stuart, I think he rather accurately represents a lot of the concerns that people have been raising which have led to calls for the upgrade of Yorkeys Crossing.

What happens—and this does happen from time to time—in the event that there is a car accident on the Joy Baluch AM Bridge and there needs to be a temporary closure to deal with that incident? Where can particular types of heavy vehicles go, particularly if they are of a configuration and a weight which means that—and particularly if it's raining, because the member for Stuart made a reference to all weather—they cannot use Yorkeys Crossing? Sometimes it is not in a condition to do so. So yes, given the cost that would be required to upgrade Yorkeys Crossing, which is a partly government and a partly council road, we think, I think in 2011 dollars, the cost would be something in the order of $40-odd million to upgrade that road.

Given that the Joy Baluch AM Bridge sits almost literally at the crossroads of South Australia's part of the National Highway network, would South Australia be best off investing $40 million to seal that road or, if a bridge costs in the order of $200 million or even $250 million, knowing that upgrades to the National Highway network are funded on an 80:20 basis, would we better off putting that $40 million into a duplication of the Joy Baluch AM Bridge.

While a lot of people are stuck and fixated on the fact that Yorkeys Crossing should be upgraded, what we are currently looking at are three particular solutions to the dilemmas we have; one is what has been suggested to me, which we are investigating, from the federal Minister for Infrastructure and whether we can deal with the cycling and walking issue, but I think we also need to keep on the table for active discussion between the state and federal government the duplication of the Joy Baluch AM Bridge. I am sorry it has taken me four minutes to get there, but that would obviate the necessity to seal and upgrade the Yorkeys Crossing to take that type of truck traffic.

YORKEYS CROSSING

Mr VAN HOLST PELLEKAAN (Stuart) (14:30): Supplementary: will the minister confirm that the state government has $40 million on the table, offered to the federal government, to put towards one of those two projects: Yorkeys Crossing or the upgrade of the Joy Baluch AM Bridge?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:30): Again, this may take a couple of minutes, but let me walk you through some history about how we have jointly funded these projects. Back in 2014, we had a conflict between the federal and the state government when it came to major road upgrades, particularly on the north-south corridor on South Road. We had gone to the election

promising to fund the Torrens to Torrens project. The other side of politics had gone to the election promising to cancel that project and redirect those funds into an upgrade of the Darlington project.

Within 20 minutes of sitting down with the then federal minister, we arrived at a funding arrangement where we would be funding both projects, and every time we have had a discussion with the federal government where they have offered to stump up a substantial amount of funds for a major road project in South Australia we have been there with the chequebook—we have been there.

Mr Marshall interjecting:

The SPEAKER: I call the leader to order.

The Hon. S.C. MULLIGHAN: So $124 million immediately on the table for the Darlington upgrade, and our 20 per cent share of the $985 million Northern Connector project, which was promised, as one of his last acts, by the former prime minister Tony Abbott. We will always be ready to find those funds when a federal government is prepared to do what it should do more often, and that's to put its own hand in its own sky rocket and make the money available for these projects.

That's why we have discussions with federal ministers where we continue year after year to say, 'Let's get in and fund the Strzelecki Track upgrade.' We have had discussions for years with them about co-funding that project on an up-front capital cost basis, but the feedback we get back from this ideologically driven Coalition government is, 'No, there has to be a private sector contribution to this.' That is why the Premier has given—

Mr VAN HOLST PELLEKAAN: Point of order: standing order 98. It has been two minutes. The question is: is there $40 million on the table or not?

The SPEAKER: Is there $40 million on the table for either project? Minister.

Mr VAN HOLST PELLEKAAN: Yes or no?

The Hon. T.R. Kenyon: No, he can answer any way he likes.

The Hon. S.C. MULLIGHAN: That's why the Premier gave the analysis—

The SPEAKER: The member for Newland may know a lot about bondieuserie, but he doesn't know all that much about standing orders; he will be quiet. Minister.

The Hon. S.C. MULLIGHAN: As I was saying, that is why the Premier gave the explanation about those discussions that we had been having and continue to have with the federal government about upgrades for the Strzelecki Track, and that is why, when it comes to this major road project, we will be ready to fund our share of that major upgrade duplicating the Joy Baluch AM Bridge.

AUGUSTA HIGHWAY

Mr VAN HOLST PELLEKAAN (Stuart) (14:33): My question again is for the Minister for Transport and Infrastructure. When will the state government commit funds towards a joint state-federal upgrade of the Augusta Highway to two lanes in each direction, from Port Wakefield to Port Augusta?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:34): As members would be aware, in 2013 the government released its draft infrastructure, transport and land use plan, which identified that particular road upgrade, the duplication of the Augusta Highway, as a long-term priority for transport infrastructure upgrades. After a period of consultation, we then finalised that plan and released it in 2015. I don't have the document in front of me but, if my memory serves me correctly, it remains a priority for South Australia, albeit in the long term.

I would have thought that, given the conversation we have just had in this chamber about other priority transport projects, like the Strzelecki Track or, more to the point, about the duplication of the Joy Baluch AM Bridge, we would be best off focusing our efforts on securing funding for those projects. I understand the strategy we are going through today and that's: let's highlight just how much money the state Labor government is putting into regional roads and the vast disparity between us and them.

Let's also highlight for the record in *Hansard* the fact that, while they have been representing regional seats for 16 years in South Australia, they have never gone to an election with a commitment to fund any of the projects that they continue to raise now. In fact, given that we are less than six months away from the next state election, they still refuse to take a policy to the next election to fund these projects. The only thing they have committed to is a $20 million a year funding cut for regional roads. That's what you get when you get a latte-sipping member for Dunstan leading your party.

Members interjecting:

The SPEAKER: It's the kind of coda we have come to expect from ministerial answers.

Mr VAN HOLST PELLEKAAN: Point of order: standing order 98, unprovoked debate.

The SPEAKER: I don't think it's actually expressed that way, member for Stuart.

FEDERATION CORNER

Mr GRIFFITHS (Goyder) (14:36): My question is to the Minister for Transport and Infrastructure. Why did the minister refuse to support the proposal that I and the mayors of four local councils presented to him 12 months ago for a south-heading slip lane to be included in the Federation Corner redesign and instead opt to use traffic lights at the roundabout?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:36): In summary, I think it was because we assessed the suggestion as being unnecessary and unsafe.

CROP REPORT

The Hon. A. PICCOLO (Light) (14:36): My question is to the Minister for Agriculture, Food and Fisheries. Minister, can you advise the house regarding the state's cropping performance this year?

The SPEAKER: I was up at Freeling this morning and it looked like five tonnes to the hectare.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:37): Thanks, Mr Speaker. I thank the member for Light and acknowledge the great work he does on behalf of the farmers in his community. We have something maybe a little bit more reliable than the observations of the Speaker: we have the regular crop report, which will be released today, which gives an insight into this year's season.

You did mention Freeling. Corbin Schuster, who is a friend out there, posted back in June 134 years of rainfall records for Freeling. The number of years in which no rainfall was recorded in June: zero. If nothing happens in the next two weeks, this may be the first. It was a very, very late start to the season in most parts of South Australia, with the exception, I suggest, of the South-East. I was down at Mount Light farm with Craig Hole in May and he was bogged out there seeding. We know the South-East had a couple of really dry years, so it is good to see that they are back on their feet down there in the member for MacKillop's area.

Last year, of course, we had a record grain harvest of 11.1 million tonnes, which was a fantastic result for farmers. Unfortunately, the global prices were not as high as we would have liked, but still it was an unbelievable crop for those people. We have had eight grain harvests above the 10-year average, which has been terrific for our farmers. The 10-year average is 7.7 million tonnes. Of course, we are going to be down on that this year, but most farmers I have been speaking to, particularly around Yorke Peninsula—I was up at the field days at Paskeville a couple of weeks ago—were putting things in perspective, that after eight good seasons they had come to expect that things would not always be as good as they had been in previous years.

We have 12,000 people employed directly or indirectly in the grain sector, and of course one in five working South Australians is employed in the agribusiness sector. The season has seen considerable improvement since the big dry of June and the very late start to the season. Rain in early July enabled farmers to complete seeding, particularly on Lower Eyre Peninsula, Yorke

Peninsula and Fleurieu Peninsula. Unfortunately, the July rains were too late for farmers on Western Eyre Peninsula. I am sure the member for Flinders is well aware of what has happened over there. So, while extra paddocks were sown, not all the original intended crop area was completed.

The total area sown is around 10 per cent less than recent crops and well below the average 3.55 million hectares. However, with the reversal of poor seasonal conditions, crop production prospects have improved, with most districts reporting variable production potential. This has meant that South Australia's 2017-18 estimated grain harvest has been revised upwards to 6.7 million tonnes but below, as I said, the 10-year average of 7.7 million tonnes, which has been lifted in recent years because of those great harvests we have had—from an earlier prediction of 6.4 million tonnes—and there is an estimated farmgate value of $1.7 billion.

I would like to congratulate the farmers because, although we have a smaller area being cropped, the returns that we are getting on those areas is much higher than it would have been 20 years ago because of the great innovation and practices that farmers right across the state are putting in. I wish all our farmers all the very best because we can't count the harvest until it's in the silos, so we hope for a good spring to finish things off.

BUSHFIRE PREPAREDNESS

The Hon. T.R. KENYON (Newland) (14:41): My question is to the Minister for Emergency Services. How can the community better prepare for bushfires this fire danger season?

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) (14:41): I thank the member for Newland for his question and once again for his interest in bushfire preparation this season.

Members will be aware that from last Sunday two regions, the north-east and north-west pastoral districts, became the first in our state to enter the fire danger season. Yesterday, the CFS gazetted dates for another 10 districts across our state for their fire danger season. From 1 November this year, the Eastern Eyre Peninsula, Lower Eyre Peninsula, Flinders, Mid North, Riverland, West Coast and Yorke Peninsula regions will enter their fire danger season.

From 15 November the Murraylands and the Upper South-East will enter their fire danger season and from 22 November the Lower South-East will enter its fire danger season. Three of those regions—Yorke Peninsula, Mid North and Riverland—are entering their fire danger season two weeks earlier than last year. That shows a particularly early risk in those regions and certainly with the hot weather today you will understand some of the reasoning behind that. There are three regions still to be declared, including the Adelaide Mount Lofty districts, which is expected to be declared on 1 December, but that still could be changed, depending on the situation.

We have seen a big boost to CFS operations, with 10 new trucks rolling out. We demonstrated them on the weekend and they look fantastic. The government is spending $3.5 million delivering them across South Australia. This is thanks to a state government budget measure of $9.3 million over four years to accelerate the fire truck replacement program and also fund the retrofit of trucks with burn-over technology, including water spray, deluge systems and in-cab breathing systems.

While we are preparing our emergency services, and while we enter into this fire danger season, we do put the reminder out to communities across the state that it is a shared responsibility and that we need communities, local households and businesses to do their preparations as we enter this season. We are putting out the call for people to make or update their bushfire survival plan to protect themselves and their loved ones.

Unfortunately, there is a misconception among parts of the community that they do not need a bushfire survival plan because they do not live in a rural area. However, with major bushfires that we have seen over two of the last three years, such as Sampson Flat and Pinery, approaching densely populated areas, residents on the fringe and peri-urban locations should not feel that just because they live in what looks like a suburban area they will not be impacted by bushfire or that they don't need to properly prepare.

Research that we had by McGregor Tan last year demonstrated that only 56 per cent of at-risk people are aware that they live in a bushfire-prone area. Of particular concern was that only 32 per cent of people living in bushfire areas have a bushfire action plan.

It's important for all South Australians to consider road travel as well through high-risk areas during heightened days of bushfire risk. Thankfully, making a bushfire survival plan has never been easier thanks to the five-minute bushfire plan, which is available on the Country Fire Service website. This is a simple step-by-step process that will guide decisions on whether to leave early or stay and defend, as well as providing a handy checklist on important items like photographs, medicines and arrangements for your pets as well.

Once completed, you will be able to save a digital copy to your phone or smart device and share it with family members and loved ones. The five-minute specific plan started last year as a soft launch and we are rolling it out across the state in a heavily promoted way this year. Already, 2,000 people have completed the five-minute bushfire survival plan, but we are hoping tens of thousands will do that this year. There is also an additional benefit this year in that the Bureau of Meteorology have spent money to roll out a four-day bushfire forecast, which will be of use for people across the state as well. I encourage everybody to look at the CFS website and make sure they are prepared.

The SPEAKER: Member for Finniss. Don't tell me your seat is vulnerable to NXT also?

MAIN SOUTH ROAD

Mr PENGILLY (Finniss) (14:45): My question is to the Minister for Transport and Infrastructure. Can the minister advise the house when funding will be allocated for the design and upgrade of Main South Road between Myponga and Yankalilla?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:46): It's great to have another question from a regional Liberal MP about another funding commitment we have made to the road network across South Australia. Not only in his particular patch of Kangaroo Island have we continued the commitment to allocate an extra $2 million a year to upgrade roads across Kangaroo Island, but of course it comes on top of the $9 million that we kicked in for the upgrade of the Kangaroo Island Airport. But, as I understood the member for Finniss's question—

Mr PENGILLY: Point of order: the question was relating to Main South Road, not to Kangaroo Island.

The SPEAKER: I will listen carefully to the minister. Minister.

The Hon. S.C. MULLIGHAN: In fact, it was only last week—some seven days ago—that the Minister for Agriculture, Food and Fisheries, in his capacity as the member for Mawson, and I were meeting with members of the community to talk about exactly that project: a $305 million upgrade of Main South Road. It's welcome because, of course, over the last 10 years there has been an enormous amount of work that has been done on the road that runs through what is now an overpass for McLaren Vale heading down towards the Victor Harbor and Goolwa region. That work in that part of the Fleurieu Peninsula was necessary because there had been a disturbingly high level of casualty crashes including fatalities over that period.

As we rolled out overtaking lane after overtaking lane while that road is not quite duplicated, we were getting increasing amounts of population growth south of Seaford and there was a clamour, particularly around those communities of Aldinga and Sellicks, saying, 'When are we getting better road infrastructure?' We know that the warrant for duplication for that road was getting close if not indeed exceeded.

That's why it's terrific that on top of the $900-odd million on the extension of the Noarlunga and the electrification of that line out to Seaford, and the $400 million on the duplication of the Southern Expressway, another $300 million for the duplication of Main South Road in this part of the state has been strongly welcomed by members of that community, especially in light of them seeing the hitherto mentioned $620 million upgrade of the Darlington section of South Road—$2 billion of transport upgrades for the southern suburbs and outer areas.

Mr Whetstone: Thank you to the federal government.

The Hon. S.C. MULLIGHAN: The member for Chaffey, who likes making references to silver spoons while perhaps not being adept at using cutlery himself, says, 'Thanks to the federal government.' How much money did the federal government put into the duplication of the Southern Expressway? How much? Not one cent. This state Labor government funded the whole thing.

The SPEAKER: The minister will not respond to interjections.

WOMEN IN SPORT

Ms COOK (Fisher) (14:49): My question is to the minister assisting the Minister for Recreation and Sport. Can the minister inform the house how the state government funding for the SANFL will promote girls and women in sport?

The Hon. K.A. HILDYARD (Reynell—Minister for Disabilities, Minister Assisting the Minister for Recreation and Sport) (14:49): I thank the member for her question, and I acknowledge the ongoing interest the member has in women's sport. We have seen an unprecedented number of girls' and women's Australian rules football teams kicking off over the past couple of seasons. The statistics from the last two years are incredible. The numbers in female junior and youth participation grew by 393 per cent. The numbers of female Auskick participants grew by 49 per cent, and senior club participants grew by 70 per cent.

Since the successful launch of the AFL Women's league, there has been an additional increase of 60 per cent in participation overall, with girls and women lining up on the field, no longer stopping at the boundary line. In 2017, the SANFL registered an additional 82 girls' teams, and this will continue to grow in 2018.

Mr PISONI: Point of order, sir: the time.

The SPEAKER: I hope that adjustment by the Clerk meets with the approval of the member for Unley. Minister.

The Hon. K.A. HILDYARD: To support South Australian girls and women to pursue their dreams in a sport they love in communities across our state, our state government has invested $275,000 over the next two years. For too long, mums have cheered from the sidelines. Now their children can cheer for them. Women are now scoring goals, as well as volunteering and leading in sport in unprecedented ways. This funding will be used to recruit and train coaches, umpires and junior development officers. The funding will support clubs in every corner of South Australia—in the Adelaide metropolitan area, as well as across regional South Australia.

Our state government supports the SANFL to engage with members of our community and to provide access to organised sport. Since 2015-16, the SANFL has successfully received grants of $260,000 through the sport and recreation inclusion program, and the female inclusion and participation program provided a further $100,000. This latest investment will support the SANFL to manage and harness the surge in players and maintain this extraordinary interest in women's and girls' football.

New pathways are available to female players who can now join in at any level from Auskick through to the elite level. Enthusiastic girls and women can take to the field, talented athletes can be identified and developed, and fans will have access to more quality football games than ever before. I commend the SANFL for their ongoing commitment to promoting girls' and women's football, and I look forward to seeing more female players scoring goals and celebrating hard-fought victories.

The Office for Recreation and Sport is proudly working closely with SANFL and other sporting bodies to provide resources and to develop strategies that support women's participation in sport. Furthermore, our South Australian Women in Sport Taskforce is breaking down barriers and encouraging more girls and women to keep scoring goals. We are progressing change that makes a lasting difference—change that reduces inequality and supports girls and women to be treated more equally on the journey they take in their chosen sport.

Our task force plan sets out our strategies to improve gender equality in every aspect of sport, to change the face of sport leadership, to increase spectatorship of women's sport and to attract more women's sporting events to our state. Our task force is comprised of outstanding and

passionate South Australians, and our plan is carefully underpinned by clear and measurable strategies to improve gender equality in sport.

Lastly, I remind the house about our government's commitment to make sure that girls and women can participate in the sport they love by investing millions of dollars for women's changerooms and other facilities. Organised sport provides an amazing opportunity for kids and community members from any background to be included and to have a sense of belonging and, as such, clubs must be exemplars of inclusion.

Parliamentary Procedure

VISITORS

The SPEAKER: Alas, the minister's time has expired. I note that Faith Lutheran College, Tanunda, were with us in the Speaker's gallery as guests of the member for Schubert, but alas they have now departed. The member for Florey.

Question Time

TICKET SCALPING

Ms BEDFORD (Florey) (14:53): My question is to the Attorney-General. What work has been done or what measures can be undertaken to prevent ticket scalping and break the business models of those involved in purchasing quantities of tickets for resale rather than personal use and those involved in selling fraudulent tickets?

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) (14:54): Can I thank the honourable member for her question and her ongoing interest in this very important topic. In fact, as members may or may not be aware, the member for Florey has been very much at the forefront of raising questions about this with both myself and my colleague, the minister for sport and tourism. In fact, as recently as today, we had further conversations about this very matter.

Members interjecting:

The SPEAKER: The house is lapsing into unconsciousness.

The Hon. J.R. RAU: Excellent! Let's just talk about what we have now and let's talk about where we might go. What we have now is an arrangement, which was primarily introduced, as I know that my ministerial colleague knows, I think at the insistence of Cricket Australia, with a view to preventing a very unsatisfactory practice called ambush marketing, which involves somebody who's putting a lot of investment, time and money into putting on an event having their event basically stolen from underneath them by other people who just bob up and make money out of their efforts. Of course, that is undesirable and we have legislation that deals with that.

The ambush marketing issue is one that is clearly a matter that is dealt with by tourism or sport because they have some inkling as to which events are likely to be events where this is a problem because the sponsors of the events come to them. We have three other problems which are worth mentioning. These are the three problems that the member for Florey spoke about in her question. The three problems are basically these: we are dealing here with offshore operators, who in many cases are dodgy characters, who are putting up for sale tickets which actually don't exist. These people are nothing more than crooks.

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

The Hon. J.R. RAU: Shonks, fraudsters.

Mr Knoll: Shysters.

The Hon. J.R. RAU: Shysters, yes, I'll accept that. So what these people are doing is actually sucking people in to buying worthless goods which they then attempt to pass off to the hapless purchaser, and the hapless purchaser bobs up at the event and meets with the uncomfortable reality that they don't actually have a ticket for the event.

Members interjecting:

The Hon. J.R. RAU: Mr Speaker, I know you're interested in the answer to this question.

The SPEAKER: And that is all that matters.

The Hon. J.R. RAU: And that is all that matters, indeed. I'll address myself to the Speaker because I know he's interested. Mr Speaker, the second group of people that we are very concerned about are people who are honest citizens who, for some reason beyond their control, can't go to an event. Those people should be allowed to sell their tickets on to other people without us getting heavy-handed about those matters. Then, the last group are the speculators, who go in and find a very, very popular event like Dire Straits or something, where it's packed out, and rush in and buy all the tickets up. What we are going to do is I've asked business—

The SPEAKER: The time has expired. A supplementary, member for Florey.

TICKET SCALPING

Ms BEDFORD (Florey) (14:58): Would any of this include tickets to the forthcoming Ashes series? Will we have anything in place by then?

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) (14:58): It's a very good question, and I thank the honourable member for her question. There are two things here for that. The first thing is that if the forthcoming Ashes series is one that the minister has a view that it may be one of these events where ambush marketing is concerned, it will be a declared event.

The Hon. L.W.K. Bignell: It has been.

The Hon. J.R. RAU: It has been a declared event so, yes, there will be things in place for that event, but of course we are then reliant on complaints. We do need people to come forward and actually identify the fact that something has happened so that we can deal with those people who are perpetrating that. The further thing is, I have asked Consumer and Business Services to go away and come back with a set of recommendations, which I want to share with the member for Florey when we get them back. Those recommendations are directed towards whether or not we can actually have a further and different offence here for those people who deliberately set out to, in effect, corner the market for Bruce Springsteen or Dire Straits by buying up a large number of those tickets knowing that the tickets will be going like hotcakes—

An honourable member: Or Supertramp.

The Hon. J.R. RAU: Or Supertramp, indeed!

An honourable member: The Seekers!

The Hon. J.R. RAU: I tell you what, if we could get The Seekers back, I would buy a ticket. Anyway, back to the—

Members interjecting:

The Hon. J.R. RAU: Look, I'm—

The SPEAKER: Splendid though this answer is, the Speaker is satiated with it. It is the member for Finniss's question and, in my judgement, the Attorney-General had answered the question.

ROAD FUNDING

Mr PENGILLY (Finniss) (15:00): My question is to the Minister for Transport and Infrastructure. Can the minister advise the house when appropriate funds will be put into the Victor Harbor-Adelaide main road from the Cut Hill section from Crows Nest Road down to Hindmarsh Tiers Road? That is the worst part of the road.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:00): I thank the member for Finniss for his question. It's a good question because, as I referred to in one of my earlier answers, quite a bit of work has been put into the Adelaide to Victor Harbor Road and that has tended to be—not exclusively, but it has tended to be—between Mount Compass and the southern suburbs of Adelaide, although there is an overtaking lane just south of Mount Compass.

An honourable member interjecting:

The Hon. S.C. MULLIGHAN: Well, I haven't got my map in front of me. My understanding is that the area he refers to is farther south than that last overtaking lane south of Mount Compass. He is right that that is an area that still needs to be addressed. We mentioned when we made the announcement on budget day that we would be working with the landowners and the councils in that part of the Fleurieu Peninsula to try to work out what the right place is for an overtaking lane.

It has been a commitment from the member for Mawson but also from me, as Minister for Transport, that we will look to put in one of these overtaking lanes, depending on where exactly it goes and we will provide the funding for that. I can't be too specific about the actual location, and hence the design and hence the cost of it, but we have a reasonable idea of what these overtaking lanes go for. It's just a question of whether we are able to derive an engineering solution to install an overtaking lanes in what is, as I think the member for Finniss was alluding to in his question, a pretty tricky area of road.

It is not just because of the road itself—and it does get quite curvy in sections—but also because of the surrounding terrain. When I do travel in that part of the Fleurieu Peninsula, I admit that I tend to take the Goolwa turn-off before heading farther south onto that part of the Victor Harbor Road, but my recollection is that parts there are quite difficult to do road improvements on, but not impossible and we will seek to do those road improvements once we have those discussions. We would hope to deliver that work in concert with the planning and design work for the Main South Road upgrade, so that we can get some improved safety outcomes.

Just as there has been a significant drop-off in the number of crashes—let alone the number of casualties, let alone fatalities—that have occurred on that Adelaide to Victor Harbor road because of those works that have been done from that overtaking lane just south of Mount Compass back towards McLaren Vale, etc., we would hope that to the extent that we are still seeing some crashes and problems on the Victor Harbor Road, by installing a further overtaking lane in that section if we can address the part of the road that is causing motorists to be at greater risk on that road, hopefully we can push that trend rate down of further crashes and casualties in that part of the Fleurieu Peninsula.

Grievance Debate

MORIALTA CONSERVATION PARK

Mr GARDNER (Morialta) (15:04): I rise for the second time today to talk about issues at the Morialta Conservation Park, particularly in relation to the parking and traffic chaos and loss of amenity to local constituents and residents caused by the vast amount of increased traffic to the area thanks to the new nature play space and the government's heavy promotion of the same. It has caused significant safety concerns. There is inconvenience to residents, traffic chaos and loss of amenity, as I have spoken about before.

To put this into context, this area is surrounded by the Adelaide Hills Council area of Rostrevor, the Campbelltown City Council area of Rostrevor and the Adelaide Hills Council area of Woodforde. The Morialta Residents' Association wrote this a couple of weeks ago:

> Morialta Park's so-called 'nature play space' has delivered the parking nightmare most of us feared.
>
> Last weekend's traffic chaos on Stradbroke Road, Wandilla Drive, parts of Baroota and all of the Campbelltown Council streets on the western side, is set to continue.
>
> Both Adelaide Hills Council and Campbelltown will have temporary no-parking signs…on one side of our many narrow roads from this weekend, after Wandilla Drive became impassable.

Not only were some residents unable to reach their own homes but [Adelaide Hills Council] has serious concerns about the lack of access for emergency services vehicles.

This circus is a direct result of the failure of DEWNR to budget or plan for additional on-site parking within the Conservation Park, despite senior ranger David Heard assuring [the Morialta Residents' Association] over a year ago that he had identified the need for substantial extra on-site parking and was considering appropriate areas for this.

I note that Campbelltown City Council and, I believe, the Adelaide Hills Council as well also brought this to the attention of the department during the consultation phase. After the petition that I brought into the house for the first time last week, I am pleased that we have hundreds of responses, over a hundred anyway, from local residents and petitioners to my office. Indeed, the campaign has had some progress through the media, my conversations with the minister and my speech in the house.

I note that the department has installed an extra 28 spaces in addition to the 35 new spaces, so we have 63 new car parking spaces on the site of the Morialta picnic area, which is helpful. The department has also put on a new free shuttle bus from Black Hill, a 33-seater shuttle bus that goes every half an hour. That has been in place for the last two weekends.

What I thought would be useful today is to give the house some information from residents about the impact it is having on their lives. I have heard stories about the shuttle bus being double-parked in the road, creating further traffic chaos with people not being able to see past it. I have told the minister this, and I am hopeful that the department will find a solution for that aspect. A Rostrevor resident writes:

[It is] not acceptable for us as owners of our properties and limits us for our…family and friends visiting…over any weekends into the future…[she] witnessed…people trying to access our street, driving over gardens and blocking us from accessing our own houses. We are also having to clean up rubbish that they are leaving from [exiting] the park that should…not be our responsibility.

…the amount of traffic with young families on Stradbroke road. As residents we have witnessed on occasions drivers using that…stretch of road to speed up…and with young children being in this [vicinity]…it's an accident waiting to happen.

I have a resident from Baroota Avenue saying:

As an update to us signing the petition, last weekend…I was again unable to access my property with my trailer.

I contacted Council who did act quickly, but when I opened my gate I was confronted by an angry and abusive visitor because he had received a parking ticket.

This person also threatened me and my property.

This was…reported to Council who issued a ticket. I did speak to the police who seemed reluctant to act.

It is sad that it has [come to the fact that we are] living in fear in our property.

I am shocked to hear that police were reluctant to act, and I hope that the minister will take up their concerns with the local police and ensure that those issues are dealt with. Another constituent writes:

I live in Redden court opposite the park and on the weekend we were unable to enter or exit our street due to the volume of visitors overflowing and parking off street. This is of high concern if we cannot get in and out how [do] emergency service vehicles?

Further to this Stradbroke road is an accident waiting to happen with the volume of cars…on the residential side of the road, safe passage into stradbroke is obscured as we cannot see the traffic flow due to the vehicles parked…

This situation is going to become worse as the weather warms up and Christmas draws nearer… with the impending school holidays.

There are dozens of other personal reflections that I will pass directly to the minister. This is an issue on which the government has come some way. They have admitted that there is a problem, and I commend them for that. That is always a good first step, but there is more to be done. We need to have more car parks on the site at Morialta Conservation Park. Maybe it is, as the minister and some people have suggested, only a temporary problem while this is a new issue, but it is a very serious safety issue and a very serious lifestyle issue for my constituents. I urge the government to act immediately and urgently. They are the ones promoting it heavily on social media. They need to take action on this now.

Time expired.

POORAKA FOOTBALL CLUB

Ms BEDFORD (Florey) (15:09): Today, I would like to put a few remarks on the record about the Pooraka Football Club. Pooraka began life as the Abattoirs Football Club, and as they had their centenary in 2015 I presume that means they started in 1915. The original clubrooms and oval were located on grazing land west of Main North Road, and over time the surrounding farmland has developed into the suburbs of Pooraka, Montague Farm and, more recently, Mawson Lakes.

In 1968, the club moved to its current location, purchasing a block of land adjacent to the then cow paddock now known as Lindblom Park, home of the Mighty Bulls. The change of name to Pooraka Football Club soon followed. When the SAFA was formed in 1978, Pooraka became an inaugural member and soon became one of the strongest metropolitan football clubs in both senior and junior football. It completely dominated the SAFA in the latter years of that association, winning six division 1 premierships between 1984 and 1994 as well as many successes in junior football.

Pooraka was the envy of other clubs as a result of its success in junior development, where a number of juniors went on to play VFL/AFL football while many others played in the senior division 1 premiership teams in the decade mentioned above. When SAFA folded in 1996, the club joined the SAAFL and, like many grassroots clubs, has since found it tough going, with limited success since the inception of the AFL and the competition from other sports and recreations that are available to young people and older people today.

It was my pleasure to visit the Pooraka under 12s presentation day not long ago, and I would like to thank Ian for organising Malcolm, Olivia and Jade to welcome me in his absence. After finishing bottom last season, this year they won 14 out of their 15 games to become the 2017 Under 12 Premiers. It was a great occasion and many family and friends came along to watch the ceremony. Samuel Ellis was Best on Ground the day they beat Gaza by less than a goal. Samuel and many other players shared in the special glory of a premiership so early in their playing days, which they no doubt earned by hard work, dedication and training throughout the year.

The Florey Community Service Award was presented to Shaun O'Leary that day, and I am told he is a wonderful coach. His rapport with his young charges was obvious throughout the presentation. He was nominated by other parents involved in running the club, and I am told he is held in high regard and esteemed by all. A big part of Shaun's successful approach has been to ensure that every player is given an opportunity and that his or her efforts are recognised. He often plays players out of their normal position to broaden their experience and hopefully their enjoyment of the game, and as a method of developing their skills and understanding.

This is also a very good way of extending their feeling and sense of inclusion across the team, and for the players and parents as well. Shaun has been very ably supported this year by his assistant coach, Shannon Paulson, and team manager Adam Ellis, as well as the club's coaching and team manager coordinators. The parent group from this team are also very supportive. I would like to quote further from the club's homepage to inform the house of the mission of the Pooraka Junior Football Club which:

> …is to again be the club of choice in the local area and to be the envy of all other clubs with its professionalism and commitment to providing junior players and their families the opportunity to be involved in Australian Football in a safe, fun, family orientated and respectful environment.
>
> Our vision is to provide a junior development program based on respect, discipline, fun, skill, fitness, sportsmanship, teamwork and a strong sense of multicultural community spirit both on and off the field.

As they say:

> Enjoyment comes from being part of a team and skilful environment and the opportunity to socialise, develop friendships and to feel a sense of belonging.

Lindblom Park is home to many AFL teams and other sports, including cricket and netball, and I would like to put on record some of the other results for 2017. In the Senior A grade, unfortunately they lost their grand final to Glenunga, but as a result of making the grand final they will be prompted to division 4 in 2018. B-grade, also playing in the SAAFL Nine News division 5 reserves, won their grand final against Lockleys, and they will be promoted to division 4 reserves. C grade played in the Schweppes C5 division and finished seventh. In juniors, the under 13s finished sixth, the under 12s

(as we mentioned) finished minor premiers before going on to win the grand final, and the under 11s finished sixth.

Senior A-grade cricket is also big on the agenda. Last year, we had some good results. A grade played in the Adelaide Turf Cricket Association A1 division and won their grand final against Grange. B grade played in the Adelaide Turf Cricket Association A3 division and won their grand final against Flinders Park, C grade played and won their grand final against Modbury—that is going to prove difficult for me in future, isn't it? D-grade and E-grade are hoping to improve this season.

In the Juniors, Under 13 Red won their grand final against Walkerville, Under 13 Blue won their grand final against Golden Grove, Under-13 Saturdays finished fifth, and the Under-11s finished 11th in their division. I really look forward to many visits and getting to know people at the Pooraka football and cricket clubs, and wish the cricket and netball players all the very best for their upcoming summer seasons.

KANGAROO ISLAND PLANTATION TIMBERS

Mr PENGILLY (Finniss) (15:14): I return, regrettably, to a regular subject in this place from myself, which is the issue of Kangaroo Island Plantation Timbers and, more particularly, the Smith Bay port proposal. In the *Business Journal* of *The Advertiser* on 10 October this year, there were some comments made in a quite lengthy article in relation to KI Plantation Timbers, which I think need putting in the *Hansard*. One comment was:

> 'The company also looks like it wants to refresh its capacity to raise money, possibly due to delays on the EIS/approvals and perhaps they are preparing to fund activities until that happens'…

I think they are in a bit of strife, I might add. I quote:

> Kangaroo Island Plantation Timbers reported a net loss after tax of $19.6 million and a net cash outflow of $4.1 million to the end of June. It had cash and cash equivalents of $6.1 million. Auditor Grant Thornton said these conditions 'indicate the existence of a material uncertainty which may cast significant doubt about the consolidated entity's ability to continue as a going concern'.

This is a major concern of mine. I have spoken in this house before and I will say to the house again today that this outfit is run by spin doctors, namely John Sergeant and Shauna Black, who are the principal ones. They are producing spin like you would not believe. They are making all sorts of claims, which are unsubstantiated. In my view, they have not done the right thing regarding the future of this entity on the island.

I remain adamantly opposed to the development at Smith Bay. We are waiting for the environmental impact statement to come out before comment will be made. I think that is not going to get up fairly soon, so we will just have to wait on that. This whole process relies on the price of timber, wood chips, logs and so on. I put to you, Deputy Speaker, that I reckon corn flakes are worth more than wood chips, quite frankly. This mob do not have any money. I am told, allegedly, that they could not pay for the pontoon they secured from South Korea.

As I recall, the Stock Exchange listed that the Commonwealth Bank refused to advance them any more money for that. They have since secured funds. We are looking at a major, major project if this ever goes ahead. I am also concerned about what I suspect to be shady deals done between the Kangaroo Island Council and probably the CEO of that council, Mr Boardman, and KIPT in relation to roadworks that are required. I say again on the record that I have property along the road that may or may not be used. I put that on the record so that people know.

I am not convinced that this thing is kosher at all, and I never have been. Indeed, my principal concern with the port location is, as I have said before, that it is adjacent to one of the largest abalone farms in the Southern Hemisphere, employing 30-odd people with over $30 million of investment. With a good drop kick, you could kick from the abalone farm to where the ship wants to come in. I do not think it is appropriate.

I will have more to say about this project when the Natural Resources Committee report comes back into the parliament. I do not like it. I do not like the spin that is being put out; I think it is impacting in a way that it should not be. I do not believe that this is the right place for the port. Once again, I have said on the record that if they move the port to a location closer to the trees they will have my utmost support. They have wheeled and dealed and put out spin rather than substance.

I do not know why the Development Assessment Commission is even wasting their time adjudicating on this, spending copious amounts of taxpayers' money to adjudicate on it, when I do not think it should ever get legs in that location. Of course, we will wait and see, and it will go through the process. Even so, I say to the house that some of the advisers that this company has on board will be seriously questioned on their credibility on a number of matters.

I do not believe they have any idea of the marine activities and how things work in the sea around that abalone farm at Smith Bay. I do not think they have ever had any idea. They have tried to spin their way out of it. It is a question of waiting for the next spin announcement from this company. I do not think they are any good; I never have done, and I just wish they would go and find another location, quite frankly.

ESPELAND, AIR VICE MARSHAL BRENT

Ms VLAHOS (Taylor) (15:19): I rise to speak today about a sad farewell that I participated in last Tuesday 10 October at 2pm at St Peter's Anglican Cathedral in the city. It was the thanksgiving service for the life of Air Vice Marshal Brent Espeland AM. Brent was educated at Woodville High. Air Vice Marshal Espeland entered the Royal Australian Air Force Academy at Point Cook in 1966 and graduated in 1969. Brent enjoyed a career in the RAAF spanning 36 years, including service flying a C-130 Hercules in Vietnam and the leader of the Roulettes aerobatic team. He was a magnificent flier and was selected to attend the Canadian Forces Staff College in 1981 and 1982.

His career encompassed command appointments at unit and formation levels, and he was also the Air Force Commanding Training Commandant and Deputy Chief of Air Force. His final military appointment was secondment to the Department of the Prime Minister and Cabinet with responsibility for the coordination of security intelligence at a national level for the Sydney Olympics in 2000. His second career involved 10 years as a senior sports administrator at the Australian Sports Commission, focusing on the governance of national sporting organisations, sports science, medicine and the fight against drugs in sports in our country. In his retirement, he worked tirelessly to support many worthwhile causes.

He was the National President of the Australian Flying Corps and the Royal Australian Air Force Association, both National and South Australian President of the Royal United Services Institute (which played an important role in the sub debate recently), the Director of the Sir Richard Williams Foundation, and a member of the Department of Veterans' Affairs Ex-Service Organisation Round Table. He was the Chairman of the Board of Governors of the Repat Foundation (now The Road Home) and a member of the Air Force Heritage Advisory Committee. He was especially pleased to serve as a member of the National Council for Australian Air Force Cadets.

Most recently, he has been serving our state and, despite his recent months of illness, he was doing Skype phone calls and governance in all these committees, even though he was overcoming significant personal health problems. He was the Chair of the Veterans' Advisory Council of South Australia, recently taking over from Sir Eric Neal.

It was very, very clear that his professional integrity was so much respected at the service the other day. He was a very influential man in many sectors of his life. He strongly believed that we owed a profound debt to veterans and service personnel and their families who have suffered related health issues, and that we should be proud to be part of the Repat Foundation's (The Road Home) work with us as we created the Jamie Larcombe Centre. He was pleased to participate in research to improve the outcomes of those affected by those conditions.

He also believed that, as a nation, we should make sure we have the best led, best trained and best equipped military in the world, but that the troops who wear the uniform for a time and receive the honoured title of 'veteran' need to be serviced for many decades to come for the rest of their lives. Brent was firm in his commitment that we should devote as much energy and passion as possible to making sure that they were the best cared for, the best treated and the best respected throughout their lives.

He was a man who believed that there were always better days ahead. He was an optimist and a man who spoke to my heart. He was gracious. He always had a smile, a reassuring tone and a quiet sense of humour, and he steadfastly led this state, regardless of his own personal burdens

in recent months. His approach to life put him in good stead during this recent period, and we are sad in this state to have lost him. We honour his memory here today. Lest we forget, Air Vice Marshal Brent Espeland.

REGIONAL INFRASTRUCTURE

Mr TRELOAR (Flinders) (15:24): I rise today to discuss a significant announcement made by our leader in the last couple of days and that is to quarantine 30 per cent of mining royalty revenue in this state for regional road and infrastructure. This is a significant policy, a very important policy, not just to the state but particularly to the people who live in country South Australia. It is estimated that it will bring about $750 million over the next 10 years, based on current projected royalty revenue that will be available for infrastructure and regional roads.

I have lost track of the number of times I have talked about the Tod Highway in this particular place. I am going to talk about it again. In fact, I asked a question of the Minister for Transport and Infrastructure today about the progress of the shoulder sealing on the Tod Highway. As he quite rightly pointed out, my personal entreaties to the minister for the state government to provide funding for the Tod Highway had already seen some action. That is true, up to a point. It is about a 100 kilometre stretch that I tend to highlight between Kyancutta and Karkoo.

Some work has been done, but really it is a token effort. Some corners have been widened with the use of bitumen. The most recent efforts have been to put extra rubble alongside the road where the bitumen is crumbling away. I can guarantee the minister and those in this chamber that as harvest is now beginning, the freight task and the freight load on that particular road has become even more significant and the pressure on that road will see safety issues, safety concerns and also further deterioration on that road. We will also be increasing funding for regional road upgrades and other critical infrastructure, such as mobile phone towers and that will address blackspots which, in turn, increases productivity, grows our economy and creates much-needed jobs.

Further questions today in question time related to the western-approach road to Ceduna. Once again, I have had correspondence and discussions with the minister and I flag that in this particular grievance debate. There have been four attempts at addressing this particular issue. It is where the road crosses the railway line coming into Ceduna and it is quite seriously a particularly dangerous hazard.

Trucks are losing bits as they go across the crossing and trailers are becoming unhooked. There are many caravaners on national Highway One and obviously they are getting jolted and bounced around. We forwarded photographs to the minister of the damage being done. Four attempts have been made to smooth out this particular issue. All that has been done of late is to reduce the speed limit across the crossing.

My other question today was around passing lanes. Once again, it is all very well to say that things are in the pipeline, but when things are actually going to happen, I do not know. The Strzelecki Track was highlighted today by the member for Stuart, as was the Joy Baluch AM Bridge and Yorkeys Crossing. These are critical pieces of infrastructure that we have been talking about in this place for years and which are critical to the economic wellbeing and development of this state.

The Strzelecki Track would require a $450 million upgrade. It is a significant spend. Do you know what Queensland has done? They have a sealed road from Brisbane to the border. We are missing out on business because of this government's lack of input and expenditure into infrastructure. The Joy Baluch AM Bridge and Yorkeys Crossing, both Port Augusta sites, are both key freight routes across Australia on national Highway One. Also mentioned today was the Princes Highway in the South-East. That is one of the South-East's busiest transport and freight routes. It needs a $1 billion upgrade.

If you believe the figures that are bandied around, there is up to a $500 million road funding backlog—it could even be more than that. Our policy that has been announced this week will quarantine 30 per cent of mining royalty revenue, which will go a long way to addressing that road funding backlog and will ensure that the critical infrastructure that exists in regional South Australia is kept up and allows South Australian businesses to be both efficient and competitive in a world market.

HEALTH SYSTEM

The Hon. J.M. RANKINE (Wright) (15:29): Today, I am going to continue my remarks about our local hospitals that service the north and north-eastern communities and what they experienced under a Liberal government.

On 28 September, in grievances I spoke about the operations and conditions of Modbury Hospital under the former Liberal government, their bungled attempt at privatising it, the trauma suffered by patients and their families (my own father being one of them), heart-wrenching cases of neglect and incompetence, staff abandoning the hospital not wanting to be part of such a shambles because they knew it was costing lives, and patients pleading not to be taken there. I also spoke of the state of the emergency departments.

Under the Liberal government, there were not just long waiting lists in emergency departments or long waits before beds in wards were made available, often after 24 hours: emergency departments had to actually close because they did not have enough doctors to treat people. Noarlunga Hospital closed its emergency department three times in two years because their one qualified emergency doctor was sick. Again, I repeat that it was the Labor government that built Modbury Hospital. It was the Liberal government that sold it off and put the lives of local people in the hands of private operators who were responsible to shareholders for profits not the health outcomes of local people. It was the Labor government that brought Modbury Hospital back.

It has been the Labor government that has invested in upgrading Modbury while the Liberal opposition have been desperately peddling lies, trying to make people believe the hospital is about to close. They try to make people believe that they cannot get emergency care at Modbury Hospital—a complete deception. Everything they put out is designed to try to make people think the very existence of Modbury Hospital is at risk. They are now promising an investment of $20 million for Modbury. I would have choked on my Wheaties if I still had them for breakfast, and that is what they did for the Lyell McEwin five times. Five times they made promises they did not deliver on, and I will speak on that in a moment.

The killer in this policy announcement is that it is a promise for 2036. Do not take my word for it: here is the document, bold as brass, front page 'Modbury Hospital—Restoring Services 2036'. In order to know whether or not they will keep this promise of $20 million over 18 years, you would have to vote for them in 2018, 2022, 2026, 2030 and 2034. It is an investment of just over $2 million a year for 18 years. The truth of their commitment to Modbury Hospital is that it is likely to fund the necessary wheelchairs. It is an absolute con.

Liberals do not like public health, they do not support public health and they sure as hell do not keep their promises. The Lyell McEwin health service is a perfect example of exactly that. In 1996, Liberal premier Dean Brown announced a $28.5 million redevelopment of the Lyell McEwin Hospital. This was to occur over the next five years, with completion in 2001. In 1997, Liberal health minister Michael Armitage announced it again. This time, it was $48 million, an increase of $20.5 million—not so bad, you might say. However, by mid-1998 a strategic reassessment had been made and the spend would now be $40 million over four years, so $8 million less than the previous year but still $11.5 million more than announced two years earlier—two years on, more money promised but one sod of dirt turned.

In 1999, the budget reported that work would commence in December, that is, three years on from the original announcement. It would take three years to complete—but still not one sod of dirt turned. Come February 2000, 12 months out from the original completion date, Dean Brown announced that a $87.4 million upgrade would be undertaken, and now it was going to take four years to complete, but still no works commenced. When challenged about the multiple announcements with no work having been done, the then minister claimed this time it was different because:

> This is the first time it has actually gone to cabinet. The previous plans had merely been a statement of intent.

What a nonsense on so many levels! That is the crux of it: five announcements, five promises and not a sod turned, just like John Howard's famous core promises and non-core promises. Compare that shambles, the spin, the deceit of the South Australian public to the investments this Labor has made in the Lyell McEwin alone.

Time expired.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (15:34): I move, without notice:

That standing orders be and remain so far suspended as to enable me to move a motion on energy policy without notice forthwith.

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

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

Motion carried.

Motions

ENERGY POLICY

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (15:36): I move, pursuant to order:

That this house—

1. Notes the Leader of the Opposition's comments on 10 October that he hopes 'that the next election is a referendum on energy policy here in South Australia'.
2. Recognises that the South Australian government's plan will deliver more self-reliance and support clean, affordable and reliable energy, while the Liberal Party's so-called energy solution returns to their failed policy of privatisation and is about reducing South Australia's self-reliance.
3. Calls on the Leader of the Opposition to phone back all South Australians and explain his previously promised $302 annual saving is actually only a $60 to $70 saving and in five years' time.
4. Recognises that the commonwealth government's energy policy abandons renewable energy, caters to vested interests, and the initial forecast savings of $115 per annum may only deliver savings of $25 in three years' time.

We accept the challenge of the next state election being a referendum on our competing energy policies, and the truth—

The SPEAKER: We have to limit debate, so you need to move that the time allotted for the debate be one hour.

The Hon. J.W. WEATHERILL: I move:

That the time allotted for the debate be one hour.

Motion carried.

We accept the challenge of the next state election being a referendum on energy policy and, indeed, on renewable energy policy. Make no mistake, that is exactly how it will be constructed for political purposes around this nation. The truth is that this government has been bold in its pursuit of renewable energy and it has done that in the state's interest, it has done that in the national interest and it has done that in responding to our international obligations to provide a cleaner energy system.

In a very real sense, this next election will be warranted by those people who actually consider these political matters. They will warrant the outcome of this election as being a referendum on renewable energy. Make no mistake about it: the forces that are gathering against the renewable energy push in this country—the same forces that are applying their efforts on the federal caucus—those same efforts, those same political forces, will warrant the outcome of this election and use it against other jurisdictions as a warning about pushing too hard into renewable energy if we are not successful at the next state election. Make no mistake about that; that is exactly what they will do with it.

This is a coal lobby that has its reach deep into the political processes around this nation. You only need to realise that one of the Minerals Council representatives is sitting in the Prime

Minister's office advising him on these matters. You only need to realise that the money they had collected that was meant to be applied for research efforts is now being applied largely for public relations efforts. They are running a full court public relations exercise to protect their vested interests. That is the nature of the coal lobby in this country.

There are lots of people who have sunk many, many hundreds of millions of dollars in their existing assets and they want to continue to keep those assets and get a return and make money. That is what this debate is about: it has always been about money.

Those vested interests, those powerful interests that influence the public policy debate in this country, have reached deeply into the federal Coalition. Of course, they have reached deeply into the federal Coalition, and the federal Coalition have reached out and grabbed the Leader of the Opposition. There is no more stark example of that than when all the various Liberal leaders around the nation simultaneously came up with the same policy of abolishing their state-based renewable energy targets. There are only two explanations for that: either it is a colossal coincidence or they were all rung up and gathered up by the federal Liberal Party and asked to announce this on the same day.

The truth is that we have a Leader of the Opposition here in South Australia who is dictated to and governed by Canberra. The imperatives of Canberra are the survival of the Prime Minister because he has his slender majority and he has a leadership which is hanging by a thread, and he is in the thrall of the coal interests. Because he is in the thrall of the coal interests, he then reaches back into South Australia and whistles up the Leader of the Opposition and says, 'You must also toe the line in relation to those coal interests'. This is what is happening here in South Australian politics.

So accept that the next election is a referendum on the future of renewable energy. We are content to be judged about those matters because renewable energy represents the best opportunity for cheaper electricity, drawing as it does on the renewable sources of the sun, the wind and other technologies. It also offers the promise of reliable electricity as we use those new storage technologies—our batteries, solar thermal, other forms of storage technologies—and, of course, it is clean. It gives you the capacity to provide an energy system that runs a secure, affordable but clean energy system that not only provides the opportunity to respond to our international obligations to reduce our carbon emissions but does so in a way that creates the jobs of the future.

This is about South Australia anticipating and realising that the future lies in renewable energy and grasping the opportunity and creating the jobs of the future. What more powerful example than the Port Augusta movement, the Port Augusta power station? The Port Augusta community made the decision well before Northern closed that they wanted to get out of the coal-fired power station because they could see the future. Joy Baluch was campaigning for the end of that coal-fired power station and a transition to a clean renewable energy future.

That community in a far-sighted way sought to promote the technologies of the future, the solar thermal plant which is now being supported by this government, in an extraordinary victory for that community and a remarkable first and important outcome from Our Energy Plan, which was to use our procurement, to put it out to the market, to ask people to bid for a secure, reliable, affordable power, and we got the world's largest solar thermal plant there in Port Augusta offering opportunities and jobs for the people of Port Augusta. Many of them will be jobs that could well go to people who worked in the former power station because they require the same sorts of skills and capabilities to run the turbines that will now be driven by the power of the sun instead of by burning fossil fuels. This represents the future.

What we have at a national level is a federal government that essentially wants to slow down our progression to that future. Do you seriously believe that Malcolm Turnbull, but for the coal interests in his own caucus and but for Pauline Hanson and but for Tony Abbott, would be doing this? Just ask yourself that question. Would he be running this policy that he does not believe in but for those political forces? Of course not. He is doing this because he is beholden to those interests. You only need see the progression of the debate to see the way in which the debate has emerged.

First, we had the emissions trading scheme, the ETS. No, they did not want that. That looked too much like promoting renewable energy. Then they did not want the EIS, the emissions intensity

scheme, because that looked too much like a price on carbon. Then they did not want the clean energy target because that sounded too much like promoting renewable energy or a price on carbon.

Now they are coming up with the NEG because they cannot bear to use the word 'clean' except in connection with the word 'coal'. Talk about ideology! This is a party that is utterly committed to an ideological position in favour of coal. In fact, perhaps elevating it to the status of ideology does them too much of a favour. It is not an ideology: it is just craven capitulation to vested interests. And vested interests, rather than the public interest, is what is being competed for in this debate.

We are seeing the Leader of the Opposition demonstrate through his contribution that he is no more or less than utterly beholden to the federal Liberal Party. His key announcement before the complete mess he made of it last week was to abolish the state-based renewable energy target—our 50 per cent renewable energy target, of which we are proud and which has sent an investment signal to the world that South Australia is open for renewable energy. That is the centrepiece of the Leader of the Opposition's policy.

There is another centrepiece of the Leader of the Opposition's policy and that is that he wants to return to the question of privatisation. He wants to return to that same failed policy that led to the privatisation of ETSA, which has put us in the position we are in now. The South Australian energy plan we have put in place has at its heart one single objective and that is taking charge of our energy future. It recognises that essential services belong in public hands. It re-establishes our promise to establish the E&WS, the energy and water services department, to house our new publicly owned power plant that will secure our energy future here in South Australia.

The Leader of the Opposition, in a return to the policies of the past, puts his faith in the market and wishes to ask the private sector to assist us in relation to our energy future. We are going to put this in public hands. We are going to make sure that it is legislatively protected because we are committed above all to standing up for South Australia. We are committed to standing up for South Australia against vested interests, we are committed to standing up for South Australia against Canberra when it acts against our interests and most of all we are committed to standing up for the people of South Australia to make sure they have control of their energy future.

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:47): I rise to speak on this motion, which the Premier has brought before the house today. What a stunt! What a stunt from an absolutely hopeless, morally bankrupt, hypocritical government—the worst government in the history of the state led by the worst premier in the history of the state. This Premier and this government stand condemned on so many metrics right across South Australia at the moment, but the most important failure that they have perpetrated against the people of South Australia and inflicted on the people of South Australia is their massive comprehensive failure in terms of energy.

Their ideological obsession with intermittent renewable energy, the massive experiment that the Premier himself heralded, has plunged South Australia into a catastrophic situation with the highest energy prices and the least reliable grid in the entire country. That is the legacy of this Labor Party's energy policy, led by the Treasurer of this state for the last six years. South Australia has been in a very difficult situation since Labor came to power in 2002.

Let's just revisit where South Australia was in terms of energy costs and prices in South Australia when Labor came to power in 2002, because you have just heard it from the Premier. He makes it very clear to the people of South Australia that privatisation is what has driven up energy prices in South Australia. Let's just see if there is any evidence whatsoever to suggest that the Premier's suggestion today is true. We already know that the ABC fact-checking program has completely ruled this out, but let's look at what the wholesale prices of South Australia were when this government came to power back in 2002.

In 2001-02, the wholesale price for energy in South Australia was $34 per megawatt hour. How does that compare with the rest of the states at that time? Let us have a look. Victoria was $33, so Victoria was lower. It was $33, and we were $34. New South Wales was $38, so we were lower than New South Wales. Queensland was $38. We were lower than Queensland, we were lower than New South Wales and we were on par with the people of Victoria when the Labor Party came to power in 2002. So much for the lie being perpetrated by those opposite, this failed Labor government,

that somehow privatisation of the energy generators in South Australia led to this very high cost of energy, which they have inflicted upon the people of South Australia.

We now have prices in South Australia that are double those in Victoria, 50 per cent higher than New South Wales and significantly higher than other states around Australia, and there is only one reason—there is only one reason for this—and that is the mess, the energy mess, the pain, that this government has inflicted upon the people of South Australia. For many years, in fact, many decades, for more than 50 years, South Australia had affordable and reliable base load energy in this state, which was provided by Leigh Creek coal to the Northern power station at Port Augusta. That provided affordable and reliable base load power, which we enjoyed for many decades.

Unfortunately, those opposite do not like coal, but the situation is really that they do not like South Australians having affordable, reliable energy, which has driven the prosperity of our state for so long. They undermined the viability of this critical piece of energy infrastructure in South Australia. They went open slather with intermittent renewable energy approvals with no regard whatsoever to what this would do for either the price or the stability of our grid. We now all know the consequences. They undermined the viability and the Northern power station was forced to close. We begged the government to reconsider this situation, to keep it there to manage the transition through to renewable energy, and the government said no.

They were driven by ideology, not what was in the best interest of the people of South Australia. Now we know the situation that we have. If you do not accept what I have to say about it, I think it would be very interesting to see what some other prominent people have said about the situation we have in South Australia. In particular, I read what the CEO of AEMO said just yesterday. These are the words of Audrey Zibelman and I quote:

> The level of investment in renewables was responsible for power system instability.
>
> What we've discovered through our experience in South Australia is when you get to certain levels of renewable intermittent generation, the system itself becomes less stable.

That is what Audrey Zibelman from AEMO said yesterday. We have heard nothing from those opposite about the comments that were made yesterday, but this was not the first time that the government was warned. In fact, we have prosecuted multiple warnings in this very chamber over the last three years to this ignorant government about the potential catastrophic effects of undermining the viability of the Northern power station, removing that from our grid before base load or storage were in place.

The government ignored all those warnings. In fact, they even ignored the warning that came to them and to this parliament from Lew Owens 12 years ago. Labor cannot get away from this fact. They have been warned repeatedly about where their policies were taking the people of South Australia and at every single opportunity they have ignored it. Back in 2002, Labor themselves said that we need to have greater interconnectivity with the National Electricity Market. In fact, one of the ironclad promises that was made to the people of South Australia in the lead-up to the 2002 election was that we were going to have another interconnector with New South Wales.

The question is: where is that interconnector? This government loves to blame other people, but they have in fact been in the driving seat in South Australia for almost 16 years. They have had ample opportunity to put that interconnector in place. If that interconnector were in place, perhaps we could have weathered some of the storms we have had in terms of energy in South Australia in recent times with the removal of the base load generation at Port Augusta. Of course, increased interconnection would have increased the security of supply and kept downward pressure on prices, but Labor never did it.

What we have had in South Australia ever since is soaring energy prices, a very unreliable grid, and now the people of South Australia are going to have to foot the bill. It was interesting, was it not, last year when we had the statewide blackout which put South Australia on the international stage for all the wrong reasons? We were on the international stage because of the statewide blackout in South Australia. The minister stood up in this parliament and said, 'As it turns out, our system in South Australia has been operating exactly as it was designed to.'

This should have been a bit of a warning sign that he had no idea what he was talking about. He said it was responding exactly the way it was meant to. In fact, he often stood up in this very chamber and boasted that South Australia was the lead legislative jurisdiction for the national market. He boasted about the pathfinding work that was done in South Australia and that our system responded exactly as it was meant to. Well, fast-forward. After the statewide blackout, I think we had four or five further blackouts in South Australia until the government was forced to say, 'Actually, the system is not working as it was designed; it is a complete and utter catastrophe.'

Now—are you ready for this?—we are going to have to spend half a billion dollars fixing the mess that those people opposite put in place. What a complete mess. What is the centre point of their fix? The centre point is to have diesel generators dotted around South Australia to basically ensure that we can keep the lights on. This government, led by this Premier, which pretends to the people of South Australia that they care about the environment, is now authorising the expenditure of more than $100 million just to get us through this summer—$100 million of expenditure on diesel generators.

This should make those people who have sat in the Labor Party for all these years cringe. Their government is spending more than $100 million of our taxpayer money on diesel generators to prop up their failed system—the system that they designed and the system that they inflicted upon the people of South Australia. Every member opposite should hang their head in shame. By contrast, the Liberal Party in South Australia has been working extraordinarily hard to protect those people who have been failed by this government.

Let's just have a look at some of the magnitude of this failure, which was mentioned in this chamber only yesterday. The number of South Australian electricity consumers on hardship programs for payments of power bills has doubled over the last four years to more than 12,500. There are 12,500 people on hardship payments because they cannot afford to pay their energy bills in this state. We heard in recent days from Foodbank SA that families who are really struggling to make ends meet have to decide whether they keep the energy on or whether they feed their kids.

South Australia—the once great, proud state—has been brought to its knees by this government with their ideologically driven energy policies which are crippling family household budgets and crippling employment. The next generation is completely and utterly giving up hope that this government is ever going to get it right in terms of energy in South Australia. In 2012, the minister stood up in this parliament—and in fact I think he went broadly into the public—and said that he was going to bring energy prices down by 9.1 per cent. Can you remember that one? He said that he was going to bring energy prices down by 9.1 per cent.

So what has happened since then? I will tell you what has happened since then. The average weighted spot prices have soared by a massive 66 per cent, so he only got it slightly wrong. He only got it slightly wrong. He said it was going to go down by 9.1 per cent; it actually went up by 66.1 per cent. He missed it by that much. This is how hopeless he is, yet he stands in this chamber—

The Hon. J.M. Rankine interjecting:

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

Mr MARSHALL: —pretending that this government has a plan and a solution for the people of South Australia. Since the government announced its latest energy policy—and let's be quite serious here: it has moved around quite a bit since March; there have been a lot of changes to what was announced in March—since this Labor government announced their latest version of the energy policy in March this year, prices in this state have gone up 18 to 20 per cent. So, you see, it is really not working.

The government has failed to provide any useful modelling whatsoever. After spending, I think, more than a million dollars with their consultant, who looked at their energy policy before it was announced, the best I think they could get him to sign off on was to say that this could put downward pressure on prices in South Australia into the future. By contrast, what we have done, sir, which I am sure you will be appreciative of, is let our plans stand up to independent scrutiny. We put our plans, our model and our settings to the independent consulting firm ACIL Allen, which modelled what the likely implication of our policy settings would be on the wholesale price in South Australia.

Let me tell you that last financial year the average wholesale rate of energy in South Australia was in excess of $109 per megawatt hour. What the ACIL Allen modelling showed was that the Liberal Party's policies, together with what was happening generally in the market, would bring that down to below $48 per megawatt hour. This is our commitment. We have a plan, a real plan, independently modelled, to bring prices down in South Australia because we care about the people of South Australia and because we want the people of South Australia to do well.

The Hon. C.J. Picton: Sixty or 300?

The SPEAKER: The Minister for Emergency Services is called to order.

Mr MARSHALL: It is interesting that the Minister for Emergency Services is piping up. He has concerns. He has concerns about people living in his electorate who are telling him, I am sure, like they are telling us and pretty much every single person in this room, that energy prices in this state are sky high. What he cannot tell the people in his area—

Ms Vlahos interjecting:

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

Mr MARSHALL: —is how Labor can bring them down. Why? Because they have not done the work. They have not done the work to model up whether or not their policies will bring down costs in South Australia. As part of their plan, they have this very important component called an energy security target. This was meant to come into place on 1 July, so we were very interested to see what impact the energy security target would have on price. Did it come in on 1 July? No. Did the government revise their position? Yes. Was it going to come in in 2018? Yes. Is it now still going to come in in 2018? No. What is the latest time for it to come in?

Mr van Holst Pellekaan: 2020.

Mr MARSHALL: 2020. The year 2020 is when one of the critical areas of the government's energy strategy will come into place. I will tell you one thing: time is up. The people of South Australia are sick to death of this hopeless government's mismanagement of a critical function like energy.

The Hon. T.R. Kenyon: They might be, but they don't trust you to fix it. They are going to Xenophon.

Mr MARSHALL: The hypocrisy from those opposite is absolutely—

The SPEAKER: The member for Newland is warned.

Mr MARSHALL: —mouth-watering. At every single opportunity, they like to throw rocks, throw stones and throw dirt at people other than themselves—the federal government, the utilities, the state opposition, anybody who will speak out against their haphazard, disorganised plan. Let me tell you that the people of South Australia have an opportunity, and that comes on 17 March next year. I hope that this is unequivocally a referendum on energy strategy for this state going forward because we have been working to do what we can to drive down prices in South Australia and to provide a secure and reliable energy strategy, because the Liberal Party, those people on this side of the house, want to see this state get ahead.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (16:03): That was remarkable. The opposition released their energy plan last week. The Leader of the Opposition has been on his feet for, I think, over 20 minutes and he did not mention it. Such is his confidence in his plan that he does not mention it. Such is his confidence in his deliberations on what is right for South Australia that he does not mention it.

There is nothing more humiliating than releasing an energy policy where the do-nothing option gives you a bigger benefit than the policy you announced. How humiliating would it have been in the shadow cabinet when that policy was being debated and the shadow minister and the leader were attempting to convince their colleagues that this was the right thing for South Australia?

They have done the independent analysis by ACIL Allen. They showed this independent analysis and told their colleagues, 'We think you can save $300.' Most of it, of course, is in the do-

nothing option. Imagine the humiliation. But, no, not this group, not this opposition. I have to say that if I ever said publicly on camera by accident, 'At the election, please vote Liberal,' I do not know if I could show my face again, but such is the front of the Leader of the Opposition that when he tells his constituents, his potential voters—

The Hon. S.E. Close interjecting:

The SPEAKER: The member for Adelaide is interjecting out of her seat and is called to order.

The Hon. A. KOUTSANTONIS: —the people of South Australia, that on the Saturday of the upcoming election of 2014, 'Vote for the people I have been campaigning against for the last 33 days.' It was humiliating. Then, after the most recent federal budget, he did it again.

But the most humiliating part for the Leader of the Opposition was calling South Australians with a recorded message that said, 'Our energy plan, the Liberal Party's energy plan, will deliver you $300 in savings,' and the next day, at a press conference at an organisation that distributes solar panels and batteries, the George Washington of the Liberal Party, the man who cannot tell a lie, tells his leader live on TV, 'Actually, it's only $70, in fact maybe $60 in five years' time—maybe.'

What does the Leader of the Opposition do then? Does he say, 'No, that's wrong. It is $300.' No, he immediately adopts the new number and says, 'It's an excellent saving. I knew that.' So there are two considerations: he deliberately misled people during the telephone call, or he is stupid. Why else would you have just made a telephone call to thousands of South Australians saying that it is $300 and then at a press conference, under the slightest bit of pressure, say that it is actually $60 to $70 with a dazed and confused shadow minister standing behind you?

You have to ask yourself what goes through their minds as they are doing this and what their colleagues are thinking as they are watching this. Sixteen years of opposition and the tip of the spear is getting it wrong again on the eve of the election. The No. 2, who cannot tell a lie, says that it is $60 to $70. What are they thinking? Can you imagine the conversational swearing going on in the background? Can you imagine what they are telling each other through SMS? Can you imagine what is going on in the Liberal Party as they are considering it? 'We have done it again. He's done it again—not once, not twice but three times.'

Let's look at the detail of the policy they are taking to the people of South Australia. The Premier and I and the cabinet considered in depth the possibility of an interconnector into New South Wales. We took advice on an interconnector into New South Wales—

The Hon. T.R. Kenyon interjecting:

The SPEAKER: The member for Newland is warned.

The Hon. A. KOUTSANTONIS: —and we spoke to people who know about these things and what the impacts would be on the South Australian grid, South Australian prices and South Australian reliability. Overwhelmingly, the advice came back that this is always, in today's uncompetitive market, an option B because there is something that the opposition have not considered in their policies or, if they have, they should be ashamed of themselves. It is called the displacement effect of a new interconnector.

South Australia is home to the most efficient gas-fired generator in the nation: Pelican Point. It had been mothballed, and it was mothballed because it was not competitive in ENGIE's energy mix. I have grave concerns about the displacement effect of a new interconnector into South Australia from a jurisdiction like New South Wales until we have a competitive market, but the opposition tell us that they can get this interconnector up within three years—three years. This is what the Leader of the Opposition himself said on radio when we announced the feasibility when we were looking at an interconnector:

> … they're going to look at a feasibility study for more interconnection, this is going to take a year, a year to do a feasibility study... we know with other interconnectors, they've taken five or six years to build—

This is the Leader of the Opposition—

> …so are we really heading towards seven years of… high prices...

So the Leader of the Opposition himself, in his own mind, is telling the people of South Australia that the interconnector option is about seven years away. Yet in his recorded message, and in his pronouncements to the people of South Australia, he could have this done by 2021 through the sheer power of his personality. The sheer power of his personality will overcome the regulatory test. And we know that there is going to be a regulatory test—unless he is lying again—because he went on radio and said that this will be a regulated asset, not a direct build by the government but a regulated asset.

That is interesting because what does it mean if it is a regulated asset? It means this: it means that it will be owned by the private sector which will be charging South Australians a tariff for the use of that energy, of that infrastructure. But of course he is also going to give those private providers a bit of a helping hand, a bit of a taxpayer gift of cash as well. We are not going to have equity in this interconnector because they have not announced equity. They are going to give a cash grant to a foreign company to build an interconnector which will what? It will displace South Australian generation and make us more reliant on interstate generation.

I think that we are all passionate South Australians in this room, even our opponents. I do not doubt one bit the patriotism and the love for our state of the members opposite, but ask yourself this: if Victoria needed emergency power from South Australia and South Australians needed that same power, who would we choose? What would be the responsible thing to do as a South Australian energy minister? It would be to choose your own constituents, to choose your own state, to choose your own economy. But the Liberal Party thinks that we can trust the people of New South Wales and trust the people of Victoria that they would share the pain and burden.

We know that Gladys Berejiklian is saying that there are going to be shortages this summer. She is saying that their state will suffer from blackouts. She is saying that they are facing scarcity, yet this is the jurisdiction they want to interconnect to. They want us to interconnect into a jurisdiction that cannot supply their own needs. On 10 February, when they load shed the Tomago smelter, what would they have done to us instead, if we did not have generators on because they had been displaced because the opposition had subsidised a private interconnector into our state to game and kill our generators? What happens then? We are at their mercy.

Mr van Holst Pellekaan: Take a tablet.

The Hon. A. KOUTSANTONIS: Take a tablet. Take a tablet. There it is—take a tablet. After ruining their election campaign again, after fumbling their major announcement again, he turns out rubbish. You had a good day last week, did you? Really? The only people in the world who had a good day. If that was a good day, what is a bad day? Spontaneously combusting in public? You have to be kidding, right? How can you put out a message to everyone saying that you are going to save $300 and then have your shadow minister, in front of every major TV station, say, 'No, that's wrong. It's only $60 to $70.' Good day?

I have seen incompetence, and the incompetence I saw that I thought could not be matched was on the Friday before the last state election. But, God, they can surprise us. I have grave concerns about what the opposition are offering the people of South Australia. The reason I have these concerns is that they have no faith in their own plan. This was an opportunity for us to debate. The Leader of the Opposition could have stood up and made a debate about his plan. He did not.

The Hon. S.E. Close: There's an idea.

The Hon. A. KOUTSANTONIS: He did not. There's an idea: talk about your own plan, be positive. I am sure that the shadow minister will because he still has aspirations even after he blew his brains out on TV publicly last week, but I am sure he has aspirations.

I will say this, that the most stunning part of their plan is to privatise a generator that they have not even bought yet. That is a commitment to an ideology. That is impressive—to commit to sell a state-owned generator before they have even bought it. 'What are you thinking of doing; buying a state owned generator?' 'No, we are selling it.' That is impressive, and what are they going to do? They are going to reverse auction to replace the capacity of that generator.

What they are hoping is that someone will not dispatch into the system and bid for their load—so that means we are going to be short anyway—or that someone will build in enough time in

one year to offer us that load. That is the plan because if our generator is not in the system and we are short, they will do a reverse auction. So that means someone has to have kit here available to dispatch.

If you are not dispatching because you have a reverse auction in place, we are going to be short if they are going to call on you. What do you do then when you are still short, after your reverse auction has not got anyone building new generation? You are going to be short and reliant on other people who will set to price and game our market. Their policy is poor, it is ill-conceived, it is dangerous, it is risky and they cannot even put a price on how much it will save. When the do-nothing option is better than the option you are advocating, that would never pass a Labor cabinet.

Mr VAN HOLST PELLEKAAN (Stuart) (16:15): I hope the failed energy minister got everything he wanted to off his chest. The failed energy minister has been almost six years in the job and he spends approximately $27 million per year on his energy policy department. No doubt the people who work there are doing their very best. No doubt they are capable, talented, good people, but the difficulty is the rot is at the top. The difficulty is that after six years of being the energy minister, we have the most expensive electricity in the nation, we have the most unreliable electricity in the nation, we have people who are terrified to open their bills and we have people who worry about blackouts.

One of the fastest growing retail and commercial businesses in our state over the last 12 months has been the sale of generators to people for their businesses and their homes. Has anybody on the other side of the chamber bought a generator in the last 12 months?

The Hon. S.W. Key: Yes.

Mr VAN HOLST PELLEKAAN: Let me just tell you that fear about what the failed energy minister has done to us is a bipartisan concern. It is a bipartisan concern to worry about what the failed energy minister has done to all South Australians. It is no accident that we have the most expensive electricity in the nation and we have unacceptably high unemployment. They go together because this affects everybody from the smallest household to the largest employer.

We are blessed to have some outstanding large employers in South Australia—wonderful companies doing a tremendous job—but they, in South Australia, are also locked into very large electricity consumption. Whether it is the small, the medium or the large household, whether it is the smallest of businesses, all the way through to a company employing thousands of people, energy affects absolutely everybody.

How did we get here apart from having the failed energy minister's policies leading his department wherever he and his government colleagues wanted to go? It started back with the former premier Rann who knew at the time—and it was true—that there was a growing swell of support for renewable energy and a desire to support the environment. Who in this room does not share a desire to support the environment? Nobody; we all do. The argument is about at what pace, at what rate, at what cost.

We know on this side of the house that we must transition away from fossil fuels towards renewable energy—there is no doubt about that—and I am sure members opposite feel the same. The difference between us is at what rate and at what cost. We have a very different view when it comes to that. The government, under former premier Rann and the current Premier, just want to get there as fast as possible and they do not care what it costs anybody. They just believe for no doubt personal reasons and no doubt political reasons that that is the way for them to go. As many wind farms as want to apply, just let them go.

They let the Port Augusta power station close because they want to get there as quickly as possible. We know that it needs to be a well-planned, well-managed transition through that process; otherwise, the people caught in the middle suffer unacceptably. I am not saying that it is not worth making an investment as part of this transition—of course it is—but to make people suffer unacceptably through that process is completely disgraceful, completely unacceptable, and no government should ever do that.

The most stark example of this government making people suffer for absolutely no reason is the failed energy minister's policy that forced the closure of the Port Augusta power station

prematurely. Of course, it had to close one day. Of course, it was heading towards closure. Of course, if it was not for the coal running out in 10 or 15 years, it was going to be maintenance costs getting too high in five or 10 years' time.

Keep in mind that Alinta had spent tens of millions of dollars—I think approaching $50 million—in the year or two before their announcement upgrading their facility, so they were ready to go. Keep in mind that Alinta had publicly announced a plan to run the coalmine and the power station through until 2032. They were ready to go. They were ready to go, but the government's failed energy policy allowing too much intermittent unreliable wind energy into the state made it impossible for the Port Augusta power station and the Alinta company running it to respond, and they were warned about this.

Back in 2009, the government itself went to two different consultants and paid them to give them advice about whether they should increase the renewable energy target from 25 per cent to 33 per cent. Both organisations that the government went to for advice said, 'Don't do it. If you do it, you will damage the stability of the grid. Do it more slowly. Wait until storage options are there. Wait until the integration of the fossil fuels and the renewable energy is better and smarter and more usable.' They said, 'Thanks for that advice,' and threw that in the bin. It went from 25 per cent to 33 per cent, then subsequently went from 33 per cent to 50 per cent. They do not care about the people who suffer in the middle; we do. We are the ones who care about the people who suffer in the middle.

What we have is the government finally waking up to all of this after the statewide blackout and other blackouts, nonstop prices going up, the public saying, 'You guys are crazy. We cannot believe you have left us in this situation,' and saying, 'Yes, actually you are right. We have been on a ridiculous path.' So they have announced their policy, and most people know about those components. Why? Because the government has spent millions of taxpayers' money in advertising telling the taxpayers all about that policy instead of just getting on and doing it. The remarkable thing about the government's policy is that it is worse for the environment and it is worse for consumers' pockets.

More emissions will come from the state Labor government's energy plan than without it, and the state Labor government cannot tell anyone how much their policy will save. I have been asking them, the leader has been asking them, the media has been asking them and I am sure their backbenchers have been asking them. I am sure staff and Labor Party members—everybody—are saying, 'Yes, this is lovely. Thank you very much. We appreciate all the advertising. How much money will it save us?' The failed energy minister says, 'Heaps'. Asked when it will happen, he said soon. That is about as good as he can get.

We said we will not be like that. We will deliver a policy that drives prices down, that does not sacrifice reliability, does not sacrifice the environment and is independently assessed by a recognised expert in the field. We do not want to do what the government wanted to do, which is just throw it out there, spend people's money advertising it to the people and just hope everybody trusted them—because nobody does trust them.

We went out and got advice from an independent company, and that independent company has given us advice that says that if our policy is implemented the wholesale price of electricity will go down significantly—absolutely significantly. We have laid that advice out on the table, too. It is there for everybody to see. I am sure the people in the $27 million energy policy department have looked through it, as they should. Good on them; it is an appropriate and sensible thing to do. Our policy advice and our policy are there.

Our policy involves better integrating our supply of electricity. When we get up to the really hot and heavy days—and the failed energy minister mentioned this—when there is 3,000 megawatt usage, those sorts of levels that put our system under pressure, we actually have approximately 6,000 megawatts of installed capacity to generate electricity in the state; it is just not integrated. The policy failures of this government have put us in a situation where, who knows, if it is not windy, if it is not sunny, or if a generator is off, or rooftop solar is in or out, or what is happening here and there, they do not know and they do not care. They have just given as much permission as possible to throw it all into the market and then stand back because they think it will get them votes.

Our policy includes making sure that the energy generation assets that exist in the state already are optimised, are efficient and are used well to the benefit of consumers and suppliers in a good, healthy, strong market with lower prices. All those prices are out there to see. The ACIL Allen report is there and explains exactly what we are doing. Guess what else we are doing as well as the interconnection fund? The failed energy minister is wrong: there are a lot of people who say very clearly that interconnection will drive prices down. We are at the end of the line at the moment, being interconnected to only Victoria. We need an interconnection with New South Wales so that we are part of the loop, so that we can be in the business of optimising the generation that we have.

It will give customers and consumers the opportunity to manage their demand, so that not only do we integrate the supply side better but we give customers, whether they be small or large, the opportunity to manage their demand, to take some of the peaks off, but then we match the two together to drive down prices, to take the volatility out of the market. It is not only the average price that counts; is the volatility that counts. The more volatile the prices are in a market, the more they will go up over time. We address all of those things in our policy.

Guess what else we do? We have a $50 million grid-scale storage pan, a very strong renewable energy component. It could be pumped hydro, it could be another solar thermal, or it could be another battery. It could be a $5 million contribution to 10 of those different projects to get 10 of them up. I say to the failed energy minister: do not forget the day that I brought to this chamber the proposal to have a select committee to look into solar thermal energy back in 2012. You had never heard of it then. You had never, ever heard of it then.

The Hon. A. Koutsantonis interjecting:

Mr VAN HOLST PELLEKAAN: And now it is one of your favourites. That is fantastic. I am glad you got on board. I hope you will get on board with grid-scale storage. I hope you will get on board with pumped hydro. I hope you will get on board with more solar thermal. I hope you will get on board with household batteries, which is another very important component of our policy: $100 million, $2,500 on average to each of 40,000 households across the state. Forty thousand households is roughly 20 per cent of the total households with solar at the moment. This will be means tested, so that people who need additional support will be more eligible or perhaps might get a slightly higher subsidy.

Guess what that will do? That will allow 20 per cent of households in South Australia, which have their maximum generation in the early afternoon, to store their energy for when the maximum demand is in the early evening. That will be good for them, but, even more importantly, that will be good for every South Australian because that and the other components of our energy policy will drive down prices for all South Australians.

Good luck to the people who already have solar panels on their roof. Good luck to the people who might access a subsidy to get a battery, but even better luck to every other South Australian who will get cheaper electricity as a result of our plan being implemented. We can say that we know how much cheaper it will be; the government cannot.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (16:29): There is another element that is important to understand in the energy debate, and that is what is motivating the release of the Liberal Party's botched energy policy only a few days ago. It is becoming increasingly obvious to everyone who sits in this chamber because when the Leader of the Opposition does come into this chamber there is a smell in here. There is a sickly, cloying stench of fear—a stench of fear from the Leader of the Opposition.

The SPEAKER: Point of order.

Mr VAN HOLST PELLEKAAN: I think that for the minister to say that when the Leader of the Opposition comes in here there is a sickly stench and a smell is completely inappropriate.

The SPEAKER: The minister does not mean it literally? Splendid. Minister.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. The leader's obvious fear and panic continue to rise day after day after day in light of the growing and very real threat and challenge of a number of Xenophon candidates across those conservative electorates that they had been so proud

to hold yet have so dreadfully neglected for so long. That is what was behind the rushed policy release of their energy announcement—their absolute panic in sending it out. I am not surprised that members opposite are attuned to this concern and this fear, particularly the member for Chaffey, because he should be feeling the pressure the most. Certainly the polling that everybody is doing across all the parties and the media has him in the crosshairs.

The rush and the panic behind the Liberal opposition, and the way they rolled out their energy policy, were obvious. It was not just that the Leader of the Opposition made a bogus claim to South Australians, that there was a lie encapsulated in that voicemail message that he left on tens of thousands, if not hundreds of thousands, of phones across South Australia about what the value of the saving would be; there is something deeper behind that.

What would motivate a political leader in this day and age to take such a political risk? It is fear and it is panic. They were under no pressure to put that policy out because, as we know, they had said, 'It'll be when the Finkel report comes out,' which had been out for months. Why the haste now? That is because Nick Xenophon had announced a raft of candidates across Liberal seats: 'Geez, we'd better look like we might be an effective political force in this state. We'd better start rushing out some policy.'

Unfortunately, they botched it. Not only did they botch that, it is just the flag-bearer for their botched policy announcements in response to whatever the pressure, whatever the panic, whatever the growing sense of fear in the Liberal opposition is of the day. Who can forget the now infamous shoot-to-kill policy which was released some weeks ago? Let's think about the circumstances in which that was rolled out. That was rushed out to try to shift attention away from the travails that the member for Mount Gambier finds himself under.

Let's walk through that scenario. The Leader of the Opposition finds out late one week, sits on it, paralysed with fear and indecision, not knowing how to act and waits until the media asks him four days later on a Tuesday, 'Did you know about it?' Suddenly they rush out and say, 'Yes, it's very terrible,' and, 'Good on him. He's offered up his resignation from the party and that should be the end of the matter.' Well, understandably, the clamour from the public of South Australia and the clamour from the media for more decisive action from the leader only continued to escalate.

Unfortunately, this parliament has seen similar circumstances before. Unfortunately, a former member of parliament was charged with criminal charges. What was the response from this side of politics? It was an immediate expulsion from the political party and a demand that that person immediately resign from parliament. And when the Leader of the Opposition would not do it, when the Leader of the Opposition refused to do it, they rush out a shoot-to-kill policy for South Australian police.

What did we find out earlier this week? They did not even talk to the police about it. They had not even consulted with the people whose responsibility it is to keep our community safe. They did not even ask them what they think. They did not ask them how it should be couched or what protections had to be built in. They just rushed out a policy in order to try to divert attention away from the issue of the day.

Speaking of police, it is not the only time they have rushed out a police announcement without doing their homework and without consulting. Who can forget, also now infamous, the dogs in schools?

The Hon. S.E. Close: In public schools.

The Hon. S.C. MULLIGHAN: In fact, not dogs in schools but in public schools, as the Minister for Education reminds me. I know that Rob Lucas is hanging around up there. He is part of the shadow cabinet. He occupies the shadow treasury portfolio. We all remember in the western suburbs—don't we, Mr Speaker, particularly the member for Croydon—what the Hon. Rob Lucas likes to do to schools in the western suburbs. That is right: he likes closing them. Of course, when it comes to an education policy, what better to do than to demonise public education? What better to do than to demonise those parents who send their kids, who often make the choice to send their kids, to public schools and threaten them with a passive alert detection dog, threaten them with a German shepherd when they turn up to school? It is absolutely outrageous.

What do we find out? The police commissioner had no idea. The police commissioner had not been consulted. The police had no opportunity to inform that policy. Only this morning, what did we find out? They have released a regional road funding policy that committed to funding nearly $20 million a year of road funding for South Australia's regions, and what had they not consulted? The budget. They had not even looked at the numbers. They did not even realise what was being spent on roads. In fact, I even told the parliament yesterday how much we spend on regional roads, and they thought, 'That seems excessive. Let's dial that down a bit. Let's back that off a little bit.'

What else did the Leader of the Opposition do? He rushed out a policy this morning without consulting the property development industry about banning high-rise in metropolitan Adelaide. What would that mean for the seat of Dunstan? What would Peregrine do about their development on Portrush Road? Perhaps there will be some special exemption for them. This is a leader motivated by fear, who rushes and panics in the face of the slightest amount of pressure. Imagine what sort of leader he would make: a dreadful one.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (16:37): I think what was telling about this debate, despite the text of the resolution, is that the Leader of the Opposition did not come into this parliament and seek to defend his $300 announcement or, indeed, offer an apology for the fact that it suddenly overnight turned into $60 to $70 maybe in five years.

While that did cause us some degree of excitement and, in some quarters, amusement on this side of the chamber, it did quickly turn to fear, I must say, as we suddenly realised that the Leader of the Opposition could, on the eve of the election, tell everybody to vote Xenophon. This is a worrying development. Really, anything could happen now, and we are in a very risky environment with the Leader of the Opposition. If those opposite think it is a white-knuckle ride, we are certainly beginning to become quite alarmed ourselves.

Motion carried.

Parliamentary Procedure

STANDING AND SESSIONAL ORDERS SUSPENSION

Ms DIGANCE (Elder) (16:38): I move without notice:

That standing and sessional orders be and remain so far suspended as to enable Private Members Business, Notice of Motion No. 2, set down on the *Notice Paper* for Thursday 19 October, to take precedence over Government Business forthwith and for the passage of the bill to pass through all stages without delay.

The SPEAKER: An absolute majority not being present, ring the bells.

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

Motion carried.

Bills

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (REMOTE AREA ATTENDANCE) AMENDMENT BILL

Introduction and First Reading

Ms DIGANCE (Elder) (16:41): Obtained leave and introduced a bill for an act to amend the Health Practitioner Regulation National Law (South Australia) Act 2010. Read a first time.

Second Reading

Ms DIGANCE (Elder) (16:42): I move:

That this bill be now read a second time.

I rise to introduce the Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Bill 2017. This bill is in response to the terrible tragedy, being the murder of Mrs Gayle Woodford, a dedicated nurse whose life ended in tragic circumstances on 23 March 2016. Mrs Woodford responded to a late-night call-out for an apparent medical emergency, and in responding to this call Mrs Woodford was subsequently abducted and murdered.

I welcome today to parliament, albeit with mixed emotions and in mixed circumstances, Mr Keith Woodford, husband of Gayle, and their son, Gary. Welcome. I would also like to acknowledge Alison, their daughter and sister, also a nurse, who is not present today. On behalf of the government and all in the South Australian parliament, I offer our deepest condolences for the sad loss of your wife and mother, Gayle—an exceptional person, a much loved wife, mother, friend and nurse.

Today, the introduction of this bill is to place into law protections relating to after-hours call-outs for those healthcare professionals practising in isolated and remote areas of South Australia. Understandably, Mrs Woodford's murder brought outrage from the community and professional bodies, such as the Australian Nursing and Midwifery Association and the Council of Remote Area Nurses of Australia, as well as nurses themselves, including the member for Fisher, on my left, and myself. We, with the health minister, were determined to amend this situation.

Health practitioners working in remote areas already face a number of challenges in the environment, being the first responder for emergency issues, living in small or very small communities that are often only accessible by four-wheel drive vehicles, and travelling on unsealed roads that at times may be impassable because of heavy rains and flooding. Under these conditions, our health practitioners do not also need to be concerned about their own physical and personal health and safety.

The amendment bill before the house today provides protection to the safety of health practitioners working in health services in the remote areas of the state that are funded by the South Australian government or contracted by the government to provide health services in these areas. When responding to out-of-hours or unscheduled call-outs for emergency medical treatment, these health practitioners must be accompanied by a second responder. The second responder will serve the role of accompanying the health practitioner on emergency call-outs to reduce the chances of personal attack. These second responders may be local community members, another staff member from the health service or a person from another government agency.

Second responders are already in effect in remote areas of the Northern Territory and Queensland to accompany remote area nurses on emergency call-outs. When we met with the APY council, they were keen to reassure us and reassure me that they have already put this into practice in their area. The arrangements in these jurisdictions are by policy and not by legislation, so what we are doing today is very different. While this provides additional security for remote area nurses, it has raised other issues.

A review of remote area nurse safety in the Northern Territory following this occurrence found that practices had not been formalised or documented in relation to staff safety. Staff surveyed stated that they usually considered the clinical needs of the client before their own safety, which is no surprise and highlights the dedication of our healthcare workforce. This government recognises the urgency and need to make provision for the safety of our health workers at risk.

The Northern Territory survey also found that remote area nurses were concerned that if they did not attend an emergency call-out they could be legally liable or their registration could be put at risk. This legislation addresses this issue by providing, in the event that a second responder cannot be found and the health practitioner is unable to attend an emergency call-out, that they cannot be subject to any disciplinary action by a regulatory body.

I am told, in the experience of the Northern Territory Department of Health, that in most emergency call-outs a second responder can be found. I am hopeful that the same can be achieved in this state, as the prospect of not attending an emergency call is not one that is taken lightly by this government and does not sit very well with health practitioners.

I know that the Northern Territory survey highlighted that remote area nurses and managers were worried about client outcomes and community responses if the client deteriorated because the nurse did not attend or if there were delays while contacting a second responder. This legislation will apply to all health services provided in the remote area of South Australia comprising the APY lands, the Maralinga lands and those areas that fall outside a council area, more commonly known as unincorporated South Australia.

Should a health practitioner receive an out-of-hours or unscheduled call-out for emergency treatment, they will be required to go through a risk assessment to determine whether the service needs to be provided now or whether it can in fact wait until the clinic is open the next day or in clinic hours. Should the health practitioner confirm that attendance is required on an emergency basis, then a second responder will be contacted to accompany the practitioner. The second responder will arrange to meet the health practitioner at a designated point and accompany the practitioner until such time that the call-out is completed. At times, the second responder may have to meet the health practitioner prior to actually getting to the scene, but they will not meet at the scene; they will meet prior to that.

In the Northern Territory, most second responders are persons from the local Aboriginal communities. The persons are able to provide further information to health practitioners about the local communities, which over time increased the knowledge of the practitioners working in the remote areas and allowed them to manage community relationships. This model is attractive for implementation for remote areas in South Australia and, as part of the implementation of this legislation, a process will be undertaken to engage with local Aboriginal communities to identify individuals to serve as second responders.

I know that many of the Aboriginal community groups were dismayed with what happened to Mrs Woodford and are concerned about what this may mean for the health service delivery to their communities. Given this, I anticipate that the government will be able to work closely with these communities to ensure the health practitioners will be able to provide services without fear for their own safety and security.

Where second responders are unable to be provided for local communities, the role will be taken up by other health service providers or staff from other government agencies. Health service providers in remote areas will also be required to have policies and procedures in place to ensure the safety and security of health practitioners. Many government health services already have policies in place for persons working alone or in isolation in remote areas. The legislation will require these policies to be reviewed at least every five years. Where the state government has contracted with another provider to deliver the health services in the remote areas, the provider will be required to comply with all requirements of this legislation.

The work of health practitioners in remote areas can be both rewarding and very challenging. These practitioners are responsible for providing essential primary healthcare services and are the first point of contact for emergency medical issues. They will deal with everything from antenatal care to end of life care and everything in-between.

Working in remote areas is not inherently dangerous; however, there are a number of factors, such as isolation, that can contribute to increased risks to health practitioners working in these areas. For those dedicated practitioners who are currently working in the remote areas of this state, and for those future practitioners who may work in these areas, this legislation allows them to work without fear that they may be harmed, assaulted or, worse, lose their life. This legislation will be underpinned by regulation that ensures its workability.

As I mentioned at the outset, this legislation has been called for by the community and professional bodies following this terrible crime towards Mrs Woodford. There has been no greater advocate than Mrs Woodford's husband, Keith, who has asked governments and health authorities to implement Gayle's Law. I thank you, Keith, for your continued advocacy and commitment to this change. I know we have not finished yet because we still need to tackle it on a federal level as well. I would like to quote Mr Keith Woodford, who said:

> We must act to adequately protect nurses and medical staff in remote areas to ensure the crime that took Gayle away from us will never be allowed to happen again.

With this simple, but very powerful, request, I commend the bill to members. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

4—Insertion of Part 5A

This clause inserts new Part 5A into the *Health Practitioner Regulation National Law (South Australia) Act 2010* as follows:

Part 5A—Restrictions on single person attendances in remote areas

Division 1—Preliminary

77A—Interpretation

This clause defines terms and phrases used in the proposed Part.

77B—Interaction with other Acts

This clause clarifies that the proposed Part is in addition to, and does not derogate from, the provisions any other Act or law.

Division 2—Restrictions on single person attendances in remote areas

77C—Application of Division

This clause describes the health practitioners, and callouts, to which the proposed Division applies.

77D—Second responders

This clause sets out how a health practitioner engages a second responder, and makes procedural provisions in relation to second responders, including a power to make regulations regarding second responders.

77E—Health practitioner to be accompanied by second responder

This clause prevents a health practitioner to whom the proposed Division applies from attending a callout to which the Division applies unless they are accompanied by a second responder. The clause sets out what it means for a health practitioner to be accompanied by a second responder.

77F—Limitation of liability

This clause limits liability arising out of the operation of the proposed Part.

Division 3—Providers of health services in remote areas to have policies and procedures to ensure safety and security of health practitioners

77G—Application of Division

This clause sets out persons and bodies to whom the proposed Division applies.

77H—Providers of health services in remote areas to prepare or adopt policies and procedures for the safety and security of health practitioners

This clause requires persons and bodies to whom the proposed Division applies to prepare or adopt policies and procedures designed to ensure the safety and security of health practitioners providing health services in remote areas on behalf of the State authority.

77I—Policies and procedures to be reviewed

This clause requires persons and bodies to whom the proposed Division applies to review the policies and procedures required under new section 77H in accordance with the regulations. A review must be conducted at least once every 5 years.

77J—State authorities not to contract etc with non-compliant providers

This clause prevents a State authority from contracting with providers of health services who are not compliant with the proposed Division, and requires contracts and agreements to contain provisions ensuring the provider will comply with proposed Division 2.

77K—Power of Minister on refusal etc to comply with Division

This clause sets out steps the Minister can take if a State authority refuses or fails to comply with the proposed Division, including reporting the refusal or failure to Parliament.

Division 4—Miscellaneous

77L—Exemption

This clause provides the Minister with the power to exempt a specified person, or a specified class of persons, from the operation of a provision or provisions of the proposed Part.

Mr VAN HOLST PELLEKAAN (Stuart) (16:52): I advise that I am not the opposition's lead speaker on this issue, but I do appreciate the opportunity to say a few words at the start of this debate. This is an issue that is dear to my heart for quite a few reasons. My wife is a nurse. My wife has worked in a remote Aboriginal community for a couple of years in Western Australia. She has explained to me some of the challenges and dangers.

I myself have worked in outback South Australia. I spent a lot of time at Marla and gained a lot of friendships and connections with a lot of people through that time, so this issue is very dear to me. But, of course, there is nothing that I can know, nothing that I can think, nothing that I can understand or that any of us here can understand compared with what Gayle's family would understand about this issue.

We disagree on a lot of things in this chamber, but this is not one of them. Mr Woodford, you and your family, and others no doubt who have supported you, have got your message through loud and clear, and there is genuine bipartisan support for Gayle's Law. I am very pleased that this is one of those issues that is beyond politics, beyond dollars and beyond a lot of the things that we debate and discuss and disagree on in this place.

This is an issue of principle. This is an issue that must be fixed. This is perhaps an issue that should have been addressed earlier, and I am sure that plays on your mind a lot, but we are doing the very best that we can at the moment. For many of the reasons that the member for Elder just outlined, this is incredibly important.

I know that when living and working in remote communities, people form different bonds in a good way. In the city, you have your core friends. I have not lived in Adelaide for a very long time now, but you have your core friends, and you do not often know too much outside of that. In smaller, more remote places, everybody knows everybody and everybody is connected in some way. It is not to say that everybody desperately loves each other, but you do find a way to get on.

There are people who have been supporting this sort of outcome at a personal level for a very long time, but it has not been legislated and it has not been mandatory. We want to contribute to make it legislated and to make it mandatory. This is incredibly important. There are a lot of things that affect all of us in our lives, but nothing could be more devastating than the type of impact upon a family that has come with Gayle's death. I put my personal apology on the table that this has not happened before today, but certainly the opposition and the government are at one in making it happen today.

Ms COOK (Fisher) (16:55): I speak in support of the Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Bill 2017. Gayle Woodford was a dedicated nurse who lost her life on 23 March 2016. She was one of hundreds of nurses working across Australia in our remote communities. Health practitioners, just like Gayle, respond to calls for help, never imagining that some day there could be somebody with an ulterior motive calling her out of her house. A late-night call-out for emergency medical treatment saw Gayle abducted and lose her life. I will not repeat the name of the person who took her life. I do not think that needs to be tabled in this place.

Gayle's murder brought outrage from the community and it brought outrage across Australia from her nursing family and from professional bodies, such as the Australian Nursing and Midwifery Federation and the Council of Remote Area Nurses. All of us grieve with the family and are outraged at what happened.

First responders work in all manner of roles in remote circumstances but also in the city. Many of them are now on notice that they are at risk whenever they offer help as part of their work. We, as legislators, are on notice that we must act to protect all people working in vulnerable situations.

However, some of the conditions in rural and remote services are quite unique. People who put their hand up—and I have many friends who have done that—face extraordinary challenges and risks. Some of these relate to the lack of available peer support in the area, the environment itself and the types of infrastructure in place—for example, the roads leading to some of these very remote settlements are dangerous in themselves—but, sadly, the biggest risk clearly can be the person the responder is there to help.

The bill seeks to protect first responders working in these health services in the remote areas of our state, providing services for us, and it could well be one of us who is out travelling with our families in remote parts of South Australia who need help. The bill is demanding that all first responders are accompanied by a second responder when responding to out-of-hours or unscheduled calls for emergency medical treatment, and this will most definitely reduce the chances of a personal attack upon a first responder.

I am very pleased that the second responder can be a local community member, because not only does that provide the support for the first responder but it builds capacity within the responders' team, local knowledge and understanding about that community, and also builds the capacity of the community, as carers themselves, to provide support.

I was interested to read the Remote Area Services review from the Northern Territory and Queensland because they already operate with this second responder service, but I note that the member for Elder has discussed limitations they have identified around that. I believe that our bill does seek to remedy some of that by insisting that this happens, that there is always a second responder and that the person who is in the position of first responder, should they not be able to get the assistance of somebody to attend with them, will be protected from any potential professional implications or fallout.

However, that does not protect the first responder's heart because, when you are working in a situation like this, you would feel incredibly guilty if you did not respond to the call for help. Even knowing that you are protected from some litigation does not help your heart or your head because you have said no if the person calling for help actually does come to some form of grief because you have not gone. However, that is up to us as a community of healthcare workers to educate and support our colleagues. It is up to us as a government to provide the resources to educate and support, and it is up to us as a government to provide the processes to ensure that there are people available.

I have many friends who are currently working in rural and remote. I know that they are watching this legislation as it develops and the ensuing changes in practice that will come. I congratulate my parliamentary colleague and friend, fellow registered midwife nurse in this place, the member for Elder, on her work on this and acknowledge the current and previous health minister in the other place, minister Malinauskas and in this place, of course, the member for Playford, Jack Snelling and his staff for supporting the work in this very important area.

The member for Elder and I have both been rocked to the core by this terrible tragedy, a real waste of a soul who was dedicated to working and caring for some of the most vulnerable Australians out in rural South Australia. I know personally the deep pain that is felt when a loved one is taken in such futile circumstances. What a terrible waste—so unnecessary.

To Gayle's husband, Keith, and her son, Gary, and daughter, Alison, (Gary and Keith are here today in the gallery), I know the pain and frustration you are feeling as a result of this terrible, terrible tragedy. It is just the worst loss, but I hope that, like me and my family, you are able to find some recompense and some sort of relief with time as you move forward. I hope that the dedication of this legislation to Gayle's work, and the work of many thousands of health practitioners, does provide some comfort to you and to your friends and the rest of your family. Some people do leave this earth in such tragic circumstances for a reason. May this legacy for Gayle be the reason. I commend the bill.

Mr KNOLL (Schubert) (17:03): I indicate that I will be the lead speaker on this Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Bill 2017. This bill has become known as Gayle's Law as the impetus for it was the tragic murder of Gayle Woodford, a dedicated nurse who lost her life on 23 March 2016 on the APY lands.

I just want to say that, having researched this bill, some of the details that have come out of the resulting court case and the conviction of the perpetrator were really quite harrowing and difficult to go through. To reflect upon what happened on that awful night, as someone who has been married for 10 years I can only imagine the difficulty the family has gone through. I commend them for everything they have done in coming to terms with what has happened and trying, in some small way, to find a positive way forward.

Gayle was skilled in her profession. She was committed to her patients and she was proactive in her care. Gayle Woodford was born on Eyre Peninsula and married Keith Woodford in 1980. Her nursing career took the couple around Australia, to New South Wales, Queensland and back to regional South Australia. She was recognised as an intelligent and capable health professional. She was a diabetic educator and a graduate of the Centre for Remote Health at Flinders University.

Gayle had been working for the Nganampa Health Council for five years before her death. Since that time, I want to acknowledge that the Centre for Remote Health and CRANAplus have dedicated a memorial scholarship in Gayle's name. The scholarship is jointly sponsored by CRANAplus and the Centre for Remote Health and covers all course fees for the Graduate Certificate in Remote Health Practice offered through Flinders University.

One scholarship is awarded annually for study to commence the next year. The scholarship will be awarded and based on the likelihood and level of contribution the recipient will make to remote and Indigenous health, and it is a real testament to what has come out of this tragedy. A scholarship like this seeks not to run away from helping those who need health care in remote areas, but instead tries to strengthen that bond, indeed, as we try to strengthen the ability of those nurses to go out and do their jobs safely through this legislation.

Gayle's influence in this community and each one in which she worked was profound. She devoted her time and energy to caring for those who needed her help. A dear colleague, a caring nurse, a loyal friend, a cherished wife and mother, Gayle Woodford touched everyone around her both in the medical community and more widely. I turn now to the bill itself.

Whilst the opposition has had a briefing, our party room has not had a chance to consider the second reading and tabled bill, so our comments therefore reflect the fact that we have a common desire to see this bill become law and offer in-principle support. If there are any issues that arise in relation to ensuring that the proper application of this bill comes into force, they will be addressed in the Legislative Council discussion on the bill. In saying that, I do not want in any way to suggest that we are going to do anything to hold up this bill. We want to make sure that the provisions in here achieve what they set out to achieve and to make sure that we do get the outcomes sought out in this bill.

Nobody should go to work concerned for their welfare, let alone their life. Nurses and other first responders are particularly entitled to protection. Society has a moral obligation to protect health workers as they attend the health needs of the wider community. We ask our first responders to put themselves in danger to meet the healthcare needs of others. We owe it to them to minimise their danger. I note that this bill essentially requires that a first responder must be accompanied by a second responder in responding to a call-out after hours in remote areas of South Australia as they have been designated. Second responders may be local community members, other staff members or someone from another government agency; it is quite broad.

Essentially, it is recognition of the fact that we need somebody to accompany those people. It is not necessarily about the health skills, although that may be an advantage. It is more about there being safety in numbers and safety in case something goes wrong, as it did so tragically for Gayle Woodford. Second responders are already in use in the Northern Territory. I understand that they have a policy around that, and what we are seeking to do here is to actually take it one step further.

We are taking it one step further by ensuring that any sort of legal liability that may be placed upon a health professional in failing to respond to an emergency call-out is covered and that a health practitioner, if they are unable to attend an emergency call-out, cannot be subject to any preliminary action by a regulatory body. I note that this legislation applies to all health services, including those provided in the remote areas of South Australia comprising the APY lands, the Maralinga Tjarutja

lands and those that fall outside a council area, what we understand to be unincorporated South Australia.

The bill talks about and makes sure about the broader level of people who can be engaged as second responders. The bill was modelled on the policy in the Northern Territory and seeks to minimise the danger and to protect regional health workers. The second responder needs to meet requirements set up by regulation and will be a second responder from the time he or she is engaged to act as a responder until the end of the call-out.

The government proposes that these second responders could also be people from local Aboriginal communities, who may also have a familiarity with the areas that these health professionals are going into. Again, that is something that could be quite positive. The opposition welcomes the opportunity to discuss actions to look after those who look after us.

With those words, I commend the bill to the house and support the bill through its second and third readings. I also say that we will work constructively to ensure that this legislation achieves the outcomes it seeks to achieve and that we can into the future ensure that the horrific things that happened on 23 March 2016 never happen again.

Mr SNELLING (Playford) (17:10): I also add my support to this bill. Delivering health services in the APY lands is extremely challenging. The nurses, in particular, who provide those health services in the APY lands truly are heroic. Of course, the first principle in any health care or any area where you are delivering services is in the first instance to keep yourself safe, and this bill certainly provides for that. It provides for better protection for nurses, particularly when they are called out after hours to deliver health services. Gayle Woodford was a truly heroic person, and this bill is a fitting legacy for the work she did in providing important health services to the most vulnerable of South Australians.

I would like to thank all those who have worked to bring this bill together in a very, very short period of time. I would like to pay tribute of course to the officers in the Department for Health and parliamentary counsel as well and to the various groups, in particular the nurses federation, whom we consulted in drafting this bill to make sure that it did what it was seeking to achieve. I would also like to thank Mr Woodford, who is here in the chamber today, for his prompting of the need for this bill and for his presence here today. Mr Woodford, you and your family have made a terrible sacrifice, but this will be a lasting legacy to Gayle Woodford of which you and your family can be truly proud. Thank you.

Mr HUGHES (Giles) (17:12): I rise to say a few words, partly as the member who covers the area where these tragic circumstances occurred. I cannot imagine what the Woodford family have gone through and are going through with the loss they have experienced in those particular circumstances. I know that in country and remote areas people do look out for each other, but there is sometimes the need, and the need in this case, to formalise that to ensure that, as much as we can, we provide the protection that is needed.

I was elected only at the last state election. My relationships in the APY lands are still at an early stage. The people I have met up there have been good people and, like communities everywhere in the state, most people are decent and do the right thing and do the right thing by others. Unfortunately and tragically, whether it is in remote areas or metropolitan areas, there are those who transgress, and transgress in an incredibly horrendous fashion.

This bill will go some way to providing additional protection. When you look at the remote areas, the APY lands is such a vast area, with a population of 3,000 people scattered over an area the size of England in landmass. That is not counting the rest of the remote areas in South Australia. Delivering services and doing the right thing by people presents some very particular challenges. There are those particular challenges in the APY communities and some of the other communities in our state where we have people who experience a very significant degree of disadvantage, and that is often reflected when it comes to morbidity and mortality.

It is incredibly essential that we have people like Gayle providing those much-needed services. Those people are respected and those people are cared for in those communities, which is not to say that there are not at times profound challenges. Sometimes, this house operates in a

way that is deeply partisan in a very, in my view, unconstructive way and it is gratifying that there are sometimes issues that bring us together. The thoughts that have been expressed by the opposition and the bipartisan approach that has been taken to this bill are gratifying. I think that in some ways it would be worthwhile seeing that on a raft of other issues that are also deep in nature.

The number of nurses I have met in our unincorporated areas who really go out of their way to provide a service, often way above what you will see in the metropolitan area, and the number of people who intimately know many people in the communities they service is something incredibly special, but in providing that work we need to ensure that people are protected to the highest degree they can be. Hopefully, this legislation will go some way to addressing some of those needs. My heartfelt condolences to the Woodford family.

Dr McFETRIDGE (Morphett) (17:17): I rise to support the bill before the house and I do so having had many years of experience working in association with people on the APY lands, both Anangu and piranpa, the white people who work on the lands. The problems, the challenges and the opportunities that exist in South Australia in that remote region called the Anangu Pitjantjatjara Yunkunytjatjara (APY) lands, you have to see them to believe them. I have said many times in this place that members should go up there with the Aboriginal lands committee or just organise to go there and have a look at what is one of the most beautiful parts of South Australia. Mount Woodford, the highest peak in South Australia, is there.

You will only really understand the remoteness of that country and the difficulties faced by the Anangu and all the people who are working up there with Anangu, who want to help them to progress, to close the gap, to achieve their wants, their hopes and their future, if you actually go there and see those people and talk to those people. I have met hundreds of white people who have gone up there to assist the Anangu—doctors, nurses, healthcare workers, bureaucrats, engineers, road workers, all sorts of people. The list is too extensive and I will not be able to name them all. They all go up there with the best of intentions, but many of them come back jaded, disillusioned and angry, with many other emotions and quite disparaging views on what is going on up there.

One thing that I have never done, that members I have worked with on the Aboriginal Lands Parliamentary Standing Committee have never done and that I hope other members in this place have never done is give up on making sure that we give those South Australians up there and the Anangu the opportunities that we all enjoy in South Australia in metropolitan Adelaide and in the other great parts of our state.

Unfortunately, there are some significant challenges, as the member for Giles said. It is in his electorate, and I know he is a very proud and hardworking member up there. We know, through the many reports that have come through here from the Aboriginal Lands Parliamentary Standing Committee and the other reports that have been put before this parliament, that there are significant issues on the APY lands that cannot be tolerated and must be dealt with, and unfortunately a lot of those involve alcohol, drugs, pornography, gambling and domestic violence.

Fortunately, it is just a small sector of the community who are the worst perpetrators. The issues are widespread, but the worst perpetrators are an isolated few. The legacy of some of the substance abuse is no more evident than in the numbers of individuals who are now, in some cases, wheelchair bound or severely disabled as a result of petrol sniffing. Unfortunately, I have had evidence given to me that some of those individuals are now sexual predators of some of the young people up there. There is a real need to make sure that the legacy and hard work of the nurses of this world, the Gayle Woodfords of this world, is rewarded by support from this place. This legislation will do some of that.

The heartache and worry people have when their family and friends are in these situations is very close to me. My daughter was working in a remote Aboriginal community and was threatened and attacked. She was forced to drive out into remote communities with no contact whatsoever, with a very reluctant police force that would come and help occasionally. This is not South Australia: this was in the Northern Territory. She was working on Groote Eylandt. She was helping in a public health program up there as a veterinarian, yet she was on her own, a young woman out there. My wife and I really worried about her safety.

When I see what has been happening on the APY lands, personally my heart just bleeds for Gayle's family and all who knew her because it is something that should never have happened. We like to think it will never happen again. If this legislation goes some way to protecting those people from that small group of people who do not understand, value or appreciate the opportunities and help they are given, then I think we really need to make sure we do that. Those people need to get the message very strongly that they cannot act with any impunity, and they will be dealt with very harshly.

I think that the legislation may need to be extended to other people besides nurses and first responders up there because there are many others who are required to go out there at extraordinary times to do extraordinary things. It is with strong support that I hope the bill goes through this place expeditiously and through the other place and then provides the support that we here all want to give to those who are helping those who are helping us.

Ms WORTLEY (Torrens) (17:23): I rise to support the Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Bill 2017. When enacted, this amendment bill will provide a significant level of protection for nurses and other health practitioners working in the remote areas of the state, those funded by the South Australian government or contracted by the government. It will see health practitioners in these areas responding to out of hours or unscheduled call-outs for emergency medical treatment accompanied by a second responder. They will no longer go it alone.

It means the health practitioner will be accompanied by another, reducing the chance of personal attack. Second responders will be a local community member, a person from another government agency, or a staff member from the health services. As outlined by the member for Elder, herself a former nurse, the legislation before us today will apply to all of the health service providers in remote areas of South Australia that fall outside of a council area. Importantly, remote area health service providers will be required to have policies and procedures in place to ensure the safety and security of health practitioners.

The Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) Amendment Bill 2017 is before us today in response to the tragic death of a dedicated nurse, Gayle Woodford, and the commitment of her husband, Keith, who has called for the adequate protection of nurses and medical staff in remote areas. The community and professional organisations representing nurses and other health practitioners, including the Australian Nursing and Midwifery Association and the Council of Remote Area Nurses of Australia, have also made it clear that measures must be put in place to help protect nurses and other health practitioners who provide these much-needed and often life-saving services in the APY lands and other unincorporated areas of our state.

I acknowledge the presence here today of Gayle's husband, Keith, and their son, Gary, and also acknowledge their daughter, Alison, who is unable to be here. I extend my sincere condolences to you. I understand it has been a very sad and difficult journey that has brought you to where we are today: introducing legislation that will significantly reduce the chance of such a tragedy occurring again. I commend the bill to the house.

Mr PENGILLY (Finniss) (17:26): I wish to make a small contribution. I have absolutely no hesitation in supporting this bill. I think the fact that we have to put retrospective legislation into place after such a tragedy is very sad; however, I believe that, in responding to the request of Gayle Woodford's family, we are doing the right thing. Even if it is too late, we are doing the right thing. If it stops something like this from happening ever again, we will have done useful work in the chamber this afternoon and this evening.

My wife and I were absolutely staggered when we heard the news of what happened. My wife is a nurse as well. I guess it was exacerbated for me, insofar as I had actually toured the APY lands on a Public Works Committee trip, and I know that some members in here were there as well. I had never been up there before. I acknowledge the vast distances that have to be travelled and the difficulties in which professionals have to carry out their work in the region. The difficulties that are imposed on them are just different to anywhere else. They are entirely committed to the people who live up in those lands. The people in the lands were devastated when this tragedy occurred.

It is a small step forward. It is too late for Gayle, but it will hopefully fix the situation in the future. I am very supportive of this bill, and I look forward to its speedy passage through this house and an equally speedy passage through the upper house so that it can be put into effect. Thank you.

Ms DIGANCE (Elder) (17:28): I thank all the members in this house who have spoken in support of this legislation: the members for Stuart, Fisher, Schubert, Playford, Giles, Morphett, Torrens and Finniss. While I am thanking people, I would also like to thank Kathy Ahwan and Prue Reid from SA Health for their help, parliamentary counsel, Simone McDonnell, the previous health minister (member for Playford) and the current Minister for Health, and of course Keith Woodford and his family.

The safety of any health practitioner performing their duties is of paramount importance, but none more so than health practitioners working in the remote areas of South Australia. While the work can be very rewarding, these practitioners face a number of challenges working in isolated and small communities, such as being the first line of response for emergency issues and travelling on unsealed roads that may be impassable because of heavy rains and flooding. Given these challenges, they do not also then need to be concerned for their own personal safety and security.

Of course, remote areas are not inherently dangerous, but the isolation, coupled with societal problems, can expose these practitioners to greater risks than those in other geographical areas. Sadly, while abuse and violence are experienced by many nurses in many health settings, it is amplified in isolated, remote and rural areas. It can be terrifying and very confronting, as I know only too well myself.

Those who have found this particular issue unacceptable have opted to leave rather than to put up with it, which is understandable. However, for too long nothing has been done, and it is tragic that it has taken this crime against Gayle Woodford—a wife, a mother and a dedicated nurse—for this action to be taken. I am hopeful, through this very sad event, that only good will come from this legislation and that we will care for those who care for us.

I have spoken with a number of groups about the bill, including CRANAplus, which represents remote and isolated health workers; the Australian Nursing and Midwifery Federation; the Aboriginal Health Council; and the APY Aboriginal communities, and they were all supportive of the government bringing this legislation to parliament. While some health practitioners may question some aspects of this legislation, which they may interpret as telling them what they can and cannot do after hours in the provision of assistance if a second responder is unavailable to accompany them—and I can understand that—they can rest assured that the focus is to ensure that their healthcare organisations put their safety first and that we put their safety first.

I know that these practitioners dedicate their lives to helping others, but it is important that we also protect their lives. That is why I am really pleased that this house has united to honour the memory of Gayle Woodford in unanimously passing this bill—I hope unanimously passing this bill; we have had unanimous support, so I predict that is what is going to happen—which we have all come to fondly know as Gayle's Law, to give the assurance that our nurses and health practitioners so deserve.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr KNOLL: Proposed section 77A(2) provides:

For the purposes of this Part, a reference to a remote area will be taken to be a reference to the following areas of the State:

(a) the lands within the meaning of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981;

(b) the lands within the meaning of the Maralinga Tjarutja Land Rights Act 1984;

(c) an area outside of a council area under the Local Government Act 1999;

(d) any other area declared by the regulations…

I want to ask how the decision was arrived at to choose these three and whether other remote areas were considered to be included as part of this legislation.

Ms DIGANCE: In this particular case, we firstly wanted to address the actual issue at hand that had happened in the Aboriginal communities. We recognise that there may be other situations that arise, and they can be addressed in the regulations.

Mr KNOLL: I have just one simple follow-up on that. I agree that the APY lands and Aboriginal lands are intended to be covered here, and I assume that there are some Aboriginal communities that live in the unincorporated areas of South Australia. We have seen, for instance, the tragic death recently at Manna Hill, which is a pretty remote station. Is it that it is too difficult to ascribe certain areas and that this was neater, or is it a case where in the regulations we may have to go to prescribing coordinates on a map or something like that?

Ms DIGANCE: There are a number of definitions when it comes to remote areas. As time goes on and we look at the regulations, we certainly can consider and include what is necessary.

Mr KNOLL: On page 6, new section 77E—Health practitioner to be accompanied by second responder, states:

…a health practitioner to whom this Division applies must not attend a callout.

Obviously, there is no penalty or offence. You do not want to charge a nurse for having gone out there. Really, I am just trying to understand what sort of thought processes were gone through in assessing the risk when a nurse chooses to still go out there and do that. I know that in her contribution the member for Fisher talked about nurses having that desire still to go out there. Is there any sort of impetus? It is not a criminal offence, and I am not in any way suggesting that it should be, but is there any sort of other method by which health practitioners can be discouraged from essentially not complying with this clause?

Ms DIGANCE: I thank the member for acknowledging that in this legislation the nurse or health practitioner will not be jeopardised as far as their registration goes, but what will also accompany this will be education and reinforced risk assessment of those call-outs. From the employers' point of view, they will need to take the responsibility to make sure that they have a robust organisation and good relationships with the health practitioner and be able to talk through those situations as well.

Mr KNOLL: If I can go down to new section 77E(3), it states:

(3) Subsection (1) does not apply—

(a) if the place at which health services are to be provided in relation to the callout is prescribed premises; or

(b) in any other circumstances prescribed by the regulations...

Let's say that there is some sort of remote health clinic where the first responder agrees to meet the person if it is something that is only open during certain hours. Is this a clause to exempt certain buildings or certain premises within these remote areas?

Ms DIGANCE: What this is doing is giving us options, but it is also encouraging the meeting to happen where there may be more people around, so that if there are police nearby, or what have you, the second responder will automatically be in place.

Mr KNOLL: Just for the sake of clarity, this is potentially around down the track. I suppose I can ask if there are any premises that you have identified and that you would identify in the regulations. Would it be, for instance, a police station that may be prescribed by the regulations as being where this clause is exempted from?

Ms DIGANCE: The member is quite correct. When the regulations are being discussed and identified, there could be police stations involved and other such buildings as well.

Mr KNOLL: New section 77I—State authorities not to contract etc with non-compliant providers, is obviously in relation to those providers preparing or adopting policies and procedures

for the safety and security of health practitioners. I think that makes perfect sense, that we want to make sure that those contracted health providers out there have these policies in place before we give them any sort of contract to go out and provide these services. That potentially, I suppose, deals with some of the issues that happen in the Northern Territory in trying to enforce compliance. It states:

> (b) the contract or agreement contains provisions ensuring that the provision of health services pursuant to the contract or agreement will comply with any requirements under Division 2.

Is this saying that if a healthcare professional does not comply with division 2, which includes the fact that a health practitioner must not attend a call-out unless they have a second responder—that is, if one of your healthcare professionals who is contracted to work for a firm that has a contract does not abide by this requirement to have a second responder—this may risk their contract

Ms DIGANCE: Let me see if I have this straight. You are actually talking about an actual health service provider and an individual health practitioner as well?

Mr KNOLL: Yes.

Ms DIGANCE: We see this as a really good way to, in effect, do an audit of all healthcare providers in these remote areas to ensure that they are in fact providing the appropriate risk matrix and safety care to their workers. I think that I have your question clear. If the health practitioner does go to a call-out without a second responder, that will be a matter between them and their healthcare provider—their employer, if you like—to discuss that, and the outcome of that will remain to be seen. They could well be reprimanded. It would depend, but this will also be teased out as well. At the end of the day, this is to make sure that employers are actually doing the right thing by their employees.

Mr KNOLL: Certainly I understand that they have to have these policies and procedures in place. I agree that with the relationship between the employer and the employee or the contractor and the subcontractor, however that arrangement works, there will be an industrial response, I suppose. The point I am trying to make is that the state government contracts this nursing company to provide out-of-hours nursing care. Is the healthcare service provider's contract potentially in jeopardy if one of their subcontractors or employees does not comply with the requirement to take a second responder with them?

Ms DIGANCE: I think, really, in all fairness, that these types of situations will have to be assessed case by case. I am hopeful that with this legislation and then with the regulations that come from this legislation, there will be clear guidelines on how people need to perform and operate.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

Ms DIGANCE (Elder) (17:45): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr KNOLL (Schubert) (17:46): Where I left off was talking about a meeting that I had down in Lyndoch at the St Jakobi Lutheran School that had been organised by the Southern Barossa Alliance in relation to ice and how we had had a gentleman come in who was an ice sufferer. He had lived in South-East Asia and had had an ice addiction over there, had cleaned himself up coming to Australia, had been clean, I think from memory, for nine years, and relapsed after the death of a friend, then continued to use ice strongly and frequently, and then decided he would try to take his own life.

That story really did stick with the audience, of which there were about 60 or 70 people on a pretty cold night. Such was the importance of this topic that there were so many people there. This is a pretty small community and the meeting had only been advertised in limited fashion. It struck home to me that ice is different from other drugs, that the way that it works, its nature, the effect that it has on people is different. I have said previously that ice is a problem that we have in South Australia. We have an ice problem in South Australia. It is borne out by the statistics in the Australian Criminal Intelligence Commission, and it is borne out in the reasons for wanting to have this bill.

We also heard from a woman who, it turns out, lives just down the road from me, whose son is an ice addict and who gave a pretty difficult account of her coming to grips with her son's behaviour. As I understand it, he did drive on drugs and that was quite a dangerous situation. I do not want to go into any detail other than to say that it was an extremely difficult time for her, and I think she has dealt with it as well as she can and it was an awful scenario.

What we also gained that night was a greater understanding of what is known as the Matrix Program. Essentially, we are looking at how we deal with ice. It is different from other drugs. If we are talking about opioids, if we are talking about heroin use, there are methadone programs and there are ways that you deal with that. There is a different way that we deal with cannabis. Ice is different again and what really struck me is that we sit here and we talk about rehabilitation as the panacea—and I hope that the government sees fit to support at least a couple of the amendments that we have in relation to expanding access to rehabilitation—but in the ice space, rehabilitation and what that means is a movable feast.

In fact, there is discussion about whether inpatient services work because people go away from their normal daily life. Yes, they can get cleaned up in an inpatient facility, but once they go out into the broader community do they have the skills to be able to withstand the temptation? Essentially, the Matrix Program is an intensive outpatient addiction recovery program. The program provides a number of touch points on a weekly basis for these people to receive treatment and get help, but it does not take them out of their broader community environment so that they learn not to use the drug while still remaining, as much as they can, in their community. That is important because we need those skills to transfer.

If you look at some high-profile inpatient clinics, such as the Betty Ford clinic and others, you see the fact that what we are trying to achieve here are outcomes. That is why our understanding of rehabilitation needs to evolve. Having an early understanding about how the Matrix Program works in South Australia is positive, but I think there is still some way to go to ensure that.

The Matrix Program seeks to support detoxification, primarily in an outpatient setting, participation in an intensive program involving attendance on a regular basis throughout the week, support from psychologists and recovered consumers with lived experience, and ongoing random urine testing to provide objective verification of efforts to stay clean. In this balance between carrot and stick, these programs are probably a little bit of both in the sense that you are at least trying to provide the tools to provide the ongoing support and help to change people's lives. As I will come to a little bit later on, that is extremely important in this context.

The object of what we are seeking to do through these penalties is to say, 'Don't do it again.' We are ratcheting up the penalties for first, second and subsequent offences. We are ratcheting up the penalties across the board to send a stronger message that you should not do this again and, in fact, then basically stopping people from getting their licence back if they cannot demonstrate that they have changed their behaviour. What we are looking for is not a point in time, 'I have been clean enough to tick a few boxes.' What we are looking at is a permanent change of behaviour. That has to be the outcome here; otherwise, we are going to see continued offending, and that defeats the purpose of this bill in the first place.

We have to look at ways that will permanently change people's behaviour rather than being like a year 12 student cramming for an exam, making sure that we can pass the test the following day but disregarding all the knowledge that we learnt the night before as soon as the exam is over. This has to be a change to someone's lifestyle, a change to someone's habits. It potentially means a change to someone's friendship group if that friendship group is one of the factors that pulls them down.

We need to see a permanent change in behaviour, and that is why we need to extend and look more broadly at what works. We cannot be stuck around rhetoric. We cannot be stuck around trying to look tough and puff out our chest. We have to get more creative. Because of everything I have said before, we are not winning this war at the moment. This space is evolving. Our laws should evolve, but also our thinking needs to be remain flexible enough and our laws need to remain flexible enough so that we can actually get closer to those outcomes.

The major changes that we are seeking to make in this drink and drug driving bill include the creation of a three-month licence disqualification for a first-time drug presence offence that is expiated. That is something that is different from before and is essentially a cracking down on the fact that we do not test somebody's impairment to drive. We are testing for the presence of a drug and not making a determination about the other, but saying, 'If this thing is in your system, then you are going to lose your licence.'

I know that there are other provisions where police officers can differentiate between an impairment and presence, but that is not something we are seeking to change in this bill. Certainly, the law on that as it currently stands is what it is. If there is an ability in the future to have that evolve, when we can start to build a better body of evidence around impairment as opposed to merely presence, then that is something we can deal with at a future time.

With the body of evidence that exists around alcohol and the .05 limit, and how we have been able to determine impairment potentially because this drug is legal and regulated and operates in a fairly consistent manner, we can make that determination. However, I agree that to make that determination about illicit substances is a lot more difficult because we do not know the exact potency, we do not know how to regulate the dosage of the things that people take, so I accept that that is a lot more difficult.

We are increasing the minimum penalty of six months, where someone seeks to have their first drug-driving offence prosecuted. That is something we have done in a number of other places, where essentially we are saying, 'You take your three months on the chin or, if you choose to fight this and you lose, the penalty will be increased to six months.' At a time when our courts are backlogged in the extreme, I can see how a provision like this has merit. Certainly, at this time, we are happy to support it.

This bill also increases the penalties for second and subsequent offences. For a second offence, the minimum disqualification is one year, there is a two-year minimum for the third offence, and for subsequent offences the minimum is three years. This is at the heart of what this bill is seeking to tell the community; that is, when you drink-drive, when you take illicit substances and drive, and you get caught, we are going to make your life more difficult.

The reason that I think this part of the bill will be effective is that, especially in a state like South Australia and especially in a city like Adelaide, where we have low density and are spread out, having your licence is pretty important. Having a licence is fairly essential for many jobs, in regard to being able to get to work. People need to make that decision about whether they are willing to put their job on the line for the sake of drug driving or drink-driving, whether it is getting the kids to school, which is a separate offence that we will talk about separately, whether it is getting the kids to the footy on the weekend or whether it is catching up with friends.

As a representative of a rural electorate, I had students in the parliament dining room today. We had a discussion about public transport and the Barossa. Essentially, getting your Ps and the ability to drive independently was the key to freedom in a regional area. Again, what we are saying is that your freedom to get around is at risk if you choose to drink-drive to excess or take illicit drugs and drive. I think that this increased punishment will have an effect because it is so serious.

I have seen instances of people pleading about the fact that they know, as soon as they are caught drink-driving or drug driving, that that loss of licence will mean that they lose their job. There are some who will be able to get by on public transport. I know from my own family business experience that when you start work at 5am in the morning in a factory in the backblocks of Elizabeth, it is pretty difficult to get public transport out there. That is a decision the guys who work out there, for instance, would have to deal with. I think that this part of the bill is extremely important.

This bill also creates a new offence of drink and drug driving with a child under 16 years in the car. I talked about that earlier. What we are saying with this offence is that, whilst you may as an individual choose to drive and put your own life at risk, that is one thing, but by doing so you are also likely to impact upon all the other road users, pedestrians and people on our roads, and you also put them at risk.

What you also do in this instance is put children at risk—children who are supposed to be in your care, who are supposed to be your responsibility. That is why the creation of this new offence is something that we support. It is why we think this is an important message, not only because we want the parents or caregivers to take responsibility for the children in their care but also because we know that a lot of drinking behaviour and drug-taking behaviour is learned.

Sitting suspended from 18:00 to 19:30.

Mr KNOLL: For those playing at home, we were discussing the extra responsibility parents and caregivers need to take in relation to looking after their children in a vehicle. The offence we are hopefully going to create as part of this bill seeks to provide greater impetus for that responsibility. The bill also strengthens notification provisions to the Department for Child Protection for offenders convicted under this section. We did raise a series of questions in relation to how that would work.

Essentially, it is as benign a process as anyone else goes through to send notifications to Child Protection. It refers offenders to a drug dependency test for a first-time offence under this provision and for subsequent offences for other drink and drug-driving offences. It increases penalties for driving whilst disqualified for drug-driving offences to be in line with serious drink-driving penalties. We definitely support this because in a lot of the legislation we bring forward to this place we are making laws for those who abide by the law, but as soon as somebody does not abide by the law or operates outside the law, our ability to have an impact is diminished.

A number of people on our roads continue to drive without a licence. We see that in the statistics and the number of people who get caught driving without a licence. This is especially pertinent where people have lost their licence for drink-driving, especially if we consider third-party bodily insurance and the fact that these people are essentially putting everybody at risk of not getting access to compensation in the event that a motor accident occurs. That risk is further exacerbated by the fact that these people may be under the influence of alcohol or drugs. Again, we completely support that.

It makes changes necessary to update drug-testing methods and replaces a second on-site drug test with an oral fluid sample sent to Forensic Science SA. On that issue, we received a letter from the Hon. Peter Malinauskas when he was minister for police and road safety in other place. He has not yet transferred to this chamber but his portfolio has been transferred to the member for Kaurna. Essentially, the letter provides information on the process by which SAPOL and Forensic Science SA undertake this second-stage test and the efforts taken to ensure that samples are not contaminated:

- Case receipt officers receiving oral fluid samples at Forensic Science SA are trained to follow specific protocols to ensure that every sample accepted for analysis meets stringent requirements. The officers ensure that samples and accompanying paperwork are correctly labelled with unique identifiers and donor's details, that samples are appropriately sealed and chain of custody is maintained. These protocols are outlined in controlled documentation readily accessible to staff.
- Once samples are accepted they are directly transferred to a secure freezer where they are kept until analysed by a qualified analyst.
- At any time from sample receipt to the time of sample dispatch or disposal, the identification, appropriate storage conditions, preservation of integrity and security are maintained.
- The methodology (and reporting of results) used at Forensic Science SA is a validated procedure and is accredited against international standards. The technique unequivocally identifies the presence or absence of a prescribed drug. Mandatory peer reviews are performed throughout the analytical process.

It should give us some comfort that, while the process that is going to be used at Forensic Science SA will take a lot longer than the second-stage roadside drug test, the increased complexity about transferring those samples to Forensic Science SA will be managed in a way that is appropriate. In the letter, the minister also gave us a breakdown, by local service area, of where those detections

were for 1 January 2012 to 31 December 2016. Essentially, it features quite broadly across all parts of Adelaide and country South Australia. I am not sure that there is really that much to be gleaned in those figures.

The bill goes on to remove the requirement for SAPOL authorisation to conduct drug tests so that all officers can undertake this, not those officers who are authorised, as in the current legislation. As we do with drink-driving testing, as long as SAPOL trains the officers in the appropriate manner, all officers can undertake this. I think that is extremely sensible and, if it is a small measure to help reduce the red tape and bureaucratic burden within SAPOL, all is the better for it. I hope that, through our front-line policing review we announced yesterday, we will be able to find many more examples like that to bring to this parliament.

I said at the start of my speech, and I say again now, that we like the bill as it is. We think that the bill, as it is presented to us from the Legislative Council, is the best bill to put forward. Some of the reasons why relate to the first and second amendments that are being put forward. I said before that the drug dependency test is a measure for testing whether people are or are not addicted to alcohol or addicted to drugs. Certainly, the government, in all the rhetoric they have put forward—and, in fact, in some of the intemperate remarks from the minister for police in the other place to the Hon. Kelly Vincent—tried to suggest otherwise. There is a belief and a trust in the drug dependency test that I do not think deserves to be there.

If we follow logic, it says that when you commit a first-time offence—fine. Take your licks, take the punishment and, after a period of time, you get back on the road. After you commit a second offence, we can see that there is potentially a pattern of behaviour, and it is at that point that the current legislation says, 'Hang on, we want to check whether you are addicted to drugs or alcohol. We are going to send you off for a drug dependency test.' That test is only undertaken by one clinic, Corporate Health Group at Mile End; currently, I think it is about a six-week wait to get in there. I would like to think that they are going to gear up and get ready for greater tests when this legislation passes. They undertake this test and they provide a yes or no answer. It is a black-and-white yes or no.

If the drug dependency test worked, we would not see subsequent offending. If the drug dependency test, which provides a yes or no answer, worked, we would not see people go out and commit further offences, but we do. Those figures have been provided to us and they are extremely substantial. Hundreds of people a year go on to commit further alcohol and drink-driving offences as well as drug driving offences—hundreds a year. Those figures show that the drug dependency test does not work in every single case. In fact, in relation to the drug dependency test specifically, it does not work in a whole heap of cases.

The problem with that is that we place our faith in a test that is not about changing behaviour as much as it is about creating a point-in-time understanding of someone's state of being. The example I used before is that it is like cramming for a year 12 economics exam: the night before, you make sure that you are right to go for the exam, you pass the exam on the day and you forget everything you learned the night before as soon as you finish the test. I understand that maybe the time line to pass a drug dependency test is a bit longer than that. Certainly, the clinical process you go through for this test is a bit more substantial than that, but if it worked we would see very few numbers of people going on to reoffend. The truth is, we do, and that is why we have to start to look at alternative methods. If the drug dependency test does not work in a whole heap of cases—in hundreds and hundreds of cases a year—then we need to look at other methods.

We think that increased access to rehabilitation programs and completing those rehabilitation programs should be considered as an alternative method as part of this bill. That is not about a point-in-time decision or a point-in-time snapshot of someone; this is about actually working with a person to try to change their behaviour. Surely that has to be the aim that we are getting to. We want people not to take drugs and drive, and so we need to be more involved in providing the carrot and the stick to get them to change their behaviour. We think increased access to rehabilitation does that.

Whilst members opposite may try to look tough on this issue, if people are going out and creating subsequent offences because this test does not work as often as it should, or is not as strong a predictor of future behaviour as it should be, then our roads are less safe. We have people on our roads who are taking drugs and driving and who are drinking and driving, and we need to get

smarter and more creative about ways to change that behaviour. That is why we put these amendments in there in the first place.

It is not about ideology, and it is not about trying to thump our chest; it is about trying to find some new ways so that we can actually get towards zero together and actually reduce the number of drug-related driving deaths from 10 or 15 a year down to zero, and the same for alcohol. That is why they are in there. We implore the government to see sense on this issue. We implore the government, who do believe in rehabilitation in certain circumstances, to broaden it to this because this is important. We know that, to a certain degree, we cannot control people's future behaviour. People have to be accountable for their own actions, but if we can in any way, to the greatest possible extent, change their behaviour, then we are duty bound and morally bound to make those decisions.

With amendments Nos 3 and 4, we are also seeking to do the same thing and essentially provide that pathway for people to seek treatment. We know in these instances that, to a degree, people have to choose these things for themselves, but we can force them to choose these things for themselves in the sense that having a licence is a privilege and, as I have pointed out, is essential to modern Australian and South Australian life. We can provide that incentive—that carrot as well as the stick—if people fail.

I assume we will have a discussion a bit later around the amendment that the Hon. Kelly Vincent brought forward to the other place in relation to people who are using medical cannabis and their desire to still be able to drive. I understand that this is a difficult area because we are delving into territory that is quite new. Medical cannabis is only in its infancy in South Australia, but it has had a larger body of research around the world. What I would say to that is: if we are going to make medical cannabis a prescription drug, we need to treat it like a prescription drug.

We already have a process for how we deal with other serious opioids and drugs with pain-relieving properties. These people do get on the road and drive in certain circumstances. In my view, the only thing that makes this different is that we test for THC when we pull someone over and test them for drug driving, but we do not test them for the other things, in the same way that we do not test people for cocaine or heroin. What really makes this situation more difficult in relation to medical cannabis is the fact that it is something we test for, and the fact that we have the active component (THC) within the system.

We would like to provide a pathway where we can have a greater medical understanding and a medical pathway for how we deal with this issue. We would like to see doctors who have an understanding of the patient, an understanding of the drug and an understanding of the limitations of both, to be able to make the determination about whether or not someone should drive, in the same way we do for other prescription drugs that we do not test for.

If a doctor turns around and says, 'You are not okay to drive on medical cannabis,' then that should be the outcome. Again, there were some intemperate remarks made by minister Malinauskas in the other place in relation to this. What we are trying to do here is not what we see in the US where anybody can get access to medical marijuana, which is essentially a process by which they have achieved legalisation in the US. That is not what we are seeking to do here. We are talking about a prescription drug.

We are not talking about a carte blanche get out of gaol free card. Not only does someone need to go to a doctor beforehand, convince the doctor and the doctor go through a clinical process to determine whether or not someone can drive, but the person then has to go to court, after being charged with an offence, and it is a defence. Not only are we now allowing doctors to control the process but we are also giving judges the ability to make a decision in this process, and you have to prove to a judge that you are okay to drive. That is a very high burden for someone to pass.

To say that this is some sort of complete legalisation process is absolute codswallop and it is something that I find offensive. We know that medical cannabis can have positive effects on certain types of ailments. The government has already said that they are on board with a pathway to turning medical cannabis into a prescription drug. We have seen movements federally to ensure that this happens. In fact, we have seen the first importation of proper controlled medical cannabis into Australia.

I talked about the difference between alcohol and illicit drugs being the fact that alcohol is regulated, its strength is regulated and we have a fairly solid understanding of how it affects people. Illicit substances have varying degrees of strength that people do not know about when they are taking the drug. People also tend not to regulate the amount of the drug that they take to the greatest degree. However, here we are talking about a controlled amount of a prescription drug where we can start to make some solid predictions about how it will affect people.

We are talking about an extremely high threshold and an extremely high burden for someone to be able to use this provision. I think it is incumbent upon the government, if we are going to go down the path of allowing medical cannabis as a prescription drug, that we should get on the front foot legislatively and start to deal with these issues.

There was another amendment in the other place, which was thankfully defeated, in relation to search powers. This amendment was moved by the Hon. Robert Brokenshire and I think bears repeating here because of the extremity of it. We know that the government tried to get a modified version of the Hon. Robert Brokenshire's amendment into the bill, and that was defeated in the upper house, which I will get to in a moment. However, the original amendment put by the Hon. Robert Brokenshire stated:

(a) a person has submitted to a drug screening test conducted by a police officer under this Act; and

(b) the police officer reasonably believes, on the basis of the results of that test, that the person has committed a drug driving offence,

In other words, we have tested you and the first-stage test has tested positive, so we are not even waiting for the second-stage test. We are talking about something on the side of the road. The amendment goes on:

the police officer (or some other police officer or officers)—

(c) must search the vehicle involved in the commission of the offence—

'must search the vehicle'. Under this proposed amendment, we are talking about the police having to search thousands and thousands of cars a year—'must search the vehicle'. So when the government and the Hon. Mr Brokenshire put forward their watered-down amendment, this is what they really wanted to get into legislation: to make police go through every single car of somebody who returns a first-stage positive test. It is not good enough to convict you of drug driving but it is certainly good enough for police to have the following power:

…if reasonably necessary for the purpose of searching the vehicle, break into or open any part of the vehicle, or anything in or on the vehicle.

It is a carte blanche power to break things apart which, under the current system, makes sense because if the police have a reasonable belief or a reasonable suspicion that there are drugs in the car, or they have a reasonable belief that an offence is being commissioned, they can currently search the car.

In those circumstances, you give police leeway to be able to crack open the secret compartment that people have to try to hide the drugs that they have stashed, but this says that they must. If we are talking about the fact that this first-stage drug-driving test does on occasion—and this is something that was provided in a briefing by the minister's staff, that 5 per cent of the time there are false positives—give false positives, you are basically saying that these people are going to get searched when they have done nothing wrong. The Law Society was asked to provide—

Members interjecting:

Mr KNOLL: They make some solid points. I know those opposite are deriding the legal community. Heaven forbid that we actually sometimes listen to the people who have to deal with this every day. Heaven forbid that we actually look at those who look at this on an objective basis to try to find out what the truth of the matter is. Heaven forbid that we actually talk to an expert. The Law Society goes on to say this:

The Society notes the well-established common law position that police are only authorised to search a person or vehicle when there is a reasonable suspicion that they will find evidence of the commission of an offence. This is enshrined in section 68 of the Summary Offences Act.

This has been around for a long time. You would think that, in proposing this amendment, the government and the Hon. Robert Brokenshire would turn around and say, 'We need this.' We have dealt with pieces of legislation today where there is a clear need—a clear and demonstrated need—for a change to legislation. The Law Society goes on to say:

> The Honourable Robert Brokenshire noted when moving the proposed amendments that he was doing so on the basis there is a weakness in the current powers available to South Australian Police (SAPOL), without clearly articulating the suggested 'weakness'. The Society considers that the current search powers under section 68 of the Summary Offences Act are comprehensive and in the absence of a clearly defined weakness, does not support the proposed amendments.

They go on to say:

> It is significant that the record of Hansard relating to Honourable Robert Brokenshire of 6 July 2017 does not contain a single example of where the application of the current law, in a particular case, has revealed a weakness.

It seems to me very much that this is an amendment in search of a headline, instead of in search of fixing a problem—an amendment in search of a headline. Again, we need to take a common-sense approach to this. We need to take an evidence-based approach to this and we need to take a practical approach to this, and that is why we do not support that amendment.

There are a number of other people in this area who have suggested that the government's position on this is somehow a little bit misguided. I refer to Associate Professor David Caldicott, who on radio said about the previous minister:

> Look, I think the most charitable thing to say is that he has been misinformed on the nature of the science. There is a big difference between having detectable THC in your bloodstream and being impaired…THC is perhaps the scariest element for many in cannabis…it's what recreational consumers frequently chase to get themselves high…

Essentially, what he is saying is that the science is different from what the government has been trying to suggest in relation to the Kelly Vincent amendment. To remove all doubt in relation to the drug dependency test, there were some comments in the other place by the Hon. Peter Malinauskas in relation to the drug dependency test. He said:

> The risk with the McLachlan amendment—

which is something the government is seeking to reverse here—

> is that someone who was suffering from an addiction might get access to treatment, but then they fail in that treatment to deliver the desired outcome in terms of concluding their addiction. So just getting treatment does not guarantee that your addiction no longer exists. One could go to a registrar and say, 'Look, I undertook all this great treatment over here,' but they still suffer an addiction. The drug dependency assessment is specifically orientated to ensure that that person no longer suffers from an addiction, and of course that should require the registrar to satisfy themselves that that addiction no longer exists, not just the fact that they undertook treatment.
>
> The chamber should be very clear—and this is a point the government will continue to make publicly…that we would have created a risk here. We would have created a risk if the McLachlan amendment succeeds that someone gets access to treatment—

it makes it seem like it is such a bad thing—

> which is to be applauded and congratulated and encouraged, but their treatment does not deliver the desired outcome…

The drug dependency test does not deliver the required outcome in hundreds of cases per year. The exact argument he is using here is the exact argument that one can use about the drug dependency test—the exact argument. It is why we need to keep our eyes open to this measure. It is why we will be seeking to insist upon our amendments in relation to access to rehabilitation, because we firmly believe that we need to get smarter about these things.

Another thing in our amendment that we put forward is that the government has complete control over what treatment looks like. As part of the amendment it states that it is up to the regulations to prescribe what treatment means. That means that the government gets to control the quality. We are not talking about someone going to a tick-and-flick backyarder and being able to get away with whatever they feel like.

The government has the ability to control, in fact the requirement to control the quality of the treatment. It is why we can have confidence in the amendment. It is why the government should have

confidence in the amendment, because they have control over the process. But yet again, they prefer to beat their chest and look tough rather than actually look at some new approaches to this so that we can get a better result. With those brief words I would like to conclude my remarks. I look forward to the committee stage of the bill, where we can further tease this issue out, and to a negotiated resolution so we can get on and help to save lives in South Australia.

Mr ODENWALDER (Little Para) (19:56): I rise to make a relatively brief contribution to this debate in support of the bill. I have listened with great interest to the member for Schubert's contribution. His contributions are always good and sometimes entertaining. This one was in three acts. I particularly enjoyed the second act, where he talked a lot about drugs and talked a lot about ice and of the failure of the war on drugs.

I think we can all agree that in western societies generally we have failed quite spectacularly on the war on drugs. That is not the fault of any individual police force or any individual government. I think it is a question of policy. I do think that at some point we are going to need to really look at why it is continuing to fail and what we can do. I assume that my prescription and the member for Schubert's prescription would be quite different.

The bill is not about drugs. It is about road safety. I have been an advocate for safer roads in South Australia for a long time. There are many ways we can achieve this, of course. We can achieve this through urban design, through speed restrictions, through vehicle modifications, through education and, of course, through policing activities that impair motorists' abilities and reactions that put all other road users at risk.

When I first joined SAPOL—and I was in the job only briefly—I had not given traffic policing much thought at all. In my mind, the positions to aspire to in the organisation were serious detective work, major crime investigation and organised crime work. However, over a very short period time I came to the conclusion—and I have said this before and I am not just saying this because there are senior police officers in the room—that policing traffic was very near the top of the important roles that our police play.

As a result, I have nothing but respect for traffic police for the very difficult job that they do, sometimes in the face of public pushback. They do a very difficult job and it is sometimes a very thankless job. They try to keep the majority of motorists, cyclists and pedestrians safe and they do some very confronting work sometimes and see some things which none of us would like to see, picking up the pieces after serious road crashes and that sort of thing.

Sadly, alcohol and increasingly other drugs play a significant role in the risk we all face on the roads. I am sure that some of these statistics have already been alluded to by the member for Schubert and perhaps by the member for Fisher, who also made a good contribution, but an average of 107 people are detected by police for drug driving on any given week. This is just four fewer than those detected for drink-driving. Of course, both of these numbers are unacceptable.

Over the past decade, of course, we have had considerable success in reducing the incidence of drink-driving. This is largely due to policing. Unfortunately, the same cannot be said yet about drug driving. In terms of drink-driving, as the member for Fisher said, we have seen a change in culture. It is no longer acceptable to drink and drive. Friends and family will actively step in to stop those considering this highly dangerous behaviour from doing so.

We need to replicate the cultural change in respect to drug driving. We need to create a situation where we acknowledge that it is never okay to drive with any drugs in your system, including alcohol. While we continue to push education campaigns and visible enforcement, this bill contributes to the fight against drug driving by significantly bolstering the penalty regime. This is a crucial component of changing driver behaviour. The bill introduces a three-month licence disqualification for a first drug-driving offence that is expiated and increases the court-imposed disqualification period from three months to not less than six months.

The bill also increases the court-imposed licence disqualification periods for repeat drug-driving offences. The following licence suspensions would apply:

- for a second offence, not less than 12 months (this is up from six);

- for a third offence, not less than two years (up from one year); and
- for each subsequent offence, not less than three years.

The bill also, of course, seeks to increase the penalty for driving unlicensed after losing the licence for drug driving to $5,000 or imprisonment for one year and disqualification from holding or obtaining a licence for not less than three years. A similar provision currently applies for those caught driving unlicensed after losing their licence for high-level drink driving. This provision simply seeks to provide consistency to our laws.

I must say that I am particularly pleased, as I think the member for Schubert expressed, that this bill introduces a new offence of drink or drug driving with a child under 16 years in the vehicle. Those caught under this offence will be required to undergo a drug or alcohol dependency assessment before they can regain their licence, even for first-time offenders. Obviously, driving kids around with alcohol or drugs present in the driver's system puts these very vulnerable passengers at a much greater risk of being involved in a crash and is absolutely unacceptable. The minister and the government should be commended for including this new offence.

The bill also proposes a couple of necessary changes to streamline and bring efficiency to the SAPOL testing regime. Under proposed changes, SAPOL will no longer conduct the second stage of the drug testing procedure at the scene, known as the oral fluid analysis. This will free up officers' time at the roadside. The first drug screening test will be administered to determine, at a preliminary level, the presence of a prescribed drug in a driver. If a prescribed drug is detected, SAPOL officers will collect an oral fluid sample for forwarding to Forensic Science SA for laboratory analysis and confirmation of the presence of drugs in the driver's oral fluid before an offence is confirmed, as per existing practice.

Under the current procedure, approximately 710 people per year are exonerated at the second stage analysis conducted by SAPOL at the scene. However, analysis has shown that over half these drivers (around 420 per year) would test positive under laboratory conditions. This is due to the lower level of illicit drug able to be detected in the laboratory compared to the current second stage screening test at the roadside. The bill dispenses with the requirement to authorise SAPOL officers to conduct drug screening tests. There are currently 687 SAPOL officers authorised to conduct drug screening tests and 362 authorised to conduct oral fluid analyses.

Dispensing with the requirement to authorise them will reduce red tape and allow for all sworn officers to be trained and available to conduct drug tests across the state. The bill requires all drug and alcohol testing apparatus to be approved by way of regulation. Seven types of alcohol and drug-testing apparatus are currently used by SAPOL. They are published in the *Government Gazette*, but they are sometimes challenged in legal proceedings. Under these amendments, they would be listed in regulations instead, thus avoiding difficulties encountered during prosecution.

I will let the minister rebut the arguments about medicinal cannabis, but I do have some concerns about the amendments successfully moved in the other place, particularly in relation to the presence of THC in certain people who may be using medicinal cannabis. As I said, I will leave it to the minister to rebut those specific points. I make no comment here about medicinal cannabis or, indeed, recreational cannabis for that matter, but I do have grave fears that amendments of this sort will considerably weaken the road safety impact of this bill, and I hope the members in this place will show more wisdom in this regard.

This bill was not about preventing people from using medicinal cannabis, nor is it in a broader sense about punishing illicit drug use. It is about road safety, pure and simple. I believe that these strengthened penalties will send a clear message about the severity of drug driving and I look forward to their swift passage through this parliament.

Mr PEDERICK (Hammond) (20:04): I rise to address the Statutes Amendment (Drink and Drug Driving) Amendment Bill 2017. Just before I make more in depth comments around the bill, it is interesting how far we have come in society with our debate around medicinal cannabis and even industrial hemp. Twenty-five years ago or so I can remember a local lady from Coomandook pushing the idea of a sustainable extra cropping alternative for dryland farmers in industrial hemp. Because

of society's views at the time it did not make the grade, yet here we are, 25-odd years later, talking about not just industrial hemp but about medicinal cannabis.

In a lot of the states in the United States and other places, there has been a liberalisation of the use of marijuana, which I do not agree with, by the way. Certainly, things have come a long way in that time, and we have to make sure we get the right legislation and the right regulation in place around everything that happens in society, including the whole discussion around medicinal cannabis and other drugs.

The bill was introduced on 11 May, and it seeks to create a three-month licence disqualification for a first-time drug presence offence that is expiated. Another measure of the bill is an increased maximum penalty of six months, where someone seeks to have the first drug-driving offence prosecuted. The bill increases the penalties for second and subsequent offences: for a second offence, a minimum disqualification of one year; a two-year minimum for a third offence; and, for subsequent offences, a minimum of three years.

The bill creates a new offence of drink and drug driving with a child under 16 years. I have been shocked, as I am sure many members have been, to hear reports of parents or carers dropping children off at school and being picked up for either drink or drug driving. It is outrageous to think that someone is affected by drugs or drink at that hour of the day, 8.30 in the morning, and driving their young children to school then is outrageous.

The bill also strengthens notification provisions to the Department for Child Protection for offenders convicted under the section and refers offenders to a drug dependency test for a first-time offence under this provision and for subsequent offences for other drink and drug-driving offences. There are also increased penalties for driving whilst disqualified for drug-driving offences, and that is to be in line with serious drink-driving penalties. The bill is making changes necessary to update drug-testing methods, replacing a second on-site drug test with an oral fluid sample, which is sent to Forensic Science SA.

The bill also seeks to remove the requirement for South Australian police authorisation to conduct drug tests so that all officers can undertake the test, and training will obviously still be provided to all officers who want to undertake this process. The bill seeks to increase the range of penalties associated with drink and drug driving, and the increased penalties are there to act as an increased deterrent against drink and drug driving, especially, as I mentioned earlier, in relation to having children in the car.

I am informed that deaths due to drink-driving have fallen from 30 per cent in 2006 to around 10 per cent in 2016. Deaths due to drug driving have hovered steady between 10 and 15 per cent over the same period. One of the concerns we have on this side of the house is that the bill does not encourage people to seek treatment in relation to drug taking. Certainly, part of the issue around both alcohol and drugs is that drug treatments need to be available. There is very little extra incentive for people to voluntarily seek drug treatment as it stands.

Allowing offenders to use going through a drug treatment program could be an alternative to the dependency test, which will encourage people to help themselves. First-time drug-driving offences, which are proven through the undertaking of arbitrary drug presence tests, have no discretion applied. Reverting the first-time drug offence to being in line with the first-time drink-driving offence again provides incentive in the system for people to seek treatment.

Currently, there is only one assessment clinic that can undertake drug dependency tests, and we understand there is already a 12-month backlog in getting an appointment. Opening up the opportunity for people to seek alternative testing clinics will help people to comply with these requirements more quickly. As indicated in some of the previous contributions, the bill does contain increased enforcement measures and some increased prevention measures. Supposedly, it is about getting that balance of not just being tough but also being smart.

One change to the bill is the creation of a three-month licence disqualification for first-time drug presence, and that offence is expiated. As I said, we are looking at some amendments as well. The bill is seeking to increase that minimum penalty of six months when somebody seeks to have their first drug-driving offence prosecuted. It creates an element of risk for someone who elects to go to court in relation to a drug-driving offence. So the person has to decide whether they take the

penalty, which is three months as it stands, or go to prosecution and look at doubling their licence disqualification.

The bill also seeks to increase the penalties for second and subsequent offences. The second offence has a minimum disqualification of one year. There is a two-year minimum for a third offence, and subsequent offences carry a minimum of three years. We support those measures, but we certainly need to get tougher on repeat offenders. I think that is about not just getting tougher but also getting smarter. It is about education so that people can see the real risks in both drink and drug driving.

If we cannot get the message through, perhaps we need to take these people off the road because we cannot have them there. If they cannot get the message that they do not need drugs or alcohol in their system, they should not be on the road. If it gets to that stage, those who are taken off the road need to be given assistance to get the help they need to get off drugs and have a more fulfilling life or to deal with their alcohol addiction so they can become good citizens with jobs and contribute to society.

I spoke before about the new offence of drink and drug driving with a child under 16 years in the vehicle. We have seen this in the past in regard to smoking in vehicles when children are present. We support this measure. It talks about the fact that, obviously when you have a child in the car, you need to take full parental responsibility and make sure that you are not doing anything to increase the harm to the child.

It will be interesting to see where the debate goes and what amendments we can get through to strengthen the legislation. Certainly, I am sure that everyone in this place is keen to make sure that people who are out on the road are safe and that people who are caught up with drink or drug driving are dealt with appropriately. On top of that, as I have been saying, there need to be programs so that these people can also be rehabilitated to become fully functioning citizens in the community.

I will be interested in hearing further remarks on the bill. We just want the best outcomes because one thing we really cannot stand for is this scourge of drugs and alcohol that has caused so many problems in society where people just should not be on the road when they are under the influence. As I said, it absolutely concerns me that people can be caught at 8 o'clock or 8.30 in the morning for a drink or drug-driving offence. I will be interested in the continuation of the debate.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (20:16): I rise to make a contribution to the Statutes Amendment (Drink and Drug Driving) Bill. There are a couple of aspects I would like to address. Obviously, the provisions of the current Road Traffic Act and other acts provide for drug-driving penalties. That is something to be dealt with. Essentially, this legislation recognises the fact that on average over 100 people a week are detected by police for drug driving. Of course, that is fewer than drink-drivers. Nevertheless, it is a danger and it needs to be dealt with, as it is an unacceptable risk not only to the drivers themselves but of course to their own passengers and other road users.

However, introducing a three-month licence disqualification as though this is going to be a strong deterrent from drug driving is, I think, a fantasy. Obviously we are prepared to support this bill but if the government takes the view that this is going to be some panacea for the management of what is clearly a social problem, they can think again. It will not be. It may attend to some of the people but the reality is that those who are addicted and who are in this category, those who have been detected, charged, convicted and whose licence disqualification has come into play, continue to do exactly as they have done before. They continue to drive and put at risk themselves and others.

One of the aspects of embarrassment to the government was the fact that, in the management and monitoring of people who do this, it became acutely and publicly disclosed that some of the worst offenders were people who were dropping off their own children or their friends' or neighbours' children at schools when they were detected. This sends a shiver down the spine of most responsible and decent people who consider it abhorrent for someone not only to put those children at such risk but also to move into an area where other children are entering or alighting from vehicles and of course place them at risk. Of course the public reaction is strong. The government's answer is this bill. I say for the record that I do not think it is a panacea of resolution, and I suspect

that exactly what will happen is these people will continue to drive under disqualification and it will not resolve the problem.

Another matter I would like to raise is that, in the provision of information during the briefings on this matter, the statistics that were provided to me were that the proportion of drivers testing positive for drugs from roadside tests has steadily increased from 2 per cent in 2008 to 11 per cent in 2016. Of the material provided in the last financial year as distinct from the calendar year, in 2016, 49,078 drug screening tests were conducted. Of those, presumably, the detections for drug driving in 2016 were 5,351. Alcohol screening tests conducted in 2016 were 529,365, and detections for drink-driving in that same year were 5,237. The drivers detected driving disqualified or suspended in 2016 were 4,422.

If that is not a very clear message to the government that people—in this case, 4,422 of those who were detected—are quite prepared to drive whilst disqualified or suspended, then I do not know what is. It is a clear indication that those who are in this space, who are either addicted or intending to continue to use drugs and testing positive for drugs, are going to do exactly that. The other alarming aspect of this statistic is that, even though over half a million people are alcohol screened and only 50,000-odd are drug tested, there are actually more people detected for drug driving proportionate to the number tested than for drink-driving.

The government needs to have a very clear understanding that, at best, this is a superficial shield to a major social problem. It is not going to arrest that issue unless they are prepared to accept that people who particularly have an addiction are prepared to submit to a program of rehabilitation, whether that is voluntarily or on a mandatory basis, which from our side of the house should occur and be available for children upon application and successfully obtaining a court order. That is a demonstrable program and policy that will have a much more effective outcome than this type of approach in the legislation.

Shortly, we will debate other legislation relating to other people in a workplace environment who will be subject to an expanded drug testing procedure in the course of their employment. There is no doubt, however, that we have a real and present danger on our roads and, indeed, in our homes. There are people who take an excessive amount of alcohol, prescription drugs and illicit drugs who are in a role of supervision of children, mature-age people and vulnerable aged people. They are undertaking employment in potentially dangerous situations, for example using heavy vehicles and the like. For the rest of us ordinary people, the use of motor vehicles whilst under the influence of alcohol or illicit drugs of course easily and quickly turns into a lethal weapon.

We are of course prepared to support this legislation, but these sorts of statistics ought to alarm the government into recognising that we have a serious social problem, and they are going to have to do a lot more. If they are not at least prepared to support what the opposition are proposing, then they ought to get their thinking caps on and open up their wallets in the budget in order to ensure that proper attention is given to this social ill.

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) (20:25): This is a bill about the safety of South Australians on the road; that is what it boils down to. This bill says that we want to make sure that South Australians are not driving under the influence of alcohol or drugs that could impair or impact their driving and could put other South Australians at risk.

Over a long period of time, we know the impact that alcohol has had in terms of the road toll and the danger it poses to our roads. There has been a massive public effort over the past 40 years to turn that around, reduce the road toll and reduce the effects of alcohol. That has had a very significant effect, and we have seen fatalities due to the influence of alcohol drop dramatically over that period of time. The education and enforcement have gone up and our laws have been strengthened.

We are now seeing the impact of drugs on our roads. We have seen an increase in the number of people driving under the influence of drugs. We have seen an increase in the number of people involved in accidents and fatalities who were under the influence of drugs. While the fatality rate involving alcohol has been coming down, the drug rate has been steady, if not increasing. Over

the past five years (from 2012-16), 48 drivers and riders killed on our roads tested positive for THC, the psychoactive component of marijuana. Twenty of those tested positive to THC alone.

We know that drugs are having an effect on our roads. This is something that the police are developing and increasingly putting resources into, but we need to strengthen our laws. In this bill, the government has set about to strengthen our laws in terms of deterring, preventing and punishing where necessary the use of drugs in motor vehicles in order to protect the safety of our families across South Australia, and to protect innocent people from what is an inherently dangerous thing in driving a motor vehicle.

I thank all the members for their contributions tonight: on this side, the members for Fisher and Little Para, and on the other side, the members for Hammond and Bragg, and the very lengthy contribution from the member for Schubert in five parts. There was a lot of interesting discussion, as there was in the upper house. I think there is general agreement around a number of the components that the government has brought to the table, in terms of strengthening the penalties where people have been found to be under the influence of drugs.

In particular, this bill introduces a three-month licence disqualification for a first drug-driving offence. It increases the court-imposed disqualification period for a first offence from a minimum of three months to six months, which is not able to be reduced or mitigated in any way. A higher court penalty is appropriate to deter those who would take their chances in court if the penalties were the same. The bill increases the minimum court-imposed licence disqualification periods for repeat drug-driving offences from six months to 12 months for a second offence, from one year to two years for a third offence, and from two years to three years for any subsequent offence after that.

The bill also creates a new offence of high-level drink or drug driving with a child under the age of 16 in the vehicle. For obvious reasons, we believe there should be a more significant penalty for an offence that involves putting a child's life at risk. This new offence will require the driver to undergo a drug or alcohol dependency assessment and the offender will not regain their licence until they have been assessed as non-dependent by a clinician.

Finally, the bill increases the penalty for driving unlicensed at the end of the disqualification period. For those who choose not to undergo a required dependency assessment or drive after being found dependent, they will face an increased maximum penalty of $5,000 or imprisonment for one year and disqualification from holding or obtaining a licence for not less than three years. I think all those things are generally agreed between the parties and between the houses.

Where there are disagreements, they have come about from a number of amendments that were moved in the other place: two amendments that were moved that the government opposes and one amendment that was moved by the Australian Conservatives in the upper house that the government supports but the opposition does not. Essentially, those amendments boil down to three things, the first of which is a drug dependency test. This is something where the opposition and some members of the upper house want to effectively water down the need for a drug dependency test.

After listening to the member for Schubert's contribution, obviously he raises concerns about the nature of a drug dependency test. Of course, we do not disagree that a drug dependency test is not perfect, and having a drug dependency test does not, by its very nature, guarantee that a person at any time in the future is never going to ever use any drugs and get back on the road again. However, the fix to that is not to weaken that requirement. The fix to that is not to make it worse and to reduce the ability of that requirement to have a good effect.

In our view, it is a completely nonsensical position that you should be worried about the efficiency or the efficacy of a drug dependency test and therefore should say, 'Let's back away from it completely and let's say that people can undertake some drug rehab programs instead. They don't have to prove anything in particular. They don't have to prove that they have changed their ways; they just have to go through this program.' It could be any number of programs across the state. The motor registration department does not have a list or a register of programs. You just have to sit through these programs, basically. You do not have to pass any type of assessment.

Mr Knoll: You get to decide.

The Hon. C.J. PICTON: Well, we are deciding. We would like to decide that you have to go through this drug dependency assessment. That is what the government would like people who are in this situation to have to do: to demonstrate to an accredited independent body that they are no longer dependent upon their drugs. Of course, that does not mean that there might not be people who go back to their previous ways, but that is a much stronger proposition than just making people sit through some classes of any number of drug rehab programs around the state.

The second issue came about from an amendment moved in the upper house, I believe, by the Hon. Dennis Hood from the Australian Conservatives. It raised for us a very interesting point and something the government was very happy to take up. Where there is a positive drug test involving a motor vehicle, there is currently a prohibition upon our police officers in those circumstances from being able to undertake a search of the vehicle. Our police in this state have quite broad general search powers; however, this requirement that they are not able to search, based on the results of a positive drug test, in our view is nonsensical.

In our view, this is something that needs to be changed. We are happy to have taken up the suggestion from the Hon. Dennis Hood. We think that it is a sensible suggestion. We have altered the amendment in the way that we are reintroducing this amendment in this house, in that we are tying it to a power the police already have under the Controlled Substances Act. We are removing the prohibition upon the restriction of a search involving a positive drug test on the roadside and connecting it to the Controlled Substances Act, which essentially will activate the powers the police have under that act to conduct further searches.

I am sure that members of the parliament as well as people broadly in South Australia could understand, for very good reasons, why it would be a sensible thing for police to do, to search a vehicle where there has been evidence presented to the police through a roadside drug test that drugs have been used in that circumstance. In fact, I think it would be nonsensical situation where the police were prohibited from looking into a vehicle where they might find any number of drugs being there. I know that this is something that the Hon. Robert Brokenshire, who joins us, is very supportive of—making sure that we have the ability for our police to search vehicles where there is a positive roadside drug test. I would implore the opposition to come to their senses on this issue and allow our police the power to search those vehicles.

The member for Schubert was talking about all sorts of issues with the original amendment that was proposed. We believe that this amendment does not have any of those issues he was talking about. This allows the police to use their existing powers under the Controlled Substances Act, and we believe that should be supported. The third issue is clearly the most controversial and has been getting the most public comment under this bill. In our view, we have an amendment to remedy the situation of the problems that were put in there in the upper house. This involves the use of medical cannabis.

Let me say from the outset that this bill and this debate are not about whether medical cannabis is a good thing or a bad thing. It is not about whether medical cannabis should be legal or illegal. I personally have a view that we should allow medical cannabis to be used where appropriately prescribed and where it has gone through proper processes, just like any other drug. I do not think that there is any issue with that. However, that is not what this bill is about.

Obviously, the government has been doing a lot of work, led by the Hon. Kyam Maher, in opening up our laws. We believe that we have one of the more progressive legislative arrangements of any jurisdiction in terms of allowing medical cannabis to be prescribed. Kyam Maher is doing a lot of work in terms of allowing a medical cannabis industry in South Australia and progressing that. However, this bill is about what people's capability is to drive.

We have to be very clear that, when you get behind a wheel, you should be in a position where your driving, your abilities, your recognition and your ability to perceive and see the risks before you are not impaired. We have to be very clear that the reasons why you might be impaired do not matter. What matters is that you are out on the road and that you are putting other people at risk if your driving is impaired.

Essentially, what has been put forward is the idea that we should allow a particular exemption to take place for the reasoning behind it, not for the effect. If the reasoning is good, that someone is

using medical cannabis because they have a particular pain or they have a particular ailment, then we should allow the effect on the road, and we should allow the good nature behind why they are being prescribed this to fix their ailments to impact upon innocent people who are putting their lives at risk on the road by having those drivers who are impaired.

I think there are a number of myths that have been started in this whole debate. The first myth is that medical cannabis does not contain THC, the active ingredient. I think this is something that has been thrown around and I want to spend a minute talking about this. There are some types of medical cannabis, as I understand and have been advised, that might contain very, very low amounts of THC that might not have any psychoactive abilities. They are not necessarily the ones that are available for legal sale, but they might become available over time.

If that is the case and it does not contain THC, then you are not going to test positive. You are not going to be under any psychoactive impairments in your driving and this bill will not impact you in any way. However, there are medical cannabis products that do contain THC. I was recently at the agriculture ministers' conference in Melbourne, representing the Minister for Agriculture, and one of the things we did was visit AgriBio, the institute in Melbourne at La Trobe University where they are growing the Victorian government crop of cannabis for use for medicinal purposes.

It was a very interesting operation and really opened my eyes to the variety and different types of medical cannabis that are being produced and are used for different reasons. There a number of them that contain moderate to high levels of THC, as they were describing to us there. If you are using those products, then your ability to drive is going to be impaired. Just because you are using it for a good reason does not mean that we should allow people whose driving is going to be impaired to get behind the wheel of a car.

The second myth that has been generated through this debate is that there are good and bad types of THC. We have heard lots of people say things like, 'If you cold press your cannabis then it produces a good type of oil—

Ms Cook: Like olive oil.

The Hon. C.J. PICTON: —yes, like olive oil, the member for Fisher suggests—'or a herbal juice or something, and you are going to result in a THC that does not have the psychoactive properties'. Our advice from SA Health is that that is not the case. Our advice from SA Health is that if you have THC in your system, then you have a psychoactive property in your system. It does not matter in terms of how it was pressed; if it is in your system then it is going to have an effect. That is something that is very important in this debate. I think the idea that somehow we could generate some high THC products but just make them in a different way and suddenly they are going to be fine and people can get behind the wheel is a complete misnomer, based on the advice we have from SA Health.

The third myth is that when somebody has been prescribed medical cannabis that has active psychoactive properties involved in it that would show up in a roadside test, that somehow the doctor is going to be in a position where they can say to the police or to the court, 'Well, actually this person is fine to drive. Even though they have THC in their system, as a doctor I have judged, based on the prescriptions and their intake of that, that they are fine to drive a motor vehicle.' We know that this is not the case because doctors have told us this is not the case. Doctors have very strongly said to the government, through the Australian Medical Association, that they are not in a position to be able to advise a court as to whether or not a person who has taken a substance with THC in it is able to drive a car. It is not a professional opinion that a doctor is able to say.

You only have to look at what Dr Rod Pearce, former president of the AMA, said when he was on FIVEaa recently:

> We can't guarantee that it's safe to drive which I think was originally your point and from a medical point of view we can say yeah we prescribe it for medicinal reasons but for us to be able to guarantee there's no psycho active medication or there's no effect on somebody's ability to drive, is fraught with risks and because we can't do I think I don't think any doctor's going to feel comfortable saying we can guarantee it's safe for you to drive because we prescribed this medication.

We have clear advice to the parliament from the leading doctors' association that doctors are not in a position to be able to advise on this.

I have no doubt that there will be some doctors out there, some very strong advocates of cannabis, who might put up their hand and say, 'Sure, I will do this. I will be the one who can tell the court that THC is all good and well.' But the mainstream medical opinion, from the Australian Medical Association, is that this is something that the opposition in the upper house is asking doctors to do that they are in no position whatsoever to do. It would put them in a very awful situation and ultimately it would be completely unsuccessful. So in creating this ridiculous defence with no reason, potentially, some doctors might put up their hand to use it, but the mainstream doctors are going to say, as Dr Pearce has said, that this is not something that they can advise a court on, as to whether or not this should be used.

Therefore, looking at all of those arguments, one by one they start to fall away. We do not win any plaudits for this position on the Twitterverse, I can assure you. Since we have come to this clear position, I have had a number of very strong cannabis activists tweeting me night and day, advocating all sorts of things about the benefits of cannabis. I repeat once again that this is not an issue about whether medicinal cannabis is a good thing or a bad thing, it is an issue about what the state of a person is when they get behind the wheel of a car and they are interacting on the road with my family and your family and everybody else across South Australia.

For those reasons, we are very concerned about the amendments. We are going to insist that these amendments are brought before this house to address the amendments that happened in the upper house. We are absolutely going to insist upon that. We want to make sure this bill gets through so these stronger penalties are in place, but we are not going to allow, from a government perspective, a bill to pass that allows for these quite dangerous provisions to be put in our laws affecting the safety of people on the road. I think that is a very sensible position.

Frankly, I am shocked, to be honest, that this is not something that the Liberal Party can see the benefit of. I am shocked that this is something on which they are happy to side with the Greens and some of the fringe advocates in terms of cannabis. The fact that we had the member for Schubert come into this house quoting Dr Caldicott, the famous pill-testing doctor, brings us a bit back to the days of the member for Heysen as leader of the opposition. It is a very strange arrangement that we have here, where we have the Australian Conservatives and the Labor party government arguing against some very left wing propositions from the Liberal Party and the Greens and Kelly Vincent.

I hope the Liberal Party comes to their senses on this. I hope they can see the reason that we need this bill in place and that they can see the science that has clearly been demonstrated from all our peak bodies, from the Australian Medical Association, from the Police Association, from all the reputable bodies. Who has the member for Schubert been relying upon for advice on this bill? When he was asked on FIVEaa, 'Aren't you talking to people like Rod Pearce?' he said:

> The discussions we have had with those people who produce medical cannabis and have familiarity with it have told us it is non-psychoactive.

So quite clearly the advice that the member for Schubert is getting is from the producers of medical cannabis. That is the advice they are getting. They are not listening to the AMA, they are not listening to the Police Association, they are not listening to the SA Health, the scientists, the experts: they are going to the people who are selling this stuff and saying, 'What do you think? Should we allow people to use your products and drive on the road?' Shock horror: they think you should use their products and drive on the road.

Frankly, that is a ridiculous public policy position. I think it is something they should be a bit embarrassed about and it is something that is not befitting what you would think is a conservative party in this parliament. I hope we see some sense come to these amendments. I am confident that they are going to pass this house and I hope that the Liberal Party come to their senses in the other place.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr KNOLL: In a briefing provided by SAPOL and your advisers, minister, it was said that the reason for the change to the second stage of the drug test was that the machines that are used currently in the back of the vehicle are not being made anymore and that the machines that we have are essentially going to become obsolete because people do not manufacture, maintain or certify them, so we have to move to the stage two test, which is more lengthy. We will get to that in second. My first question is: when do the current machines expire?

The Hon. C.J. PICTON: I am advised that the machines stopped being manufactured in 2012, and the consumables stopped being manufactured in 2016.

Mr KNOLL: When can we no longer use these machines?

The Hon. C.J. PICTON: Again, I am advised by the police that we are using a different product at the moment, and the machines being referenced by the member will not be used following December this year.

Mr KNOLL: When you say that they will not be used following December this year, is that because you are hoping that this new system is in place—as in, that is what is going to replace it?

The Hon. C.J. PICTON: We are verging on the technical, but I am advised by the police that, as was mentioned, there is another machine. We will still be able to use that other machine following this period of time.

Mr KNOLL: Essentially, there is no break in the ability to have drug tests?

The Hon. C.J. PICTON: No, correct.

Mr KNOLL: Under the current system and under the new system of drug testing, what is the rate of false positives?

The Hon. C.J. PICTON: I am advised that this is a bit involved, and we will maybe get some more information for the member for Schubert between the houses. Essentially, there are obviously two stages: the roadside test and then the lab test. A very high percentage of the people go through the lab test and are positive, but I would want to be sure in terms of the details and the numbers, so we will get the numbers before we get to the other place.

Mr KNOLL: I assume that you will take this on notice as well, unless the guys know: for the three drugs that we are testing for, what is the minimum threshold limit for being able to detect the drug and the number of microns or whatever in the sample?

The Hon. C.J. PICTON: I am advised that for THC it is 50 nanograms, and for the other two 75 nanograms is the minimum reading.

The Hon. C.J. PICTON: With the Towards Zero Together road safety figures that you were referencing before in relation to drug deaths, and I have referenced them as well, do you have a breakdown of which drugs were in people's systems when they died? Is it more one drug than others?

The Hon. C.J. PICTON: The figures I used in my summing up were specifically on the THC numbers, but we will make sure we get the figures of the breakdown across the three drugs for you.

Mr KNOLL: When you do that testing, are there other drugs in people's systems also that we are not testing for? Do you even test for those things when you do this sort of post-mortem analysis, or is it only for those three drugs?

The Hon. C.J. PICTON: Yes, that is correct. When there is a road fatality, as a matter of course a post-mortem is undertaken, and as part of that there is testing for a whole range of different drugs. We will chase up the figures as best we can to provide them to the member for Schubert.

Mr KNOLL: That is all the questions I have, so we can move to the amendments.

The CHAIR: Good, because it was a lot of questions for one clause.

Clause passed.

Clauses 6 to 9 passed.

Clause 10.

The Hon. C.J. PICTON: I move:

Amendment No 1 [Police–1]—

Page 8, lines 10 to 17 [Clause 10(1), inserted subsection (1)]—

Delete 'attend an assessment clinic for the purpose of submitting to an examination to determine whether or not the applicant is dependent on alcohol unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant has successfully completed a prescribed alcohol dependency treatment program not more than 60 days before the date of application for the licence' and substitute:

submit to an examination by an approved assessment provider to determine whether or not the applicant is dependent on alcohol

Amendment No 2 [Police–1]—

Page 9, lines 2 to 9 [Clause 10(1), inserted subsection (2)]—

Delete 'attend an assessment clinic for the purpose of submitting to an examination to determine whether or not the applicant is dependent on drugs unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant has successfully completed a prescribed drug dependency treatment program not more than 60 days before the date of application for the licence' and substitute:

submit to an examination by an approved assessment provider to determine whether or not the applicant is dependent on drugs

Amendment No 3 [Police–1]—

Page 9, lines 18 to 21 [Clause 10(3), inserted subsection (4)]—Delete 'that—

(a) that the applicant has undertaken a sufficient amount of appropriate treatment for dependency on alcohol; and

(b) the applicant is no longer dependent on alcohol.' and substitute:

that the applicant is no longer dependent on alcohol.

Amendment No 4 [Police–1]—

Page 9, lines 27 to 30 [Clause 10(3), inserted subsection (5)]—Delete 'that—

(a) that the applicant has undertaken a sufficient amount of appropriate treatment for dependency on drugs; and

(b) the applicant is no longer dependent on drugs.' and substitute:

that the applicant is no longer dependent on drugs.

Amendment No 5 [Police–1]—

Page 10, lines 32 to 34 [Clause 10, inserted subsection (9)]—Delete subsection (9)

The CHAIR: Are there questions on these amendments?

Mr KNOLL: No, only a few comments.

The CHAIR: I am not sure they are allowed, are they? At this point, we are talking questions.

Mr KNOLL: I will have an upward inflection in my voice.

The CHAIR: Well, it better be a very quick upward inflection.

Mr KNOLL: Amendments Nos 1 to 5 relate to the fundamental difference between the government and the opposition in relation to the primacy of the drug dependency test over other treatment programs. With these amendments, the government has complete control to regulate what programs and what stage of those programs people need to complete before it is okay. The government has complete control. Someone cannot go to some backyarder who ticks a piece of paper and everything is okay.

In the same way that the drug dependency test is extremely highly regulated as to who can conduct it, so highly regulated that only one person can, drug treatment can occur so that we can have quality control. It is why I feel confident that it is not some backyard half measure, that it is a viable alternative, because we can ensure that it is the best drug treatment program, the most vigorous and the most tested; in fact, a component of a drug dependency test can be part of the treatment program, if the government so regulates.

There is an ability for the government to have complete control over these amendments. That is why we assume they will be defeated here, but we will continue to fight for these because they are important. This is about changing the way we look at this issue and providing more of a balance in the way that we look at this issue.

The Hon. C.J. PICTON: In some way, I understand where the member for Schubert is coming from on this issue, in that we do of course want to see more treatment. We do of course want to make sure that people who are in a situation where they have been caught using drugs or have alcohol in their system for this one are undergoing treatment and are changing their ways. I absolutely agree with the member for Schubert that the drug dependency assessment is not foolproof. There is no way we can absolutely guarantee that somebody who goes through that assessment, as rigorous as it may be, will not go back to their old ways and use drugs at a future point in time.

However, I would call on the member for Schubert to think through his proposed amendments, which I do not think, based on what he has said, actually deliver what he is looking for. In our view, this weakens our provisions in terms of the assessment and treatment that people will have to undergo if they are found using drugs or alcohol on our roads. I will read through little bit of detail on this.

The amendments we are moving restore the bill to reflect the current policy when it comes to the registrar's ability to make a decision about a person's dependence upon alcohol or drugs. The government does not support the amendments carried in the other place. Advice from clinicians is clear that participation in a treatment program does not ensure a person is not dependent upon alcohol or drugs. Just because you go through the treatment program does not mean that you come out of the end of the treatment program not dependent on alcohol or drugs.

Repeat drink and drug drivers must be assessed. We believe they must be assessed as non-dependent before they are able to obtain a driver's licence. Under the restore provisions, that would happen as part of the application to regain a driver's licence. If that assessment finds that a person is dependent, they must either wait until a favourable assessment is achieved—the minimum time is three months—or satisfy the registrar via other evidence that they are no longer dependent. Requiring the assessment of treatment undergone by the driver as well as an assessment of whether they are dependent on drugs or not does not add any value to the registrar and would be an unnecessary requirement.

Clinicians advise that the amount of treatment required by a client varies immensely, some requiring little to no treatment and some not responding to very intense treatment. The problem is: how do you prospectively define a sufficient amount of appropriate treatment for all circumstances when it is going to completely change depending upon the person? Treatment is only sufficient if the person is subsequently found to be non-dependent, so the key is an assessment of the outcome of the treatment.

The assessments investigate the physical and psychological symptoms of alcohol or drug dependency. Blood samples and a urine drug analysis are undertaken for a drug dependency assessment. The mental health symptoms of dependents are assessed using a criteria in the *Diagnostic and Statistical Manual of Mental Disorders Fourth Edition*. This is a widely accepted guideline for the diagnosis of mental health disorders. It is produced by the American Psychiatric Association and used widely in Australia for diagnostic criteria for mental health disorders.

The member for Schubert, in his contribution earlier in the debate, talked about the nature of this as being like cramming for a year 12 exam. I put the alternative that what he is proposing is like if you had to go through year 12 and not worry about your results at all, just merely turning up to class for a certain amount of time and we tick you and say, 'You have passed year 12.' You did not actually have to show that you have learned anything at the end of it. That is essentially the

proposition being put by the opposition in this point. We think that you should actually have to demonstrate that you have learned something. You should have to demonstrate that you are no longer dependent and that you have changed your ways, and that assessment is the key. There needs to be that assessment.

Amendments carried; clause as amended passed.

Clauses 11 to 19 passed.

Clause 20.

The Hon. C.J. PICTON: I move:

Amendment No 6 [Police–1]—

Page 14—This clause will be opposed.

The CHAIR: Is there any discussion before I put it?

Mr KNOLL: We have said everything we need to say.

Clause negatived.

Clauses 21 to 33 passed.

Clause 34.

The Hon. C.J. PICTON: I move:

Amendment No 7 [Police–1]—

Page 20, after line 40—Insert:

(5) Schedule 1, clause 8(1)—delete 'subclause (2)(a)(ii)' and substitute:

subclause (2)(b)

(6) Schedule 1, clause 8(2)—delete subclause (2) and substitute:

(2) The results of a drug screening test, oral fluid analysis or blood test under Part 3 Division 5, an admission or statement made by a person relating to such a drug screening test, oral fluid analysis or blood test, or any evidence taken in proceedings relating to such a drug screening test, oral fluid analysis or blood test (or transcript of such evidence) will not be admissible in evidence against the person who submitted to the drug screening test, oral fluid analysis or blood test in any proceedings other than—

(a) proceedings for—

(i) an offence against this Act; or

(ii) an offence against the *Motor Vehicles Act 1959*; or

(iii) a driving-related offence; or

(iv) an offence against the *Controlled Substances Act 1984*; or

(b) if the test or analysis occurred in connection with the person's involvement in an accident—civil proceedings in connection with death or bodily injury caused by or arising out of the use of a motor vehicle involved in the accident (including proceedings under section 116 or 124A of the *Motor Vehicles Act 1959* for the recovery from the person of money paid or costs incurred by the nominal defendant or an insurer).

The CHAIR: Is there any discussion on the amendment?

Mr KNOLL: Just briefly to say that we have had a brief look at it and we are going to have a bit more of a look at it between the houses. If this is a rose by any other name, it will still be called a rose, but we are happy to take a fresh look at it in the spirit of actually trying to get a resolution on this bill.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

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) (21:04): I move:

That this bill be now read a third time.

Bill read a third time and passed.

POLICE (DRUG TESTING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

Mr KNOLL (Schubert) (21:05): I rise to indicate that I will be the lead speaker and make a contribution to the Police (Drug Testing) Amendment Bill to say that the opposition will be supporting this bill. The Police (Drug Testing) Amendment Bill 2017 proposes the following changes: it changes the definition of 'drug screening test' and provides a new definition of 'oral fluid analysis', allows any drug that is listed in the Controlled Substances Act 1984 to be tested for and allows for police cadets, those applying to be police cadets, and police officers to be required to submit to drug screening tests.

I think this is the manifestation of a very long process that it has taken to look at how we drug test police. We know that our police work in very difficult, high-stress and high-risk environments, and it is extremely important that they have the clearest head possible as the do that. That is why we need to make sure that they, as with so many other professions, are subject to a drug testing regime.

Essentially, what we are seeking to do in practice is, by moving away from a prescribed number of drugs and moving towards all drugs that are listed in the Controlled Substances Act 1984, we are broadening the scope of what drugs can be tested for. We understand from the second reading explanation that, initially, cocaine and heroin will be included, alongside what I am presuming is the current regime of cannabis, MDMA and amphetamines. This is something that we certainly support.

Our police have a special place in our community. They are the ones who carry guns as they go out and about and do their work. They are the ones who go into difficult situations. It is not only important for the police officers, but we must also carry out our duty of care to them to make sure that they are looking after themselves when they are on duty. It is also important for their fellow officers and also the people they come into contact with, who would be put at greater risk if a police officer was taking drugs whilst on duty.

We have been discussing shoot-to-kill laws publicly for the last couple of months, and we have been talking about the very finite and fine judgements that we ask our police to make in very difficult situations. We are asking them to choose between life and death, and to keep as many people alive, and how to best do that in a difficult, dangerous and violent confrontational situation. We need them to be of clear and sound mind, and so a drug-testing regime that helps to ensure that to the greatest extent possible is extremely important.

This is supported by the Police Association of South Australia. The minister and I had the pleasure of sitting down and listening to our respective leaders give a contribution at their conference the other day. PASA wrote to Commissioner Stevens on 13 December last year, saying:

I refer to your letter of 6 December 2016 where you seek consideration and support from PASA to extend the range of controlled drugs which can be tested for through workplace drug testing in circumstances relating to critical incidents and high risk driving. You advised that SAPOL's current testing regime does not test for drugs such as heron or cocaine.

The association agrees that this is an unacceptable situation. We are aware that the Police Act and Regulations provides for workplace testing of police officer and cadets to include testing for a substance that is a

controlled drug under the Controlled Substances Act 1984. Therefore, your advice that you seek to test for heroin and cocaine is in keeping with the Police Act and Regulations.

At its most recent meeting on Thursday the 8th of December, the Police Association's committee of management was in unanimous agreement that this should occur and we are supportive of SAPOL's position in that regard.

The wording of that letter suggests that there was a suggestion or a presumption that the current act as it stood last year was sufficient to allow for that, but that potentially, subsequent to that, it has been discovered that we need to have a legislative amendment to give effect to that, and that is something that I will be asking for in committee. At the briefing, we asked for a number of questions and answers, but I think they misunderstood the question, so we will get to that in a minute.

The question we really want answered is: what drugs are the police currently tested for? Is it the three that we use for roadside testing currently? Is that what police are being tested for? Essentially, we are seeking to understand the delay to this, given that the Police Association agreed to this in December last year. Is it the fact that the government did not think they needed a legislative change? We also want to tease out a little bit where this drug testing is actually going to take place. Are we talking still just about after high-risk incidents and driving, as is stated in the PASA letter, or is there some suggestion that we are going to move to a random drug testing regime for police?

There are still a number of questions in relation to this, but drug testing in some form or another is very much part of the vast majority of private sector workplaces, certainly for those in more high-risk industries like manufacturing, for those working with dangerous tools or for those who use our roads in the course of their work. Random drug testing is a commonly used tool because businesses have an obligation: they have a duty of care, as a person conducting a business or undertaking, to provide that duty of care to workers and co-workers.

That is a long-established principle and it is something that was enhanced in the 2012 work health and safety legislation changes. Extending that obligation to what would be considered one of the most high-risk occupations in police is extremely sensible. We look forward to supporting the bill and gently teasing out in committee those few questions that we have.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (21:12): I rise to speak on the Police (Drug Testing) Amendment Bill 2017 and, as indicated by our shadow minister for police, we will be supporting this legislation, but we do require some further answers. I acknowledge that the representatives from the investigation unit with SAPOL, Mr Tim Curtis and Mr Graham Goodwin, provided a briefing to us in respect to the current operational models for the testing of police officers in the workplace. I think it is fair to say that, with the advance of the testing regimes, it is obviously important that we update the legislation.

I was surprised to learn that there are quite a number of investigators in the unit in SAPOL who have the responsibility to deal with the investigation and referral for disciplinary and/or prosecution of criminal behaviour of police officers and, generally, misconduct. However, drug testing is a matter that I think has been late coming.

Not only do members of SAPOL undertake high-risk duties for and on behalf of those of us who are protected by their responsibilities, but additionally they have access to firearms and have responsibility from time to time to be in situations where there is risky driving (speed chases and the like), and also where the nature of their investigative and surveillance work can result in death or injury to others if they are not in a position to be clear of any impediment that affects their capacity to make calm and careful decisions.

I have always been a little surprised at the limits in respect to drug testing—that is, the nature of the drugs that are able to be tested—have been so restrictive. Frankly, I had always assumed that heroin and cannabis were already drugs that could be tested. I have learned only recently that in fact the restriction on drugs to be tested has been the subject of the enterprise bargaining agreement between the police union—that is, the Police Association referred to by my colleague—and the government. A softening of that requirement, in respect of the police union's log of claims as such late last year, has resulted in an agreement being reached to amend the agreement and allow for these two drugs to be tested.

Why am I concerned? I am concerned for two reasons. One is that they have not been included in the past when clearly they are drugs which are not only illegal but have an adverse effect on the consumer for the purpose of their capacity to undertake their duties and, secondly, that the government have taken since late last year until late September to introduce this bill and actually bring it about. I think it is a shameful and irresponsible delay on behalf of the government. Possibly they needed to activate the change of ministry but, frankly, that is no excuse because they have introduced all sorts of other legislation relating to police powers, many of which I debated in this house, yet this has been an act of tardiness at the very least on behalf of the government, which I think is unacceptable.

The provision is to be that the drugs now available to be tested have first to be identified in the Controlled Substances Act. I think that is a reasonable precursor to the obligation to submit to the test, but it can be added to via prescription. I see that as a reasonable position to take but, as I said, the delay in this situation has been unacceptable, and we need some explanation from the government as to why there has been such a delay.

Other personnel in the workplace, where there is any risk—quite reasonably, the proprietors, employers or corporate company directors in a mining situation—negotiate with their workforce and obviously bring in their representative, if they are represented by a union, to canvass issues of occupational health and safety, including the safety of others in the workplace. In industries such as that, this has been expansive in the number of drugs that can be tested. It has been mandatory. It has been the basis upon which there is to be random testing. It has been the basis upon which to automatically and immediately exclude someone who breaches, or is found to be positive with illicit drugs, remove them from the site of the mine and dismiss them.

That is how serious some sectors of the private industry view it, where their workforce is either using equipment which is potentially dangerous if operated by someone under the influence of drugs or alcohol and, of course, potentially dangerous to other co-workers. It is an unacceptable risk, and I find it extraordinary that representatives for the police and/or the government have failed to recognise the very serious risk not just to the public but to other members of the police force with whom they may be on operational duty. Nevertheless, it is here and obviously we welcome it finally coming to pass.

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) (21:20): I appreciate the comments from the two members opposite who spoke during this debate. As we said in the second reading explanation, this is not a complex bill, this is a relatively straightforward bill. We think it is sensible and we think it deserves support, and we appreciate the support from the opposition and we are happy to go through any questions that they may have. As was mentioned, we have facilitated a briefing to them from South Australia Police.

I should note that in summing up the bill we in the government have tremendous respect for our police. We are very lucky in South Australia to have a very well-respected and highly professional police force, and it is something that helps keep our community safe and the respect of the police is a very important factor in terms of our sense of community that we have as a state. The fact that our police are professional in how they do their duties and are very willing, in the circumstances as described by the act and policy, to subject themselves to these sorts of tests is commendable and the addition of these new provisions will only help to further enhance the respect and the trust that the South Australian community has in our police force. I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr KNOLL: Having now reread this bill a couple of times, I cannot see where we are introducing the words 'Controlled Substances Act 1984' anywhere. Essentially, do you have the powers already to be able to test for cocaine and heroin?

The Hon. C.J. PICTON: No. I am advised that the restriction in the regulations associated with this restricts it to the three drugs that have been talked about and not to cocaine or other drugs we are looking to extend this to.

Mr KNOLL: So essentially you will need to change the regulations to be able to test for cocaine and heroin?

The Hon. C.J. PICTON: This does change what was addressed in the regulations. We also needed to bring in the bill for some of the equipment changes that are detailed in there as well. We have done that through bringing it to the house, rather than just a regulation change that might have been the case had it been just that change that needed to occur.

Mr KNOLL: Just to clarify for the record, cocaine and heroin are currently being included; before that it was MDA, THC and methamphetamine?

The Hon. C.J. PICTON: That is correct.

Mr KNOLL: Am I correct in assuming that it is only where police officers undertake to drive on roads and after high-risk incidents that this drug testing will occur, or is there any sort of random testing regime?

The Hon. C.J. PICTON: As I understand, the current policy in terms of the times and situations in which testing might occur is not changing. The member has outlined a number of those situations under which the current policy would apply. I also understand testing occurs if there is deemed to be suspicion that substances have been used or in terms of our cadets as well, all of which are detailed in the current policy and none of which is proposed to be changed through this bill.

Mr KNOLL: Is there any random component or, indeed, pre-employment or cadet component to the drug-testing regime?

The Hon. C.J. PICTON: As I mentioned, our cadets are subject to testing, but in terms of sworn officers, it is in the situations in which the member has outlined in terms of where they undertake particular tasks or if there is particular risk raised about a particular person. There is not a regime of random testing.

Ms CHAPMAN: Can I clarify this question of the policy arrangements as to how and when this is to occur? Is that currently still in the enterprise bargaining agreement or is there some policy document that outlines the guidelines upon which drug testing of police officers takes place?

The Hon. C.J. PICTON: I understand, deputy leader, that it was originally in the enterprise bargaining agreement and then subsequently has formed part of the police's general orders. If there was to be a change, then obviously that would be something that would be subject to some negotiation with the Police Association. There is no proposal for that to change and the place in which it sits is in terms of the general orders.

Ms CHAPMAN: When did it transfer from the EB to the general orders?

The Hon. C.J. PICTON: I am advised that it moved into the general orders after the previous legislation from 2014.

Ms CHAPMAN: Why did it move from the EB to the general orders in 2014?

The Hon. C.J. PICTON: I am advised that the EB allowed and was an agreement for the introduction of the legislation. The legislation was introduced, was passed and then the EB component had served its purpose, and then it moved into the general orders of the police. If there are further questions about the sequencing of all of that, I am happy to take that on notice and get further information if required.

Ms CHAPMAN: I am just trying to ascertain what legislation passed in 2014.

The Hon. C.J. PICTON: The legislation from 2014 was for the testing of police officers for the three drugs that we have previously discussed. That legislation established the ability for the testing to occur. Subsequent to that legislation passing, it then formed part of the general orders in terms of the situations and circumstances in which that testing would occur.

Ms CHAPMAN: So where you have made reference in the second reading that part 6, division 2 of the Police Act 1998 provides for drug and alcohol testing of police officers, that was in 2014?

The Hon. C.J. PICTON: The deputy leader is spot on.

Ms CHAPMAN: Do I take it that the orders that are now the prevailing regime upon which testing is done are not public?

The Hon. C.J. PICTON: I am advised that the general orders are public.

Ms CHAPMAN: Do they set out the guidelines and the circumstances in which drug testing is to occur?

The Hon. C.J. PICTON: That is what I am advised. I am happy to get further information on that if required.

Ms CHAPMAN: In the current circumstances and as a matter of course, if there is an incident where there is some concern raised about the conduct of a police officer, or if somebody gets killed in a siege or a car chase or something of the like, it is automatic that the police officers at the scene, if I could be as general as that, are tested, and there is some assessment made to ensure that they are all drug free and presumably alcohol free during that operation; is that the case?

The Hon. C.J. PICTON: I am advised that that is correct again. The deputy leader is once again on the money.

Ms CHAPMAN: In circumstances other than that, namely, where there is some suspicion that someone maybe taking drugs, as I understand from what you said earlier that is the other circumstance which might result in a test being sought and obtained from the relevant officer?

The Hon. C.J. PICTON: It is almost embarrassing for me to say that the deputy leader again is on the right path with her question.

Ms CHAPMAN: How many people in the last year—police officers or cadets or whoever this is to apply to—have been tested on the basis of reasonable suspicion as distinct from the former circumstance?

The Hon. C.J. PICTON: We will have to take the exact figure on notice. I am happy to get back to the deputy leader on that.

Ms CHAPMAN: Are there any occasions where there has been the testing of a police officer in the last year and, if not, when did it last occur where there had been a random assessment of a police officer or officers to test whether they had drugs in their system?

The Hon. C.J. PICTON: I am advised that there has not in the circumstances which the deputy leader described, but we will double-check, and I am happy to get back to the deputy leader.

Ms CHAPMAN: Is it a part of the protocol or the order or the previous EB agreement that there is not to be random testing unless there is reasonable suspicion?

The Hon. C.J. PICTON: We are getting into the situation where I cannot quite comment in terms of what was envisaged back when the EB agreement was designed. Obviously, there was an agreement back then in terms of the way in which drug testing would be introduced. It was introduced, it was passed by this parliament, and it forms part of the general orders.

Those general orders, as I understand it, are generally agreed upon. We are not proposing to change those general orders through this process in terms of the circumstances in which drugs would be tested from the introduction of this bill, and so I have to answer that it generally is agreed by all. In terms of whether the specifics of that came about from the original enterprise bargaining agreement or not is something we would have to check.

Ms CHAPMAN: Sorry, perhaps I was not clear. I was not asking you to necessarily identify where its origin was. I just want to know that, in whatever the current regime is, which I presume to be the orders that have been described, there is no provision for random testing of police officers; is that right?

The Hon. C.J. PICTON: Correct.

Ms CHAPMAN: In the future, is there any intention on behalf of the government to allow for random testing of police officers?

The Hon. C.J. PICTON: There is no proposal to change the general orders from the circumstances in which they are currently applying. This bill is merely drafted on the technology involved and the particular drugs that would be tested for. The circumstances are not subject to any proposal from the government.

Ms CHAPMAN: I appreciate that, minister, but in your second reading you make the point that SAPOL has advised of the need for legislation to allow testing for a broader range of drugs. That is fine; they can inform you of that on the basis, I assume, that they have consented to this being a necessary approach and that this is what is to apply. They have apparently informed you, as you told the parliament, that they need legislation to do that. Are you aware of the Police Association's view on random testing?

The Hon. C.J. PICTON: That is not something that I have discussed with them, and I cannot speak on their behalf.

Ms CHAPMAN: If we are to have random testing in the police force, is it something that your government would only do if they had the agreement of the Police Association?

The Hon. C.J. PICTON: I think we are getting into hypotheticals in terms of being quite outside the proposal of this legislation. It is not something that the government is proposing. In terms of what steps the government would undertake in a hypothetical situation in which they were going to change things, I really do not want to go down the path of commenting on such hypotheticals.

Ms CHAPMAN: We have not seen the orders, minister. I think I understand what the current regime is and that it has come with the blessing, approval or acceptance—whichever category you want to put it in—of the Police Association, but has the government presented any proposal to have random testing?

The Hon. C.J. PICTON: I am advised that the commissioner has not put anything forward on that front and, to the best of my knowledge, no-one in the government has either.

Ms CHAPMAN: In the discussions you have had with the Police Association, have they at any time indicated that they would not agree to random testing?

The Hon. C.J. PICTON: I refer to my previous answer when I said that this is not something that has been the subject of discussions between me and the Police Association. I can only refer back to the bill that we are actually dealing with. I can say that I have discussed this bill with the Police Association, and they are supportive of it.

Ms CHAPMAN: Is there anything else that the Police Association has proposed in respect of police testing that you have not initiated by either this legislation or the proposed regulation?

The Hon. C.J. PICTON: Not to my knowledge.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

Mr KNOLL: Is what we are doing here essentially bringing this piece of legislation up to date with what we will do in the drink and drug driving bill?

The Hon. C.J. PICTON: Yes.

Clause passed.

Remaining clauses (5 and 6) and title passed.

Bill reported without amendment.

Third Reading

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) (21:38): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (SIMPLIFY NO 2) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 August 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (21:39): I rise to speak on the Statutes Amendment and Repeal (Simplify No 2) Bill 2017 introduced by the Premier on 10 August 2017. I indicate that I will have some questions about some of the reforms proposed, but otherwise the opposition will be supporting the legislation. The Department of Treasury, I think it was, provided a briefing with personnel from various departments, in particular Ms Holmes at DPC. I think she is now in the simplification unit, or whatever it is called, in DPC. In any event, that was provided in September. I thank her and others for that.

The government have kindly prepared a Simplify Day website publication, which has been printed up in beautiful glossy measure, to tell me about how this Simplify Day policy is culminating in bills after the government identified areas of legislation that could be repealed, where reform is needed or legislative and regulatory initiatives undertaken. Overall, I think it is a fairly expensive process. Nevertheless, the government have introduced this second tranche of reform. I understand that a government task force on reducing red tape is to be established this month. This is a joint state and local government red tape task force. We are awaiting the government's announcement as to who is going to be on that and what they are to do.

There are two areas that I would like to address first that I think have been omitted and should not have been. The first relates to amendments to the Development Act. In his second reading contribution, the Premier identified that he would be looking to ease the planning burden for business seeking development approval for things such as permanent orchard netting over fruit trees and a number of other examples he gave. He confirmed that there had been conversations about this and yet, whilst acknowledging the need for it, has done nothing about it in this bill.

The reason I raise it is that it does not seem to me to be a terribly difficult exercise to bring about what has been sought from the horticultural industry in areas across South Australia, this important relief from what is clearly red tape, acknowledged by the Premier, from which he has given no relief. There is no explanation as to why he has not done anything about it. Let me just outline this. Clearly, the Adelaide Hills area, for example, where I represent large areas from Uraidla across the Piccadilly Valley into Crafers, is a contributor to South Australia's horticulture industry, worth about $900 million a year at the orchard gate. There are some 3½ thousand small and medium-sized horticultural businesses employing 13,500 permanent staff and 24,000 seasonal staff.

Many of our horticultural businesses are in the Adelaide Hills. As I have indicated, I have had the privilege of representing a number of these regions for eight years. Sadly, I will be losing that, if I am to continue to be the member for Bragg, as a result of a boundary change. My colleagues in this parliament who represent Morialta, Heysen and Kavel will take up the areas that I have previously represented. I am certain that Mr Gardner, as the member for Morialta, will ably pick up the Uraidla and Summertown regions. They already love him and welcome him regularly. Mr Dan Cregan is our candidate in Kavel and Mr Josh Teague in Heysen, and I have every confidence that they will be in this parliament in 150 days, after the 18 March election.

They will have the honour of representing people who produce an economy for the state and have an international reputation for their cherries, apples, pears, strawberries and figs. They have brought to my attention, I have brought to the government's attention, they have brought to the

government's attention and their associations have brought to the government's attention the unrealistic and unacceptable requirement in South Australia to have to lodge a development application at the local council in order to get approval to put up a netting structure over their fruit trees, orchards and strawberries.

This is the only state in Australia which requires standard netting structures to have a development application in a council in order to have approval to put them up. Why did this become such a big issue? It is because we had a late season in early 2016. The ripening of these fruits came at a later stage. Because of the seasonal attraction of everything from corellas to crows, depending on what your fruit is, these fruits came under attack. These people needed to get netting straight away, and when they were told by the contractors, 'You can't put these up. You have to go and get a development application,' they thought, 'How ridiculous.'

After much negotiation, we were able to convince the local council. Obviously, the people there were trying to do the right thing to advance and fast-track these applications to ensure that these people were not wiped out. The government knew full well what the problem was. They had come up against the tension of having a seasonal change and the urgent need to have protection, and the government did nothing. To the credit of the local council, they progressed the applications. Another year passes and nothing is done.

Here we are, in October 2017, with a statement from the Premier acknowledging that there is a problem, but he still will not put it in his simplification bill. That is absolutely outrageous. Of course it is reasonable for people who want to put up a structure which might be three times the height, or with purple and green stripes that might offend the tourism industry, which is another important industry in the Adelaide Hills, or indeed, be so unsightly that certain standards would need to be met, not just for safety but for the aesthetics. I totally understand that.

Every other state manages this by setting out the requirements as to what the standards should be but, no, not South Australia. Here is a government that has been alerted to this for a long time. We are on our way to the third season of the ripening fruit for this industry, and they still do not have relief. It is utterly outrageous that the government have not included it in this simplification bill.

The second matter I want to bring to the attention of the house is the plight of the Auditor-General and the request that he has made for simple amendments to the legislation that provides the legislative structure and authority for his area of responsibility. He confirmed this in his annual report just yesterday and then again this morning in his evidence to the Economic and Finance Committee. He identified in his report that it was appropriate, in his view, for there to be amendments to the legislation to enable, firstly, the regular tabling of his reports—not just his annual report but the supplementary reporting process. On page 4 of his report he said:

> We have recently sought amendments that, in my opinion, are critical to ensuring that the Auditor-General has clear authority to report to the Parliament at the earliest opportunity.
>
> The amendments would affect:
>
> - the tabling process
> - the Annual and Supplementary reporting process.

It is pretty simple. He is not asking for major reform. He does propose other areas of reform in his report, but that is just a simple request. Those tabling process amendments were sought. He said:

> Reports prepared by the Auditor-General under the PFAA must be delivered to the President of the Legislative Council and the Speaker of the House of Assembly. They must table these reports on the next parliamentary sitting day. Only then is the report deemed to be 'published' (that is, it is available to all Members of Parliament and the public). The availability of the Auditor-General's reports is therefore restricted to parliamentary sitting dates. This impacts on the Auditor-General's ability to report on audit outcomes as soon as possible. For example, in the last election year the Auditor-General was unable to table a report between the last sitting day on 28 November and the first time the new Parliament sat on 6 May.

Here we go again. In a few weeks' time, this parliament will rise at the end of November or early December, depending on how disorganised the government are and whether or not they need that last optional sitting week. Nevertheless, we will not see these green-covered seats then until probably April or May 2018.

Clearly, as confirmed in this report, the Auditor-General is working on a number of other supplementary reports, and he put up this simple request. Quite clearly, it is nowhere to be seen in this Simplify No. 2 bill and, frankly, it should be. That does not mean it is the end of the matter. Of course, it is still possible for the parliament itself to say, 'We will give authority to the Auditor-General to provide that, and publication,' but we should not have to do that.

This is a simple, mechanical, operational matter that should have been tidied up. It has been presented to the government and they have done nothing about it. He has placed it again in his report. In his evidence this morning to the Economic and Finance Committee, he repeated that he had presented this request. In his evidence this morning he said:

> In the report, I have recommended that audit reporting provisions of the Public Finance and Audit Act be amended in a number of ways to improve the flexibility of the Auditor-General's reporting to the parliament and to improve the government's accountability to the parliament.

I do not think it could be any clearer, yet the government have been completely silent on this. Surely, if the Premier were prepared to deal with this, either he or his representative here in the chamber would march in an amendment to this bill to say, 'Yes, we will act on that. We will open up those acts and we will fix this.' But, no, they have not done that. I think it is shameful on behalf of the government that they should completely ignore the clearly identified areas of reform, which there can be no justification for holding up.

There is a list of various reforms, some of which are legislative changes and some are regulatory changes that have been nominated. There is a list of legislation to be repealed. As I said, the government have then touched on some future reforms that they consider that they will deliver, but who knows when that might happen, and that needs to be looked at.

In future reforms, the other areas which have been clearly identified, but which have not been acted upon, include the provision for the Industry Advocate to investigate whether a single business identifying number for businesses interested in working with the government is feasible and to reduce the amount of information required during a tender process. I would have thought that is pretty obvious. It seems sensible to me. I have no clue why the government want to hold that up.

The Hon. C.J. Picton: It is quite a big IT project.

Ms CHAPMAN: The minister's interjection to suggest that there is quite a big IT project just reinforces for me what I had suspected; that is, they do not want to spend the money. They are quite happy to spend $30 million on an advertising campaign to sell a dud of a health policy, yet they are not prepared to do something as simple as that to ensure that we have a sensible and more cost-effective process for those tendering for business contracts.

Reforms to the state planning system, including the application of the planning act through the design code, we have not seen a thing on that. The other areas include the development approval requirements for permanent orchard netting, which I have referred to, and the establishment of a red tape task force with representation from councils and departments. We are still waiting for the announcement as to who is on it and what they are actually going to be doing.

As described by the government, there is the easing of restraints on caravan park operators who are raising finance and gaining approvals in development applications. On that point, there has been some residential park legislation—in fact, we are about to debate it—but it does not address this issue at all. These are two opportunities, in my view, for the government to provide some relief to that industry. Obviously, they have no intention of providing that to them.

I recall Mr Foley, the former treasurer in this parliament, as treasurer electing to charge people in residential parks by way of stamp duty in respect of their occupancy licences and then finding later that there was no stampable interest to do so, and we had a big fight about that. I do not know what they have against caravan park owners or people in residential parks, but it is frustrating to me that they are not getting on with that reform.

Sitting extended beyond 22:00 on motion of Hon. C.J. Picton.

Ms CHAPMAN: They say they will look at investigating opportunities to make SA payroll tax definitions consistent with other jurisdictions. I do not know what is holding that up, other than the

fact that ours is an outrageous rate and the sooner we have some reform in that regard the better. They are making promises by saying, 'We will look at how we might massage this into some kind of comparable arrangement so that our businesses can be competitive.' Where is that in the bill? It is nowhere to be seen.

Reducing red tape for small-scale artisan food and drink producers is a great idea, but there is nothing in the bill. Tools for employers and employees to better comply with their long service leave obligations, including guidance material and an online calculator seem pretty sensible to me. It probably needs some money; obviously, that is why that is not there. Plant health certification reforms—there is nothing there. Sale of non-prescription glasses' warning labels—there is nothing there. Licensing and collection of low-volume lead waste—they were very happy to introduce in the budget this year some massive new waste levy, but when it comes to relief in respect of lead waste there is complete silence.

I say to the government: please do not give me some red and white glossy booklet to tell me how fabulous they are and what they are doing on Simplify Day when, frankly, there is a long list of major reforms which would be quite easy to initiate, which they have clear notice of and which they have completely ignored. If they spent more time on actually drafting the clauses to fix that than preparing glossy brochures and telling me how fabulous they are and giving me all these pictures with seashells and keys and happy people floating along water—

The DEPUTY SPEAKER: I am a bit jealous, I don't have that.

Ms CHAPMAN: Well, you are welcome to have one. I have a second copy. Obviously, there was no cap on the budget for this. You are very welcome to have one, Madam Deputy Speaker. I downloaded one and then I was given the beautiful hard copy with all the little stamps over it, reforms that they had already done, big green stamps, 'Delivered, delivered, delivered; to come, to come, to come,' all that nonsense. I want real substance in a bill, and so do the people of South Australia, not a glossy pamphlet.

The Hon. A. PICCOLO (Light) (22:00): I would like to speak in support of the bill and make a few comments. Simplify Day, the government's annual red tape reduction and simplification initiative was held on 10 August this year. The Simplify Day incorporated the Premier's introducing the Statutes Amendment and Repeal (Simplify No 2) Bill, which is the subject of this bill. The government made 27 regulations to support the bill in the same week, and announcements were made about a range of issues that are either committed to or will be further considered in the future.

Simplify Day was supported by an extensive engagement strategy in consultation with the public via a YourSAy process, a survey of businesses and face-to-face meetings with more than 40 industry associations, in addition to collaboration between several government departments, including the current minister, who was then the assistant minister, going to a number of meetings. He came to Gawler one evening and spoke with a range of small business people in the town, as did senior public servants from the agency, and they got some valuable feedback.

The DEPUTY SPEAKER: A roadshow, was it?

The Hon. A. PICCOLO: Well, they came to listen. No, it wasn't a roadshow; they actually came to listen. They were extremely well received, and they received quite good feedback. It was interesting to note that most of the criticism was not actually about the state government, but about another sphere of the government, which I will not talk about tonight.

As honourable members will recall, the government held the inaugural Simplify Day last year, on 15 November, introducing the Statutes Amendment and Repeal (Simplify) Bill 2016. That bill was assented to on 15 March this year. I am pleased to advise the house that as of 10 August 2017, the day on which the second Simplify Day was held, all the provisions contained in the inaugural simplify bill and regulations have been implemented, except those enabling electronic licences and permits and those abolishing the need to have heavy vehicle registration label stickers. The public will be able to use electronic drivers' licences and permits from this month sometime, I understand, and that work is continuing, while heavy vehicle registration labels will be abolished from 1 November this year.

This year, Simplify Day was held on 10 August and the bill was also introduced. This year's bill proposes to amend 41 acts and repeal 11 outdated ones. It includes a number of reforms addressing a variety of red tape issues, which will have a positive impact on industry, businesses and the community generally, for example:

- enabling irrigation trusts to adopt more efficient and fit-for-purpose business models;
- abolishing stamp duty on the transfer of family farms, saving people cost and the inconvenience of having to wind up a company;
- increasing consistency across both procurement of goods and services and grants to the not-for-profit sector;
- allowing fisheries fees to be collected flexibly by allowing multiyear fee structures to be put in place, saving business time and costs in renewing their fisheries licences;
- enabling automatic progression of a motorbike licence after 12 months;
- introducing an option for six-month registration for light trailers and caravans, allowing people who only use their caravan seasonally to save up to $35 a year;

and I will say a bit more about that in a moment—

- providing more flexibility in verifying a learner's test;
- allowing government departments to use photographs taken for drivers' licences for other government licences;

which will be an important reform. One thing people hate is having to go to different government agencies with the same information time and time again. This reform will make interaction with the government much easier, and:

- allowing low-risk public events to occur without closing off public roads.

The bill also includes amendments to 29 different acts to include an option for government departments to publish notices online. Government agencies are often required via a newspaper to publicly notify of an intent to undertake commercial activities such as development or an application for a licence. These notices can be used to communicate codes of practice, guidelines or information relating to public safety or public events.

Other public notices relate to items contained in legislation with which businesses or the community must comply. Many of the 29 acts being amended were written when the only way to conduct public consultation was via the newspaper. For these 29 acts, the amendments add flexibility, create an option to publish online and do not remove the option to publish in a newspaper where it is considered the best approach.

The second simplify bill is a testament to the government's commitment to red tape reduction. Not all the reforms included in the simplify bill are high-profile changes, but they do respond to the views of businesses and the community in a practical, substantial and sustainable manner for the people and businesses they impact upon. For example, currently transfers of family farms between relatives are exempt from stamp duty under the Stamp Duties Act 1923, subject to meeting certain criteria. That will be simplified. In response to a proposal driven by the industry, the bill will also amend the Irrigation Act 2009 to reduce market barriers and facilitate new investment in South Australian irrigated agricultural sectors.

Simplify Day reforms will be implemented through this bill, associated regulations and the government's commitment to ongoing reform. We have received strong support from the community. I can share with the house a few testimonials. For example, the Australian Southern Bluefin Tuna Industry Association has announced their support for what we are doing. The Exceptional Kangaroo Island Managing Director, Craig Wickham, has said that the Simplify Day initiative provides a great platform to advise and work with government. The Shopping Centre Council of Australia Executive Director, Angus Nardi, commented on cutting red tape for commercial property owners and stated, 'This is a sensible and practical way of removing red tape.'

I mentioned that there were a couple of things that are dear to my heart, which I would like to talk about now, including the reforms that are not in this bill but have been flagged for ongoing work and will hopefully be part of our bill that we introduce next year when we return to government. One of these things is the paddock to plate reforms. This is something that came up when the minister came to Gawler and also, through another committee that I have been dealing with in terms of primary producers. These are the reforms of various licences, rules and regulations and planning rules around artisan businesses.

Often, a lot of these licences and rules are designed for bigger businesses, and a bit like our small bars in the city, where we have removed some of the restrictions there, removing some of the restrictions or simplifying those rules would actually enable the small businesses to grow in key areas like the Barossa Valley, for example, on the doorstep of my electorate, the Clare Valley and other areas, which would actually promote economic activity, create jobs and also attract tourism. Certainly, I am aware of work being done in the Barossa at the moment through the Barossa collaboration to identify these barriers to growth and particularly barriers to small businesses growing, and I fully support that.

Additionally, in terms of the caravans I mentioned a little earlier, there is one thing in this bill and one that is proposed that I think would be great. Currently, light-vehicle owners have the option to register their vehicle for three months or 12 months, or for one month at a time under the direct debit scheme. Under the bill, we are responding to boat and caravan owners' requests for seasonal registration by providing greater flexibility by offering an additional option for owners to register light trailers, including boat trailers and caravans, for a period of six months.

This is delivering on a commitment made as part of the Simplify Day 2016. In this case, we are responding to the needs of consumers, given that often caravanning and a whole range of water-based activities are seasonal activities and therefore people do not like to spend money when they do not need to. In addition to that, the state tourism sector is a significant contributor to the South Australian economy and it is vital to jobs and incomes in regional South Australia.

One of the things that is going to be looked at through consultation undertaken with the industry is to assist caravan park operators who have difficulties raising finance and gaining approvals to progress their own applications. In the context of these issues, the government will ensure an approach that supports high-quality regional tourism developments so they can be approved in a timely and efficient manner. So we will be streamlining those processes, which I think is very important.

Our approach as a government will be to further consult a number of tourism operators, such as caravan park operators, bed-and-breakfast operators and tourism experience providers, to gain a detailed understanding of the administration hurdles they encounter with tourism development, such as development, planning and environmental approvals and ongoing compliance with regulations. We will ensure that the tourism operators and investment in regional tourism development is supported through the state's planning reforms.

As you can see, there are a range of practical reforms which in and of themselves are sometimes quite minor but, when added collectively, will make a huge difference to those people who work in those industries or those people who actually have to interact with government on a regular basis. I know, for example, that the two caravan proposals and the ones involving the paddock to plate will be well received in my region. I have a caravan manufacturer in my electorate, and I am sure that anything that boosts sales and makes it easier to register a vehicle would also increase production and sales of caravans. With those few comments, I certainly support the passage of the bill through the house.

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) (22:11): It has been my pleasure to deal with the Simplify Day process in my former role as assistant minister to the Treasurer. Due to my delight, the Premier and the Treasurer have allowed me to continue to play this role in my new portfolio and to carry this bill all the way through, so I am very excited about that. I thank the deputy leader and the member for Light for their contributions.

In summary, the deputy leader went through a number of issues that we have highlighted for future reform and basically criticised us on the basis that we have not yet made those future reforms. All I can say is that the bill, the regulations and the reforms that are now in the document represent the work that we have done. We have signalled to the parliament and to the public what our next batch of work is going to be, what our next reforms are going to be, and that is in the future reform section. We are very keen to make sure we change things such as orchard nets. We need to have consultation with industry and other businesses.

Ms Chapman interjecting:

The Hon. C.J. PICTON: We do, absolutely. We want to make sure we get things right when we do them.

Ms Chapman interjecting:

The Hon. C.J. PICTON: I should note that my in-laws live in Uraidla and Carey Gully, and have a cherry orchard, so I am acutely aware of the issues of the cherry—

Ms Chapman interjecting:

The Hon. C.J. PICTON: There are two properties, so there is acute awareness in my household of issues involving the cherry orchard industry, so that is why I am very keen that we make sure that this reform occurs. I also note that after the passage of this legislation, there will be 21 acts that will be completely repealed from our statute book. I like to joke with the Deputy Premier that as soon as he brings them in I am trying to get them out. Getting rid of 21 I think is pretty good for two acts of parliament.

I would particularly like to thank everybody who has helped us in this process. Removing red tape is important, but it is not the sexy end of government work. There is a fair amount of hard slog behind the scenes to get these reforms through. A lot of them are not necessarily very exciting, but they are very important. Each of them in a small way makes a contribution to improving our economy and improving the efficiency of our government, and people on this side of the house believe in government. We believe that government has an important role, hence we want to make sure that it is as efficient as possible.

I would like to thank all the people in the Simpler Regulation Unit who have worked behind the scenes to get this to the place it is, particularly Julie Holmes, as well as Stuart Hocking, Aaron Witthoeft, Frances Thomson, Burcu Subasi, Emmanuelle Sloan, Kevin Cantley, Giselle Oruga, all of the agency red tape champions and Gemma Paech, from my office, who all put in a tremendous amount of work on this bill and who are all looking forward to its passage.

In terms of the glossy pictures in the Simplify Day publication, I say to the deputy leader that I tried my best to get rid of them. I said to the team, 'Look, we're just going to annoy the deputy leader with these pictures. There was a picture of a lobster last time that annoyed her, so let's not put any pictures in.' However, I lost that fight, and so there is, as the deputy leader outlined, a picture of some pipis down at the Coorong. One of the elements of this bill was some reforms to the pipi industry, which I am sure everyone would agree is very important. So we put a picture of the pipis in there, and I apologise to the deputy leader that that ended up in the document. I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 21 passed.

Clause 22.

Ms CHAPMAN: Clause 22 provides for an amendment in respect of the notification and publication requirements under the Environment Protection Act 1993. It is an example of a number of reforms that are proposed in this bill that will significantly change the public notification and community notice procedures, in particular the obligation to publish, sometimes in multiple forms.

Can I say at the outset that it is quite reasonable to ensure that we have notification arrangements that keep up with contemporary modes of transmission of information. It is therefore appropriate that we recognise the website as a reasonable publication tool. It is probably fair to say that it is an unusual sort of person who sits every week and reads the *Gazette*. We have people who do that, obviously, but I think it is fair to say that whilst we in the parliamentary role have a vested interest in keeping an eye on such things, it is not something that is regular reading for the general populace.

Clearly, these things need to be kept contemporary. We totally agree with that, even from the point of view of advertising in multiple newspapers as part of a notice procedure—that can be streamlined. I use this example under the Environment Protection Act because the notice arrangements in the proposed amendments to section 28 are an example of where I think they have gone a bit too far. Certainly, Business SA brought this to our attention during the consultation.

This is an example where the current act provides for publication in the *Gazette*. The proposed amendment will delete the obligation for that to be mandatory and state that a notice of a draft policy must be published and that a copy may—as an optional form—be published on the website or in a newspaper circulating generally in the state. We only have one newspaper left, so I suppose it is pretty obvious which one it is. The downgrading in the notification is that it be an option, and the dilution of that clearly has some consequences.

Obviously, the website is an appropriate place to put a copy of the notice. However, as Business SA has pointed out, it is important, especially when you are dealing with an agency such as the Environment Protection Authority, which is obviously our environment police legislative body that has an important role to play and where there are very severe consequences if there is noncompliance with the policy. As members might know, the policies that this body issue have the weight and force of a regulation. They can have very significant punitive obligations and—

The Hon. C.J. Picton interjecting:

Ms CHAPMAN: Thank you. The minister has indicated that that perhaps ought to be upgraded, and I thank him for that. I point out that there is another aspect of notice that I think needs to be looked at, and that is that if you are going to just rely on publication on a website and things of that nature or a gazette or the like, the obligation to notify relevant parties still cannot be overlooked—the usual suspects, the people who are going to be directly affected. This varies for each of the reforms that they have in this bill. I suppose it is one where, if it progresses under this process or is at least heightened, as the minister has indicated, for bodies where there is some punitive loss, we need to consider how it will also affect others.

Let me give you an example. In the Ombudsman's report, which was tabled today, there is reference on page 26 to an investigation into the Department for Communities and Social Inclusion. It related to the unreasonable failure to advise the complainant of a tender process. In short, this is what happened: the complainant was the CEO of the Aboriginal Legal Rights Movement and for 10 years it had had a certain contract to provide a low-income support program.

In June 2013, a tender process was opened. The department offering this unintentionally omitted to directly advise ALRM of the tender process and, as a consequence, in short, ALRM was not advised that this was going out to tender, had an understanding that they would get notice and missed out on the tendering. Apparently, an email was sent to the chief project officer the day before the tender opened, to inquire about funding arrangements, only to find out what had happened. At that stage, the chief project officer was on leave, nobody answered it and there was a failure to notify ALRM.

Had there been a process where a clearly affected party had received notice—it can be in a modern form, it can be in an email, it does not have to be by snail mail or anything else, but people have to know. The consequence here was that this agency missed out on the opportunity to tender for a program that, on the face of it, they had provided services for appropriately. The consequence was that the Ombudsman found that the department had acted in a manner which was wrong within the meaning of section 25 of the Ombudsman Act.

The only remedy that could be recommended was that the department issue a written apology to the complainant for omitting to notify them of the process dates, etc. However, that does

not remedy the ill and the loss of opportunity for that agency to be able to have what should have been their entitlement, particularly as there was an existing contract with the government. That is just one example of what can happen.

The second example I will use is just to deal with the EPA, and I thank the minister for indicating that he will look at making it mandatory to at the very least have some notification to be provided here. Several years ago, the EPA issued a draft policy in respect of air quality. I indicated earlier in the house that I represent people in the Adelaide Hills, and I am very proud to do so. I have found that apparently the minister's parents live there, too, but I do not expect that they will vote for me. In any event, this policy was circulated and representatives from the EPA attended to advise people, after there had been a complaint, because somebody had noticed that it was actually out there.

At least at that time, the EPA had an obligation to advise relevant authorities, including people such as the local councils. We found out about it. There was general public concern about this because a policy, once committed and signed off by the minister, has the full force and effect of a regulation. As a consequence, the people were able to have a say. Amendments were made, and the ultimate policy was published and decided upon. I still think that it is a ridiculous policy. It costs a fortune to have to deal with some of the obligations under it, but nevertheless we had a process and we had a say.

The Hon. C.J. PICTON: Could I just signal to the deputy leader that we have actually submitted the amendment that she originally proposed. I am happy to make that amendment if that might curtail some of the commentary.

Ms CHAPMAN: I will just ask, Madam Chair, because there are amendments in the simplification process here that I think will be needed in respect of clauses 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 21, 22, 23—

The CHAIR: We have done 1 to 21 already.

Ms CHAPMAN: —24, 25, 26, 27, 28, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 51, 52, 65 to 69, 70, 71, 72, 73, 74, 75, 76 and 81.

The CHAIR: We have already done clauses 1 to 21.

Ms CHAPMAN: I understand that, but I am just asking the minister to consider, given that he has acquiesced into ensuring that there be a mandatory notification, that at least some review be given to ensure that in each of these other provisions at the very least there is some mandatory obligation to put a public notice. We cannot have an option of 'may'. Go to websites by all means, but we must have some mandatory obligation. I ask you to look at those and consider whether that should be not as downgraded as you have accepted is the case in relation to that clause.

The CHAIR: Could the Chair and the table just ask, in the interests of whatever we are going to finish off doing here tonight, rather than doing this one on its own—

The Hon. C.J. PICTON: I am just doing that one.

The CHAIR: You are just doing this one on its own. In that case, I am going to move this new amendment to clause 22, which is the clause we are at. It amends line 4, where the (ii) is, on page 12 and replaces 'may' with 'must'. Are you happy with where we are at?

The Hon. C.J. PICTON: I move:

Page 12, line 4—Delete 'may' and insert 'must'

Amendment carried; clause as amended passed.

Clauses 23 to 39 passed.

Clause 40.

Ms CHAPMAN: This relates to the Government Business Enterprises (Competition) Act 1996 and its amendment, again under a notice of procedure, where there is public notice in this case of an investigation. Here, we are talking about the commissioner's role in the commencement

of an investigation under this act. The bill is proposing that there be an obligation to give public notice, but the restriction that is the concern of Business SA with the scope of the organisation individuals who may wish to respond to an investigation of a government business enterprise. They say, and I quote:

> Considering such enterprises include the likes of SA Water, and others less known which compete with the private sector such as the wireline logging arm of the Department of Environment/Water/Natural Resources, we would expect a much higher level of transparency around any particular investigations.

I can say that again in my local electorate the wireline logging, which I assume relates to the clearing of tree branches, etc., along a communication line or cable, is a contractual arrangement. I have had local people complain that they have not had an opportunity to compete, to tender, and in fact they have gone to interstate operators to provide this service. Here, the notice may need some more careful drafting, but would I ask at least for the minister to consider that concern between the houses and provide a remedy if so minded.

The Hon. C.J. PICTON: This clause provides that the commissioner must make a notification in appropriate circumstances. This is not an issue as per the previous issue, where the word 'may' was raising some concern for the Deputy Leader of the Opposition. There must be communication from the commissioner in the appropriate circumstances. If this was passed, parliament is saying that those circumstances need to be appropriate.

In terms of the previous provision, as the deputy leader said—and we agree—newspaper notifications are not necessarily the most up-to-date way of doing these things. There might be a whole range of different ways which would be appropriate, depending on the circumstances, for the commissioner to make a public advertisement or notification of this. My view and the government's view is that defining it like this allows for a variety of circumstances that might occur and a variety of different communication channels that might be appropriate in the circumstances, depending upon the circumstances of the issue.

Ms CHAPMAN: My question, then, to the minister is: do you envisage that for this new regime, which is going to be entirely at the discretion of the commissioner as to how and who he invites, there will be any kind of public notice on a website, in a paper, in a gazette, or any of the above, or will he just pick out the people who he would like to invite and we will have exactly the same thing as we have seen in the Ombudsman's report if they miss out somebody who should have been told?

The Hon. C.J. PICTON: It could be all those things. Parliament is saying that there must be a notification, that there must be advertisement of this. We have said that it needs to be appropriate and that the commissioner needs to determine what is appropriate in those circumstances. It could be all the things the deputy leader has outlined. If it is regarding a specific area, then it would be perhaps specific advertisements and notifications in that area or, if it is regarding the whole state, it might be through a medium that help to connect with the whole state. Trying to define that in legislation I think is near on impossible, and hence the wording that has been developed for this section.

Clause passed.

Clauses 41 to 91 passed.

Clause 92.

Ms CHAPMAN: This is an amendment to the Stamp Duties Act 1923 and relates to the interfamilial transfer of farming property. I think that one of the speakers tonight in this debate has commended this as an initiative, and it is important. It is long-awaited, but it seems to be restrictive in this way.

Again, Business SA has raised this with us essentially because it is to exempt stamp duty in these circumstances where there is a familial relationship in existence between the transferor and transferee—a dad to son or mum to daughter or whatever. However, the bill proposes that the circumstances that exist where the transfer to which a company is a party will only be eligible for exemption if the company is wholly owned by natural person shareholders (this is from the

presentation) and this is on the basis that only a natural person can constitute a relative of another person for the purposes of section 71CC.

I am sure it will not come as a surprise to the minister that some of these farming enterprises, obviously because of family structure, can be held in a corporate interest, in a partnership interest, in a trust interest. It is clear that is going to cause some problems if a corporate entity is not wholly owned by a natural person but may, in fact, be owned by, say, siblings—two sons or daughters—and the remaining siblings may hold their interest in, for example, a trust or a corporate structure.

If family farming business structures for shares in companies in a given family group are to be held by trustees of a discretionary trust—and that is a common circumstance—then obviously that is something that needs to be taken into account as a common structure. Unfortunately, the exemption provided in the bill currently applies to a wide variety of family business structures that involve the use of discretionary trusts and units, and therefore this exemption does not allow this to be covered. So we are asking the government to consider that the exemption also apply to companies whose shares are held in trust, consistent with the general policy objectives the Premier outlined in his submission.

The Hon. C.J. PICTON: The intention of this section is about transfer within the family. I should say a particular thanks to the member for Frome, the Minister for Regional Development, who raised this issue originally on behalf of one of his constituents and which has brought us to this bill today. This provision will help a lot of people across South Australia in terms of the transfer of family farms.

The difficulty, in terms of what the deputy leader is outlining in terms of non-natural people, is determining that it is family, and I guess that gets into the questions of what a family is and what a natural person is, and all those sorts of things. It is probably too late at night to spend too long debating that; suffice to say that we think it will add a lot of complexity for RevenueSA to go back through company structures to determine that they meet the criteria of being a family when it is involving non-natural people.

Having said that, it is something we are happy to look at further in terms of the red tape reduction unit and the Department of Treasury to see whether over time, if this provision is passed, there could be any future provisions that could extend it further.

Ms CHAPMAN: I thank the minister for his indication and invite him to look at the family company definition that is being proposed in the bill. I think that could be amended to provide a fair opportunity for the shareholders of the definition of a family company to include a natural person or their nominated party. I totally understand the extra burden that might ordinarily place on officers in an assessment process, but it seems with any of these things it is on the applicant to present the material to support the structure.

Obviously, that may be confirmation with a company search, for example, of the shareholders, and if the shareholding is held by another corporate entity, then of course they have to produce evidence of that structure as well to be able to trace it, its control or shareholding, to the natural person, who is the relative. I understand what you are saying, but I welcome the indication that you will at least have a look at that. I think they are the only matters I need to raise; otherwise, I indicate that we will support the balance of the bill.

Clause passed.

Clauses 93 to 98 passed.

Clause 99.

The Hon. C.J. PICTON: I move:

Amendment No 1 [Police–1]—

Part 50, page 32, lines 12 to 14—Delete the Part

The CHAIR: This amendment opposes the clause. Deputy leader, are you happy with that?

Ms CHAPMAN: If he is getting rid of it, it is even better.

The CHAIR: That might be the one you really like.

The Hon. C.J. PICTON: I am happy to explain.

The CHAIR: It has already been repealed once, so we are taking it out of the bill.

The Hon. C.J. PICTON: That is right. We discovered something that was already repealed.

The CHAIR: It is not actually still in existence, so we are getting rid of it again. It is definitely not going to be there after this.

Clause negatived.

Remaining clauses (100 to 106) and title passed.

Bill reported with amendment.

Third Reading

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) (22:42): I move:

That this bill be now read a third time.

What progress the deputy leader and I have made tonight.

Bill read a third time and passed.

At 22:42 the house adjourned until Thursday 19 October 2017 at 10:30.

Answers to Questions

ANSWERS TO QUESTIONS ON NOTICE

317 Dr McFETRIDGE (Morphett) (3 August 2017). When will the minister provide an answer to Questions on Notice Nos 64 and 270?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

The answer to question on notice No. 64 can be found on page 4052 of the *Hansard* for 3 December 2015, and the answer to question on notice No. 20 can be found on page 8946 of the *Hansard* for 28 March 2017.

ADELAIDE YOUTH TRAINING CENTRE

342 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (3 August 2017). With respect to the 2017-18 budget—

1. Given the financial commentary refers to a reduction in Adelaide Youth Training Centre asset sales in 2016-17, what property is currently on the market for sale?

2. Has the land adjacent to the Adelaide Youth Training Centre at Cavan been sold and if so, how much was recovered from the sale?

3. What rehabilitation programs are currently available to young people at either campus at Cavan?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

1. The property on the market for sale is a surplus portion of vacant land at 1 Jonal Drive, Cavan, next to a campus of the Adelaide Youth Training Centre.

2. A portion of 1 Jonal Drive, Cavan has not been sold and is on the market for sale in 2017-18.

3. There are a range of rehabilitation programs and other offence-related programs available to young people at the Adelaide Youth Training Centre.

In 2016-17, programs provided included 'PLUS +', an intensive, group-based, criminogenic treatment program based upon cognitive behavioural principles; and 'D-Stress', to assist young people manage stressful experiences by understanding body sensations, emotions and thoughts. In addition, Youth Justice together with its sector partners offers programs to address challenges associated with community engagement, health and development; and family and social needs.

A Youth Justice Programs Aboriginal Cultural Proficiency Guideline is in place, outlining cultural considerations while developing and/or facilitating programs. It sets the expectation that all program development includes meaningful engagement with the Aboriginal community. The AYTC also offers specific cultural programs, such as the 'Journey to Respect' program facilitated by Child and Adolescent Mental Health Services, which addresses the impacts of intergenerational violence on Aboriginal young people.

Further information on rehabilitation programs is included in the response to questions on notice 343 and 348.

YOUTH JUSTICE PROGRAMS

343 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (3 August 2017).

1. With respect to the 2017-18 budget—under the 2016-17 Highlights, a new Youth Justice Program framework and action plan was implemented, how is this different from the current framework and plan?

2. How many initiatives and programs are in place when youths are incarcerated and when they are released back into the community?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

1. Youth Justice implemented a new programs framework and priority action plan in 2016-17, in partnership with government and non-government stakeholders. A number of initiatives have been implemented under the framework, including strengthened guidelines for program providers to meet the needs of Aboriginal and Torres Strait Islander young people and a targeted intervention for those with violent offending behaviour. This new framework refreshed the previous framework developed in 2012.

2. A throughcare approach is taken for young people in the youth justice system, ensuring that case management takes a holistic approach from entry to exit. This approach provides opportunities that engage the young person, supporting their reintegration into the community. Each young person has an individualised case plan tailored

to their specific needs, based on comprehensive assessment that is achieved through referral to the most appropriate provider.

Youth Justice, together with its sector partners, provides a range of initiatives and offence-specific programs and rehabilitation programs. These include therapeutic interventions, life skill development, and social integration that builds engagement back to community. Rehabilitation services are based upon the assessed needs of the individual, including consideration of cultural needs. The diverse range of programs currently available include:

- Changing Habits and Reaching Targets: an individualised case management program designed to address offending behaviour, motivation to change, thinking and offending and relapse prevention;
- D-Stress, which assists young people manage stressful experiences;
- Plus +, a cognitive- behavioural intervention focused on problem-solving, social skills, self-regulation, and self-risk management;
- Resilient Futures, co-facilitated by service partners Red Cross and HYPA, provides resilience training and develops skills in areas such as changing mindsets and personal values, and is supplemented by mentoring;
- The Journey Home program helps young Aboriginal people and their families create pathways out of the justice system. The program includes cultural services and can involve participation in the custody-based Journey to Respect program, that is aimed at restoring connection to culture and preventing intergenerational violence. It teaches a range of skills, including respecting boundaries and understanding emotion;
- KIND is designed to address interpersonal violence, by developing skills in problem solving, helping with emotions, effective communication and understanding patterns of behaviour within relationships; and
- Cultural activities at the Adelaide Youth Training Centre, such as the Yarning Circle, are open to young Aboriginal residents who express an interest in having a safe space to discuss issues which impact upon them, their families and wider communities.

YOUTH DEVELOPMENT PROGRAMS

344 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (3 August 2017). Has the minister received a report reviewing the Youth Offenders Boot Camp trial administered by the Attorney-General's Department and if so, are any programs proposed to implement its recommendations in the 2017-18?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

The evaluation report for the Reboot Program is being finalised by the Attorney-General's Department. Further questions about the evaluation report should be directed to the Attorney-General.

ADELAIDE YOUTH TRAINING CENTRE

345 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (3 August 2017). With respect to Youth Training Centres—

1. How many youths in the centres are Indigenous?

2. How many youths in the centre have previously been under the guardianship of the Minister for Child Protection prior to entering the centre?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

1. During 2016-17, 187 Aboriginal and/or Torres Strait Islander young people were admitted to the Adelaide Youth Training Centre (AYTC).

2. During 2016-17, 84 young people who were under the Guardianship of the Minister for Child Protection, were admitted to the AYTC.

COMMUNITY PROTECTION PANEL

346 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (3 August 2017). What level of success is the Community Protection Panel approach having upon Aboriginal Youth?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

1. On 1 February 2014, a new service delivery model for the Community Protection Panel (CPP) commenced, focused on the younger cohort of 10-14 year olds who offend and are at high risk of detention orders.

During 2014-15, an evaluation of the CPP model was undertaken, which highlighted a number of strengths in the model systemically, and cautiously anticipated that better outcomes are achieved for clients of Youth Justice as a result of this type of intervention.

The overall ability of the program to have a lasting impact on offending was difficult to assess, particularly given the small number of clients and complexities involved, and it was considered that longer term interventions are likely to be required due to the nature of the target group. The Department for Communities and Social Inclusion (DCSI) considered recommendations of the evaluation of the CPP model, and incorporated the relevant systemic strengths identified into other areas of Community Youth Justice.

Learnings from the CPP model have been applied to case management for all Aboriginal clients, particularly the use of multi-agency case conferencing in developing a holistic case plan, which keeps all agencies accountable to the needs of the young person.

2. These learnings have also been considered in the development of DCSI's *Making an Impact, Northern Adelaide Project*. The project includes a steering group which aims to better target solutions by defining systems pressure points for Aboriginal young people through data analysis of current service systems, as has been available to the CPP.

ABORIGINAL YOUTH JUSTICE

347 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (3 August 2017). How does youth justice include the Aboriginal Community in its decision-making and within its program development?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

The Youth Justice Division in the Department for Communities and Social Inclusion has developed collaborative partnerships with the Aboriginal community and organisations, to ensure the voice of the Aboriginal community is incorporated in decision-making processes. Consultation with key stakeholders occurs on key initiatives, and committees are utilised to provide strategic advice. The Youth Justice Aboriginal Advisory Committee (YJAAC) brings the voice of the Aboriginal community and key partner agencies into decision-making processes within Youth Justice.

An extensive consultation process was undertaken during the development of the *Youth Justice Administration Act 2016*, including the development of the Youth Justice Aboriginal and Torres Strait Islander Principle. This involved key Aboriginal stakeholders, as well as members of the YJAAC and the Aboriginal Legal Rights Movements. The Principle requires that family and community participate in case planning, assessment and decision making for Aboriginal young people.

The Youth Justice Program Strategy Group is responsible for the identification of potential partnerships and collaborative responses for program development, including those to meet the needs of Aboriginal young people. The Youth Justice Program Review Panel assesses all program submissions to ensure the stated goals remain consistent with the Youth Justice Programs Framework. The Strategy Group and the Review Panel include Aboriginal representation.

A *Youth Justice Programs Aboriginal Cultural Proficiency Guideline* provides information for staff and other program providers about cultural considerations while developing and/or facilitating programs with young people under supervision. It provides the expectation that all program development includes meaningful engagement with the Aboriginal community.

Youth Justice coordinates a statewide community service order program, based on community partnerships, to provide young people with opportunities to complete their community service orders within their local community. The program has a focus on partner organisations which provide skills, personal development opportunities, cultural educational linkages and tangible community outcomes, with ongoing support. For example, the Northern Community Service Order Program has a long established working partnership with Aboriginal Elders and Community Care Services. Elders regularly demonstrate praise and gratitude to the Aboriginal young people in the program, which provides job satisfaction and opportunities to reconnect with Elders in the community in a positive way.

REHABILITATION SERVICES

349 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (3 August 2017). What through-care rehabilitative and therapeutic responses are in place as opposed to the monitoring of orders or punitive approach?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers): I have been advised:

1. The Youth Justice service delivery model encourages young people to take responsibility, whilst recognising that children and young people have specific developmental needs. The Adelaide Youth Training Centre utilises a Behaviour Support Framework (BSF), which is a progression model that provides individual incentives to encourage and support young people to develop positive behaviours and take responsibility for their choices and

actions. This model can assist residents to reach short and long term goals, develop life skills, address patterns of behaviour and take responsibility for their choices.

2. Case planning with young people in the justice system includes transition planning and goal setting to support young people to successfully return to the community following detention. This includes ensuring continued access to education and health supports and establishing connections with services that will continue to support the young person and their family beyond the expiry of their youth justice order.

DEPARTMENTAL STAFF

376 Mr GARDNER (Morialta) (16 August 2017). How many Department of Education and Child Development staff are on unpaid leave on 30 June 2017, 30 June 2016, 30 June 2015, 30 June 2014, 30 June 2013, 30 June 2012, 30 June 2011 and 30 June 2010?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised:

The table reports the total number of Department of Education and Child Development staff who were on unpaid leave as at the last pay day in June for each year requested.

It is important to note that totals from 2013 to 2016 inclusive include the former Families SA due to respective Machinery of Government initiatives. Therefore total employees on unpaid leave are not directly comparable over the extended time period requested.

Year (last pay period in June)	Total employees on unpaid leave (last pay period in June)	Total employees (active or on paid leave at the last pay period in June)	% of employees on unpaid leave
2010	1055	25674	3.9%
2011	1079	26056	4.0%
2012	1147	28401	3.9%
2013	1046	28886	3.5%
2014	1111	29108	3.7%
2015	1026	29793	3.3%
2016	1179	30305	3.7%
2017	1038	29409	3.4%

FUTURE INVESTMENT

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016).

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): The Department of Treasury and Finance advises that indicative changes in private business investment for the budget year were published in state budgets up until the 2008-09 budget, based on Australian Bureau of Statistics (ABS) estimates of historical and expected capital expenditure. This was discontinued following a decision by the ABS to stop publishing state estimates.

AGRICULTURAL CONSOLIDATION PARK

In reply to **Mr WHETSTONE (Chaffey)** (22 June 2017).

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts): I have been advised:

The proposed $70 million agricultural consolidation park in Adelaide is a South Australia-Shandong consortium project between Armstrong Wines Trading Pty Ltd, Australia Original Ecology Pty Ltd and Shandong based Zibo Shoushan Enterprise Co Limited and Shandong Fusheng Food Co Limited. The agreement to construct the park was signed by these parties on 8 September 2015. Questions about the development of this project should be directed to the involved parties.