HOUSE OF ASSEMBLY

Tuesday, 5 June 2018

The SPEAKER (Hon. V.A. Tarzia) took the chair at 11:00 and read prayers.

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

Bills

FAIR TRADING (GIFT CARDS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2018.)

Mr PEDERICK (Hammond) (11:01): I rise to speak to the Fair Trading (Gift Cards) Amendment Bill 2018. This is another bill that fulfils one of the Marshall Liberal government's excellent election commitments to protect consumers by ensuring that gift cards have a three-year expiry date. The reason we are doing this is because across Australia we lose approximately $200 million annually on expired gift cards.

The terms and conditions of gift cards may differ greatly, with typical redeeming periods between three and 12 months. Some larger companies, such as Bunnings and Apple, just to name a couple, do not have expiry dates on their gift cards. By putting into legislation a three-year expiry date, we are protecting consumers from unjustifiable and unfair expiry dates and balancing this appropriately with the needs of business.

The bill forms part of a series of amendments that we are putting through the parliament to the Fair Trading Act designed to increase consumer rights and protections. It also is part of the broader government agenda of modernising regulations and reducing red tape. What we are doing with this legislation is protecting consumers by ensuring that gift cards have a minimum three-year expiry date. It is intended that this would not apply to reward or loyalty programs or a voucher donated for charitable purposes; however, these exemptions would form part of the regulations to be drafted in consultation with business, subject to the bill's passing.

This legislation is modelled on New South Wales legislation, which commenced earlier this year and legislated for a three-year expiry date. Consumer and Business Services will be responsible for enforcement and compliance. In regard to the education program around this, funding for a public education program in respect of these changes is being sought in a subsequent bill to address ticket scalping, which we will address later this sitting week. The effect on business is expected to be negligible.

With regard to some further commentary around this bill, given federal constitutional guarantees, the bill does not apply to online or over-the-phone purchases where the gift card is delivered to an address outside of South Australian borders or the consumer is not ordinarily a resident of South Australia. Minimum expiry dates for gift cards is listed on the agenda for the national Consumer Affairs Australia and New Zealand meeting and, in addition, the federal government is considering adopting uniform laws to bring the country in line with the New South Wales legislation.

I do not think there would be anyone or any family who has not been involved in purchasing gift cards. I can remember several years ago I was driving around in my ute and I thought, 'What's that in the side tray of the door?' Sure enough, it was a gift card that was five years out of date. That would have been over the three-year limit, but it just goes to show how much money can be lost. As I said, hundreds of millions of dollars can be lost with gift cards that are not redeemed. Obviously, suppliers get paid for these so there is no loss to their budget. I guess there is a win to their budget if they do not have a redeemed gift card, for whatever gift it is, but it has been paid for so people

should have more than enough opportunity to use that gift card regarding their purchasing at the time.

There are many things that can be put on gift cards. We heard an honourable member's address last week about his wife's purchases. That was a memorable contribution to this place. He also talked about how it would be handy to have a gift card for a tractor, but I have not heard of one of those yet. I think that was a suggestion from another member in this place. However, it is quite serious because sometimes you just do not know what to get for a niece or a nephew, a distant relation, a close relation or even your partner.

You just cannot think of the ideal thing so the easiest thing is to go down to a store—you might even get the store wrong—where you think they will be able to redeem something, whether it is a clothing item or something to do with music. Mind you, a lot of music now is just downloaded immediately, and sometimes not legally. That is another challenge in the world of purchasing but not something we are dealing with today.

It is a challenge and the sad thing is that people buy these gift cards in good faith because they certainly believe it is a good option for what they want to do and to make sure that someone can get an item that they desire. It can expand into wedding gifts as well. If you just do not know what to give a gift card can be produced. Talking about wedding gifts, the wedding registry program is something that my wife and myself went through.

I think I did one visit to the appropriate store—it might have been Myers, but I might be wrong—for potential items that we had put on the registry list. I met another person, an upcoming groom, and we had a conversation where we both agreed that we did not need to be back in Myers discussing this ever again. So I just left it up to my future wife to have a look at what we needed. I said, 'It's all yours. I don't need to trawl the shelves to see what we need to put on the list.'

That exemplifies why gift cards are such a necessity in this modern day and age. People just do not know what to get, so it is an easy thing to give. Sadly, because it is not a physical gift, apart from being something in an envelope or a card, it can too easily be put down. We live in a society where everything seems to be running at about 100 miles an hour, in the old language, and people do put things down. The gift card does not get redeemed and, sadly, the full benefit of it does not get used.

Some people may think this is something that is not worth the time to be debated in parliament, but I challenge that because, obviously, it is a big issue. It is worth $200 million across Australia, so it is something that needs to be fixed. Noting that there are discussions across the Tasman with New Zealand about having uniform legislation shows me that this is something that needs to be addressed. As we get older, people find it harder to work out what gift to give. I have a friend's 50th coming up, and I am trying to think of what they might require. It is probably a bit harder than—

The Hon. V.A. Chapman: A tractor.

Mr PEDERICK: Well, it will not be a tractor, Deputy Premier, or it might be a very small model one. I am sure he would appreciate that, being a farmer. It can even be a difficulty in your younger years. I have young boys who are already attending 18th birthday parties and there will be 21st birthdays coming up. You just do not know what the appropriate gift is to give to someone.

Good on the broad range of stores that give the option of buying a gift card because it means that, hopefully, someone will redeem it and buy the appropriate thing that they need. It is a win-win for everybody. You do not end up with a gift that may end up in the regifting cupboard, which some people may utilise. If you get two or three of something, or if it is something that might be a really nice gift that you do not need, you do not want to waste it, so it lands in a cupboard. It can sit there for decades if you are not careful, and it can be used at a later date when you find the appropriate person to give it to.

If we get this legislation right, we can cut down on the storage of not so much unwanted gifts but gifts that can be regifted because that does happen in real life. If anyone tells you they have never regifted something, I would question them severely. People can buy something they require. Obviously, it requires the person who receives the gift card to redeem it and acknowledge its worth.

In the celebration of whatever they are celebrating at the time—whether it is a birthday, engagement, wedding or anniversary, or a significant event—they may not in the first instance think that it is great compared to what the parents have bought them: 'The parents have bought me a second-hand Yaris so I can drive to school.' Some get a new Yaris. Gift cards can be misplaced, but in the main many people appreciate them.

I note, as I said before, that bigger companies like Bunnings and Apple have no expiry limit on their gift cards, and perhaps that is what they can manage at that bigger store level. In saying that, the gift card has been purchased, so in my mind it should almost be like legal tender. A $10 note does not go off just because you have had it in your pocket for three years. It may have changed design or turned into a plastic note, with the new notes coming out. Essentially, a gift card is almost like legal tender. It has been purchased appropriately and should be able to be used to redeem goods to the value of whatever is on that gift card.

I do not know whether stores do this, but I am sure they would have a calculation on the percentage of gift cards that do not come back. I do not think they would be banking on that because, as I said, they already have the money and are more than happy to redeem goods for the value of that gift card. That can be a broad range of things, such as music items, hardware items or clothing items.

This legislation does not attract an impact on online orders that happen outside the state. There have been some interesting discussions at the federal level about Amazon.com. I agree with the federal Treasurer's stance that goods brought into this country should have a GST requirement put on them, because do not expect for one minute that Amazon does not have to deal with what happens with value-added tax in other countries. I am sure they do.

I think there is a bit of chest beating going on about that conversation at the moment. We will see how that pans out, with Amazon threatening to switch off Australian customers because, rightly or wrongly, people want goods that are not available in Australia. I think Australia has a great choice of goods that can be purchased either in person or with gift cards that can be produced for someone who is the receiver of the gift card to get those goods. We live in a dynamic world and there are opportunities for buying stuff overseas.

When I had the opportunity to go with the family to Canada and the United States, part of that was with work but we took the opportunity to buy a few pairs of cheap Levi jeans for the boys. When you get home and try to buy the same jeans online, Levi Strauss has a block on importing those jeans, so you either have to go back or organise someone to go shopping for you. That is just the difference in what goods may be priced at overseas.

I was intrigued with the different prices of things. I was discussing tractors earlier on in this contribution. When I was in North America, in Canada and in the United States, in 2011, the dollars were around equal value, whether it was US dollars or Australian dollars, and farm machinery was about half the value of what it is here. I know this is a bigger issue than gift cards, but I have been led into it a bit. The reason why some farmers will buy good second-hand equipment from North America—it does not please the Australian dealers, obviously—and import it themselves is the value for money. Whether or not they have issues around getting that equipment serviced is a matter they would have to deal with.

I struggle when something like a $140,000 eight-wheeled tractor from Canada suddenly turns into $280,000 in Australia and all it has done is had a ride on a ship for about a month to get it set up here. It is the same machine—they are all manufactured out of virtually the same place—but some people have different manufacturing plants across the world. In regard to this, I think this is going to be a great thing for consumers right across South Australia. Certainly a fair share of that $200 million that is lost annually across Australia would come out of the South Australian economy. If people are good enough to spend the money, we want the people who receive those gift cards to have the appropriate time.

As I indicated earlier, you can put them away, if you are at a function or whatever—let's say it is a birthday—and you put all your presents away. There might be some refreshments you have been given and you store them away in the bar or whatever. There might be some other useful items that you put somewhere in your house, and then somewhere in the chaos and the rush of life, the

gift cards just get put down somewhere, they get moved, and after they get moved once, they disappear. I think this is sensible legislation. I appreciate the debate that has gone on so far in this place. I look forward to the ongoing debate and the bill's speedy passage through the house.

Mr DULUK (Waite) (11:21): I also rise to say a few words on this important bit of legislation, the Fair Trading (Gift Cards) Amendment Bill 2018. It is a simple bill, but it is a bill that goes a long way to delivering on the Marshall government's election promises. On this side of the house, we are determined to deliver on our election promises because we know that is so important to the people of South Australia for them to have confidence in their new government and in the body politic that says we are going to do something we said were going to do.

We went to the election with our policy to introduce this legislation, and that is exactly what we are doing. We believe in giving power back to the shoppers in South Australia and this bit of legislation reforms the current consumer protection; indeed, it enhances the current consumer protection. The bill amends the Fair Trading Act 1987 to require that any gift card sold in South Australia must have a minimum expiry date of three years.

As I said, this is a bit of legislation which we said we would bring in in our first 100 days, as we are introducing so many of our 100-day plans. This is certainly one in the consumer protection space. So why are we doing this? Why do we think this is an important issue that we need to deal with? It is about choice and it is about empowering mum-and-dad South Australians. We are going to see a whole raft of legislation introduced by this new Marshall government that is about choice, about the individual, and today's legislation is part of that. Looking at the deregulation of shopping hours is another key policy that is overwhelmingly supported by the people of South Australia. For those who need to know, the people of South Australia are not just Josh Peak and the SDA, they are actually the broader electorate.

This sort of consumer protection legislation is very important. According to a Choice survey, Australians spend about $2.5 billion every year on gift cards. That survey also found that a third of respondents had lost the full value of at least one gift card in the previous three years. Give or take, it appears that Australians are losing approximately $200 million every year in unredeemed gift cards. This is quite a lot of money, and if the government can do a little bit to guarantee consumer rights, I think that is something that is fundamentally important.

As I said, Australians lose approximately $200 million annually on expired gift cards. The terms and conditions of gift cards may differ greatly, with typical redeeming periods of between three and 12 months as they exist at the moment. Some larger companies such as Bunnings and Apple do not have expiry dates. We are obviously looking for a bit of consistency for consumers in South Australia, and I think that is really important.

I think the member for Hammond, in his contribution, touched on gift cards being the modern-day cash equivalent. If I hark back to my days growing up as a young kid, one thing that I enjoyed every Christmas was going to see grandma and getting the Christmas card; in there was—

The Hon. C.L. Wingard: How much? How much?

Mr DULUK: I think we got up to $10 once and a block of Cadbury chocolate, and we knew we were doing well. Inflation was on the rise when we got up to $20 in the Christmas card.

The Hon. C.L. Wingard: I used to get $2 notes.

Mr DULUK: The member for Gibson reflects that he got $2, but I would say that is for time value of money. I do not even know whether the $2 coin was minted then! I digress, but for people like my grandma cash was king, and I am sure that applied for the member for Hartley's household as well. Cash was king, and really the modern gift card is now essentially grandma's cash in a modern form. I think it is important that legislation reflects the change of use in the way that gifts, whether they be cash or cards, are circulated for consumers in South Australia. So I think bringing in this three-year period is quite important.

By legislating for a three-year expiry date, we are protecting consumers from unjustifiable and unfair expiry dates and balancing this appropriately with the needs of businesses, which of course have a requirement to hold stock and a requirement for a liability that is obviously drawn on the balance sheet.

As I said, this bill forms a part of a series of amendments to the Fair Trading Act designed to increase consumer rights and protections, and it is also part of the broader government agenda of modernising regulations and reducing red tape. I think this is going to be an area where we are going to see a lot more improvements from the Marshall Liberal government and from the minister for consumer and business affairs. For the last 16 years we have seen South Australian business strangled by bureaucratic red tape.

On the way to parliament this morning I was listening to FIVEaa and Leon Byner, who was talking about a resident who had the EPA and local council both go and see them to talk about noise complaints as part of their regime. The point was made that South Australians are just being crippled by bureaucracy and red tape. So many functions of the everyday lives of South Australians, from collecting waste through your council all the way to purchasing gift cards or just interacting with government departments, are layered and layered with bureaucracy.

There is a cost to this. The cost is time, the cost is wages and the cost is inefficiencies. The role of government—and very much the role of government from a Liberal perspective—is to do everything we can to remove these bureaucracies from the lives of South Australians. Government should be, in a way, seen and not heard. When it comes to consumer protection and red tape reduction and compliance, I think that is something that very much needs to be a key focus point for this government. And it will be a key focus point of this government to ensure that South Australians can just go about their day-to-day business without worrying about some inspector, some bureaucracy, some government agency telling them that they feel they know what is best for them, which inevitably they do not.

In terms of the bill before us today, it is intended that our changes would not apply to reward or loyalty programs or vouchers donated for charitable purposes. However, these exemptions would form part of the regulations to be drafted in consultation with business, subject to the bill's passing. I think that is a really important part—that we are going to do proper consultation with industry on this matter, because that is also what the Marshall Liberal government is on about. It is about consultation. It is about working with business and those impacted groups for the benefit of society.

The bill that we are debating today is modelled on New South Wales legislation, which commenced earlier this year and which also legislated for a three-year expiry date. Consumer and Business Services will be responsible for enforcement and compliance in this area, which is appropriate. It is part of a broader range of measures which are important, and it is our expectation that the effect on business will be negligible. As I said, we do not want to impact on businesses unnecessarily.

This reform makes gift cards more consumer-friendly by ensuring that any gift cards sold in the state have a minimum three-year expiry date, and it forms part of our broader suite of measures around fair trading. It is also worth including in this debate the fact that, given federal constitution guarantees, this bill does not apply to online or over-the-phone purchases, where the gift card is delivered to an address outside of South Australian borders or the consumer is not an ordinary resident of South Australia.

It is important to talk about some of the federal implications because at the moment we are seeing a debate where the federal government has brought in GST on online purchases around the $1,000 mark, and at the moment we are seeing Amazon trying to work their way around this new federal legislation. It is vitally important that we have a level playing field, whether it be at our state level or federally in the case of GST, and I commend Treasurer Morrison for tackling this issue and having GST on online purchases.

If companies such as Amazon feel they are being unfairly handled, then bad luck; they do not have to sell their products here through their portals. We want to ensure that with all trading entities in South Australia and Australia, no matter whether you walk in and buy a gift card from Mitre 10 in Blackwood or whether you are purchasing something from Amazon being delivered to a residence in Mitcham in my electorate, we are all covered under the same law and same jurisdiction.

It is very important for bricks and mortar businesses and small traders who have gone out and perhaps have a rental, a presence, in a strip mall—whether that be Main Road in Blackwood or at Mitcham Square village shops—that they have the entitlement to trade and participate in the

economy equally and under the same rules and regulations as online does. Bringing some uniformity to this area is very important, and I have no doubt that the Minister for Consumer and Business Affairs and the Deputy Premier will, at COAG, be ensuring that all businesses are treated equally in this respect, that the big international players do not feel they are above the law or above the consumer—ultimately the most important part of our system.

Minimum expiry dates for gift cards is listed on the agenda for the national Consumer Affairs Australia and New Zealand meeting. Quite often, New Zealand, through their jurisdictions, sits as a by player to COAG as well, to observe the important legislation that comes before Australian parliaments and ensure that we get consistency. I think we can also learn, as Australian jurisdictions within our federation, from our cousins across the ditch, and see what their best practice is.

Over the last 10 or so years of the former John Key-Bill English governments they certainly embarked on a very big deregulation agenda, one that was really focused on small business. Deregulation was the hallmark of that John Key National government, and if you look at the New Zealand economy over the last five, 10, 15 years it has gone from strength to strength on the back of small business, reducing red tape, reducing business taxation, and driving its key economic indicators.

Of course, New Zealand is a country that does not actually have any natural products and imports quite a lot of its raw materials. It does not have a car manufacturing industry either, and imports all its motor vehicles. However, in our region New Zealand has gone above and beyond on the deregulation path and their economy has gone from strength to strength.

Having minimum dates for gift cards listed on the agenda for the national consumer affairs meeting for Australia and New Zealand, in addition to what the federal government is considering in adopting uniform laws, really brings South Australia in line with what is happening across other jurisdictions. It is important that South Australia and this Marshall Liberal government ensure that we are on top of fair trading lines across the nation and that we remain relevant in terms of where it is.

As I said, it is very important that consumers have protection in terms of gift cards. I have certainly been the beneficiary of a David Jones or Myer gift card and forgotten to redeem it. My sister, who normally gives me a gift card at Christmas because she is sometimes a bit tardy in her purchases, says, 'Sam—

The Hon. C.L. Wingard: Time poor.

Mr DULUK: Very time poor. Generation Y, millennials, are indeed time poor, and it is a waste of $100 when a consumer does not redeem the card. It is much unlike me not to redeem a gift card, but it does happen from time to time as we all become very time poor. As I said from the outset, this legislation is designed to protect the consumer, and that is what it needs to be about. Looking at the broader part of consumer protection, a lot needs to be done. Too often, we have seen unscrupulous businesses use vulnerable and at times unsuspecting consumers, and ensuring that education process that protects the consumer is vitally important.

Gift cards continue to grow. Australians spend almost $2.5 billion a year on gift cards, and that is a huge outlay of investment. To put it in some broader context, the South Australian government spends about $6 billion a year on health, and rightly so, and Australians spend $2½ billion on gift cards so it is appropriate that there is an element of regulation and consumer protection around this. With those words, I commend the bill to the house, and I look forward to its passage through this place.

Ms HABIB (Elder) (11:37): Prior to the election, we promised that a Marshall Liberal government would legislate to protect consumers by ensuring that gift cards purchased in South Australia would be required to have a minimum expiry date of three years. We believe consumers deserve to get what they pay for without unnecessary restrictions, meaning that businesses retain cash without consumers receiving a good or service that has ultimately been paid for.

A minimum three-year expiry date on gift cards will provide certainty for all consumers and businesses about their rights and obligations. This has already been successfully introduced in New South Wales. The three-year expiry would apply to all gift cards sold in South Australia to a person residing in South Australia at the time of purchase. Why are we doing this? According to consumer

advocate group, Choice, Australians are losing approximately $200 million each year in unredeemed gift cards.

A number of members of the house have spoken about how they have lost the benefit of their gift cards due to the passing of an expiry date, and I am sure they have contributed to that amount of $200 million that consumers are losing each year in unredeemed gift cards. Australians spend about $2.5 billion a year on the cards, but a Choice survey found that around a third of respondents had lost the full value of at least one gift card in the previous three years.

Gift cards are essentially putting terms and conditions on cash which, without appropriate consumer protections, can result in consumers experiencing genuine financial loss. That is certainly not what we need in South Australia with the rising cost-of-living pressures putting a lot of undue stress on families across our state. Some consumers simply forget to use the gift cards in time or find that the expiry dates are simply too tight for them. This can be a particular issue for people in regional and remote areas where they do not have such ready access to stores, and a few of our regional members spoke about that last week.

Australian Consumer Law does not currently prescribe a minimum expiry date on gift cards, resulting in not only a short expiry date on many cards but also an increasing variety in the range of expiry dates on gift cards, making it additionally confusing for consumers. For example, prepaid Visa cards can have an expiry of up to five years. Gift cards for retailers such as Bunnings and Apple do not have expiry dates at all, while some vouchers have an expiry date of as little as three months.

This bill will protect consumers by ensuring that gift cards have a minimum three-year expiry date. As mentioned, it is modelled on the New South Wales legislation that commenced earlier this year and has similarly prescribed a three-year expiry date for all gift vouchers. I think this is an important bill not only for protecting consumer rights but also highlighting our commitment as a government to delivering on all the election promises that we brought to the South Australian people prior to 17 March.

Finally, in closing, I would like to make a comment that we have considered what kind of effect this will have on businesses. As I am sure you are aware, we are absolutely committed to supporting businesses to grow in South Australia to create more jobs for our state. I am proud to report that the effect of a minimum three-year expiry date for gift cards will have a very negligible effect on businesses. I commend this bill to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:41): I would like to thank all members for their contribution to this bill. I must say it has been an era of enlightenment for me in understanding the shopping habits of my colleagues on both sides of the house. It has certainly been illuminating and entertaining, and I thank them for their contribution. As the minister covering Consumer and Business Services, I probably should offer some of my colleagues a link to a line for help when people become addicted to shopping; nevertheless, I am happy to assist should they need some advice or counselling in that regard.

As to the contribution on tractors, that has been wide and varying, initiated playfully by the member for Finniss. I place on the record that, as a result of personal circumstances, I am now the owner of six tractors. One of them was sold to my father many years ago by Olsen and Co. at Kadina. It is still going, as I have reminded the Hon. John Olsen, who is a former premier of the state and now President of the Liberal Party. It is still effective. It has a hydraulic attachment for post-hole digging, and I have to say it has worked pretty well for the last 35 or 40 years. They are a very good present, if anyone has it in mind. In fact, I might even create a voucher to hand it on to somebody else, but unfortunately it might fall into the category of those that are passed on and not redeemed by the original giftee.

I particularly thank the member for Enfield for his contribution. Of course, as usual, it had nothing to do with the bill before us, but he did alert the house to his failure to advance payday lending regulation at the council of consumer and business service ministers during the term of his office. That is regrettable. Matters were placed on the agenda and never saw the light of day, and sometimes I thought that was probably the deliberate purpose.

I would often hear in the house the member for Enfield, when he was the minister, tell us the significance of reform being progressed at a national level that would be ineffective if it was dealt with at a state level. The next day, he might come into the house and explain to us why he was advancing something at the state level because nothing was happening at the national level. That inconsistency aside, clearly he felt that it was not sufficiently prudent to advance state regulatory review or reform for predatory payday lending.

As many members know, it is often referred to as a facility for people with their back against the wall financially who find themselves in an impecunious state, desperate to meet their financial obligations, but they are still a few days away from their payday in that fortnight or month or whatever period for which they are to be paid. They then find themselves vulnerable to the money-lending sharks who are happy to offer them interim funding but at an extortionate rate of interest and on terms of repayment that are unconscionable. We understand this exists and, clearly, it should be addressed.

I will follow up his suggestion that, when the ministers for consumer and business services meet later this year, which I understand is in or about October, we find out what has happened to that. This government will, at the very least, if it has not progressed or is not likely to progress, undertake to review what has happened to it and what we should be doing to protect South Australians, if in fact it is found that this is such a detriment to those in vulnerable circumstances. We are a government that cares about consumers and ensuring that they are protected, but it means nothing without the protective umbrella of a statute or regulation for that purpose.

For that very reason, we have initiated ticket-scalping laws—because of the failure of the former government to implement their own model, which is under a declaration process. That is a bill which is going to be canvassed before this parliament and which indicates the significance of the government's commitment to ensuring that we protect consumers in circumstances where people are victims because they cannot access tickets because somebody else has come in under a scheme, the bot schemes, and which, of course, the Minister for Police is going to clearly outline in his contribution to the debate in due course.

We see it as important to protect consumers in this space to enable them to have reasonable access to buy a ticket to go to their important occasion, whether it is a sporting event, lots of concerts or a car race—I am not really interested in car racing myself, but, nevertheless, plenty of people are. These are important things: to protect the consumer to get access to and to get access at a fair price.

In any event, some uncertainty has been raised in this debate around the reach of these reforms with respect to their application and the jurisdiction of the bill, which I will now seek to clarify. Importantly, these reforms go to the heart of protecting South Australian consumers. As such, you will note that the intended application of these reforms relates to businesses that sell gift cards to South Australian consumers, whether the business is physically located in South Australia or operating online.

I thank members for raising these matters because they are important questions to be raised. Perhaps I will, therefore, outline as best we are informed on this matter at this stage. The bill applies where the gift card is sold to a consumer online or by phone where the gift card is to be delivered to the consumer at a South Australian address or the contact details of the consumer provided in connection with the sale of the gift card include a South Australian residential address.

To clarify, however, the bill does not specifically exclude international companies. The bill aims to protect South Australian consumers and to make gift cards more consumer friendly. The reforms will apply to international and interstate businesses, insofar as a consumer in South Australia is able to purchase gift cards from that business. The offence occurs if a gift card is sold to a consumer in South Australia with an expiry date of less than three years. I am advised it does not matter where the seller or the business selling is located.

The concerns raised regarding international companies choosing not to do business in South Australia are noted; however, it is also worth noting that a three-year minimum expiry date is where we are heading nationally. This bill streamlines the diverse practices of businesses and is consistent with the enhanced consumer protections recently introduced in New South Wales.

Further, specifically excluding international companies from these reforms may have a detrimental impact on South Australian consumers by enabling companies with an international arm to circumvent these important consumer protections. As far as enforcement of the legislation as it relates to international companies, this is a practical issue and not one that the drafting of the legislation can address. States and territories are more than familiar with the enforcement difficulties where the offender is located outside of that jurisdiction, particularly overseas. In fact, this problem is becoming quite common with the growth of online transactions involving businesses that have no physical presence in Australia, let alone South Australia.

I can only urge members, if they are providing advice to their constituents in relation to the application and effectiveness of this legislation, if they are purchasing a gift card for someone that they wish to offer that service and meet the cost of, when they are buying their gift card, to consider whether they are acquiring it from an entity which is in South Australia, especially if that gift card is going to be provided as a gift.

Mr Picton: How are they meant to know that?

The Hon. V.A. CHAPMAN: I just urge any members who have inquiries about this matter to ensure, as best they can, if they want to protect themselves in these circumstances, to buy local. That is all I can suggest at this point. The parliament has the commitment of the government of trying to deal with these matters at a national level and we will progress that, as has been identified. However, there are inherent risks for consumers in dealing with businesses online that have their headquarters in another country or operate outside of South Australia. As best we can, this bill demonstrates the government's commitment to increasing consumer protection for South Australians so that consumers get what they paid for without time restrictions that limit their purchase liability.

I remind members that this does not apply to the unused expired gift cards that any of you may have in the bottom drawer at home, so do not think that because of this advance of legislation that you can redeem those—they are dead and gone. Regrettably for you, they form part of the $200 million a year that are left unredeemed in Australia, which is what we are attempting to remedy.

With respect to the application of these reforms as they relate to specific goods or services, I would like to reassure members that the government will consult on appropriate exemptions in the regulations. I touched on this previously and, as noted in my second reading speech, this may include temporary marketing promotions, loyalty reward programs or vouchers supplied for a charitable purpose.

It has been a long time since I have purchased one of those books provided by charities. They usually have a number of vouchers for petrol, meals, hairdressing and other things in a book and may relate to a whole range of different services. I think the last time I bought one you could get an extra tyre if you bought three and these types of things, but you got a discount arrangement if you patronised certain businesses that had committed to the charity and were in their book.

We are not attempting to place any obligation in respect of those. They have an expiry date usually at the end of that year and then, of course, often as part of their own charitable fundraising, they publish a new book for the following year and, of course, you pay your $100, $200 or whatever, and have the opportunity to acquire those services within that time limit. It is not intended that they be captured or that they be prejudiced by this legislation.

I think it is fair to say that when some people buy those types of booklets to support a charity it is for that purpose. They present their funds, probably knowing at the time of purchase that they may not exercise the opportunity that is being offered through that discounting, certainly not for the whole book, but in any event they do it because they want to make a contribution to that charitable organisation.

I thank all members for their contributions. I look forward to progressing this bill and to future consultation with the key interested parties on implementation and proposed exemptions, and to further engaging on achieving a national solution, which I look forward to being able to report back to the house on.

Bill read a second time.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 May 2018.)

Mr PEDERICK (Hammond) (11:57): I rise to speak to the Electoral (Prisoner Voting) Amendment Bill 2018. This bill fulfils another Marshall Liberal government election commitment to prevent prisoners who are serving a term of three years' imprisonment or longer from voting in state elections. We are doing this because committing an offence that attracts a prison term of three years or longer is so serious that the consequences ought to go beyond imprisonment to forfeiting their voting rights for the duration of their sentence.

These changes bring South Australia into line with every other jurisdiction in Australia, with the exception of the Australian Capital Territory. This bill provides that any prisoner, including a person on home detention, who is serving a sentence of three years or longer, is ineligible to vote at state elections. The bill does not change the enrolment status of prisoners. After release, prisoners will be able to vote again, and this is consistent with the principle that punishment should not extend beyond the original sentence.

The bill complies with our constitutional obligations, as held by the High Court in Roach v Electoral Commissioner. I note that, as of April 2018, the bill would have affected the voting rights of approximately 1,400 out of a total of 3,114 prisoners. This is certainly apt in my electorate, where there is a prison. Mobilong Prison was designed in 1984 and is situated on 50 hectares on Maurice Road in Murray Bridge. It was considered Australia's first open-plan village concept prison, and was completed and opened in 1987. Mobilong was designed to be an educational and vocational training prison with original workshop opportunities, including metalwork, woodwork, spray painting and plastics moulding.

Interestingly, the prison's original capacity was for only 160 male prisoners in single-cell accommodation. This is very different from the capacity of the prison now, which is 472 inmates. By the late 1990s, additional cells had been constructed and double bunks had been installed into 60 cells. As a result, the prison's capacity was 240 and it was considered low to medium security.

In September 2006, the then state Labor government announced that they would be building a new prison adjacent to the existing facility. This was a disgraceful announcement, and I have mentioned in this place before how, on budget day, because it was an election year—it was the year I came into this place—the front page of *The Advertiser* stated that there were going to be new high-security prisons in Murray Bridge: the Yatala replacement, a new women's prison and a forensic facility costing over $500 million. The shame of it all was that the former attorney-general, the former member for Croydon, thought, 'We will run this as a front page. Just pay the fee to *The Advertiser* and happy days.'

Guess what happened? It all fell flat on the previous Labor government's face. Not only did they not consult the local mayor, Allan Arbon, who was a very good man, or the local community, but they also did not consult the Public Service Association. Thereby, they did not consult the potential prison guards who might have been transferred down there, and who certainly made their opinions clear when they came to council meetings at Murray Bridge, expressing the view that they did not want to travel 85 kilometres to work.

They were typical Labor bullyboy tactics of just announcing and defending. It all fell over, and then there were tens of millions of dollars that had to be handed out in compensation to people who had put in bids to build the prison. It was another big plan by Labor that fell flat on its face, just like the Gillman development.

In saying that, what this development was supposed to have done was replace the outdated facilities at the Yatala Labour Prison and the Adelaide Women's Prison. As I indicated, the estimated cost of the new prison was above $500 million. The prison would have included a 760-cell men's prison, expandable to 940 cells throughout the life of the contract, as well as a 150-cell women's prison, expandable to 200 cells. In addition to the above, there was going to be a $40 million, 40-bed forensic medical health centre, which was listed to be built at Mobilong, replacing James Nash House at Oakden.

Any development of this kind requires community consultation and vital services, such as health, public transport and road infrastructure upgrades, which all need to be considered as part of the process. I will go into more detail in regard to that in a minute but, certainly, the three main ones were road upgrades—

Mr PICTON: Mr Deputy Speaker, point of order: as interesting as this is, as all of his speeches are, the member for Hammond has been giving a speech for the last seven minutes on proposals for different prisons, which is not at all related to the discussion of voting rights in the bill. I am wondering if you can return him to the subject of the bill.

The DEPUTY SPEAKER: I will listen carefully, member for Hammond. I understand you are talking in general terms about the prison system in South Australia, which is quite within the brief of the bill.

Mr PEDERICK: Thank you, Mr Deputy Speaker, for your protection from that withering onslaught. This is going to have a significant impact on the voting population of prisoners in my district, so obviously it does have a direct impact because there would be more numbers coming into my area.

The three main services were going to be road upgrades, especially close to Mobilong; public transport and Metro ticketing, so we can get people there to visit their families, and people can come up from Adelaide on the Metro-ticketed buses and get there in good time; and the expansion of health facilities in Murray Bridge, noting that there would have been health facility clinics in the prison.

All these things are vital when we talk about the potential for prisoner voting because you have to have community consultation to have prisoners there in the first place. You cannot go in willy-nilly saying you are going to do this and that without those conversations around what is going to happen or what is proposed.

I will read to the house an extract from a strategic community impact study completed by the Rural City of Murray Bridge, which details the factors which need to be considered with any such development. In regard to this increase of prisoners and, therefore, the voting population of prisoners in Murray Bridge, it would have helped increase the forecast population to beyond 30,000 people in Murray Bridge, which is nearly 2½ times the 2001 population figure. The study states:

> Such a quantum increase in population clearly places a substantial demand on infrastructure. The capabilities of existing service, transport and social infrastructure have been reviewed in this context and in the most part, will require substantial upgrades to meet the forecast future demand. This will in turn require considerable planning and commitments from the relevant service authorities and providers.
>
> A description of possible potential infrastructure upgrade requirements is provided within the Urban Growth Plan addressing water supply and water quality, sewer, stormwater, telecommunications, electricity, gas, transport, and social.

The study then addresses forecast population growth in line with these extra prisoners who have the potential to vote in the Rural City of Murray Bridge, stating it is:

> …likely to generate significant demand for housing with between 6,400 and 7,400 new dwellings to be required by 2026.
>
> [Department for Correctional Services] estimates that 65% of current Mobilong staff reside in Murray Bridge.

There was also:

> Expected significant in-migration of workers to Murray Bridge combined with the recruitment of staff from within Murray Bridge.

Assumptions that 65% of New Prisons Precinct staff will live in Murray Bridge, with some already resident in the community.'

So that creates:

Theoretical demand for up to 250-300 new dwellings in Murray Bridge; and an additional 120 dwellings in surrounding areas (e.g. Tailem Bend, Mannum, Karoonda, Wellington or Mt Barker).

Equating that with the average household size of 2.45 people would result in approximately 650 new people living in Murray Bridge, aligned with the Corrections precinct, which would have many prisoners there with the capacity to vote.

That additional income and expenditure with the approximately 650 new people living in the Rural City of Murray Bridge would also increase the demand for community facilities, including schooling and recreation. It was predicted back then that 35 per cent of staff, or 120 persons, will live outside Murray Bridge, resulting in an additional 295 persons living in the surrounding area, with associated additional jobs in those towns.

I spoke before about the impact on transport in the area. It was envisaged that visitors will be able to visit seven days a week, with some relying on public transport. Corrections staff may also require public transport. There was also a desire that regular transport connections between Adelaide and Murray Bridge-Mobilong be strengthened and cost effective, if not free, for visitors. Certainly that is why I have campaigned for metro ticketing, and we are going to do a feasibility study on that so that people can access Murray Bridge.

Mr BIGNELL: Point of order: it is about relevance. Talking about transit tickets for people getting into town has nothing to do with what this bill is about.

The DEPUTY SPEAKER: Member for Mawson, I have already ruled on this. It is reasonable for a member to talk to the bill in relation to his or her electorate as well.

Mr BIGNELL: Sorry, the public transport needs of people who work in the prison system has nothing to do with what this bill is about.

The DEPUTY SPEAKER: In fact, member for Mawson, my understanding of what the member for Hammond is contributing is in relation to a prison that is within his electorate, so I am prepared to accept that.

Mr PEDERICK: Thank you, Mr Deputy Speaker. The proposal to increase prisoner capacity, and obviously then more prisoners eligible to vote, in my area would increase the social effects on the town. There were community concerns around the safety and security of the prison. There were concerns about the likelihood of families and prisoners moving to the area and concerns around the likelihood of discharged prisoners remaining in the area, and obviously the possibility of stigma associated with being linked to a gaol town.

There were also concerns about the effect on visitor accommodation and emergency crisis accommodation; the effect on public and low-cost housing; the effect on public transport services, which I have already outlined; the effect on crime rates; and the effect on existing educational, health and welfare services. Obviously, with an increasing prisoner population and with more prisoners being eligible to vote, there is the provision of education jobs for all those staff needed in the region.

There is the ongoing need for an additional 51 jobs in the education sector, opportunities for additional TAFE courses for prisoners and families of prison staff, and the potential requirement for up to 270 additional places from preschool to TAFE and/or regional tertiary institutions. Since the proposal of the prison back in 2006 and with more demand, potentially over 1,000 more prisoners in the area and with their eligibility to vote, there would be extra demand for health services. So there would be a constant need for professional health workers in prisons.

Even though I have already noted that new prisons will have a self-sufficient medical clinic, prisoners requiring specialist treatment will have to be sent to the Royal Adelaide Hospital. New prisoner emergencies may have to be treated at the Murray Bridge Soldiers' Memorial Hospital. Deputy Speaker, you would know that I have managed to secure $7 million to have the new emergency department built at Murray Bridge. That is excellent for the town and the regional community.

In regard to more prisoners being able to vote in the area, the expanded health system and hospital need to be considered in that context—the predicted ongoing impact of 52 additional jobs in the health and community services sector, including an additional full-time doctor and six nurses, to total 60 doctors and 333 nurses by 2026. Obviously, there is an increased need for disability health services.

In regard to expanded prisons and more voter eligibility because of that, the community expects the police presence to be reinforced. Back then, the new police station needed to be a high priority and I am glad to say that that has opened in recent years with room for the new courthouse. The capacity of fire and ambulance services to attend to emergencies and incidents will need to be reviewed as the population increases. In regard to community services, an increased population of eligible prison voters would mean an immediate effect on the provision of community and social services, for example, council recreation facilities, library services and support groups.

In 2004, there was a report done into the establishment of independent living units at Mobilong Prison. I think it was called the Ross Unit. This was a 50-bed trustee unit that was built there. Over time, that has been made not just into single rooms sharing a kitchen and lounge; they have had some cells doubled up, so there are at least 70 in what was originally 50-bed accommodation. On my first visit, I thought that this was a long way from chaining convicts in hulks and sending them across the sea. If you want to have some positive reinforcement for people to be rehabilitated, this can send them on their way, but they have to go through positive behaviour to be eligible to be in this unit.

An additional 104 beds were opened at Mobilong Prison by the previous minister in 2017, which included also an officer's station, interview rooms, more beds in the Ross Unit and biometric screening for people to get access to the prison as visitors. With those few brief remarks, I commend the bill and note the potential impact and impacts of growing prisoner populations and their eligibility to vote, especially in the seat of Hammond.

The ACTING SPEAKER (Dr Harvey): The member for Flinders.

Mr TRELOAR (Flinders) (12:17): Thank you very much, Mr Acting Deputy Speaker. You are fulfilling your role well there. I congratulate you on taking that seat. I, too, rise to speak to the Electoral (Prisoner Voting) Amendment Bill 2018. I also inform the house, as was the case with the member for Hammond, that I, too, have a major prison facility within the—

The Hon. V.A. Chapman: Did you visit with how-to-vote cards?

Mr TRELOAR: —I will come to that, Attorney—electorate of Flinders. It is a significant prison. It has capacity of in excess of 200 prisoners and, of course, it is also a great employer, but I will go back to the bill, as I know the opposition will be keen for us to talk to it. The bill fulfils an election commitment that the Marshall Liberal team had in the lead-up to the recent March 2018 election and that is to prevent prisoners who are serving a term of three years imprisonment or longer from voting in state elections. We need to understand why we are doing this.

In recognising that a prison term of three years or longer is a serious offence and the consequences ought to go beyond that of their imprisonment, it will actually bring us into line with other jurisdictions by having prisoners forfeit their voting rights for the duration of their sentences here in South Australia. This will bring us into line with other states and also the commonwealth. The anomaly is that prisoners, of course, in South Australia cannot vote in federal elections but are able to vote in state elections at the moment. With the exception of the ACT, we are now coming into line with other states.

The bill provides that any prisoner, including a person on home detention who is serving a sentence of three years or longer, is ineligible to vote at state elections. It is recognising that somebody who has incurred a sentence of home detention is also caught up in this. It does not change the enrolment status of prisoners. The prisoner remains enrolled and, of course, as soon as the prisoner is released then they are once again eligible to vote, and that is consistent with the principle that punishment should not extend beyond the original sentence.

It is a reasonable expectation amongst people we have spoken with in the broader community that this will have support. It is noted that as of April 2018 the bill would have affected the

voting rights of approximately 1,400 out of just over 3,000 prisoners within the state. It is a significant cohort, but there will be many who will remain in the prison system who are able to continue to vote.

I have spoken about home detention and, of course, there are many people out there who are serving their sentences on home detention. This bill recognises that this, too, is a serious sentence from the court and will impact their right to vote just as any other type of custodial sentence would. The rationale for this is that home detention is, for the purposes of the Sentencing Act, treated as a form of custody.

It is also going to apply to a young person who is serving a sentence of three years or more in a training centre. I suspect that a majority of young people who are in a training centre are not of a majority age, not of the age of 18, and so are unlikely to be on the voting roll but there will be situations where that does occur. Importantly, the bill will not apply to people who are detained under the mental impairment provisions of the Criminal Law Consolidation Act.

Regardless of whether a person has committed multiple offences, the disqualification will apply to them for the total period of time for which they have been sentenced to imprisonment when it exceeds three years and they are in custody at the close of rolls. In other words, once a person has finished their custodial sentence their rights are restored, including the right to vote. They remain on the roll and once they are released they will be eligible to vote. South Australia is the only state that does not oppose restrictions upon prisoners voting and it is appropriate that we fall into line with other jurisdictions.

In the lead-up to the 2010 election, when I was first elected, I had the opportunity to visit Port Lincoln Prison. It is a substantial building just over Winters Hill on the outskirts of Port Lincoln. The prison was built first in 1966, and I am old enough to remember it being built. There was some apprehension on my part, particularly given that I was a five-year-old boy, and my grandfather had great delight in taking me on tours of the building site, knowing full well that was going to become a prison.

It has turned into a significant institution. It was recently expanded and the accommodation increased. Originally, it was built to house about 90 male prisoners, both medium and low-security prisoners, but recently, under the Yellowfin project in February 2015, with new accommodation and an expansion it is able now to house a maximum of 200 prisoners.

I visited there in the lead-up to the 2010 election with the then shadow minister, the Hon. Terry Stephens from the other place. It was my first opportunity to visit a prison and, once again, apprehension set in because you never know quite what the experience is going to be like. It was somewhat daunting, I do not doubt that. However, that said, it was a privilege to be able to tour the facility and see firsthand how the prison at Port Lincoln operates.

I also visited in 2016, it must have been, when the minister for police and corrections, as he was then, the Hon. Peter Malinauskas in the other place, visited the Port Lincoln Prison to celebrate its 50th year birthday. Of course, many of those who had been involved in the prison over the previous 50 years were present for that day, as were a lot of the security people, so it was quite an event.

The interesting thing about Port Lincoln Prison is that it is accommodated on and within some 200 hectares of farming property, so it is a working farm. Being on Eyre Peninsula, it grows wheat, barley, canola and all those things. It has a farm manager in place and prisoners are for the most part gainfully engaged on the farm production systems. The 200 hectares, about 500 acres, is a big area of land. It was stony country in the first instance—limestone and Lincoln weed. I remember in the early days, pre stone rollers, the prisoners spending a lot of time ripping and picking stones. There was certainly plenty of work for them to do.

There is also a commercial garden in place. It produces a wide range of vegetables, which are used within Port Lincoln Prison. They are also sold to the local community through contracts with local supermarkets, vegetable retail outlets, hotels and restaurants. The prison, the prisoners and those working at the prison are very much involved in the local community. It is a really important part of serving time and also of rehabilitation, I suspect.

Port Lincoln on the West Coast is famous for its aquaculture. There are aquaculture industry partnerships with Port Lincoln Prison, producing such things as oyster baskets, oyster cages and

other custom-made products upon request. I think it is a really good example of how prisons can incorporate themselves into the local community. It is also a big employer, as I said earlier. In fact, a little ironically, the Labor candidate for Flinders at the last election was a security guard at Port Lincoln Prison. It is certainly a big employer, and those I talk to say that it is an excellent job and that they are pleased to be working there.

I have a friend who works on the prison campus in education. Of course, we are all aware, and it is no surprise, that prisoners often have quite low levels of literacy and numeracy. That is something that is being addressed through the provision of education on campus. An indicator of one's success in life can be one's level of numeracy and literacy. For prisoners to have the opportunity to improve their skills, their basic skills in literacy and numeracy, while they are incarcerated is a good thing. I understand that many of them take up the opportunity. I had an invitation recently to visit once again to look at the education facility at Port Lincoln Prison.

That is all well and good, but back to the bill. Of course, it is significant and will impact significantly on those who are serving sentences. It will mean that they will not be able to vote in state elections. It does have support in the broader community. It comes on the back of an election commitment the Marshall team made prior to the recent state election. I look forward to the passage of the bill.

Mr ELLIS (Narungga) (12:28): I rise today to talk about the Electoral (Prisoner Voting) Amendment Bill. I signify my wholehearted support for this bill. I see it as common sense. It is good to see the new government exhibiting some common sense after a long wait to see any from the previous government.

This bill will bring South Australia in line with all other states in Australia, with the sole exception of the Australian Capital Territory, in this specific area of law. This bill will ensure that prisoners serving more than three years in gaol forfeit their right to vote, such has been the seriousness of the crime for which they have been found guilty. In my opinion, a sentence of incarceration for three years or more does indicate sufficient seriousness.

It does not mean that they will not be eligible to vote upon their release, which is also an important point and an important part of this bill. This bill ensures that the person's right to vote is not removed forevermore, only whilst they are incarcerated for the three years or more. The bill does not affect a person's enrolment status or their ability to enrol, which is another important point.

I believe this bill is in line with society's belief that once a person has served their gaol time, paid for their crime if you will, they have every right to rejoin society and get on with his or her life. Gaol is not, after all, only a punitive measure but also a rehabilitative one, and this Marshall Liberal government is not proposing to punish the detainee after they have served their time and been rehabilitated.

It is a privilege to vote in this country, and this bill reflects the importance of that point. It is a privilege to vote in our democratic society and we have fought for and to retain this right for years and years over centuries. It is a constitutionally enshrined right to vote and everyone should have the ability to cast their vote.

When being found guilty of a serious crime, one carrying a sentence of more than three years, one should expect to forfeit that right, in my honest opinion. There have to be deterrents to committing crimes of sufficient impact to warrant in excess of three years' incarceration, and I would suggest that losing your right to vote is as powerful a deterrent as there is. I am sure many South Australians would join me in relishing the right to vote and always appreciating the opportunity that we have in Australia and in South Australia.

In other countries around the world, particularly some of the socialist ones you find around the globe, people have their right to vote tampered with and often removed in total. We are lucky that we enjoy the freedom to vote here, and we acknowledge that not every country has that same freedom. I am sure that every South Australian enjoys that privilege, as I do, and I am certain that, with the passage of this legislation, would-be criminals who appreciate their right to vote and enjoy their right to vote will reconsider their inclination to commit such an offence. I mean that with all sincerity. That is the base belief behind this bill, and I agree wholeheartedly with it.

The bill also fulfils another Marshall government pre-election commitment to prevent prisoners who are serving a three-year imprisonment or longer from voting in South Australian elections, and I am a staunch supporter of delivering all promises made during the election campaign, which provides me with an opportune time to touch on the other commitments made by the Liberal government in the electorate of Narungga throughout the election campaign. I am looking forward to delivering increased funding for our regional roads, better health services and lower of costs of living and doing business.

Mr BIGNELL: Point of order: relevance. This has nothing to do with the bill.

The DEPUTY SPEAKER: I uphold that point of order. I ask the member for Narungga to at least bring his comments back close to what the bill is about.

Mr ELLIS: I digress, Mr Deputy Speaker. I made the point and I am quite content with that. I will continue on the topic at hand. I reiterate that, after release, prisoners will be able to vote again, which is consistent with the principle that punishment should not extend beyond the original sentence. Once a detainee has served their time and has proved they are rehabilitated, they should be free to leave the prison and rejoin the community.

Others, like Colin Humphrys, who cannot prove they are rehabilitated, should not be free to leave gaol and should be there to continue their rehabilitation. I know that mums and dads around the state are thankful that this Marshall Liberal government, by passing legislation through the lower house recently, has ensured that Mr Humphrys and his kind are not free to leave the gaol, a wonderful initiative from the Marshall Liberal government and the Attorney-General in that regard.

Back to the legislation at hand, the Electoral (Prisoner Voting) Amendment Bill. This legislation will ensure the basic right for an Australian to vote—a right that people of all nationalities do not necessarily enjoy—once they leave prison. I would like to reinforce that this government does not intend to take away the voting rights of prisoners indefinitely, only for the period of their incarceration. Once they have been rehabilitated, they should be free to go and enjoy the rights and freedoms of normal community members, with some obvious exceptions.

It is interesting to note that, had this bill been in effect at April 2018, it would have changed the voting rights for an estimated 1,400 people. This is not an insignificant change to make and impacts many people. It is not lightly moved, as it is everyone's fundamental democratic right to vote once they turn 18—a rite of passage, if you like—but it must also be understood that committing an offence that attracts a prison term of three years or longer is, and should be, so serious that the consequences ought to go beyond imprisonment to forfeiting their right to vote for the duration of their sentence.

There is not a prison within the electorate of Narungga but there is interest from some sectors in having one. Last June, the Wakefield Regional Council CEO, Jason Kuchel, publicly called for the government to consider building one within the Narungga electorate in the Port Wakefield Balaklava district, and it was included in the Wakefield Regional Council's strategic management plan as a key economic generator.

The headline at the time in the *Plains Producer*, a great weekly newspaper in Balaklava which is printed in Kadina, was 'Prison Vision' and the story outlined the CEO's discussions with the then corrections minister Peter Malinauskas regarding a prison proposal. The CEO, Jason Kuchel, believed a gaol was a realistic proposal and one that would ease perceived pressure on the state to develop a new gaol to meet the unfortunate future demand.

As an aside, the point was made that if not for the issues around power and energy supply that had dominated public policy development and discussions in this place since the blackout of 2016, such a proposal and work towards the development of a new prison for the state would have possibly been more advanced. Yes, there have been many consequences of the power blackout and it has impacted on progress in many areas, on many proposals, on many visions for progress, across multiple portfolios—another story for another day perhaps. I do not want to get pulled up for relevance again.

There are recognised stresses on our state's penitentiary system and demand for more beds in all prisons, sadly, in order to meet projected demand. Mr Kuchel's point that the Wakefield Regional

Council area would be ideal for such a facility is a valid one and one that I agree with in principle, given its proximity to the city and the little potential social impact a new prison would have in the relatively sparsely populated area.

Indeed, regions within two hours of Adelaide such as Murray Bridge, which is already home to a prison which we have heard about already this morning, are ideal for such facilities as they serve as major employers for the rural areas and good drivers of infrastructure development. Modern-day gaols are generally set apart from the townships and there are hundreds of jobs associated with them, as stated by Mr Kuchel at the time, and I quote from the local press:

> The initial build alone is several hundred million dollars, then there's the ongoing maintenance, uniforms and linen that need cleaning.

Mr Kuchel cited a Canadian town, Grande Cache, which was experiencing economic issues before its state government built a gaol nearby. I quote again from the *Plains Producer* in an article written by editor Les Pearson:

> 'It was a coal mining town similar in size to Balaklava that was suffering due to fluctuating commodity prices,' Mr Kuchel said. 'The Alberta government built a gaol there and it stabilised the local population and economy.'

The gaol was not the only major economic option on the Wakefield Regional Council's wish list. The *Plains Producer* article also highlighted that a zoo was featured in the council's strategic management plan as well, interestingly enough.

Mr Kuchel was making the point that, rather than stipulating to developers that this is what should happen, it is saying we are open to a variety of large-scale options for the good of the region which is commendable and responsible forward planning. I believe the Wakefield Regional Council was onto something when it included a prison vision for its region and, with Port Wakefield just an easy hour's drive from the city, I agree it would be a reasonable location for servicing the facility and an easy commute for relatives looking to visit inmates.

Back to the bill at hand one more time, South Australia is currently the only state, with the exception of the ACT, that does not impose restrictions upon prisoners' voting. It goes against my principles of justice that this should not be so. I look forward to the passage of this bill and I look forward to hearing from all the other members as to their views on it. I implore those other members in this house to offer similar support for the amendments to section 68 of the Electoral Act.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I acknowledge the presence in the gallery today of the former member for Playford in the House of Assembly, and former senator for South Australia, Mr John Quirke. Welcome.

Bills

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Second Reading

Debate resumed.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (12:39): I also rise to make a contribution to this bill to say wholeheartedly that I support the Electoral (Prisoner Voting) Amendment Bill 2018. I will outline very quickly, as others have done, that essentially where somebody commits an offence that attracts a prison term of three years or longer, their voting rights should be forfeited. This change brings us in line with every other jurisdiction with the exception of the ACT.

This sits as part of a broader criminal justice framework that we need to consider when we look at amendments and proposals such as this. What we are trying to do is find ways to ensure that people who do the wrong thing in our community, who commit crime—in this case commit serious crime, and if we are talking about a sentence of gaol of longer than three years, we are talking about

more serious criminal offences—are helped to stop offending. Essentially, we do that with a mixture of two different sometimes competing but in the end complementary ways.

The first of those is to punish people. The act of sentencing somebody to gaol is a very strong deterrent and has been demonstrated to be a very strong deterrent to people committing crimes. It is important that we continue to uphold and to look at our sentencing regime to ensure that sentences are in line with community expectations but also that they are there to do the job of trying to ensure that people, to the greatest extent possible, do not reoffend. The second part of trying to reduce recidivism is to try to rehabilitate prisoners.

In this way, I think that what we are trying to achieve out of this amendment bill is a little bit of both. We are trying to essentially provide that impetus to those who are in gaol who are going to be subject to this—that if you want to participate in democracy, if you want to be part of the democratic process and if you want to be a fully functioning member of society then you have to adhere to social norms. Those social norms are: do not commit crimes for which you need to go to gaol, in this case for longer than three years.

That is a very important message to send to the prisoner population because there are those who exist within prison who feel that prison is not necessarily a punishment. In fact, there is some evidence to suggest that people commit crimes to get back into gaol because it provides them with three meals a day and a bed to sleep in. There are some who need the rigidity of the routine that exists within prisons to provide them with that discipline and that comfort in understanding what their environment looks like and that they do not have to contend with the big bad world; they essentially only need to contend with the four walls of the prison that they exist within. It also provides them with structure and with a level of security and basic life necessities that do not exist for them outside prison.

So a punishment such as this suggests to them and to those who do not see prison as something that is awful and should be avoided that they are not a functioning member of our democratic society, that they have lost the right to be a functioning member of our democratic society and that if they want to earn that privilege back then they need to keep themselves out of gaol. It is extremely important for us to provide that impetus to people, because we do have an unacceptably high incarceration rate.

More important than that, we have an unacceptably high recidivism rate. I would like to explore a little bit around our rates of recidivism in South Australia because they are the subject of a body of work that was undertaken by the former government, one that we supported in opposition, because this is one of the areas where we believe there should be a degree of bipartisanship, especially in relation to trying to make our community safer.

It is quite interesting to have this discussion amongst the community, to essentially say to them, 'Look, we don't keep people locked up forever,' unless you do something extremely bad. I think there are only really a few lifers in our criminal justice system. Ninety to 95 per cent of people who go into gaol come out, and we need those people who come out to take responsibility for their own actions to ensure they do not reoffend, but we also need our prison system, to the greatest extent that it can, to do its job to ensure that prisoners have everything that they need in order to not to reoffend.

From the research I did and the people I spoke to—and there are a lot of really good support agencies out there that help people once they get out of gaol; there are question marks about whether they have the financial capacity to do it, but there is certainly a lot of goodwill out there—a prisoner essentially needs three things. They need somewhere to live, which is fairly self-evident and, again, speaks to those who see prison as a warm bed and three square meals a day. Finding a place for them to stay is pretty important.

The second thing that is extremely important is that they have money to live on. Unfortunately, with a lot of prisoners what we are talking about is getting them access to welfare benefits. That is sad, because I think the best way to build self-esteem, to build self-worth, to build a more viable life is finding paid employment, and it should be seen as a pretty strong goal. Again, there are programs to try to deal with that but it is a pretty difficult road to head down because there is a lot of stigma—some would say justifiable stigma—around prisoners and their ability to rehabilitate

into the community as well as their ability to hold down steady work. There is work that needs to be done to ensure that we continue to try to improve upon those measures.

The third and perhaps the most important thing, the most difficult thing—because there are support agencies and welfare out there to provide that safety net for people—is actually finding a bunch of friends who are not going to help you commit crimes. The bunch of mates you used to hang out with committed crimes with you in the first place. So often I have heard stories about when prisoners get out of gaol it is their mates who are out of gaol, who were there before they went in, who come and collect them and, essentially, lead them back down to the same life of crime that existed before they went into gaol.

That is extremely sad because breaking those social norms is the way we are going to be able to improve people's lives—not just the lives of the victims of the crimes these people commit but of the people themselves. As someone who has operated a small business—now a medium-sized, business before I left—in South Australia we would often see people who were trying to make that transition, people who were trying to hold down a steady job and find a group of mates who would build them up rather than tear them down, a group of mates who would head them home or to the pub or to see their family as opposed to head them out to seek drugs and commit crime as a result. That is an area we need to look at.

What this bill does is send a very clear message to those who commit crimes of severity, crimes serious enough that they receive sentences of longer than three years, 'If you want to participate in our democracy, you need to be a fully functioning member of society on the outside and continue to not commit crimes.' In South Australia our rate of reoffending is 46 per cent, and I am given to understand that that 46 per cent is essentially the number of people who, within a two-year period after having come out of prison, have reoffended.

What is interesting about that statistic is that they are a known cohort of people. We know who goes into gaol, we know who they are and when they get out. This cohort is extremely defined, and if you are looking for an at-risk group of people who are likely to reoffend you have a fifty-fifty chance that if you have been in prison before you are someone who is going to commit further crimes. We know who these people are, and that is great because it means we can help try to solve their issues. Forty-six per cent of South Australians who go into gaol reoffend.

The work that was done to try to identify the rationale behind us trying to change some of these behaviours settled around eight key things. The first of those is community safety, and in the last parliament we dealt with this with a whole series of legislation about what is the most paramount concern when it comes to sentencing people, to dealing with criminals. Very clearly community safety has to be the primary consideration, so anything we do around a criminal justice system, either inside or outside, needs to consider community safety as the most important part of what is going on. That is first and foremost in the minds of this government and that is why, in other bills currently before this house, we are seeking to ensure that committee safety stands as a paramount consideration.

Another key principle is that offender rehabilitation is an essential component of an effective criminal justice system that will result in better outcomes for offenders and ex-offenders. This idea that if we help people to change their lives once they get out of gaol, they will commit less crime is a very frustrating argument and one that I know is very difficult to prosecute in the community.

I am sure there is a great willingness within the community to punish people who are in gaol, and I get that sentiment that people should take responsibility for their actions. As a member of a party who believes in individual responsibility, I agree with that sentiment, but we also need to look at the bigger picture; that is, if we want to have less crime in our community, we need to do what we can to rehabilitate offenders.

We also need to have programs that are targeted and person centred and support individuals to achieve lasting change and desist from crime long term. Again, we need to have recognition of the fact that, if we want people to turn their lives around, we need to deal with the three basic elements they need. I remember in second-year commerce studies undertaking a human resources class. Every human resources student learns about Maslow's hierarchy of needs as it is popular human resource theory. As each of us in this place seeks to self-actualise, we all have to realise that

the reason that we are able to self-actualise is because we have dealt with the needs that sit below that.

For those coming out of prison, self-actualisation is somewhere far off in the distance—it is the bit we would like to get to—but finding a place to live, having money on which to live and a group of mates who are not going to help you get back to gaol sit on the very bottom of the most fundamental parts of Maslow's hierarchy of needs, which addresses the basic necessities of life, security and friendships. If we can get those building blocks right, then people, having gone to prison and coming out rehabilitated, can aim towards self-actualisation. Again, I think that is very much part of the work that we need to do.

We also need programs and policies that acknowledge the diversity of South Australia's offender population with specific responses that reflect gender and cultural difference. In this place, in the last parliament, we dealt with gender issues and gender legislation quite a lot. In seeking to homogenise our community into one androgynous being, I think we really miss out on the fact that humans are different. Men and women are different, and I think we should celebrate the differences between men and women rather than trying to make everybody the same.

But in prison we need different processes to deal with men and women. If you look at the Women's Prison set-up, it is different from a male prison and the issues are very different. Rates of mental health issues within the female prisoner population are much higher than they are for the male prisoner population. As I understand it, the rates of drug use are comparable, if not higher. Interestingly, the female prisoner population is also the fastest growing. It is why we have had capacity issues at the Women's Prison and why, as I understand it, there is work ongoing at the moment to expand the number of beds. In fact, I also understand that it is the prisoners themselves who are—

Mr GEE: Point of order: how is this relevant to prisoners voting?

The DEPUTY SPEAKER: Your point of order is relevance?

Mr GEE: Yes.

The DEPUTY SPEAKER: I have been listening to the minister's contribution, and it does relate to the bill in the sense that he is talking about prisons and prison population, so I will continue to listen. Minister.

The Hon. S.K. KNOLL: What I could do is talk about myself and my life history for 20 minutes, but the other point I would like to make in relation to this is that service design and funding—

Members interjecting:

The Hon. S.K. KNOLL: —that's right—is outcome focused, as it seeks to achieve positive change for prisoners and offenders in the broader community. Again, this is something that is extremely important. What we are seeking to do with this legislation, and we should seek to do more broadly, is to focus on making change rather than simply feeding more inputs into the system. Whether it be health or education, or whether it be prisoner rehabilitation, there has long been a real focus on how much money we can throw at the problem. As we can see in our community and a whole host of areas, throwing more money at the problem does not necessarily fix it.

It is why we need to be outcomes focused. This is where I think this bill, which does not really cost anything, can provide a way for us to send that message, focus on outcomes and try to focus on ways in which we can change prisoner behaviour. Also important to this is monitoring and evaluation, which needs to be built into not only this bill but everything that DCS does with their programs and their policies, and having an emphasis on evidence-based and high-quality service delivery. It is extremely important that we monitor and evaluate this proposal as it sits within that broader rehabilitation and punishment system, which goes into what we try to effect and the work we do to try to get prisoners to turn their lives around.

The next part of it, where I again think that this bill is important, is that once this becomes law—I am not sure if we have heard yet whether the opposition is supporting this piece of legislation, but I am sure we will hear about it in due course—we need the community to accept that prisoner

rehabilitation is an important thing. I have said that there is a real issue with trying to do that, but cross-government and whole-of-community support is needed to help do this. We need the community to change its perceptions and be willing to give prisoners a second chance.

What this bill seeks to do is send a message not only to the prisoners affected by this piece of legislation but to the broader community that all avenues to punish people are being looked at. One of the fundamental principles of our criminal justice system is that, having served that punishment, the scales have been equalised. There is a crime and there is a punishment, and once a person has completed that sentence they have essentially paid for the crime they committed.

This is part of paying for those crimes. Again, I think this is a signal to the broader community that we are exploring all options when it comes to trying to change people's lives. In doing so, hopefully we can also help the community to better understand that we need to rehabilitate prisoners not only for themselves but so that we can make the broader community safe. The last principle is around an adequate resource allocation model to ensure that we have effective implementation. This is hugely important. Again, money is often the issue, funding and resource is often the issue, but we need to make sure that money is spent as widely as possible.

Mr Deputy Speaker, I think it may upset you to know that 22 per cent of our prison population is Indigenous. That is obviously off the back of an Indigenous population of only 2 per cent. If you are Indigenous, you are 10 times more likely to go to gaol. That is extremely unfortunate. There is a really good body of work that PricewaterhouseCoopers did last year trying to understand the quantum of the problem. They came up with a series of recommendations on how to try to change that. This sits as part of the broader framework for how we try to change prisoner behaviour, such as what this bill is trying to achieve. The first recommendation they had in relation to Indigenous communities is the right of self-determination that:

> …should underpin the development, implementation and ownership of strategies and initiatives to address the high rates of Indigenous incarceration.
>
> Real change requires a strong partnership and genuine relationship between funders, the justice sector, the broader service system and the Indigenous community including Indigenous organisations. This can only be achieved when Indigenous people have a meaningful stake in the implementation, design, delivery and evaluation of solutions.
>
> A practical first step to achieving a more meaningful role, and voice, for Indigenous communities in the implementation of strategies and initiatives is for all governments to implement policies that allow for greater self-determination, including policies that make Indigenous organisations the preferred provider for Indigenous services.

This exists to a degree within our rehabilitation and correctional services system, but we can always do better. Unfortunately, I have run out of my 20 minutes. I commend this bill to the house and look forward to its speedy unanimous passage through this place.

Debate adjourned on motion of Mr Teague.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students of East Marden Primary School, who are guests of mine. Welcome students.

Petitions

GOODS AND SERVICES TAX ON SANITARY PRODUCTS

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General): Presented a petition signed by 269 residents of South Australia requesting the house to urge the federal government to take immediate action to remove the GST on sanitary products to narrow the gap of gender equality and improve the lives of women across the country.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Premier (Hon. S.S. Marshall)—

Aboriginal Lands Trust—Annual Report 2016-17
State Opera of South Australia—Annual Report 2016-17
Tandanya National Aboriginal Cultural Institute Incorporated—Annual Report 2016-17

By the Attorney-General (Hon. V.A. Chapman)—

Regulations made under the following Acts—
Bills of Sale—Fees
Community Titles—Fees
Land and Business (Sale and Conveyancing)—Fees
Real Property—Fees
Registration of Deeds—Fees
Strata Titles—Fees
Worker's Liens—Fees

By the Minister for Police, Emergency Services and Correctional Services (Hon. C.L. Wingard)—

Death of—Shaun Martin Keane, Report on actions taken following the Coronial Inquiry into the Death in Custody of—April 2018

By the Minister for Transport, Infrastructure and Local Government (Hon. S.K. Knoll)—

Regulations made under the following Acts—
Road Traffic—Revocation
Roads (Opening and Closing)—Fees
Valuation of Land—Fees

Question Time

SOUTHERN EXPRESSWAY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:05): My question is to the Minister for Transport, Infrastructure and Local Government. Why has the minister still not issued a tender for grate-style fencing along the Southern Expressway after 79 days in government, given they promised to do so immediately after being elected?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:05): I think the last part of that question is out of order, Mr Speaker, but I will take it—

The SPEAKER: Would you like to call it as a point of order, minister, or would you like to answer it?

The Hon. S.K. KNOLL: I will ask the member to reframe the question.

The SPEAKER: The question—

Members interjecting:

The SPEAKER: Order! The question does presuppose certain information. Would you like—

Members interjecting:

The SPEAKER: Order! It may be the case, but would you like to seek leave to perhaps provide an explanation to the house?

Mr MALINAUSKAS: I seek leave to provide an explanation to the house.

Leave granted.

Mr MALINAUSKAS: Given that the now government committed to issue a tender immediately after being elected, why hasn't the minister issued the tender?

The Hon. S.K. KNOLL: He's still got a bit of work to do on how to ask a question. He's still got his L plates on—

Members interjecting:

The SPEAKER: The minister will be heard in silence. Order! Minister.

The Hon. S.K. KNOLL: I welcome the Dorothy Dixer from the Leader of the Opposition. Can I say this: the new Marshall Liberal government has done more to fix this issue in three months than those opposite did in 16 years of being in government.

Members interjecting:

The SPEAKER Order!

The Hon. S.K. KNOLL: The minute that they are all care and no responsibility, what happens? All of a sudden, they have ideas. What I would like to know is: where were these ideas before 17 March?

Mr KOUTSANTONIS: Point of order: the government is not responsible for opposition policies. It is debating the issue.

The SPEAKER: I will listen to the answer, but the question was about a tender, minister, so could you please answer the substance of the question, which was in regard to the tender.

The Hon. S.K. KNOLL: Yes, sir. To outline the process by which we got here, which includes the tender question at hand, it has been such: very quickly upon coming to government, the Minister for Police and I sat down and we have been working through how we are going to deal with this issue.

Members interjecting:

The SPEAKER Order!

The Hon. S.K. KNOLL: This is an issue which alluded previous administrations in dealing with it for decades. What we are talking about here is not about a new issue. Go ask Damian DeWitt how new this issue is. Very quickly, on coming to government, we have sat down and worked out how we are going to deal with it. There are two different types of measures that we have put in place over the last couple of months to deal with this problem. The first of those is about trying to prevent the issue, and that's where an infrastructure solution comes into play.

On that score, we have done four separate things. The first of those things is to essentially put out contract works to put mesh over where available rocks are. The second part of it is to put fencing up around those areas to again prevent people from getting access to those things. The third thing that we have done is in relation to CCTV footage and putting up cameras around that issue.

Members interjecting:

The Hon. S.K. KNOLL: Again, those opposite interject. They had 16 years to put up cameras, but unfortunately it took them until earlier this year to actually put something out. So, as a new government which is spending hard-earned taxpayers' money, this is part of our solution. The fourth thing that we have done is go out to design the throw screens, which will form part of a permanent solution more towards the end of the year. The question was: why haven't we immediately put it out to tender? What DPTI has actually done is worked around that because going through a tender and contract process is, by its very necessity, a long process.

Members interjecting:

The SPEAKER Order!

The Hon. S.K. KNOLL: When it comes to spending taxpayers' money, DPTI has a very rigorous process in place.

Members interjecting:

The SPEAKER Order!

The Hon. S.K. KNOLL: But what they have been able to do in relation to the throw screens and in relation to the fencing that has been put up is they have been able to attach these projects to existing contracts that are already in place. There is an existing design contract around other works around our state that we have been able to attach the design of these throw screens to, thereby negating the need to go out to tender. We have actually been able to utilise an existing contract. The same is true of the mesh and the fencing. We have been able to utilise an existing contract from somebody who is doing work on a different part of our road network to expedite this process. So to actually do what the members opposite would like us to do would actually—

Mr Koutsantonis: It's your promise.

The SPEAKER: Order!

The Hon. S.K. KNOLL: —see a further delay in delivering a solution. What we have done, since day one, is deal with this issue—since day one. We have done more than deliver on our promise. What those opposite would have us do is deal with the process issue, instead of dealing with an outcome. We want these measures in place as soon as possible and we have found a way to deliver it as soon as we can.

We will see in a few short weeks these solutions being put in place around the Southern Expressway, but, more than that, can I say that preventing this issue is not going to be solved by throw screens and fencing. We are dealing with a specific problem in a specific area, but we cannot fence off every road in South Australia. We cannot fence off 44 kilometres on both sides of the Southern Expressway. We need individuals in our community to take responsibility for their own actions and, when they don't, we need to punish them using the law.

Members interjecting:

The SPEAKER: The minister's time has expired. Before I call the leader, I call the following members to order: the member for West Torrens, the member for Playford and the leader.

SOUTHERN EXPRESSWAY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:11): Supplementary question: can the minister now confirm that there will be no tender?

The SPEAKER: Minister, can you confirm?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:11): Sorry, I'm just trying to find out if this is a trick question or not. We have managed to utilise existing contracts—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —to undertake the work that we have been saying for the last number of months that we are undertaking. We have managed to use a previous tender process and an existing contract in place to be able to deliver these works. This has been the best way, that we have been advised, to deliver these projects as quickly as possible. If we were to have stopped, started a brand-new tender process and then gone through it, we would be waiting longer than we have been able to do, which is expedite this infrastructure solution.

BUSINESS CONFIDENCE

Ms LUETHEN (King) (14:11): My question is to the Premier. Will the Premier update the house on the release of Business SA and Statewide Super's Survey of Business Expectations and the actions the government is taking to ensure businesses in South Australia have the confidence to invest, grow and create jobs for more South Australians?

Members interjecting:

The SPEAKER: The Premier will be heard in silence.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:12): I thank the member for King for her question. This is a very important question because business confidence is on the up in South

Australia and this is actually undeniable good news for the people of this state. In fact, when we look at the Business SA-Statewide Super Survey of Business Expectations, we see a massive surge in business confidence following the state election on 17 March. In fact, we see that the confidence index has surged by 28.6 per cent.

The Hon. D.G. Pisoni: How much?

The Hon. S.S. MARSHALL: It's 28.6 points higher, compared to a year ago. That is a massive increase. The index is now at 115 percentage points and this is absolutely great. I will quote, sir, from the report, which I know that you will be interested in. The report states, 'Confidence is rising sharply in the wake of the South Australian election.' They have said it, sir, and it's true. There is a bounce in terms of confidence in South Australia following the election result in March this year, and so there should be because the people of South Australia now know that they have a government that is going to be backing the business community in our state.

For too long we had a government in South Australia that was always out there saying that there was an employer class and there was the rest of Australia, but we on this side of the chamber know that we need to be governing on behalf of all South Australians, providing confidence to those who put their capital on the line to employ people in South Australia, to give them a job so they can earn money, stay in South Australia and maybe start a business of their own.

We are listening to the people in the business community. We are more than listening to them. We are taking action to back them at every single opportunity and that is why the early actions of this government speak to this important part of our economy.

We have already said that we will restore the emergency services levy remission taken away by the previous government on 1 July this year. That is another $360 million that we will be putting back into the economy, which will help confidence to grow, to grow our economy, grow jobs and to keep young people here in our state. But, more than that, on 1 January next year we will be removing payroll tax for all businesses with a payroll of up to $1.5 million—again, backing that component of the economy which is out there creating jobs in our state.

More than that, we are going to do everything we can to back our exporters out of South Australia, because we know that the more products we sell interstate and overseas means that we can bring that money into South Australia and, again, it will create more jobs. That is why I know that the minister responsible for this area, the new Minister for Trade, Tourism and Investment, is going to be doing everything he can to back our exporters to open those overseas trade offices as quickly as possible.

We have already committed to new trade offices in Tokyo, Kuala Lumpur, Shanghai and also offices in the United States and the Middle East. We are going to be doing everything we can to grow our economy, not just to support our exporters but to support every business in South Australia. We know that one of the most significant constraints to businesses in South Australia has been around the provision of skilled employees, and that is why we are putting a massive $100 million investment into skills, new apprentices and trainees.

We want to create an additional almost 21,000 new apprentices and trainees in South Australia over the next four years. We are backing business. I thank the member for King, a fantastic new member who has taken me out to many businesses in her area. She took me out to meet Adriano from Extraction. I hope that his business is doing well, because the new government is here, it is in place and we are going to be backing business to grow our economy.

The SPEAKER: I call the member for Badcoe and the Minister for Primary Industries to order. The leader.

SOUTHERN EXPRESSWAY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:16): Thanks, Mr Speaker. My question is to the Minister for Transport and Infrastructure. With two rock-throwing incidents in the past 24 hours, four in the past fortnight, will the minister now take immediate action and install temporary fencing until the permanent grate-style fencing is installed?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:16): Thank you for the question. Can I say in answer to this that, it is interesting that it is today that, in response to these number of incidents that have happened over the last few weeks, we have seen action by others within our community, action by those who have put forward ideas who seemingly were bereft of putting forward these ideas prior to 17 March. Can I tell you that what this government will not do—

Members interjecting:

The SPEAKER Order!

The Hon. S.K. KNOLL: —is to provide ad hoc, kneejerk solutions as problems arise. What we have done is to realise that this is a longstanding issue in the community. This issue didn't start happening in the last couple of weeks: this issue has been around for a long, long time, and it is the first opportunity we have had upon coming to government to work on a permanent solution. That is why we have worked since day one to put these measures in place, and in the coming weeks what we will see are those first steps in our solution come to fruition.

This is as a result of work that has been undertaken since we have come to government. Again, can I stress and reiterate that what is happening here is that the opposition would have us believe that somehow providing more infrastructure is going to solve this problem. It is not. It is part of the solution. What we are dealing with is a specific problem on the Southern Expressway, but can I tell you that not all the incidents that the Leader of the Opposition is talking about have happened on bridges. In fact, some of them seem to have happened from the side of the Southern Expressway.

Now, if the Leader of the Opposition is suggesting that we need to put up 44 kilometres worth of fencing the length and breadth of the Southern Expressway, then why are we stopping there? Why are we not putting up a fence then across every single road in South Australia, because that's what we are talking about. At the end of the day, somebody can stand on the side of any single road across South Australia and throw a rock at a car. We are dealing with an infrastructure solution for the Southern Expressway because it is where we have seen a spate of attacks.

It is interesting that initially it was the Honeypot Road and the Beach Road bridges that were in question. Now we see incidents happening down Majors Road and other parts of the Southern Expressway. The difficulty we've got is that we cannot fence South Australia. That is why the second half of our response has been the work that SAPOL has done. The trigger response plan that they have put in place is what is going to help stop this issue.

It's about us identifying: is this a small band of young people who are out there and get a kick out of having this issue being on the nightly news and therefore try to feed this issue as it goes along? Are we talking about copycats who have seen the fact that this has come up on the nightly news and, 'Hey, wouldn't it be really cool if I chucked a rock at a car and see what happens?' as the TV crews chase politicians around for the next day or two? That is why our society is based upon individuals taking responsibility for their own actions, and where they don't we need to punish them and bring them to justice.

It's why we back our South Australia Police and the response they have taken today. They have put every resource that is necessary and available. They have used dogs. They have used choppers. They have responded extremely quickly when these incidents happen. But, more than that, what we also need to do is help the police by providing them with better evidence, and that's where the CCTV cameras come into play. If we can provide evidence that puts a picture of this idiot who's chucking a rock, and can show the fact that he waited for a car to come past before chucking the rock, then our ability to charge people with more serious offences is opened up. That's why that has to be the other half of the solution.

I don't want South Australians to somehow think that we can fence all of South Australia and that that is the answer. At the end of the day, our society functions best when individuals take responsibility for their own actions.

Members interjecting:

The SPEAKER: Before I call for a supplementary, I call the following members to order: the member for Wright, the Minister for Child Protection and the member for Reynell, and I warn for the first time the members for Badcoe and West Torrens.

SOUTHERN EXPRESSWAY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:21): My question is to the Minister for Transport and Infrastructure. Given the minister will not commit to immediate action—

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order, Mr Speaker.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:22): The question is out of order.

Members interjecting:

The SPEAKER: Point of order. Let's hear the point of order. One moment.

Members interjecting:

The SPEAKER Order! I'm anticipating the point of order as 'given that you will not do something immediately'. That is a fair point of order. Leader, if you would like to rephrase that, even though—

The Hon. S.S. Marshall interjecting:

The SPEAKER Order! I will deliberate, not the Premier. Leader, would you please rephrase the question? I will give you one go.

Members interjecting:

The SPEAKER Order! The leader will be heard in silence.

Mr MALINAUSKAS: How long does the minister expect southern suburbs motorists to wait before we start seeing action on the Southern Expressway?

Members interjecting:

The SPEAKER: Members on my right will allow the minister to answer in silence.

The Hon. S.K. KNOLL: Minus three months.

The SPEAKER: Member for Finniss.

Members interjecting:

The Hon. S.K. KNOLL: Minus three months. Our work began the day we got elected to government.

The SPEAKER: Member for Finniss. I have called the member for Finniss.

The Hon. S.K. KNOLL: What we are going to see—

The SPEAKER: I have called the member for Finniss.

The Hon. S.K. KNOLL: What we're going to see is the end part of our plan come into fruition.

The SPEAKER: I have called the member for Finniss.

The Hon. S.K. KNOLL: We started on day one to deliver this solution.

The SPEAKER: Thank you, minister. Member for Finniss.

Members interjecting:

The SPEAKER Order! Member for Finniss.

ELECTRICITY PRICES

Mr BASHAM (Finniss) (14:22): My question is to the Minister for Energy and Mining. Will the minister update the house on pricing trends in the electricity market?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:22): Thank you to the member for Finniss, another newly elected Liberal member of parliament advocating on behalf of his electorate for some of the key issues—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Leader!

The Hon. D.C. VAN HOLST PELLEKAAN: —facing them, including cost of living. We just heard from the Premier a while ago—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Leader, stop interjecting.

The Hon. D.C. VAN HOLST PELLEKAAN: We just heard from the Premier a while ago, explaining how the new Marshall Liberal government is reducing payroll taxes, reducing land taxes, reducing NRM levies, reducing emergency services levies. Today, with Origin's announcement of a 1 per cent decrease in their electricity charges, with effect on 1 July, we are now seeing South Australians having decreases in their electricity bills as well under the Marshall Liberal government. This has been coming for a very long time. All South Australians have been punished with unacceptably high electricity prices over the last several years by the Labor government.

Members interjecting:

The SPEAKER Order!

The Hon. D.C. VAN HOLST PELLEKAAN: They have been punished with blackouts. They have been punished with unacceptably high electricity prices, from the smallest household through to the largest employer. But the tide has turned; the tide has turned. We welcome Origin Energy's announcement that they will reduce electricity prices for businesses and households, and we welcome the fact that we will get away from the chaotic energy policy of our predecessors, the Labor Party, when they were in government.

We announced in October—10 October, I think, last year—our energy solution, and it was welcomed by the people of South Australia. We took it to the election. The people of South Australia voted to have it implemented. The people of South Australia overwhelmingly said that they preferred our energy solution to our predecessor's. They wanted to get away from outrageously high increases in electricity prices.

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. D.C. VAN HOLST PELLEKAAN: They wanted to get away from unacceptable blackouts, and that transition is starting. That transition is starting, and we will harness the renewable energy that exists in South Australia so that it can be dispatched on demand. We will get away from overabundant renewable energy at times and none available at other times. Through small-scale storage and large-scale storage, we will allow South Australians to harness that renewable energy so that they can access it when they want to because electricity consumers are at the heart of our energy policy.

All those players in the supply chain are incredibly important, and they must be supported so that they can be sustainable and there for the long run for the benefit of consumers. The former Labor government did not think about consumers once when they were implementing their energy policy.

Mr KOUTSANTONIS: Point of order: debate. The minister is not responsible for opposition policy.

The SPEAKER: He is not, but I think he is delivering background information that is relevant. I will listen carefully, but I believe the minister will keep to the substance of the question.

The Hon. D.C. VAN HOLST PELLEKAAN: The former Labor government ignored consumers when they implemented their energy policy. We are doing the exact opposite. We are

doing the exact opposite with small-scale batteries, large-scale batteries, interconnections so that our often overabundant renewable energy can be exported so that when we need to we can import from interstate—demand aggregation trials, demand management trials and integrating the supply of electricity much better.

Just as we on this side of the chamber heard so many times from the former government that the market was factoring in their policy and would reduce prices, but unfortunately prices only ever increased, on our side we say the market is factoring in our policy and prices are decreasing.

Members interjecting:

The SPEAKER: Order!

Mr Bignell interjecting:

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

SOUTHERN EXPRESSWAY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:26): My question is to the Minister for Police. Given that there have now been 11 reported incidents of rock throwing along the—

The Hon. S.K. KNOLL: Point of order.

Members interjecting:

The SPEAKER: Order, members on my right! I will listen to the entire question.

Members interjecting:

The SPEAKER: Order! Members on my right will not interject. I will listen to the question. If there are background facts and those facts need to be validated, I will hear that, but members will not interject before the entirety of the question. The leader.

Mr MALINAUSKAS: Thank you, Mr Speaker. Will the minister now take immediate action and declare the expressway a protected area under the Protective Security Act?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:27): I thank the leader for the question. As you know, this is not a new problem. It's a problem that has been in our society for years now, and I back our police. Those on the other side might not, but I back our police.

The Hon. V.A. Chapman interjecting:

The SPEAKER: The Attorney is called to order.

The Hon. C.L. WINGARD: Those on this side back our police. What we need to acknowledge here is this is a problem that was created under their watch. It was created under their watch, and we are dealing with the problem.

Members interjecting:

The SPEAKER: Order, members on my left! Minister, do not provoke the opposition. Please, just stick to the question.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: I do note from their press release policy that they are operating now from opposition, after 16 years of government—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —that they claim that if the government won't act the opposition will.

Mr KOUTSANTONIS: Point of order.

The SPEAKER: Point of order. The minister will be seated for one moment, please. Member for West Torrens on a point of order.

Mr KOUTSANTONIS: The minister was quoting an opposition press release. He is not responsible for policies of the opposition, but he should be answering the substance of the question.

The SPEAKER: I have heard the point of order, and I will say the following—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. Knoll: You asked the question in relation to this.

The SPEAKER: The Minister for Transport is called to order. Points of order are not able to be used solely to disrupt a minister's answer, but the minister is talking about background information that I think is relevant to the answer. Minister, please return to the substance of the question.

The Hon. C.L. WINGARD: Thank you, Mr Speaker, and I do return to the substance of the question, and that is that I back police. Their trigger response has been outstanding. They have increased their presence in the area. They have increased foot patrols, increased mounted police, bicycle police and motorcycle police in that area, so police are doing an outstanding job. They are doing everything in their powers to be in the location, in the area, dealing with this issue. I note those on the other side—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —after 16 years of delivering nothing, absolutely nothing, claim that they want to—

Mr KOUTSANTONIS: Point of order: the minister is debating the question again, talking about the opposition, sir. Relevance, sir.

The SPEAKER: The point of order is for relevance. Minister, please stick to the substance of the question. When the minister talks about opposition policy, that is strictly not directly relevant to the question.

The Hon. C.L. WINGARD: Again, I back police. That is the point I cannot stress enough here. They are doing an outstanding job.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: Suggestions of increased lighting when, after 16 years, you didn't increase lighting—if it was so important 16 years ago, why didn't the opposition increase lighting? If it was important for security, they should have done it. If reducing vegetation—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —and trimming trees was that important a few months ago, why wasn't it done? Why wasn't it done? This is—

Members interjecting:

The SPEAKER: Order! The minister will be heard in silence. He is attempting to answer the substance of the question. Minister.

The Hon. C.L. WINGARD: This has been an ongoing problem. This has not been an overnight problem: it is an ongoing problem. We back police. They are dealing with it. Those on the other side had 16 years to give an answer and they gave nothing, Mr Speaker.

The SPEAKER: Thank you, minister. Is there a supplementary question?

SOUTHERN EXPRESSWAY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:30): Supplementary question: has the police minister offered to the police commissioner the announcing of a protective security area along the Southern Expressway?

The SPEAKER: Minister. Have you done that?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:31): I thank the leader for his question. We back police. Police are there to do this job, and they have been doing an outstanding job.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: Their trigger response has been exceptional. I outline again to the house: the action they are taking is good.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: Those on that side may not back police. They may doubt police—we don't. We back police.

The SPEAKER: The minister is finished. Before I call the member for Heysen, the leader is warned for a first time. The member for Heysen.

PROVOCATION DEFENCE

Mr TEAGUE (Heysen) (14:31): My question is to the Attorney-General. Will the Attorney update the house on the SA Law Reform Institute's report on provocation?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:31): Thank you very much to the member for Heysen for his question on this very important body of work that has been undertaken by the South Australian Law Reform Institute. We thank him for raising the matter in the parliament today. Stage 2 of the report, titled 'The provoking operation of provocation', has now been published. I wish to place on the record my appreciation to members of SALRI—the Hon. David Bleby QC, Professor John Williams and Dr David Plater—in addition to a number of students at the University of Adelaide who have participated in the extensive background work for this report.

It follows the stage 1 report, which was received late last year. I read the report with great interest, particularly in the way it dealt with the victims of family and domestic violence and the way the partial defence of provocation interacted with those people, often women. In light of stage 1 of the report, this parliament saw the introduction of a bill by the Hon. Mark Parnell MLC of another place, dealing with self-defence and options available to victims of family violence should provocation be repealed.

That legislation was never passed; however, it did work as a catalyst to place the issue before consideration and, before any reforms were undertaken, opened up discussion with stakeholders and members of parliament to consider the matter. I also recognise two successive referrals of work undertaken by the Legislative Review Committee as a result of matters raised in the case of The Queen v Lindsay subsequent to its High Court determination again to review this important area. The report deals with the somewhat overly complicated partial defence of provocation and its interaction with sentencing arrangements in the courts.

By way of background to the house, the current law in South Australia allows the partial defence of provocation to reduce murder to manslaughter if a victim is alleged to have provoked the defendant into losing control and killing. In situations in which the victim has allegedly made homosexual advances toward the defendant and thus provoked the defendant, such a defence is referred to as the gay panic defence. When they are reading this comprehensive report, members

may wish to look at the considerations of the Legislative Review Committee and where it differs from the findings of this report.

Clearly we are talking about non-threatening or nonviolent sexual advances. Obviously that doesn't apply to an unwanted sexual advance to a woman; if it applied to every man who made an unwanted sexual advance towards a woman there would be a lot of dead men around, that's for sure. Nevertheless, provocation may also arise in other cases—for example cases of family violence—

Members interjecting:

The SPEAKER Order!

The Hon. V.A. CHAPMAN: —where those who have experienced violence and other abuse put an end to it by killing the perpetrator.

Today, I can confirm to the house that this is a very welcome report, especially given this topic's extensive history in South Australia. SALRI has done a great job in a very complex area of the law. The report makes a number of recommendations, many of which are supported and many of which need further consideration and consultation. However, from this report it is clear that there is still the potential for a gay panic defence to be claimed in South Australian courts as a defence to murder. This legal position is simply no longer acceptable in today's society.

The report further details that the reforms to the operation of the law of provocation in respect of the 'gay panic' defence cannot be done in isolation, which we now know. I commend the report to members for their consideration and discussion in this debate.

Time expired.

SOUTHERN EXPRESSWAY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:35): My question is to the Minister for Police. Can the minister name one action, can he name one decision, he has taken to curb the spate of rock throwing along the Southern Expressway?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:36): I thank the member for his question. It is the same as the question he has fundamentally asked me before about the action that has been taken and I can tell you, Mr Speaker, that we are backing police. I can't be strong enough in what I say on this.

On that side, they had 16 years of rock throwing, 16 years of incidents like this, and they did nothing. This is far too little far too late from the other side of the chamber.

Members interjecting:

The SPEAKER Order!

The Hon. C.L. WINGARD: They are blowing this up. They are not taking responsibility—

Members interjecting:

The SPEAKER Order!

The Hon. C.L. WINGARD: —for their 16 years in government. They are not taking responsibility for their lack of action. On this side, we are working with police and, I stress again, their trigger response was outstanding. Their call to action has been outstanding. We back police: they don't. That sits on them.

SOUTHERN EXPRESSWAY

Mr KOUTSANTONIS (West Torrens) (14:37): My question is to the Premier. Why is the government able to build fences at the Royal Adelaide Hospital in a day but is not able to prevent rock-throwing attacks on the Southern Expressway, when they promised to give immediate action after being elected?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:37): I thank the member for West Torrens for his question. There are two parts to it, of course. One is with regard to the new 'dignity

screens', as they have been called, that were the recommendation of the Central Adelaide Local Health Network due to the overcrowding or ramping, as it is called, that was occurring for the emergency department at the new Royal Adelaide Hospital.

This is a completely unacceptable situation, but let's be quite clear: we are dealing with a temporary problem at that hospital while we fix up the mess we inherited from the previous government. That is not a fence that is going to be there permanently; in fact, I can't wait for it to be taken down because when it is taken down we will know that we have solved the problem that was created by the former government, and that is a high priority for us.

With regard to the other part of the question, which is in relation to screens—I think that was the way he referred to it—on the Southern Expressway, I think the ministers who have already spoken on this matter have adequately canvassed the reason for the delay, that it was because very little work whatsoever had been done on this by the previous government. I'm very satisfied with the ministers on this side of the house that they have acted, working together, multiple ministers, to try to address a problem that has not existed for the last couple of weeks or for the last couple of months but that has, in fact, existed for a very long period of time.

The installation of CCTV, which is being advanced at the moment, will give us a greater opportunity to collect evidence which will allow us to escalate the charges against perpetrators. I want to make it very clear that we want to gather as much evidence as possible so that we can have the harshest charges, and ultimately the harshest penalties, for those people who are doing the wrong thing. This is an area we are acting on as quickly as possible.

The other areas are regarding the securing of the rocks adjacent to those flyovers. That is something we are advancing, as are the screens themselves. I am satisfied that we are working as quickly as possible. Again, I just ask those opposite to reflect on the fact that they were in government for a very long period of time—in fact, 16 years. They need to look at themselves and try to determine whether or not they took every single action. I am not 100 per cent sure—

The Hon. V.A. Chapman: Especially the member for Kaurna.

The Hon. S.S. MARSHALL: Some of the members whose electorate these pass through were cabinet ministers. I would like them to maybe make a personal explanation, if they would like to, to perhaps tell this parliament exactly and precisely what they were arguing for in cabinet, meeting after meeting after meeting, calling upon the government to actually take action. I doubt any of them would have the courage to do so because I doubt any of them were taking any action whatsoever.

ROYAL ADELAIDE HOSPITAL

Mr KOUTSANTONIS (West Torrens) (14:40): A supplementary: when was the Premier first made aware that dignity screens would be erected at the new Royal Adelaide Hospital?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:40): This wasn't something that I was made aware of before the action was taken. This was an action which was taken by the Central Adelaide Local Health Network.

ROADWORKS LEGISLATION

Mr COWDREY (Colton) (14:40): My question is for the Minister for Transport, Infrastructure and Local Government. Will the minister update the house on the Road Traffic (Roadworks) Amendment Act that came into effect last Friday?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:40): Very happily will I answer this question and say that this is one of the very early fixes that the new Marshall Liberal government has been able to undertake very quickly upon coming to government. To step out how we got here, and prior to the election even, I think that all South Australians would have heard the Premier use the phrase that we are not for deregulation: we are for wholesale deregulation. We don't want to nibble around the edges. We want to be able to actually take chunks of regulation away.

In fact, I think I heard it said at the AmCham conference the other Friday that we have now upgraded to radical deregulation. I think what we have been able to do and demonstrate in relation

to the road traffic (roadworks) variation is radical deregulation. There are two steps to this that, essentially, we have been able to make sure come into place on 1 June. What was to come into place on 1 June was a draconian, expensive, punishing regulatory regime that would have cost councils, the Department of Planning, Transport and Infrastructure itself, as well as every contractor in South Australia, a whole lot of money.

To give you a couple of examples of that, it has been put to me by the Civil Contractors Federation that, in relation to the O-Bahn city access tunnel project—keep in mind these are their figures, but even if we are only talking about a fraction of what they are talking about then this is extremely scary—based on the information and using the tier 1 value within the regulations as they were at that point, the additional fees for the O-Bahn city access tunnel project would have cost an estimated $4.16 million. If they were defined as tier 2 roads, this would have been $780,000.

In relation to a 35-day Goodwood Road reprofiling, if it was a tier 1 road, $194,000; if it was a tier 2 road, $36,000. If we go to the Montefiore Road-Morphett Road bridge, with speed restrictions and lane closures in place for 78 weeks, if it was a tier 1, it would have cost $6.24 million in permit fees, and as a tier 2 road, $1.17 million in fees. This is absolutely ridiculous.

This idea that somehow we can tax our way to better roadworks is patently ridiculous. It is something where the former government took a very simple idea from the member for Unley, who just said, 'Hey, if we increase the penalties on those doing roadworks, maybe we can get them to finish their roadworks a bit quicker and comply with the rules within their permit.' The former government said, 'Hang on, we can turn this into a behemoth. We can make this underwrite the budget of the government into perpetuity.' Never mind the fact that it would have halted construction and punished South Australian civil construction businesses. They thought, 'Let's get on and let's do it.'

Very quickly upon coming to government, I sat down with the industry and said, 'This is unacceptable, and I will work to fix it.' What we have been able to do, and what I tabled in the house only half an hour ago, is to disallow the regulations that were put in place but ensure that we can still keep the penalties that are part of the legislation in place that started on 1 June. So what we have been able to do is ensure that, where the holder of a permit does not comply with the conditions of the permit, they are fined for a first offence $20,000 and, for a second and subsequent offence, $50,000.

These are significant fines that will actually do what the intent of the legislation was in the first place and that is to punish civil construction companies that are doing the wrong things to make sure that we get roadworks finished as soon as they possibly can be. What we aren't going to do is make the cost for South Australian business more expensive so that it actually hurts taxpayers who end up having to foot the bill for Labor's over-regulation and mismanagement. It's something you are going to see happen more and more in coming months, as we put into place the radical deregulation agenda that the Marshall Liberal government has promised for a long period of time.

The SPEAKER: The member for Lee, who will be heard in silence. The Deputy Premier is warned.

GOODS AND SERVICES TAX

Mr MULLIGHAN (Lee) (14:45): Thank you for your protection, Mr Speaker. My question is to the Premier. Does the Premier support the call by Liberal candidate for Mayo, Georgina Downer, for a per capita distribution of the GST to the states?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:45): I thank the member for Lee for his question. As he would be aware, and all South Australians would be aware, we do not support any changes to the GST whatsoever that will damage or hurt the people of South Australia.

GOODS AND SERVICES TAX

Mr MULLIGHAN (Lee) (14:45): Supplementary: has the Premier formally advised the commonwealth government that South Australia will not support any change to the system of GST distributions between the states?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:45): As I have made abundantly clear, we do not support any changes to the GST that would damage the people of South Australia. This was made very clear to the most recent COAG treasurers meeting, when the Hon. Rob Lucas, the Treasurer, made our intentions very clear. We will not be supporting any changes whatsoever to the GST that will disadvantage South Australia.

The SPEAKER: Before I call the member for Hammond, the Minister for Transport is called to order.

LOWER LAKES AND COORONG

Mr PEDERICK (Hammond) (14:46): My question is to the Minister for Environment and Water. Will the minister please update the house on what the government is doing to address the ecological health and future management of the Coorong?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:46): I thank the member for Hammond for his question on World Environment Day, and I note his very significant interest in the Coorong, the Lower Lakes and the Murray Mouth—a shared interest, no doubt, with the members for MacKillop and Finniss as well.

When I became the Minister for Environment and Water, one of the big challenges that certainly struck me upon taking the portfolio was the situation facing the Coorong. There is no doubt that South Australia has stewardship of an incredible natural asset when it comes to the Coorong and has a responsibility, under the Ramsar Convention that underpins that wetland, to do whatever we can to sustain that natural environment.

The Coorong provides an incredible environment for particularly birdlife and a range of aquatic, marine life and plant species as well, many of which are found in very few other parts of Australia, if not the world. Since the Millennium Drought some 10 years ago, the Coorong, the Lower Lakes and the river mouth have never recovered to what they could have. Some areas have recovered more significantly than others, but there are some areas of the Coorong, particularly the southern lagoon, that have continued to really struggle with hypersalinity and a loss of species in those areas and a whole range of knock-on challenges from that.

Upon becoming the minister, and speaking with people from my department, it became abundantly clear that there were multiple views around how to deal with the Coorong. There were various opinions from scientists, academics, bureaucrats and people working the land, particularly the Ngarrindjeri people, who play such an important role in the land that surrounds the Coorong area. In response to this, I tasked my department with taking a good look at the Coorong and making it a real priority for me as minister.

I said to the department that, with so much mixed opinion when it comes to the Coorong and the management of that significant environment, it would be worth bringing together a group of people—scientists, academics, stakeholders, Aboriginal elders—to discuss that site and what the management might look like going forward, what should the key areas be for me as the minister and for the environment department to be focusing on, focusing on when we manage that environment, focusing on when we with the community work in partnership to manage that environment and focusing on when it comes to engaging with the federal government, because we know that there are funding opportunities for projects from the federal government.

We need to be prepared to be able to go to the federal government and say we have some consensus around what we should be focusing on when it comes to the Coorong and be able to present a very robust case for funding going forward. Today, we brought together a summit. It is meeting at the moment. It is a scientific summit, which includes a series of scientific presentations this morning. It is then followed by a series of workshops this afternoon. When it comes to science, of course, it is a dynamic thing: there are multiple different opinions, something that those opposite—

The Hon. S.K. Knoll: Scientists don't always agree.

The SPEAKER Order!

The Hon. D.J. SPEIRS: Scientists don't often agree, and that's the key part of this workshop.

Members interjecting:

The SPEAKER Order!

The Hon. D.J. SPEIRS: The naivety of the opposition, which took the Coorong to nearly the brink of its life. We are coming together saying—

Members interjecting:

The SPEAKER Order!

Dr Close interjecting:

The Hon. D.J. SPEIRS: —there are multiple views here, but let's work out what the key areas of focus need to be and take a plan forward. It has been a pleasure to meet with those scientists today and I look forward to updating the house on our findings.

The SPEAKER: The minister's time has expired .The deputy leader is called to order. The member for Lee.

COUNCIL ON FEDERAL FINANCIAL RELATIONS

Mr MULLIGHAN (Lee) (14:50): My question is to Premier. How can the Premier be confident that the Treasurer did advise the Council on Federal Financial Relations? In the formal record of the meeting of 5 April of the Council on Federal Financial Relations, there is no mention of these views being expressed by the South Australian Treasurer.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:51): I am very confident that our views are known because I have spoken to—

An honourable member interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: —the Treasurer and I have made those same comments to my colleagues in Canberra myself, unlike those opposite, who when they were in government decided the only way these things happened officially was if they did it through the media. We have a different relationship with Canberra. We have a grown-up, adult, sophisticated relationship with Canberra where we can actually pick up the phone and we can speak to them—

Members interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: —or we can make an appointment to meet with them and they say, 'Yes, we would like to.'

Members interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: Mr Speaker, you may be interested to know that I took one of these opportunities only last week. After question time finished on Wednesday last week, I travelled with the Minister for Planning, Transport and Infrastructure to Canberra. We had an opportunity to sit down with the Prime Minister, but not only with the Prime Minister. Because we have a good quality relationship with the federal government on this side of the house, we actually also got the opportunity to meet with the foreign minister and the Treasurer. I also got an opportunity to meet with the Deputy Prime Minister.

Mr Malinauskas: Oh, how exciting for you!

The SPEAKER Order! The leader is on two warnings now.

The Hon. S.S. MARSHALL: Those opposite may mock, but their stance, their disposition over the previous 16 years was all about playing the victim. Because they weren't producing results which benefited the people of South Australia, they decided to shift blame onto somebody else. Every single day, they were waging a war with somebody, whether it was with the Liberal Party, whether it was with the federal government, whether it was with the—

Mr KOUTSANTONIS: Point of order.

The SPEAKER: Point of order. The Premier will be seated for one moment.

Mr KOUTSANTONIS: Relevance, sir.

The SPEAKER: Relevance, standing order 98?

The Hon. S.S. Marshall interjecting:

The SPEAKER: I haven't deliberated yet. The question was about the confidence of the Premier in relation to GST, if I am not mistaken.

Mr KOUTSANTONIS: The question was in relation to how can—

Members interjecting:

The SPEAKER Order! I will hear the point of order.

Mr KOUTSANTONIS: The minutes of the public statements of the CFFR meeting show no record of what the Premier said.

The SPEAKER: This is not an opportunity for a speech. I will listen carefully, but the Premier is being interjected by the deputy leader, who is called to order, and other members, so I will listen carefully. Premier, please return to the substance of the question.

The Hon. S.S. MARSHALL: Thank you, sir. I am 100 per cent confident that those in Canberra understand our very, very clear position on this. What they are not clear about is what the Australian Labor Party's position is in South Australia, and I will tell you the reason why. I think this is very pertinent to this question because we do need to act as one to make sure that we get the best outcome for South Australia as part of this negotiation which is going to take place in Canberra.

The problem is that the Australian Labor Party has had varying positions with regard to GST. As you would be aware, sir, during the last term of government, the previous premier of South Australia advocated for a 50 per cent increase in GST in South Australia. He argued that we weren't highly taxed enough. The reality is that those of us on this side of the house believe that the GST rate is right at 10 per cent and we are satisfied with the current arrangements for horizontal fiscal equalisation. We don't propose any changes to that arrangement. We will not be supporting any changes that disadvantage the people of South Australia and I am 100 per cent sure that Canberra understands our very clear position on this issue.

GOODS AND SERVICES TAX

Mr MULLIGHAN (Lee) (14:54): My question is to the Premier. Has the Premier written to the Prime Minister, or has the Treasurer written to the federal Treasurer, to say that South Australia will not support any change to the distribution of GST revenues?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:55): I'm happy to make some inquiries as to whether the Treasurer has put anything in writing, but I haven't.

The SPEAKER: The member for Florey.

Mr Koutsantonis interjecting:

The SPEAKER: I have called the member for Florey. She has been patiently waiting and seeking the call. The member for West Torrens is on two warnings. Member for Florey, thank you.

HOLDEN HILL MAGISTRATES COURT

Ms BEDFORD (Florey) (14:55): Thank you, sir. My question—

Members interjecting:

The SPEAKER: Order! Member for Florey.

Ms BEDFORD: Thank you, sir. My question is to the Attorney-General. Can the Attorney provide the house with details of increased activity at other courts, following the closure of the Holden

Hill courthouse in August 2015? What savings did the Courts Administration Authority make from the closure and is any income being received from use of the cells at the former Holden Hill courthouse?

The SPEAKER: Yes, I would like to know as well. The Attorney.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:55): Thank you, Mr Speaker. I am pleased about your inquiry on this important topic because in 2015, as the member well knows, the former government closed the Holden Hill court via the Courts Administration Authority, which is the entity responsible, under the stewardship of the Chief Justice and the judicial counsel, to make decisions about what court facilities should operate. It was within the umbrella of outrage at the former government's decision to close the Port Adelaide court. Significant public protest resulted in that court staying open, which is good because it's relatively new infrastructure at Port Adelaide. Certainly, in my day of practice, we had to go down to the old Port Adelaide magistrates court, but this is new infrastructure that is well utilised.

I did recently inquire with Chief Magistrate Hribal as to her understanding of what has happened with the cohort of clientele who utilised that court, whether it was for criminal matters or to press their civil claims. It was particularly in the envelope of understanding that some people had been concerned—and the member herself may have received notice of this—with the difficulty of those who were victims of domestic violence in trying to pursue a civil remedy or protection by intervention orders or breach circumstances to prosecute those without having a local court facility.

I asked chief judge Hribal what had happened and my understanding is that that number has been absorbed largely into the Adelaide Magistrates Court. I suppose there would have been the potential for them to go to the Mount Barker Magistrates Court, but, unfortunately, the previous government also restricted the trading hours of that court and, indeed, made it extremely difficult to be able to lodge any material for the pursuing of recovery under civil matters in that jurisdiction. So it now only sits, I think, a day a week, or something of that nature, but it's shamefully restricted.

As a result, I have called for some information in relation to the court itself and to the savings that were obtained. My recollection, when I moved a motion in this house whilst in opposition to condemn the then government for its action in relation to local courts and the operation of decentralised services, was that there was about $1 million claimed in relation to savings, but I would have to check that as to what was the position at that time.

Certainly, I have raised the question as to whether the police have decided if they want to continue to utilise the cells at that facility, which I understand they are currently doing, given that our government, of course, has been left with the rather difficult situation of our prisons being full and our cells and watch houses being used for the short-term detention of prisoners usually awaiting bail. I understand the back end of the court has continued to have utilisation in that regard; that is, to be able to deal with the overflow of people who are held in custody, either pending bail applications or for some other short-term protection in those circumstances.

Ms BEDFORD: Supplementary, Mr Speaker.

The SPEAKER: Supplementary.

HOLDEN HILL MAGISTRATES COURT

Ms BEDFORD (Florey) (14:59): Bearing in mind what you have just said, Attorney, at the time we were advised that there would be a saving of only $320,000 for the closure of the court. That being the case, are you and the new government able to give us some hope that the court will reopen?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:59): I thank the member for her supplementary question. I am not sure what advice she might have received at the time of the closure, or as to the accuracy of the information that was given to her in respect of that. It may be that it was part of the closure that was proposed in relation to Port Adelaide as well, but my recollection is that there was a claimed $1 million saving. Now, it may have been for both—

Ms Bedford: It was $320,000.

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: The member does wave around a piece of paper purportedly signed by someone from the former government. I am not a member of the former government, thank goodness. I am a member of this government, and I am proud to be so. With great respect to the member, who I am sure is concerned about this issue for her local constituency, the question is how that would be remedied.

I haven't inspected the property since. As I say, I understand that the cells at the back of the facility are being used for the overload in respect of persons in custody, but, as to whether there has been any deterioration, damage, cobwebs, invasion of bees, bats or anything else, I have no idea at this point, or as to whether it is to be on sold. However, I did inquire of the Courts Administration Authority last week whether it was its intention to nominate the property for sale, and I understand that is under consideration.

The SPEAKER: The member for Lee.

GOODS AND SERVICES TAX

Mr MULLIGHAN (Lee) (15:01): Thank you, Mr Speaker. My question is again to the Premier. Does the Premier stand by his comments just made in the house about how his government communicates with the federal government? Just earlier, the Premier advised the house that he does not do that through the media like the former Labor government did. Is the Premier also aware that the Treasurer, the Hon. Rob Lucas in the other place, made his comments about GST distributions in the media in an article in InDaily?

The SPEAKER: Premier, you have a very wide scope with a question like that.

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:01): Thank you, sir. I find it incredible that these are the questions that are coming from the opposition.

Members interjecting:

The SPEAKER Order! The Premier will be heard in silence.

The Hon. S.S. MARSHALL: I think that they are going to be in opposition for a very, very long period of time.

Members interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: If that is a legitimate question—

The SPEAKER: Order! The Premier will be seated.

The Hon. S.S. MARSHALL: —from those opposite—

The SPEAKER: The Premier will be seated. I have allowed the question. It does presuppose a fair bit of data. I would ask the Premier to be heard in silence to directly answer the substance of the question.

Mr Mullighan interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: It is incredible. It is absolutely incredible that, with all the issues confronting our state, those opposite—

Mr Mullighan: The GST is not important?

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

The Hon. S.S. MARSHALL: —would ask a question related to how we communicate our position—

Mr Mullighan: You just misled the house.

The Hon. S.S. MARSHALL: —and when we give a very clear position, a crystal clear position, on our—

Mr Mullighan: You just misled the house.

The SPEAKER: Did the member for Lee say, 'You just misled the house'?

Mr Mullighan: Yes, twice.

The SPEAKER: I ask the member for Lee to please withdraw that comment.

An honourable member: And apologise.

Mr MULLIGHAN: I withdraw and apologise unreservedly.

The SPEAKER: Thank you. That is not a licence for anyone else to interject. The Premier is addressing the question.

The Hon. S.S. MARSHALL: Our position on GST is very, very clear. We have made it very clear to those in Canberra, and we don't say that, because we have made it clear directly, we can't also make it when a journalist asks us a question about it. This is a ridiculous line of questioning from a ridiculous, pathetic opposition—

Members interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: —who six weeks into their new term in opposition have already run out of decent questions.

The SPEAKER: The member for Flinders and then the member for Elizabeth. The member for Flinders.

WILD DOGS

Mr TRELOAR (Flinders) (15:03): Thank you, sir. My question is to the Minister for Primary Industries and Regional Development. Will the minister update the house on the state government's election commitment to deliver trappers to combat wild dogs in South Australia?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:03): I thank the member for Flinders for that very important question, and I do acknowledge his advocacy not only for the pastoralists in his electorate but also for the seafood industry and the cereal farmers over there.

Yes, wild dogs are a scourge on the pastoralists particularly in the Far North, but they are heading south, and for too long the state has been under siege. It is a $4.9 billion livestock industry here in South Australia, yet we had a previous government that ignored the plight and the calls for help with wild dog attacks on particularly sheep and young calves and cattle. The state government has recognised the need to act quickly and implement its $1.2 million policy to implement two full-time equivalent wild dog trappers.

On top of that, we have also bolstered this policy by putting an extra $200,000 on an extra baiting program. This extra baiting program will be targeted. It will target the hotspots between Coober Pedy and the New South Wales border. It's there to help protect the pastoralists and the livestock breeders here in South Australia. A $1.4 billion industry is our lamb industry here in South Australia, both exports and wool.

Mr Koutsantonis interjecting:

The Hon. T.J. WHETSTONE: The member for West Torrens can jibe and snipe all he wants, but regions do matter. The state's economy does matter.

Mr Koutsantonis interjecting:

The Hon. T.J. WHETSTONE: Yes, it does. And you just continue to worry about your beard and we'll worry about the economy here in South Australia.

Mr KOUTSANTONIS: Point of order.

Members interjecting:

The SPEAKER: Order, members on my right! The minister will be seated.

Members interjecting:

The SPEAKER Order! I ask the minister not to respond to interjections. This is what happens. Member for West Torrens.

Mr KOUTSANTONIS: All I ask is for him to do up his jacket, sir.

The SPEAKER: Minister, would you like to finish your answer?

The Hon. S.K. Knoll: How much manscaping does it take every morning?

The SPEAKER: The Minister for Transport is not responsible to the house for manscaping; he is warned.

The Hon. T.J. WHETSTONE: Thank you, Speaker. I go on to recognise the ability to address—

An honourable member interjecting:

The SPEAKER: I haven't seen him in a beard, no. Minister.

The Hon. T.J. WHETSTONE: I acknowledge the urgency to address this wild dog issue. As I have said, we are going to put an extra $200,000 into additional baits so that we can strategically aerial bait to deal with wild dogs that are attacking our sheep industry. The baiting campaign will provide landholders with more than 100,000 manufactured and fresh meat baits in addition to the existing 180,000 baits that come under the Biteback Program.

I am sure the previous minister would understand how that works, and it is a good program. What I'm saying is that over here we are looking after and continue to look after our state's economy by dealing with the wild dogs. They are heading south. Many people in regional South Australia know that wild dogs are playing a significant part.

In 2017, about 4,000 sheep were lost to wild dogs. It's reported that 500 wild dogs have been controlled in that period of time. Of course, working with all the groups—the wild dog advisory board, the state government and myself, and I have met with all of the advisory groups—they are very, very gratified that a government has actually stepped in to be counted, to put a policy in place without being under pressure, without looking at ways to ignore one of our great industries here in South Australia.

What I would say is that we do know, by working collaboratively through the pastoralists, through government and through industry, that we will have a controlled program that will deal with wild dogs. The state government is working to reduce the dog numbers collaboratively with key stakeholders. I will name them because they are very, very important: the Wild Dog Advisory Group; the South Australian Sheep Advisory Group; the natural resources management boards, soon-to-be Landscape SA; the Dog Fence Board; Livestock SA; the Australian government; Australian Wool Innovation; and the Centre for Invasive Species Solutions—because regions matter.

Grievance Debate

ADELAIDE DOLPHIN SANCTUARY

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:08): I rise to speak about the Port Adelaide dolphin sanctuary. Members may not be aware that before entering politics, indeed, before moving to Semaphore 17 years ago, I was involved in an organisation led by Dr Mike Bossley that proposed the dolphin sanctuary. We were delighted when the incoming minister for the environment, John Hill, created the sanctuary by law in 2005. The Port Adelaide dolphin sanctuary is one of the few places in the world where a wild dolphin population lives in such close proximity to an urban centre.

Much has improved in the time since the sanctuary was established for the resident dolphin population and for the Port Adelaide environment generally, but it is far from being in the state that we should be aiming for, with clear air, clean water and plenty of vegetation. Much of the responsibility for the vegetation of course belongs to the council. I will continue to work on them to

improve the amenity of the area, but for the dolphins we have a particular issue about boat speeds right now.

Speeding boats are the biggest single cause of dolphin deaths in the sanctuary: 17 out of 35 dolphin deaths in the last 13 years were caused by boat strike. Four out of seven dolphin calves born this season, the biggest baby boom in 11 years, have died. Only one of these calves has been retrieved and an autopsy revealed its death was caused by a speeding boat. Dolphin calves are particularly vulnerable because they swim close to the surface. It was heartbreaking to see the mother, Oriana, push her dead calf, CK, around for a week—part of the dolphin's grieving process. This was the second time that Oriana lost a baby.

I am pleased to inform the chamber that the *Portside Weekly Messenger* dolphin petition, POD (Protect Our Dolphins), started one month ago on 24 April and already has almost 12,000 signatures. The petition calls on the state government to introduce a blanket limit of 10 knots throughout the Adelaide Dolphin Sanctuary. The current speed limit ranges from four knots to unlimited. The campaign has the support of the Whale and Dolphin Conservation Society, headed by Dr Mike Bossley. Dr Bossley says that a 10-knot speed limit would give dolphins enough time to get out of the way. People on jet skis, speeding and doing doughnuts are also creating dangers for dolphins.

Stephan Knoll has rejected calls to declare a blanket speed limit for no better reason than he says that the current mixed limit allows boats to navigate around each other and that a change would be unworkable. He has said that it is about getting to the root cause of the issue. We know what the root cause is. The SA Museum report tells us that the root cause of dolphin deaths in our river is speeding boats.

Minister Knoll's refusal to protect our newborn dolphins means our dolphin sanctuary is a sanctuary in name only. I understand that the environment minister, David Speirs, has now agreed to meet with Dr Bossley about this matter, and I ask him to take their concerns seriously, and to respond to the issues and to work with his colleague.

There is also the not-negligible concern for human safety around Garden Island and the Barker Inlet. The number of kayaks, particularly on weekends, has increased dramatically in recent times, and the risk posed by speeding boats and jet skis around there to dolphins and to people makes not imposing a safe speed limit a risky proposition. I urge anyone who cares about the safety of our world dolphin population to sign the Messenger's POD (Protect Our Dolphins) campaign, and they can do that at change.org Protect Our Dolphins.

I also want to take this opportunity to thank journalist Ashleigh Pisani, and the Messenger, for their hard work and commitment to this important campaign. It is great to see a local paper taking leadership like this. I would like to thank Dr Mike Bossley and the Whale and Dolphin Conservation Society, and of course the many local volunteers and residents who care for our Dolphins, and every person who has signed the petition so far.

REGIONAL SOUTH AUSTRALIA

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:12): Today, I rise to speak about something that this house should be very concerned about, and that is regional South Australia. Once again, regional South Australia is a critical contributor to our state's economy, and there is an increasing demand for the goods and services from our regions, from agriculture to food, wine and tourism, to mining and minerals and processing.

For too long, regional South Australia has been put on the backburner, but today I can say that regional South Australia is contributing over 50 per cent of our state's GSP with just 28 per cent of the state's population. The government is proud to support our hardworking South Australians from those regional communities, and we know that it is tougher to live in the regions than it is to live in metropolitan cities. It is tougher to do business, it is tougher to find medical services and it is tougher to find education. It is tougher to do all elements of logistics, but those people prevail, and I congratulate them.

This government wants to encourage growth and innovation in regional areas to drive job creation and foster strong and vibrant communities. That is why this government has agreed to enter into a long-term funding agreement with regionally based RDA boards to ensure continuity of services. The government will provide $3 million per annum to seven regionally based RDA boards from 2018-19 to 2021-22, and each RDA board will need to submit four-year business plans.

Again, we are prepared to put money on the table and support the RDAs, but we are asking that they submit business plans so that everyone can forward project what their projects will be and how they can support communities into the future. It is not just an ad hoc, kneejerk reaction. The commitment by this Liberal government demonstrates our ongoing support for regional South Australia. We are providing a long-term secure funding arrangement that means the RDAs can plan ahead with more certainty.

As I said, the RDAs, like any form of institution, have to be run like businesses. They have to forward project exactly what they are going to do and how they are going to do it. We all have to live within a budget. The RDA boards in South Australia work in partnership with state, federal and local governments to support regional and economic development. From the Adelaide Hills, Fleurieu and Kangaroo Island; the Far North; Limestone Coast; the Murraylands and, of course, the Riverland; Yorke and Mid North; and the Barossa to Whyalla and Eyre Peninsula, RDAs are working closely with industry to identify regional needs and project solutions.

These boards provide important services to regional communities through developing detailed regional economic development plans, by providing independent advice to local, state and federal governments on regional issues and by facilitating awareness of relevant government programs available to regional communities. By providing security of funding, the government will allow the RDAs to work more productively for their regions. Collaboration across the regions will allow RDAs to work more broadly on the issues that can be found in common across regional South Australia.

It is also critically important to put that security behind the RDAs so that they can attract good people, so that they can attract good team players to get the best out of an RDA organisation. As I have said, the seven regional RDAs are a critically important part of the development of regional economies into the future. RDAs are out there working every day, led by good people to make sure that regions matter. As I have said on many occasions, regional development, the support of regions, is one of the key focal points in this state's economy.

It is a sustainable economy in relation to agriculture, food and wine and the primary industries sector. Regional development is also a renewable, sustainable industry because we all know that the man on the land is supporting those communities, and we all know that the communities are supporting the man on the land. It works hand in hand. The communities have been doing a job in adversity over the last 16 years. The regions here in South Australia will have a spotlight shone on them to make sure that regions really do matter.

MAYO ELECTORATE

Mr BIGNELL (Mawson) (15:17): We all know how important it is for people in South Australia to have a good local member of parliament. Most of us go in to bat for people in our local area and for community groups, organisations and schools. As a minister, I had a few favourites around the place on both sides, people like the current member for Flinders, the former member for Goyder, the current member for Frome and the federal member for Kingston, just to name a few. They are people who came in and really fought hard for their area. They made sure that the minister knew exactly what it was that local area wanted.

One of the true hardworking, persistent local members I have come across is Rebekha Sharkie. She has fought so hard for things in her area while we did not hear from the state members in some parts of her electorate. I notice that there has been a bit of a clean-out on the other side, and some people we have never heard of have been replaced with some people I know are already doing a good job in their area.

For Rebekha Sharkie, no sooner was she elected at the last federal election than she was in my office sitting down with a big long list of demands for her area, which is quite a significant part

of South Australia. It includes the Adelaide Hills, goes down through the Fleurieu Peninsula and, of course, includes Kangaroo Island.

Sometimes she would turn up with the Mount Barker mayor, Anne Ferguson, who was also someone letting all ministers know exactly what their particular area needed. I went up a couple of times to catch up with Rebekha and mayor Ferguson in Mount Barker to make some significant announcements about funding from the state government, but I know Rebekha has gone after federal funding as well. Just some of the things that Rebekha supported that were funded during her period as the member for Mayo were:

- the Mount Barker sports hub female facilities $475,000;
- the Uraidla Bowling Club sporting services program $107,000;
- the Mount Barker sports hub community recreation and sports facility program $800,000—a terrific result for Rebekha Sharkie and the people of Mount Barker;
- the Anembo Park sports and recreation grounds female facilities $463,000;
- the Mount Barker Football Club female facilities $460,000;
- the Willunga Recreation Park female facilities $500,000;
- the Port Elliot Tennis Club community recreation and sports facility program $62,000; and
- the McLaren Vale Netball Club female facilities $293,000.

You can tell this is a member who goes in and fights really hard for the sporting groups in her electorate to make sure they have some of the best facilities anywhere in Australia. Other clubs to benefit were the Stirling Tennis Club, the Adelaide Hills Hockey Club, the Dudley United Netball Club, the Myponga Bowling Club, the Port Elliot Bowling Club, the Willunga Bowling Club, the Piccadilly Valley Community Recreation Centre, the Summertown Tennis Club, the Goolwa Netball Club, the Hahndorf Soccer Club, the Normanville Surf Lifesaving Club, the Victor Harbor Football Club, the Adelaide Hills Hawks, and the McLaren Vale Bowling Club, around the corner from my house.

I reckon it is great to have Rebekha Sharkie as my local MP and I hope she wins the 28 July by-election because she deserves to be re-elected. I will be voting for the Labor candidate—and watch this space, we will have one announced very soon—but my second preference, as I have said in here before, will be going to Rebekha Sharkie. She is a long-term local, as opposed to the Liberal candidate, who is a blow in, an interloper from Victoria, who has turned up in daddy's palace down at Carrickalinga and moved in there trying to claim she is a local.

We all know that Georgina Downer is not a local, so it riled everyone over the weekend, all of us locals, to see Georgina Downer out there claiming that she got a $10 million grant to build a swimming centre at Mount Barker. We have the list of everyone who supported that: number one was the federal member Rebekha Sharkie; the local council; Mark Goldsworthy, the former member for Kavel; the Office for Recreation and Sport; the Urban Development Institute of SA; SwimmingSA; and the local swimming clubs up in Mount Barker.

Nowhere on that list of support was the name of Georgina Downer. No-one has ever heard of her before and no-one is going to vote for her on 28 July because Rebekha Sharkie deserves to be re-elected as the member for Mayo. She has done an outstanding job.

WORLD MILK DAY

Mr BASHAM (Finniss) (15:23): It was interesting, listening to that grievance; it sounds like the former member for Mayo may have joined the Labor Party. I rise to speak about something I am very passionate about, and that is World Milk Day, which was last Friday. World Milk Day celebrates the dairy industry and the consumption of milk worldwide. It is a subject I am very passionate about as my family has been in the dairy industry for 170 years in South Australia, and they continue to be so.

The South Australian dairy industry currently has about 240 dairy farmers milking 65,000 cows on a daily basis and producing 487 million litres of milk, which makes up about

5.5 per cent of the national production. That has a total farmgate value of $181 million with $63 million worth of dairy exports, and leads to about 1,300 jobs.

In contrast, the industry certainly has changed. Back 40 years ago there were 1,730 dairy farms milking 103,000 cows. One of the other things that has changed in that time is that we have seen significant changes in productivity. The dairy farmers of South Australia have made amazing efforts to improve productivity over time. We have seen milk production go from 3,163 litres per cow per year from the late 1970s to more than double with 6,521 litres in the last year on record, 2017.

There are many reasons for those productivity gains. Over that time, there have been significant improvements in the understanding of feeding cows, making sure that we feed the cows in a way that maximises the milk production. We are seeing farmers take that knowledge and turn it into an improvement in productivity. We have also seen a huge change in pasture management. We have seen farmers learn how to grow grass better, grow more grass, use less fertiliser to grow more grass, and maximise the use of natural rainfall as well as understand how to grow grass if irrigation is available.

We have also seen huge improvements in genetic gain. Back in the 1970s, we as an industry moved away from the use of natural insemination from bulls running with cows towards using artificial insemination and using those higher productivity bulls across our herds to get great gains. We have taken all the low-hanging fruit in productivity gains that the industry can find at this point in time. One of the future big gains that is probably still out there is a further improvement in the genetic space.

As the industry has invested heavily in this space over the last few years, in my involvement with Australian dairy farmers and through Dairy Australia's investment, we have realised enormous potential in these gains in genetic improvement by going back to DNA markers and working out the mapping of the dairy cow and the size being used. That is enabling the dairy industry to take those gains and, rather than testing to see where the bull delivers possible gains, actually realise those gains by looking at the DNA of the animal before it is used and shortening the circuit by about five years.

We have seen the dairy industry go through troubled times over the last few years. A lot of that has been caused by the decline and demise of businesses such as Murray Goulburn. Going forward, pricing is looking optimistic and we are seeing greater change in the industry. The other thing I loved about Dairy Day last Friday is that I was able to go and speak to a year 4 class at Investigator College and talk about where milk comes from. I was surprised, though, to be told by the kids that it was also International Doughnut Day and they would have preferred doughnuts rather than a glass of milk when I came to the school. I thank the house for its time.

MARY BYWATERS MEMORIAL KINDERGARTEN

Ms COOK (Hurtle Vale) (15:28): The early years are vital in terms of shaping ideas and embedding habits that lead to a lifetime of learning, establishing relationships and introducing our little ones to a wide and diverse world. Before coming into parliament, I was involved in leading mentoring programs that targeted young people who often do not get the best start to life. I worked with individuals and groups of kids, offering opportunities to learn and be attached to positive role models.

When a meal was served to the participants of this program, it was evident that many of them had not eaten very much fresh food let alone understood where it came from. Workers would often tell me that many of the kids they supported ate only yellow junk food that came from a box, ostensibly highly processed rubbish, but given the chance these kids would fill up on veggies and other fresh food. Choice is important for opportunity.

Over this past weekend, I was delighted to attend the Mary Bywaters Memorial Kindergarten in Old Reynella as they officially opened their newly constructed community garden. Mary Bywaters Memorial Kindergarten has been providing a kindy service to their local area for over 65 years. It was established as the first-ever kindergarten in the area by its namesake, Mary Bywaters, who herself was an educator. I am sure that this trailblazing professional of the 1950s would be pleased with the principles of the kindy that prioritise relationships with families, continuous improvement, quality

learning, equity and access, all underpinned by accountability through reporting, evaluation and review.

The kindy is a really lovely place to visit, with director, Kerry, and her team keen to show off the lovely shady play areas and interesting gardens, which are on a couple of levels, so they provide a great space for children to explore. Last year when I visited, there was an area of paving that had really poor drainage, and a basketball ring and backboard.

Wind the clock forward a year. I was approached by a colleague, Lisa Mrowka, and her husband, Shaun, who are both present today in the gallery. They have a young family and an emerging business, TFM Property Services. They wanted to give back to the community and really make a difference. Their vision was to offer grants to schools and kindys to build gardens that could be used as a learning space for children.

Mary Bywaters was the chosen recipient from an application process, which included, with the department's blessing, all DECS kindys and schools being invited to apply for the community gardens grant. The application required nominating a member from the school's community who would help facilitate, along with the site manager's approval, and recognise the requirement of the willing and able staff and parent community to support the longevity of the garden. There were 17 applicants and four were short-listed from schools and kindys. There were also several inquiries from private sectors. I understand there is a growing list of people who require assistance to develop these gardens.

The purpose of the community garden is to promote healthy and sustainable living; connect and engage the wider community to the kindy or school; engage the older members of the community in programs involved around the garden, such as planting and harvesting days and cooking and special morning teas utilising the produce; give a purpose and platform to the benefits of cross-generational engagement; provide students with a visual and hands-on experience to promote healthy living; and, at a grassroots level, give at-risk students a sense of belonging and school pride by experiencing the fruits of their labour. I understand from Kerry, the director, that they might like to get a trolley and take the produce around to the local community and actually make some dollars, which I think would be fabulous.

The grant was not just financial but included the supply, delivery and installation of a sustainable and functional garden filled with edible produce: fruits, vegetables, herbs and also an area dedicated to Indigenous bush tucker. They had a pilot program in 2016 at a Morialta school, Athelstone primary, I believe, which was very successful. A member of the teaching staff spoke of her experiences in the garden:

> The same students I find needing continued redirection and refocus during class learning have organically become the leaders of this project. They have responded extremely well to the physical and visual aspects of the learning experience and relish in showing off their garden to parents, friends and other visitors to the school.

I understand engaging local groups, such as Kiwanis, Lions and aged-care facilities is in the vision as well. During this official opening on the weekend, the kindergarten director spoke of her excitement and the roster of local groups that she is looking to engage. I congratulate TFM management. I congratulate the local community, the kindergarten, the parents and the families on this great initiative and I call on members to support this great program.

FISHERMAN BAY

Mr ELLIS (Narungga) (15:33): I rise today to speak about a unique coastal township within the electorate of Narungga that, after some 20 years of planning and toil with numerous stakeholders and various government departments and agencies, is now finally on the cusp of significant development.

The township in question is Fisherman Bay, located five kilometres north of Port Broughton, a settlement of about 400 shacks, all leased on land owned since 1973 by a collection of people under the banner of Fisherman Bay Management Pty Ltd. It has been like a town forgotten, with no sealed roads and traditional shacks left underdeveloped due to the natural uncertainty over security of land tenure and with the group being on their own in regard to provision and planning of roads, water and sewer infrastructure.

Over the years, the management group has gradually been moving toward altering the land to freehold title with the support of the local council. I report a most interesting and enjoyable morning last week spent with the mayor, Cynthia Axford, and CEO, Andrew Cole, of Barunga West council and representatives from the Fisherman Bay management group. Thank you to chairman, Mr Peter Barrie, and directors, Mr Robert Hosking and Mr Bruce Manhire, who are, not surprisingly, very excited to report that the end of the freehold path is now in sight and they are now achieving approval to freehold the settlement into 432 allotments after the current land division applications were lodged in July 2010. The process has been supported by the Development Assessment Commission since 2012.

Myriad issues have had to be dealt with along the way towards this great news: assessments have lapsed along the way; negotiations have stalled at various points due to the unique complexities, including dealing with the sheer number of leaseholders within the unique ownership arrangements; native title issues; environmental considerations; and the various infrastructure planning stakeholders and associated government departments, which have had to be consulted, including the Environment Protection Authority, the Coastal Protection Board, transport services, Crown lands, fire compliance and SA Water.

There are still issues around coastal protection, which need to be sorted out, in particular around the construction of a seawall and levy and issues around tides and stormwater. The news of a 'subject to conditions and engineers' planning date for management to freehold the 432 allotments finally came in November 2017, with the proposed date being 26 October 2018. I congratulate all involved on their huge efforts, tenacity and patience on finally getting to this point. It has been a long haul for a lot of different people.

All in this place can appreciate what the freeholding will mean for the district. Planning has included providing building guidelines around zoning, surveying and land use, setbacks, heights, designs and densities and sorting boundaries. Planning also includes site levels, telecommunications and electricity—aside from planning for significant public infrastructure, including roads, gutters and footpaths, open space, drainage, waste control, coastal protection and water treatment, and, importantly, the sorting of who is paying for what.

This has been a huge local issue for the township, which is essentially a holiday shack area that has developed on private land over the past 80 years. You can understand the emotional side of the process for the families who have annually paid their lease fee for their family shack, in many cases for generations, and the toll uncertainty for the future can bring. For some, it will mean selling and not being able to meet the freehold costs and, for others, it will mean plans for new builds and improvements that can now occur.

For the district, it is an exciting time, and I again commend all involved in negotiations: the management group, existing licence holders, engineers, lawyers, state agencies and especially council, which has had the responsibility to plan for the huge growth and demand on services and the environment that will now come with it, whilst being conscious of not losing the character of the place, which has been recognised as a need by locals.

The process, which has been going on for 20 years, is a testament to the willpower and fortitude of those involved, and it is a genuine win-win for all: for the Fisherman Bay corporation to be able to get out of their outdated business model and for the residents to get their own land on which their property sits.

I am informed that 92 per cent of leaseholders have paid their deposit to enter into the freehold arrangement. The last hurdle is ensuring the new vibrant township will not get flooded away with the tides. This responsibility lies with the Coastal Protection Board, which I am aware has had various issues to deal with within my electorate, notably the drift sand at Wallaroo, which is an issue for those residents living in front of Otago Road at Fisherman Bay, where there is an issue with the boat ramp previously installed, and at Black Point, where drift sand is also an issue. The sand replenishment will be a welcome sight for a number of people.

I can only hope that the Coastal Protection Board will get it right at Fisherman Bay. I wish all residents all the best in their endeavours to get their land freehold and look forward to it becoming a reality in the near future.

Ministerial Statement

HOUSING AUTHORITY

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:38): I table a copy of a ministerial statement relating to the new housing authority made earlier today in another place by my colleague the Hon. Michelle Lensink MLC.

Bills

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:39): I rise today to speak on the Electoral (Prisoner Voting) Amendment Bill. This is another one of the Marshall Liberal government's fantastic commitments taken to the last election and one we will be delivering on, as we promised when we went to the 17 March election. I commend all those involved in bringing this to the house. This is a very good bill and one that brings us in line with the rest of the nation and the commonwealth position as well. It is good to be speaking on this piece of legislation, which will ultimately disqualify people who have committed a serious offence from voting in state elections.

The Electoral (Prisoner Voting) Amendment Bill will have the effect that a person who is in custody, in gaol, at the close of the rolls ahead of an election, if that person is serving a sentence of imprisonment of three years or more, will be ineligible to vote in that South Australian state election. It is pretty clear what the intent of this is. If you are in prison and have done something wrong and you are serving a sentence of more than three years, then you will not be able to vote in that state election.

While canvassing people throughout the election campaign, on the whole people feel that it is pretty fair. If people have not done the right thing and are in gaol for breaking the law, then they cannot have a say in voting for the people who will ultimately be making the laws. At the moment, all prisoners in South Australia can vote in the South Australian state election. The position is not the same in other states, though, so this will help bring us in line with other states in the country. This commitment was taken to the 2018 election and it really puts a stamp on the position we took to the people of South Australia.

The uniformity of this bill will also make it easier for all involved at election time in prisons. If it is a federal election, at the moment people are not allowed to vote if they have been in gaol for more than three years. At a state election, they can vote. It makes it quite confusing and also quite difficult within the system, so this will streamline it and bring everyone onto the same page. Practically, the bill will apply to prisoners within the meaning of the Correctional Services Act 1982 who are serving, as I said, three years or more in prison.

The only difference between this bill and the commonwealth law is in relation to prisoners serving a sentence of imprisonment of three years or more on home detention. That is the key differential here: people on home detention will be ineligible to vote in state elections. The rationale for this is that, in South Australia, home detention is a custodial sentence. To clarify, the difference is that in South Australia, if you are on home detention and you have a home detention sentence of more than three years, you will not be able to vote in the state election.

This bill will not be applied, though, as we differentiate here, to people who are detained under the mental impairment provision of the Criminal Law Consolidation Act 1935. I want to be clear on that differential. It is only people who are in gaol serving a sentence for doing the wrong thing and it is a sentence of over 3½ years. When you think about it, that is fair in the community. When you do the wrong thing and you go to gaol, you need to pay the price. People do the time, and in this case they will lose the right to be able to vote in a state election, which will marry up with the federal system.

When I am out speaking to people in my role as minister, or just speaking to people as we are doorknocking or at supermarkets, and this is raised, people give it the nod of approval. They say,

'Look, that is fair. If someone has done something wrong to the point that they have been put in gaol for three or more years, then to lose this right to vote is fair.' It is accepted by the wider community. What must also be noted with this bill is that it does not affect people's ability to enrol on the electoral roll.

In other words, if you are in prison, you can still enrol. Your name will still be kept on the roll, but you will not be able to vote at that election if you are serving a term of more than three years. Under the Electoral Act 1985, you still have the right to be enrolled and, once your sentence is complete, you will be on the roll again and eligible to vote when there is another election. This is a good bill. It is one that I know will seek that nod of approval from the community as people discuss this.

It is an overarching thing. We wanted to be clear with this bill, and we want to be clear with this election commitment: we want to send a very clear message to people who are doing the wrong thing and who go to gaol for three or more years to say, 'This is not accepted. We don't accept this behaviour and, as a result of that, you will not be able to vote in a state election.'

That message travels across this bill and it travels into other bills as well. We have made it abundantly clear that we will not be accepting behaviour that society does not accept. That is why we have made it really clear that we will be very strong on our war on drugs. We have outlined our policy at length with that one, and we will be taking action to prevent drugs in prisons and to prevent drugs in schools as well. We know that the community wants strong action in this space, and we do not want to accept what has been served up in the past.

What I do want to say, though, is that we still want to give people a fair opportunity, and that is why we have set this at three or more years. The limit for this is three or more years. If someone goes to prison for under that time, they will still have the opportunity to vote. They will still have the opportunity to have their say. By all means, we want to take firm action against people doing the wrong thing and make sure that they are held to account, but at the same time we want to make sure that people also have the opportunity to make amends, serve their time and get back into the community and contribute to the community as quickly as possible.

One of the key focuses I see here, from a Corrections point of view, is that we are going to make sure that we get people back into the community and contributing to the community as efficiently as possible. People who are in the system cost taxpayers money. The corrections system is expensive, and to keep people incarcerated is an expensive business. What we want to do is try to get people back into the community and get them working in our community—not only just functioning in our community but actually physically working in the community.

That is not only my key focus in this portfolio area but also a key focus of all South Australians—to get people working again, because if you are working in the community you are contributing back to the community. The values of work are so great. For someone with a job, just to have a company shirt, a company hat and go to work for however many hours of the day, week or month gives someone a sense of pride.

Not only that, they are then paying taxes and they are putting back into their community. They are earning for themselves. They are not a burden on society: they are earning for themselves, and they are feeling pride in what they do. They are putting themselves in a position whereby they can buy themselves a car, buy themselves a house and then contribute back to society as well. You hear it said so often, and I say it to my kids as well, 'Get yourself one job because it will lead to the next and lead to the next and lead to the next.'

People in the corrections system, when they do the wrong thing, by all means need to be called to account and need to have harsh penalties. However, at the same time we want to help rehabilitate these people and get them back out into the community and get them working. It is the key. Getting more people working is a big focus of ours on this side of the chamber. We want to get as many people as possible working in South Australia because if we get them working they will have a sense not only of pride but also of wellbeing. It also benefits their health to be part of a group and part of an organisation contributing back to society and makes them feel wonderfully good about themselves.

We then talk about the financial benefit, that they are actually contributing back to society in terms of paying taxes, helping to fund all the systems we need to keep a state working. It is wonderful to see. When you go out into the community and go to local sports clubs and charity groups, it is great to see so many people who have come from work and who get involved in the community. Invariably, they look to maybe sponsor the local sporting club and sponsor the local charity group. They get involved in planting trees for organisations, or working with the Lions Club or the Rotary Club. People who are working have the wonderful ability to give back and have so much pride in what they are doing.

What I need to say about this bill is that it has the desired effects to make sure that people know that doing the wrong thing will have an impact. If you do the wrong thing and you go to gaol for more than three years, you will not be able to have a say in the state election, married up with what happens at the federal election. Again, the point I stress is that people are accepting of that. At the same time, we want to make sure we give people an opportunity to work their way back into society and give back across the board. It is really key.

This is one of myriad election commitments we made going into the 17 March election. A lot of them were in the 100-day plan. It is wonderful to be working through and ticking off those 100-day actions, as we are committed to doing. I know everyone on our side is very focused on doing that. We have made it abundantly clear to the community. All our commitments were outlined online, so that people could see them. As members on our side know, when we went doorknocking, when we would say to people, 'This is what we are going to do; this is when we are going to do it,' it was really well received. I think that is a big part of the reason we won the state election.

The Premier has been outstanding and has kept everyone to account from a ministerial point of view, with great support from the people in our party room. It has been wonderful to have that support. We are going through, ticking the boxes, and everyone can see very clearly exactly what we are doing and delivering as a government. When I am out speaking to people, be it in my community or in my role as minister, that is the number one tick that comes to me that people are saying about this new Premier. He has been very clear, very up-front, and every person has been delivering in whatever role they have in this party.

That is what I like about being in this team: it is a team. Everyone is focused on the same outcome: delivering for South Australia. This is just one bill that was a commitment we made that we took to the election, and now we are delivering on that. It may not impact that many people in our state, but what they know and understand is that it is a commitment we made, a commitment we are delivering on and a commitment we are following through with.

The ESL is another commitment that has been very well received. To return that remission to South Australians and to put money back in their pockets is a bigger commitment. Like this Electoral (Prisoner Voting) Amendment Bill commitment, the ESL was a big commitment that puts money back into the pockets of South Australians. That is what South Australian families want to see. The cost of living and the cost-of-living pressures that South Australians experienced under the previous Labor government were becoming too much to bear. Again, we on this side, as we go around and speak to people in our communities, hear that message resonating loudly and clearly.

The Treasurer's commitment to return that remission means that ultimately that $90 million per year goes back into the pockets of all South Australians. If you have a house that is valued at around $470,000, it puts about $145—I think it is about $144.85, let's count it to the cent—back into the pockets of South Australians. That is a commitment that we took to the election. We made that commitment a long way out from the election, and we have now delivered on that commitment. These commitments are being ticked off as we go along.

Rate capping is another commitment that we are going to deliver to the people of South Australia, obviously. There is a lot of debate about deregulating shop trading hours, but that is another commitment we took to the election that we will deliver on. We will continue to deliver on all of those commitments.

In fact, I was speaking to some of the members on my side before about our speed camera audit and making sure we deliver on that commitment as well—and we will. We will make sure that speed cameras and safety cameras are in the right locations and that people know they are not about

revenue raising. That is what they have felt over the past 16 years, that speed cameras were there for revenue raising. We know that speed cameras do a good job. Safety cameras do a good job. They do keep people safe. However, we need to take people on the journey to make sure that they know they are in the right locations for the right reasons. Another one of our commitments will be to make sure that the speed camera audit and the safety camera audit will be delivered to South Australians.

These things are vitally important. As we look around our community and as we all go out into our community, that is what people appreciate about this Marshall-led team. I am very proud to be a part of that team and see all my colleagues deliver on the commitments that we made. It was a bold agenda we set for the first 100 days. My wife reminds me of that every day and night that I am not at home, when we are working hard early in the morning and late at night. That is what we are here for. That is what we want to deliver for South Australia. On our side of the chamber, every person is out there doing their bit to make sure that we deliver on our commitments for our state.

I can speak for the people of my side, and I know that that is why everyone here got into this job—because we want to deliver outcomes for South Australia. There are a number of outcomes in my portfolio that I am really keen to work on with all the local members. We made a lot of commitments during the election for local communities and local regions, and we on this side understand very much that local communities and local regions need to be supported. They need to be listened to, and they need to be supported, and during the election campaign that was exactly what we did.

The Electoral (Prisoner Voting) Amendment Bill was a small part of the conversations we had with our community. I look at the other members on my side of the chamber, and the member for Heysen in particular I know wore out his shoe leather doorknocking around his local area, making sure he was listening to what people wanted, and that was truly impressive. I cannot commend everyone on this side of the chamber enough for the great work that they did. That folds into delivering on our commitments.

The Electoral (Prisoner Voting) Amendment Bill was one of those small commitments we made that we are delivering on, but it is also those things that we committed to our local regions. From a sporting sense, as the Minister for Recreation, Sport and Racing, we made a number of commitments to local communities for improved changerooms, improved sports facilities and improved access to amenities and facilities. They are the things that communities really appreciate, and they are things we need to be 100 per cent focused on, and we will be delivering on all those commitments.

It is exciting to know those things that we want to deliver on and to know those commitments we have made. Again, on this side of the house we want to deliver them all yesterday. We want to do it all yesterday because it is exciting, and we want to do that for our communities. We understand it takes a little bit of time, and we need to work our way through these commitments, but we will be delivering on them all, and it is exciting to know that we will. I really look forward to working with all members on my side.

The member for Newland and I did a lot of work together around the Tea Tree Gully-Banksia Park area where there is a great netball/tennis club that we worked very closely with. He did an outstanding job in his community to garner the support of the local community, get them on board, and secure a commitment to deliver great outcomes for that tennis and netball facility. I really look forward to working with him in delivering that for his local community. He deserves all the plaudits for making everyone there aware of the need and then also making sure he got the commitment to deliver through on that. He is also a big advocate for Gymsports in his local area; in fact, I look forward to the day when we go down there and I see him on a trampoline doing some of his fantastic moves. I know he has it all nailed down.

The member for Finniss is also a great advocate for his community. I know there will be projects delivered for his community as well because that is a wonderful community. What you do notice about the regions—and I have spent time growing up in the regions as well—is that people are very passionate about their local lot, though they do not like to make a lot of noise. They just like to go about their business and do their thing. In the past, under the previous government a lot of the

regions were overlooked, and that is not good enough. We need to make sure that our regions are given the resources and the respect that they deserve. So we are making sure we do that and that we deliver on that front for our regions.

I hope the Electoral (Prisoner Voting) Amendment Bill does not impact too many South Australians. It will impact on those who go to gaol for three or more years at the time of a state election, and it will tie them into the federal scheme as well—they will be under the same regime as the commonwealth. It is probably not a commitment that will impact on many South Australians, but what it does and what it says, and the underlying factor that really comes through in moving this amendment to this bill, is that we are delivering on our commitments. The Marshall Liberal team is delivering on their commitments, and that is the government we all set out to be. It is the government we want to be for South Australia, and it is very much the government that South Australians want.

Mr TEAGUE (Heysen) (15:58): I rise also to speak in support of the Electoral (Prisoner Voting) Amendment Bill 2018. As other speakers on this side of the house before me have emphasised, this bill is making good on yet another commitment of the new Marshall Liberal government. It is important to emphasise that this is part of a very detailed series of commitments that were made for the electorate throughout the campaign. The electorate had full and thorough notice that this was on the agenda, and we are delivering on this commitment.

The bill is about ensuring that there are effective penalties in place in respect of serious crimes. We have committed to ensuring that penalties imposed by the courts deter criminals and adequately punish those who commit serious offences. If offending is serious enough to warrant a significant prison term, then there is a need to ensure that is recognised by the deprivation of certain civil liberties.

The crimes of those who find themselves sentenced to significant terms of imprisonment need to be recognised so that law-abiding citizens are not unnecessarily and unduly meeting any more than is necessary in relation to the substantial cost of keeping prisoners incarcerated. A key part of the commitment is about ensuring appropriate deterrence against serious crime. It is a serious deprivation of civil liberty to remove the entitlement to vote, and it is a commitment that is driven around ensuring that there is a significant deterrence element as a result.

By maintaining a consistent and principled approach to justice, we will also ensure that we maintain and increase the confidence of the community in relation to both the operation of our system of justice and an ongoing contribution to community safety. The penalty ought always insofar as practicable fit the crime. The deprivation of voting rights in relation to those sentenced to significant terms of imprisonment is part of that. Indeed, convicted criminals serving significant terms of imprisonment are in many countries subjected to similar restriction.

The deprivation has a long history, being introduced in the UK as long ago as 1870. I will have some more to say in a moment about the history and jurisprudence in that regard. Federally, as members are aware, as the law presently stands no person sentenced to three or more years' imprisonment can vote in a federal election. South Australia is the only state that does not impose restrictions depriving a right to vote. Other states have a range of responses in this area, and I will touch on those in a moment.

South Australia is joining other states, and indeed the commonwealth, in imposing a regime for the deprivation of voting rights in these circumstances. This is making good directly on the commitment I have just described. The bill, in its substantive operative provisions, is structured in terms of an amendment to section 69 of the Electoral Act and in particular the insertion of new section 69(3), which specifies that a designated person will not be entitled to vote at the election. A designated person is then defined in new section 69(5) as a person:

> …serving 1 or more sentences of imprisonment or detention for 1 or more offences against a law of this state, the commonwealth or another state or territory; and (ii) the total period of imprisonment or detention liable to be served is 3 years or more;

In short, it is setting the bar at a term of imprisonment to be served at three years or more. Importantly, I note that the operation of clause 69(3) and the definition of 'designated person' does not include a person detained under part 8A of the Criminal Law Consolidation Act 1935; that is, the part dealing

with orders in relation to mental impairment. That is the structure of the new regime. It sets the bar at a period of imprisonment to be served of three years or more.

To set out some context, the denial of civil rights for those convicted of crimes has a long and what has been described as ancient origin. Essentially, it is a product of the notion that the commission of an offence has the effect of divesting a person of their property and legal rights. Historically, one might compare the capital penalty of death by execution; those who did not suffer death by execution would nevertheless suffer a form of civil death in terms of their incarceration. The idea, at its origin, was to emulate the results that a natural death would produce.

These are fundamental concepts of the deprivation of civil rights that are very much flowing directly from the imposition of a civil penalty. Of course, the death penalty has long been abolished in all Australian jurisdictions, but it may be said that as a matter of principle a form of civil death remains insofar as the deprivation of liberty, property and, in relation to this bill, the deprivation of the civil right to vote at a state election. So the principle is about the deprivation of a civil right and it is, like the imposition of a sentence of a defined period of time, a deprivation of the right to vote also for a defined and limited time.

The history of legislation relating to the deprivation of voting rights goes back federally to the Commonwealth Franchise Act 1902 which, to start with, proceeded on the basis of, rather than considering sentences actually imposed by courts, considering the nature of the crime and whether or not it was punishable by a particular term of imprisonment. So rather than, at the outset, asking the court to determine whether the threshold was met in the particular circumstances of the person to be sentenced, the Commonwealth Franchise Act 1902 considered the crime and whether the particular crime was punishable by a term of imprisonment.

At the time of the enactment of the Commonwealth Franchise Act 1902, that period was one year or longer. So, as it was originally enacted federally, the test was conviction and under sentence for any offence punishable by imprisonment for one year or longer. Shortly after that in relative terms, with the enactment of the Commonwealth Electoral Act 1918, essentially the same structure was retained in the federal legislation under that new act, substantially until 1983, when the disqualification was amended to apply to persons who were under sentence for an offence punishable by imprisonment for five years or longer.

So the adjustment federally in 1983 was to render the civil deprivation threshold that much higher but still proceed in relation to the nature of the offence and whether it was punishable by a term of imprisonment for five years or longer. To illustrate that, it may be that under that structure a court may not have actually sentenced a person to a period of five years or more of imprisonment but, if the crime for which that person was being sentenced was punishable by five years or more, then the act would apply and the deprivation of voting rights would apply in that case.

There have since been reforms at the federal level to move from that structure of whether the crime for which a person is to be sentenced is punishable by a term of imprisonment of a particular period to a test based on the period of imprisonment to be actually served. That is the structure that is applied in this bill and in other jurisdictions. That amendment came in federally in 1995 to move from 'punishable' to 'serving a sentence of'.

The commonwealth act, as it presently stands, sets out that provision in section 93(8AA). As it presently stands, this act applies to a person who is serving a sentence of imprisonment of three years or longer. The process of amendment and reform in the commonwealth area has brought us to the point we are at in relation to the bill before the house.

As I have indicated already, there is not only the commonwealth legislation but also various models of similar legislation applying the deprivation of voting rights in the other states of Australia. They broadly follow two models, the first of which is legislation that is tied to the commonwealth provisions. We see in the Queensland Electoral Act, for example, a regime that describes the deprivation of voting rights in terms of the Commonwealth Electoral Act as it is enacted from time to time.

The other example, and they vary somewhat, is those states that have over time enacted their own regimes providing for the deprivation of voting rights. In Victoria, for example, the

deprivation of voting rights is to be found in Victoria's Constitution Act 1975 at section 48. At section 48(2), the Victorian provision provides that a person who, firstly, has been convicted of treason under the law of Victoria, or treason or treachery under the law of the commonwealth or a state or territory, or a person who is serving a sentence of five years' imprisonment or more for an offence against the law of Victoria, the commonwealth or another state or territory, and other categories also, but importantly subsection (2)(b), will not be entitled to be enrolled as an elector for the council or the assembly in that state.

The threshold in Victoria, therefore, is set at a term of five years' imprisonment, again using the model that is, as far as I am aware, now universally adopted throughout the Australian jurisdictions and that is applying to the period of imprisonment actually to be served, as opposed to the structure that was in place under the earlier commonwealth legislation, focusing on the nature of the offence and the sentence for which that offending was punishable.

Another example, and at the other end of the scale, is to be found in Western Australia's Electoral Act 1907. At section 18, that act operates to disqualify any person who is serving or is yet to serve a sentence or sentences of detention or imprisonment that total one year or longer. One can see that, while the periods of time differ from state to state, the principle of the serving of a sentence with a threshold period of time is a common approach to the deprivation of the civil liberty of the right to vote across the jurisdictions of Australia.

Importantly, this bill being, as far as I am aware, the most recent iteration of such legislation to be debated across Australia, it may not be surprising that, firstly, this bill adopts the structure of the period of imprisonment to be served; that, secondly, it charts its own course, rather than tying that trajectory to whatever the position in the commonwealth may be from time to time; and that, thirdly, it adopts, by reference to the other states, a middle path, setting three years' imprisonment as the threshold, which happens to accord with the position presently as it applies under commonwealth legislation. It is an appropriate updating of the relevant regime and I commend the bill to the house.

Mr BASHAM (Finniss) (16:21): I also rise to commend the bill. The amendment prevents prisoners who are serving a term of three years or longer, including those in home detention, from voting in state elections. It brings our state into line with other states, all the Australian jurisdictions, except the ACT. The bill does not change prisoners' enrolment status and they will be able to vote again upon release. This would affect about 1,400 current prisoners out of a total of about 3,100.

To be subject to a prison sentence of three years or more means that you have been found guilty of something very serious. There must be serious consequences. It is no small thing to take away a person's right to vote, an essential foundation of a democracy like South Australia. However, in democracy the rule of law is also an essential foundation and is paramount. Those who seriously break the law are effectively undermining this foundation.

Those of us in this place and the other place should not need or want the support of serious offenders and criminals at elections. We recognise that our system of justice and corrections is based on the principle of rehabilitation. Punishment imposed by the state should not extend beyond the sentence. A good example of rehabilitation services can be found at the Cadell Training Centre in the Riverland. Last week was the 58th anniversary of its official opening in 1960.

The centre is situated on approximately 1,600 hectares of land, where up to 210 low-security male inmates work on citrus and olive orchards, as well as a dairy farm. It supplies produce to other prisons, and businesses can even buy these products. I think that some of our state hospitals might even have some Cadell milk on their menus. Inmates at Cadell are involved in community work, including the local fire brigade.

This is the essence of rehabilitation—providing inmates with vocational training so that they are better prepared to enter the workforce upon their release and become productive members of society by exposing them to good role models, like volunteers of the CFS. Some of the skills they pick up on the farm certainly also help them with that rehabilitation and make sure that they are fit for the society they re-enter.

The daily routine on a dairy farm is enormous and the skills of commitment that the inmates learn in that process include the early rising for the early milking in the morning. The first thing they

have to do when they get up is prepare the milking shed for the upcoming milking. The next thing they have to do, most likely on a motorbike or a quad, is head out and muster the cows for that milking. As they do that, they have to make decisions about what gates to open and shut ready for the next grazing those cows will need to head for after they have been milked.

After getting back to the dairy, they have to set up the milking plant to commence milking, check to see that the milk currently in the vat is cold, make sure that the tanker has been to collect the milk overnight and make sure that the milk has been collected for processing. Starting the milking machine, checking the vacuum pump and checking the vacuum levels are right are all decisions these inmates have to make as they go through their daily routine.

They have to start the feed system. The cows are fed in the dairy as they are milked. These are decisions that these inmates have to make. As each cow comes in, they need to check that the cows are clean to make sure that the milk is of the highest quality. They need to check whether the cow has mastitis. They need to check whether there are any cuts to the teats. If everything is okay, the milk can then proceed to be milked into the vat for future processing; if not, another decision has to be made: they have to decide whether that milk needs to be dumped or not. They do this with every single cow as she enters the shed, so decision after decision is made by the inmates.

These are responsibilities that are put in their hands on a daily basis. These are the decisions they make that they are learning have consequences. As the milking goes on, they also have to make decisions about whether any cows need to be kept in to be treated or inseminated for any matings that need to be done. This continues through the first couple of hours of their working day. At the end of the milking, they then need to clean the shed, they need to wash the dairy yard and they need to wash the milking shed itself.

Mr RAU: Point of order: I appear to have lost my way. I am sort of hallucinating that we are having a conversation about animal husbandry and, in particular, dairy farmers—

The DEPUTY SPEAKER: So, member for Enfield, your point of order is?

Mr RAU: Relevance.

The DEPUTY SPEAKER: Relevance. Member for Enfield, I did anticipate that point of order, and my ruling from earlier today was that I felt members should be free to contribute to a bill and relate that bill back to their own electorate, should they feel the need to do that. I will listen carefully. I understand that the member represents a dairying sector within his electorate, so I will listen and ensure that he relates that to the bill at hand.

Mr RAU: Thank you, Mr Deputy Speaker. Should I take that as an invitation for me to relate future bills to—

The DEPUTY SPEAKER: To your electorate?

Mr RAU: Yes.

The DEPUTY SPEAKER: That has been my ruling. If you feel you need to do that, you may, member for Enfield. Member for Finniss.

Mr BASHAM: Thank you, Mr Deputy Speaker. Certainly, I understand that this is very much relevant to my electorate and the dairy farmers of the electorate. The skills learned by the inmates make these ideal people to work on their farms, and we want them to be responsible citizens going forward.

The Hon. V.A. Chapman: Don't waste time voting: learn about milking cows.

Mr BASHAM: Yes, get back into society and understand that the decisions you make have consequences and that the decisions that have put you into prison that led to a three-year term and to lose this right are certainly part of that decision making. I think it is fantastic to get back to being able to learn the skills of dairy farming, and there are numerous skills that farmers continue to use on a day-to-day basis, and these inmates learn those skills as though go.

As I was saying, when milking has concluded it is very important to understand the cleanliness, etc., that is required to make sure that the dairy functions well and that the milk is safe,

and, again, that is such an important decision that those inmates have to make on a daily basis. We cannot risk the lives of others by making mistakes in a dairy shed, so we need to make sure that these inmates understand that as they go.

I guess the other decisions that have to be made following the milking are around the feeding of the animals and making sure that they are cared for and receiving their daily requirements in feed. The inmates must also understand the learnings of pasture management and make sure that they are actually learning the skills needed and understand the consequences of actions in the field. They must make sure that the timing is right in respect of getting crops in, getting pastures in, and make sure that they respond to upcoming rains and that irrigation is also applied as appropriate.

These are all skills that these inmates learn and then understand the decisions that go on from there. They also have general maintenance requirements. They learn huge skills in terms of their rehabilitation in making them perfect employees as they enter back into life to make them part of the community and be able to vote again once their sentence is completed. We see skills, such as maintenance, as I mentioned before, on things like tractors that are also very important.

Also, with water management and making sure that the cattle have water, etc., they are learning the skills a plumber maybe learnt in their trade. There are many things that farmers learn as they go, and inmates are like all other farmers. The decision-making is such a strong and important part of becoming a very productive member of the community, as is accepting the responsibility of those decisions.

I see that this bill puts another onus on the members of our society to realise that there are consequences as a result of their actions. So, as people make an error of judgement and break a law that results in their being sentenced to three years of gaol or more, they lose probably one of the most basic rights of a democracy—that is, the right to vote. I think it is really quite important that people actually understand how important that right to vote is.

This bill recognises the fact that, if someone has committed a serious offence that leads to a sentence of three years or more, that right should be sacrificed. As I stand here speaking about this bill, I really encourage others to support it going forward. It is such an important part of our society to make sure that we rehabilitate prisoners in the best way we can.

I think the work that is done at Cadell is fantastic in that regard. I am proud to think that they have seen the dairy industry as something they can use to support prisoners in their rehabilitation. They even go to the next step of not just farming the milk but also then processing the milk, putting it into bottles and using it in prisons and other areas. It is amazing, the skills that are learnt there.

In closing, I express my support for this bill, which fulfils another election commitment by the Marshall government.

Mr McBRIDE (MacKillop) (16:35): I rise to speak on the Electoral (Prisoner Voting) Amendment Bill and express to my fellow members of parliament how important it is that this bill be put through. As we well know, this bill will enable sanctions against prisoners serving a sentence of three years or more from voting in state elections. It is a measure that should be without argument, as it stands to reason that an individual who commits a crime terrible enough to warrant a three-year sentence, or more, should not be given the privilege of contributing to the outcome of the most important election and should in fact be punished for their crimes.

Why should someone who is willing to take from or harm the community of South Australia then be able to contribute and participate in the democracy that forms the future of the same state? It is a fundamental fact that our democracy enables the people of South Australia to appoint those whom they believe will do what is good and right for them and the community. How can we allow people who have disregarded this concept then to actively contribute to this most important process of selecting leaders for the state?

Of course, once they have served their term and suffered this time and punishment, it seems right that they may then be given the opportunity to vote once again. This gives them a second chance, a chance to understand that the right to vote is a privilege and may only be reinstated upon the completion of their sentence. It reinforces the fact that they have done wrong not only by others

in the community but by themselves, cutting off such privileges as being part of the community and having a say in its future.

With this bill estimated to affect approximately 1,400 out of 3,114 South Australian prisoners, as at April 2018, it is certainly worth thought. That is, over a third of South Australian prisoners with prison sentences up to or exceeding three years is a large enough number for us and the public of South Australia to be concerned about in terms of their impact on this vital vote. With Mount Gambier Prison housing a maximum of 489 inmates, I understand that this change would impact inmates located at the prison both from my neighbouring electorate and from other electorates of the state, and justifiably so. I mention this prison as it is located within the Limestone Coast region, which encompasses my own electorate of MacKillop as well as the electorate seat of Mount Gambier.

I believe that it is also important to note that this amendment will stretch to encompass those serving three years under home detention. Given that the concept of detainment remains the same, that the individual in question is under the same sanctions as any other prisoner, it stands to reason that they should also incur the same sanctions with regard to voting in the state election. Young offenders involved in serious crime, detained in training centres under the Young Offenders Act 1993, would also be addressed by this judgement, and rightly so.

I would also like to note that, in my opinion, this should be seen as yet another strategy in the approach to rehabilitate felons. For any individual who wishes to maintain their inclusion in the community and the workings of the state, this serves as a further incentive to maintain good behaviour. It may not be viewed as the be-all and end-all for influencing offenders' behaviour after they have served their sentence, but one could clearly argue that no-one is happy to live with the thought of being excluded from something so important as the right to vote. Everyone has something to say, and it is the most frustrating and sometimes heartbreaking situation not to have the opportunity to be heard or to contribute.

In this way, and as the Minister for Correctional Services stated earlier, it is also vitally important to continue to implement the rehabilitation and training services for inmates and those newly released from prison to continue to uphold this concept of contribution to society in a constructive way. In Mount Gambier Prison, it has been provided that inmates have access to education, vocational training and therapeutic program activities—all provisions that will encourage inmates to distance themselves from, possibly, repeat offences, and instead act as functioning members of the community with all the rights entitled to them, such as the right to vote.

A healthy respect for the privilege of democracy and the importance of working as part of this will serve to emphasise the image of prison as a deterrent, as an unnecessary and unwanted outcome to their behaviour, so that they may be less inclined to repeat their offences and have that privilege stripped away from them, along with other privileges of choice and freedom. As one is put into a detention system and given three years or more—and, obviously, we are talking about their voting rights being stripped away—clearly we understand there is a lot more to it than just voting rights when they are incarcerated in a prison system.

They miss out on all the privileges of choice, and they have to conform to a procedure that is out of their hands. They are in a world where choices have been stripped away, and this voting privilege is just going to be part of that process that we see and have seen over many years gone by. One thing I hope, and I believe this government will actually take hold of, is that once these terms have been completed by prisoners we do our utmost to re-educate and rebuild their commitment or their fit back into the community so that they are what we call good citizens, law-abiding and contributing in some shape or fashion.

As the member for MacKillop, and coming from a farming background, I have dealt with the shearing industry, and I have worked at Port Adelaide in a metal shipyard boatbuilding industry with 20-odd different nationalities. I have come across ex-inmates in my career, and most interesting is one I came across who put the wind up a small group of workers on my property while we were lamb marking. Obviously, I have a number of sheep to lamb mark, and we engage a contractor who brings in a few casual workers to help with that process. We bring our farmhands into that as well, and we can find five or six fellas running around lamb marking a group of sheep.

One of those new fellas brought in by the contractor was a fellow called Tony. As you talked and mixed with these characters, you learnt about Tony's history. What was fascinating was that he was covered in a few tattoos, and he was a bit rougher than most you would come across in our neck of the woods. Tony had been in prison, but it was an absolute delight to work with him. I can tell you that the influence Tony had in our workforce was a great deal of respect because you never knew how he might react if you said something incorrectly to him

One fascinating thing was that my lamb-marking contractor, who employed Tony, was a bit tardy on his payments for work and hours done. But once my contractor knew that Tony had a background that may not have been as honourable as others, there was no disregard or respect lost to Tony. I know that Tony was paid in a very true and accurate time frame and that he was treated with a great deal of respect. I suppose Tony was unfortunate to have spent time in the prison system. He told stories around the lamb-marking cradle, and he was also involved with some prison inmates in his time there who had done some acts that most of us would probably rather stay away from.

One thing you have to have an appreciation of is that as humans we all make mistakes, that we all deserve a fair go and that we all deserve a second round at life. As a government, we have a training system in place and rehabilitation in place. We have a system in place that looks after those who have done their time, who have made their mistake and who move back into life and the workforce and back into family life, where they can be constructive, respected and deserve their right to vote to choose a government that hopefully looks after more and more people like those who have just done their time.

In stripping away rights in prison, we also have to bear in mind that we can go overboard with those rights. It is one thing to incarcerate people and remove them from society, but they must also be able to function and realise that there is a way out if they have been given that privilege—in other words, it is not a life sentence upon a life sentence. When we do think about these extra punishments, and taking away their voting rights, this is not the start of just taking away and away, until there is nothing left at all.

I hope that this bill serves as another reminder that, when you do wrong and have to do your time, privileges are stripped away. This is just one of those. When we as a society go along to the polling booths to vote, it is a privilege, and it can be taken away from us all if we walk away from society's rules, law and order. That reminds me of when I was privileged enough to be on the Water Catchment Board for six years, between 1998 and 2004, and we were making up the rules and laws for water allocation.

It was well pointed out to us as a board that 90 per cent of society abides by the laws and rules and that the other 10 per cent do not care at all. When you make a law or rule, just remember that there are 10 per cent who will not read it and will not abide by it. We have to have rules and laws that encourage them to take notice, and we know that we will have to use them because of this 10 per cent who will not listen, do not learn and do not care.

A healthy respect for the privilege of democracy and the importance of working as a part of it will serve to emphasise the image of prison as a deterrent, an unnecessary and unwanted outcome to their behaviour, so that they may be less inclined to repeat the offences and have that privilege stripped away along with other privileges of choice and freedom. It should definitely be reiterated that the prisoners' ineligibility is only temporary. Once they have done their time, they will recover their right to vote with no changes made to their enrolment status.

This is a fair and reasonable sanction as attested by the commonwealth position and the rest of Australia. Once again, we see South Australia lagging behind on important legislation thanks to the previous administration and their lack of drive and sense. This must be rectified for the people of the state and for South Australia itself.

I would like to circle back to my initial statements and ask honourable members: in your eyes, would you want to reward those who have done wrong by the laws you have worked so hard to implement for the betterment of the people of South Australia and the state as a whole? Does it make sense that these individuals should be entitled to the same right to dictate the future of this state as those who have strived every day to function decently in the community, abiding by and respecting those same laws?

It does not do the good people of South Australia justice to undermine this privilege by allowing others who have actively demonstrated their concurrent lack of such respect to also maintain this privilege. As the Attorney-General so aptly put it, it is an affront that people who commit serious criminal offences are entitled to elect the parliament that makes the law they have broken. We know this to be a sentiment shared by the vast majority of the people of South Australia, hence the presence of this bill in the Liberal Party's election promises and its reappearance now. In summation, I commend this bill to the house.

The DEPUTY SPEAKER: Attorney, if you speak you will close the debate.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:48): I thank all members for their contribution to this debate. Again, it was interesting, entertaining and educative in relation to all the opportunities that our prisoners have in the future for employment, retraining and reskilling. It is excellent to see our new members being so agile in their discussion in this area. It appears not only that they are well versed in what opportunities are out there but they are happy to sing the praises of that being pursued. The only matter I would otherwise like to say in response to—

Mr Picton: We have an agreement for you not to do this, not to close the debate, because you have not briefed us.

The Hon. V.A. CHAPMAN: I beg your pardon. I am sorry. I was thinking it was the next bill. I am happy to suspend whatever is necessary. I apologise. I had the wrong bill, but I have been reminded by the member for Kaurna that the opposition are having a briefing on this bill in the morning and therefore are seeking to make a contribution to the debate. Accordingly, whatever apology I need to make, I am happy to do that. Can I somehow rescind your direction to close the debate? I will continue my remarks another time.

The DEPUTY SPEAKER: I think what we might do is get the member for Kaurna to adjourn debate.

Debate adjourned on motion of Mr Picton.

CRIMINAL LAW CONSOLIDATION (CHILDREN AND VULNERABLE ADULTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2018.)

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (16:50): I rise to speak on the Criminal Law Consolidation (Children and Vulnerable Adults) Amendment Bill 2018 and commend the Attorney-General for her swift action in bringing this very important bill to the house. It is a shame that Labor did not progress this further last year. It went through the lower house and the Liberal Party was happy to pass it through the upper house but it sat on the *Notice Paper* and was not progressed prior to the election. So again I congratulate the Attorney-General on bringing this forward so soon into the new sitting term.

This bill addresses gaps in the law so that people who inflict serious injuries on children and vulnerable adults do not escape liability. One of the issues we have had previously was the definition of 'serious harm' being used, and that has now been changed to just 'harm'. This bill affects children, defined as a person under 16 years of age, as well as vulnerable adults. That means any person aged 16 years or above who is significantly impaired through physical disability, cognitive impairment, illness or infirmity.

For the purpose of division 1A, a reference to harm will be taken to include detriment caused to the physical, mental or emotional wellbeing or development of a child or vulnerable adult, whether temporary or permanent. Also for the purposes of this division, 'a defendant has a duty of care to a victim if the defendant is a parent or guardian of the victim or has assumed responsibility for the victim's care.'

There will also be an amendment, as I have mentioned, that 'serious harm' will be deleted and 'harm' substituted. Maximum penalties will also increase significantly; where a victim dies,

imprisonment for life is available and in any other case imprisonment for 15 years. I believe prior to this it was only five years. A new section has also been inserted after section 14:

14A—Failing to provide food, etc. in certain circumstances

If—

(a) a person is liable to provide necessary food, clothing or accommodation to a child or vulnerable adult; and

(b) the person, without lawful excuse, fails to provide that food, clothing or accommodation,

that person is guilty of an offence.

Maximum penalty: Imprisonment for 3 years.

I know, from working as the Minister for Child Protection, that unfortunately a lot of harm and neglect is going on in our community to children and vulnerable people. Over the 16 years of the former Labor government there were many royal commissions and inquests: the Robyn Layton review in 2003, there were two Mullighan inquiries, there was the Debelle inquiry, the recent Nyland royal commission, and there has been a series of select committees and coroner's inquests where harm and neglect, death and serious injury have been raised regarding children.

We note that this still continues, so it is great to see that we have some legislation that will strengthen the ability of a judge to sentence adults who have committed offences against children. Many people would remember the house of horrors, which was a shocking blight on South Australia, where children were not being fed and there was severe neglect and extreme abuse. The bill will strengthen the ability of judges to give harsher sentences.

There was also the case of baby Ebony, who presented with a broken femur and was sent home with her family and later died from further injuries. The bill will help to rectify that issue, particularly where the people are responsible for those children. In fact, those responsible could be the state because we have 3,583 children under the guardianship of the state.

This legislation will cover all children and ensure that these children have the right to be considered, even though children are known to heal a lot quicker than adults, which is why the definition of 'serious harm' has been quite difficult to identify in the past. If an older person breaks a hip or a leg, that would definitely be considered a serious injury because of the time it would take to heal and the incapacity that would be created. However, with a child and even with the baby Ebony case, a baby can break the largest bone in their leg, in their body, and heal quite quickly, so it was hard for judges to determine that that was a serious injury. It is great that the bill will rectify that problem.

SAPOL and the Office of the Director of Public Prosecutions have been consulted on this bill. When the bill was last before the house, the former government advised that it had consulted justice and child protection agencies. I commend the amendments to the house and look forward to the bill's speedy progression.

Ms LUETHEN (King) (16:56): I, too, rise to support the bill, which will address gaps in the law so that people who inflict serious injuries on children or vulnerable adults will not escape liability. The bill amends the offence of criminal neglect to better capture behaviour that was neglectful but was difficult to prosecute as it did not necessarily constitute serious harm as defined in the act. For example, babies will most likely recover from multiple fractures without lasting impact whereas an adult with the same injuries would likely suffer some permanent impairment.

'Serious harm' will be substituted with 'harm' to ensure it is capable of capturing injuries inflicted on children, notwithstanding a greater capacity to heal. This will extend to all acts and omissions that cause physical or mental harm, including detriment to physical, mental and emotional wellbeing, or to development. This also ensures that abusive or neglectful guardians can be prosecuted for cruelty in addition to specific offences under the current law.

The bill increases the penalty for neglect that causes harm to a maximum of 15 years' imprisonment and neglect that causes death to life imprisonment. This bill is so important because trauma can impair physical development early in the family life course where children and young people have intense negative experiences, such as child maltreatment, peer bullying and family

violence, that are maintained over time. Stress and conflict can also undermine health and wellbeing through later life transition events such as family breakdown and relationship disputes.

I have read that the extended arousal of the nervous system and the release of stress hormones such as cortisol can incur damage at all life stages but can result in permanent damage to the development of the childhood brain and stress and immunity systems. Toxic stress is a risk factor, and we all see and hear about the health and social problems affecting cognitive and physical disability in our community, including poor educational outcomes, mental health problems, substance abuse and antisocial behaviour, and physical health problems due to greater infections, which can result in chronic lifelong health problems.

These risks from early childhood abuse have more severe effects in early years when the brain and biological systems are rapidly developing and hence are more vulnerable to being permanently damaged. These early experiences can cause lifetime vulnerabilities in immune and stress response systems that increase health and social problems later in life. Therefore, the consequences for criminal neglect must be a deterrent and send a strong message to our community that those who wish to harm a child or a vulnerable adult must face consequences.

This government is a caring government—it cares about people. It is a government that places the safety of children and those most vulnerable in our society at the forefront of its agenda. That is why this important legislation is a priority for the Marshall government, as it ensures that those who harm others are appropriately and quickly prosecuted for their actions. I am so proud to be part of a government that has listened to our community. When I was out doorknocking, I certainly listened to my community, who asked for stronger penalties for those who harm our most vulnerable, which is why I support the amendments in the bill today.

I thank and congratulate my colleagues, including the Attorney-General and the Minister for Child Protection, who continue to fight for and represent our most vulnerable in this house today. We care, we listened and we are acting now to create a safer South Australia. To my community in King, you have my commitment that I will continue to find more ways to strengthen the ability for our judges to give harsher sentences to anyone in our community who harms our most vulnerable.

Mr PICTON (Kaurna) (17:01): I am the lead speaker, and I rise to indicate the opposition's support for the Criminal Law Consolidation (Children and Vulnerable Adults) Amendment Bill 2018. The bill makes amendments to criminal neglect in section 14 of the Criminal Law Consolidation Act 1935 to remedy past problems regarding the prosecution of offenders for the criminal neglect offence.

It is worth noting that this bill is the same as the bill introduced by the previous Labor government during the last parliament. Hence, we think it is very well written, and excellently drafted, and we would encourage the Attorney to look at more of our excellent work and bring it to the parliament. We welcome that the new Liberal government is reintroducing the bill, as it did not get time to pass during the last sittings.

The Hon. V.A. Chapman interjecting:

Mr PICTON: Well, I could talk about the outrageously long speeches from the then shadow attorney-general, but I might make some comments about her conduct in another bill. The Attorney-General in her second reading explanation asserted that the bill addresses problems experienced by the police and the Director of Public Prosecutions arising from the definition of 'serious harm' in the current legislation as it applies to children who are the victims of offending.

Section 14 of the Criminal Law Consolidation Act 1935 currently defines serious harm as:

(a) harm that endangers, or is likely to endanger, a person's life; or

(b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

I understand that the limited definition of serious harm has proved problematic in establishing the offence. In practice, this has meant instances of serious neglect or serious harm have been unable to be prosecuted in a way that holds a parent or carer responsible for the maltreatment and harm

caused to a child. The bill looks to address this gap by replacing the 'serious harm' provision with 'harm', which should improve the chances of successful prosecution of neglect of abusive parents or carers.

For example, where a child has healed rapidly from serious trauma, let's say broken arms and legs, prosecution of the offender has not been able to occur in a way that truly reflects the harm done to the child. The bill proposes to amend section 14 to delete 'serious harm' and substitute 'harm' in each case. The bill also proposes to delete the word 'unlawful' from section 14. I am advised that this has the effect of extending the offence of criminal neglect so that it will no longer be limited to death and serious harm resulting from an unlawful act, but it will now apply to death or any harm resulting from any act.

The bill also proposes a replacement to section 14(3)(a) to allow offences referred to in this bill procedurally easier to prosecute and establish harm was caused, without needing to establish the defendant was, or ought to have been, aware that there was an appreciable risk that harm would be caused to the victim.

This is a bill that the opposition supports. It is one that we brought to the parliament in the last parliamentary session. We think it is an important change to ensure that we can take action against what are serious offenders and ones that should be brought to justice. I am sure that all of us would like to think that this sort of offending does not occur in our society, but, sadly, it does.

Sadly, it is something that our police and child protection officers have to deal with on a day-to-day basis. We need to make sure that our laws that we pass through this parliament are robust enough to ensure that we can take action against those who seek to harm the most vulnerable in our society—our children. With those words, I indicate Labor's support for the bill and commend the bill to the house.

Mr PEDERICK (Hammond) (17:05): I rise to speak to the Criminal Law Consolidation (Children and Vulnerable Adults) Amendment Bill 2018. The reason we are bringing this legislation to this place is that it addresses gaps in the law so that people who inflict serious injuries on children or vulnerable adults will not escape liability. This very same bill passed the House of Assembly in last year, in the time of the former Labor government, but lapsed in the Legislative Council upon the dissolution of parliament. As I indicated, it is identical to the one that lapsed.

The principal effect of this bill is that it amends the offence of criminal neglect to better capture behaviour which was neglectful and which was difficult to prosecute, as it did not necessarily constitute serious harm as defined in the act. For example, babies will most likely recover from multiple fractures without lasting impact, whereas an adult with the same injuries would likely suffer some permanent impairment. The label 'serious harm' will be substituted with 'harm' to ensure that it is capable of capturing injuries inflicted on children, notwithstanding a greater capacity to heal.

This will extend to all acts and omissions that cause physical or mental harm, including detriment to their physical, mental or emotional wellbeing or their development. This also ensures that abusive or neglectful guardians can be prosecuted for cruelty, in addition to specific offences, under the current law. The bill increases the penalty for neglect that causes harm to a maximum of 15 years' imprisonment and neglect that causes death to life in prison.

These penalties are significant. If there is neglect which causes harm, there is a maximum of 15 years' imprisonment, which is no small amount of time to have to reside at our Queen's pleasure, or life imprisonment where neglect causes death. That is why people need to make sure that we look after our most vulnerable, whether they be our children or whether they be adults. We saw what happened with the Oakden scandal where a minister from the former government completely took her eye off the ball. Obviously, there were major issues of neglect.

As children come into the world, you have to look after them and do everything for them. You have to feed them as babies, change their nappies and essentially do everything to make sure that you not only keep them alive but keep them happy and healthy. At the end of life, with what should be excellent aged care in whatever setting it is, or even if you are just looking after your own parents, grandparents or an elderly friend, they have the right to be looked after appropriately, whether that is in a private setting or in a facility, and that includes facilities like Oakden.

In the main, these things do work, but we saw what happened at Oakden—the terrible things that happened and the many families that were involved and the injustice caused to their loved ones. This is why we need to make sure that we have the appropriate legislative response. I acknowledge that it was legislation brought on by the former government.

We need to get it right because our society is only as good as how we tend to look after our must vulnerable, whether they are the youngest people in our care, the most elderly in our care or, through no fault of their own, people who have suffered a terrible accident or injury and need to be looked after, whether they are young or middle aged. People deserve to have that right, so there are serious offences if this bill becomes law and becomes an act and is not complied with. Certainly, you would like to think that, with the threat of 15 years for causing harm, people will take that onboard and do the right thing, particularly in regard to the potential for life imprisonment. It is not that hard.

Many of us have had a parent or loved one in an aged-care facility. My father was for many years. A long time before he left us three years ago, I would take him out for a drive and he would say, 'I must get home.' That is a nice thing to hear from a man who did not want to go in there in the first place because, as he used to say to me, he was not too happy because right next door was the funeral director. I said, 'Dad, it's inevitable, mate. It's what happens.' He realised that, and I must say that he was cared for excellently at Resthaven in Murray Bridge. So it can be done and I commend that facility.

They are building on in Murray Bridge. They are putting on 20 extra rooms and doing a big redevelopment. I think it is about a $16 million build. It is on a sloping site, so it has its difficulties. Work has been going on there since early last year, so the project has been ticking along for about 18 months. A lot of work went on at the back of the facility and there is a lot more work going on in the actual physical construction of the rooms fronting Swanport Road. With regard to that, I understand that, in looking after our elderly people in the local area, Lerwin, which is another facility that does excellent work in looking after the local aged people, is looking at expanding as well.

We just have to face up to it. We have an ageing population, and we will need more and more of these facilities to look after people as we all get older. It is inevitable that a percentage of people will end up in these facilities. Some families can manage—and this is not judgemental at all—to look after their aged loves ones, but for a whole range of circumstances sometimes you just need that expert care for your loved ones in these facilities that have the equipment. It is great to see the amount of different electronic equipment they can get to help people in and out of beds. You have equipment that is electronic combined with hydraulics, as well as electronic wheelchairs, which just makes the life of the person in the facility—and everyone around them—as good as it can be, and that is what we must do as a society.

We just have to make sure that we get it right, and as we do get older our population of aged people is going to expand. However, hopefully we will retain a lot more young people in this state under a Marshall Liberal government and stop some of that brain drain that has been exiting this state by about 7,000 people every year and that we will get a good young population staying in the state and working in the state.

With regard to having consultation on the bill, the South Australia Police and the Office of the Director of Public Prosecutions have been consulted on the bill, and when the last bill was before the house the government had given us advice that it had consulted justice and child protection agencies. We just need to make sure that we get this legislation through this place. Obviously, because the former government presented it to this house in the last parliament, I cannot see any issues with that.

We certainly support the bill from this side. It is sad, really, that we have to legislate at this level when, just by people's nature, we should be able to look after vulnerable children and vulnerable adults. Obviously, as I have seen with different levels of legislation in this place, sometimes you just have to legislate for things where you think, 'Well, common sense will sort that out,' but there are always one or two rogue operators. It does not matter what part of society you are looking at or what part of legislation you are looking at, you have to legislate to a degree to the lowest common denominator. However, in saying that, I sincerely hope that, as a society, we never have to enact this legislation because that shows what society has got to.

Especially in a modern world, where we have access to so many things and gadgets that can make life that little bit better, as a society we should be able to use not just that equipment but also the skills we have learnt, with better access to better technology and better learning in the field of looking after our children and vulnerable adults to get the right outcome. If anyone is not prepared to do that, it is shameful, quite frankly. We need to make sure that we do our utmost to protect these children and adults.

Too many times, I have gone before the former child protection minister with issues about children and foster children. I have certainly seen some interesting outcomes for foster-parents who have been caught up in alleged cases of abuse. The systems are very tight, but it can be very distressing when people do not believe they have done anything wrong. Obviously, the agency has to be absolutely certain that foster-parents have not done the wrong thing by the children under the guardianship of the minister of the day.

It is a tough gig; it is a tough gig for anyone to attempt to get right. I have had several cases—not too many, thankfully—put in front of me. Thankfully, I have had the opportunity to put them in front of the minister of the day, or have some correspondence with the minister of the day, to get the best outcome for the situation. As I indicated earlier, we need to do the right thing. We need to look after our people. If as a society we cannot look after our most vulnerable children and adults, I am at a loss. I commend the bill.

Mr TEAGUE (Heysen) (17:22): I rise to support the bill. At the outset, I note and welcome the opposition's indication that it will support the bill. That is unsurprising for the reason that this bill, for those who were present in the house prior to the recent election—and I am not among that number, being new to this place—will recall that this bill in identical terms passed the House of Assembly last year but lapsed in the Legislative Council upon the dissolution of parliament. This bill is in identical terms to that which passed this house last year, and it is brought back before the house in an orderly way in terms with which the house is already familiar.

I am pleased to note that SAPOL and the Office of the Director of Public Prosecutions have been consulted on the bill. I understand that, when the bill was last before the house, the former government advised that it had consulted justice and child protection agencies. So here we are. It is important to note the background against which this legislation was introduced prior to the last election in this place and the circumstances in which it is now back before the house.

Presently, in this state there is no general offence of child abuse, cruelty or neglect. There is such a general offence in a number of other analogous jurisdictions, and those include the United Kingdom and New Zealand, as well as the state of Queensland and the Australian Capital Territory. When coming to legislate for this offending, we are not in an environment where prosecutions can occur against a background of a general offence of abuse, cruelty and neglect.

In defining the present section 14 of the Criminal Law Consolidation Act, conduct is characterised by the result that it causes. Prior to this bill, conduct, the subject of section 14, was set at the threshold of causing death or serious harm, as defined. I pause there. Relevantly, in the circumstances of a carer of a vulnerable individual, where the rubber hits the road, for want of a better description in terms of assessing the sort of conduct that is being addressed here, we are very much concerned with harm being caused to either a child or a vulnerable adult.

Obviously, when death results, that is one clear set of circumstances. In many cases, the court has been called upon to determine whether or not an offence is made out by reference to the definition of serious harm. It is that which has therefore provided the relevant and high threshold for making out the offence. For the purposes of the section 14 offence of criminal neglect, as it is presently made out prior to the introduction of this legislation, serious harm is currently defined to mean:

(a) harm that endangers, or is likely to endanger, a person's life; or

(b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

It is against the background of that definition that, in relation to children, one considers the test of a 'serious and protracted impairment'. It has been noted that, paradoxically, children are by their nature more likely to recover and get past physical injury that might result in protracted impairment in the case of adults subjected to the same conduct. A child might more rapidly recover although subjected to serious harm, as it were, outside the definitional sense. If it is not protracted simply for the reason that the child recovers relatively more quickly, there are circumstances in which the definition is liable not to be made out and the offence, the subject of section 14 as it is presently termed, therefore also not made out.

The effect of the bill is to delete, wherever it occurs in section 14, references to 'serious harm' and substitute 'harm' in each case. That is found at clause 6(1) of the amending bill. The result is that it will no longer be necessary to overcome that very significant threshold of 'serious harm' in order to make out the section 14 offence. The only other analogous indictable offence contained within the Criminal Law Consolidation Act as it presently stands is the minor indictable offence under section 30 of the act. That is renumbered to come in now at section 14A and is the offence of failing to provide a child or other vulnerable person with necessary food, clothing or shelter when one is liable to do so. In practice, it is very rarely visited.

To reiterate, in practical circumstances the real work of this provision is to be found in the section 14 offence and in the amendment to the definition to remove the higher threshold of 'serious harm' and replace it with the lower threshold of 'harm'. Harm is to be defined broadly for the purposes of the amended section 14. It is defined to mean physical or mental harm, and it includes detriment caused to the physical, mental or emotional wellbeing or development of a child or vulnerable adult, whether temporary or permanent.

Picking up on the previous test, that previous high threshold of 'serious harm' and the requirement that it be, in all circumstances, causing harm that includes among its attributes a protracted nature, the new definition is defined more broadly to encompass the range of physical and mental harm that I have just adumbrated. The new environment will be one in which section 14 of the act is, for practical purposes, very much more to be applied in the common situation of harm being caused that would not otherwise have reached that threshold of serious harm.

Along with reducing that threshold, changing that definition, the bill also takes the important step of significantly increasing the maximum penalty that is to be imposed in the case of each of the relevant offences, and expanded section 14 sets out those new and significantly increased offences. It is appropriate that maximum penalties on conviction of these offences that are substantial, in a way that more proportionally reflects other similar offences, may now apply in these circumstances.

The new penalties will result in a person who is convicted of neglect causing death to a child or vulnerable adult facing a maximum sentence of life imprisonment. That is in line with the penalties in the Criminal Law Consolidation Act that also apply for murder, manslaughter and aggravated causing death by use of a motor vehicle, so that offences causing death carry a like maximum sentence of life imprisonment. So, too, under the expanded section 14 is the penalty for an offence of this gravity against children and vulnerable adults.

Similarly, a person convicted under section 14 of neglect that causes harm, under the new definition, to a child or vulnerable adult would now face a maximum sentence of imprisonment of 15 years. Importantly, both those new and increased maximum sentences are maximum sentences within the court's discretion. It remains for the sentencing court to determine the appropriate sentence in each case having regard to the circumstances of the offence as well as the victim and the offender. That is appropriate.

As we know, courts sentence offenders for offences ranging from summary through to minor indictable and major indictable offences within a wide range and according to the very wide range of circumstances that people who are brought before the courts face.

So it is, in my view, entirely appropriate that that range of discretion remains there for the sentencing court to determine. 'Harm' as opposed to 'serious harm' is a considerably lower threshold, and it is a considerably increased maximum penalty. The result is that the provision, the new expanded section 14, will now have significantly more work to do while, at the same time, carrying a potentially significantly more serious outcome in terms of sentence for an offender now caught by

this broader provision. Both elements are in my view appropriate. It will be for the courts to set out by sentencing over the period after these new provisions are introduced the range of sentences to be imposed in the particular circumstances that are brought before them.

In the short time that is still available to me, I will note some specific comparison references in relation to these maximum penalties just to illustrate the landscape within which these new provisions—the subject of the bill—would operate. For example, the offences of aggravated recklessly causing serious harm, aggravated intentionally causing serious harm and aggravated serious harm by use of a motor vehicle each carry maximum sentences of 19 years, 25 years and life imprisonment respectively.

Aggravated recklessly causing harm, aggravated intentionally causing harm and aggravated harm by use of a motor vehicle carry maximum sentences of seven, 13 and seven years' imprisonment respectively. In relation to the new maximum penalty regime, together with the new lower threshold, this means that the new expanded section will indeed have more work to do. I commend the bill to the house.

Mr BOYER (Wright) (17:42): I, too, rise to speak in support of the bill and to acknowledge also some of the legislative reforms that were undertaken and put in place by the previous government. The changes proposed in the bill are sensible and will make improvements to the ability of the police and prosecutors to ensure that those who are guilty of physical abuse against children and other vulnerable people are brought to justice.

I am not going to regurgitate the technical aspects of the bill, as many other speakers have already covered those in some detail, but I would like to speak to the overall manner in which government should respond to allegations of abuse and neglect. As has been mentioned by other speakers today already, this bill was drafted and introduced into parliament by the previous government. It was part of a suite of legislative reforms undertaken following the Nyland royal commission into child protection systems.

The introduction of new child protection legislation, which now puts the safety of children as the principal consideration above all other considerations, the establishment of South Australia's first children's commissioner, the bolstering of laws governing working with children checks and giving better access to information for individuals who had previously been under guardianship orders are all positive reforms that were introduced in the past few years. These legislative changes were made in parallel with unprecedented levels of financial investment in the South Australian child protection system.

More than $500 million was invested in system changes, increased staffing, research into early intervention programs and increased support for care givers. As someone who has some intimate knowledge of this policy area, having worked for previous ministers for child protection, I understand well the complexities and potential for tragedy when dealing with our most vulnerable citizens. That is why I will take a very strong interest in this area over the next four years and ensure that the strongest scrutiny is applied to decisions taken by the government.

This government, and in particular the Minister for Child Protection, have made some very bold statements in this place already. I, for one, sincerely hope they can deliver on them. When sensible legislation and policy are proposed, such as this piece of legislation, I will, however, welcome it and give credit where credit is due. I commend the bill to the house.

Mr MURRAY (Davenport) (17:44): I rise to speak to the Criminal Law Consolidation (Children and Vulnerable Adults) Amendment Bill 2018. I do not intend to enumerate the bill in exhaustive detail. However, I do wish to make several points, the first of which is an acknowledgement, as the member for Heysen has done, of my gratitude for the opposition's support of the bill. I make the observation that this is one of those occasions when it is an opportunity for all of us to collectively vehemently agree with each other in support of what, frankly, in the real world, should not be necessary but all too unfortunately is necessary.

The 'that' which is unfortunate is the fact the bill effectively addresses a bias in the practice and application of the law in the courts in South Australia in that abuse or harm suffered by children has been deemed, by virtue of their capacity to heal, as a means whereby offenders have sought, clearly with some success, to be absolved in a court of law of the consequences of causing harm.

That is to say, and I reiterate, in the past children have, by virtue of their capacity to heal, clearly been effectively discriminated against insofar as the practical application of the law is concerned.

The bill seeks to address that bias and, in particular, modify or, as the member for Heysen has pointed out, lower the threshold insofar as harm caused from that which is deemed to be 'serious harm' to merely 'harm' itself. I say 'merely' by way of comparative purposes only. The bill amends section 14 and not just addresses the difficulties in prosecution that have afflicted this area of the law but also creates a general offence of child neglect.

Under clause 5, the bill also makes reference to a vulnerable adult. A child, first and foremost, is defined as a person under the age of 16 years and a vulnerable adult as a person aged 16 years or above who is significantly impaired through physical disability, cognitive impairment, illness or infirmity. I note, too, that not only is the lower threshold of harm taken to include detriment caused to the physical, mental or emotional wellbeing or development of a child but the point is also made that it applies whether or not that harm is temporary or, indeed, permanent in nature.

I note also the introduction, for the purpose of the division, the notion of a duty of care that a defendant needs to pay attention to or, indeed, owes to the victim. The point is to effectively address the bias in practice, against children in particular, in the way in which the current legislation operates by reducing the threshold from 'serious harm' down to 'harm'. I note also with some interest that the bill deletes all reference to the use of the word 'unlawful'.

By way of observation—and doubtless I will be able to find out in due course—I wonder how in the application of the previous law it could be lawful for someone to cause serious harm and how that, as a result, could be a defence. Nonetheless, I note the deletion of the word 'unlawful' wherever it applies in the current criminal law.

As has been previously pointed out, the bill will extend to all acts and omissions that cause physical and mental harm. It also ensures that abusive or neglectful guardians can be prosecuted for cruelty, given the mental dimension, in addition to acts that cause physical harm, which can be observed, as opposed to mental cruelty.

The bill also increases the penalty for neglect. I reiterate the point that, as a parliament and as a state, we collectively have an obligation to children and the most vulnerable in society. I make the point again that it is unfortunate but, nonetheless, indicative of our society that it is necessary for us to address the shortcomings pointed out by SAPOL and the Office of the Director of Public Prosecutions that enable them to effectively prosecute people who, prior to the introduction of this bill, have been able to use the healing power of the young in order to escape justice or at least have their prosecution mitigated to that extent.

Collectively, we have an obligation to children and the most vulnerable, whether we are talking about child protection generally or the practices at Oakden, etc. This is an opportunity for us to collectively address some of the most heinous acts perpetrated against those who most need our assistance. As a consequence, I commend the bill to the house.

Ms HABIB (Elder) (17:52): I would like to acknowledge the Attorney-General for ensuring this bill, that is, the Criminal Law Consolidation (Children and Vulnerable Adults) Amendment Bill 2018, was brought to the house so soon after forming government. Gandhi once said, 'A nation's greatness is measured by how it treats its weakest members.' Unfortunately, in South Australia, in recent times, the way in which we as a state have been known to treat our weakest, that is, our most vulnerable members, is a source of great shame, with what has occurred in both the area of child protection and aged care.

We have seen in the media cases like Chloe Valentine and heard about the horrific tales of neglect and abuse that occurred under the former Labor government at Oakden, a state-run aged-care facility. As a community, such abuse and neglect of children and vulnerable adults is unacceptable and we all want to see people held to account accordingly. The seriousness of such unacceptable behaviour should not be diminished in any way, with the full force of the legal system able to punish such behaviour.

I am proud to contribute to this bill today, which will address the gaps in the law so that people who inflict serious injuries on children or vulnerable adults will not escape liability. This bill amends

the offence of criminal neglect to better capture neglectful but difficult to prosecute behaviours which do not necessarily constitute serious harm as defined by the act. For example, babies will most likely recover from multiple fractures without lasting impact, whereas an adult with the same injuries would likely suffer some permanent impairment.

'Serious harm' will be substituted with the word 'harm' to ensure it is capable of capturing injuries inflicted on children, notwithstanding a greater capacity to heal. This will extend to all acts and omissions that cause physical or mental harm, including detriment to their physical, mental or emotional wellbeing or their development. This also ensures that abusive or neglectful guardians can be prosecuted for cruelty, in addition to the specific offences under the current law. This bill increases the penalty for neglect that causes harm to a maximum of 15 years' imprisonment and neglect that causes death to life imprisonment.

Protecting children and vulnerable adults is a priority for all of us on this side of the house, and I say this not as a motherhood statement but, rather, it is a statement that is demonstrated by our actions. Bringing this bill to the house today without delay is just one example of the many actions we are taking as a government to protect children and vulnerable adults. I join with my colleagues today, committed to creating a community and a state where safety for children and vulnerable adults is paramount and where any person who inflicts serious injuries on children or vulnerable adults will know that they will be held to account accordingly. I commend the bill to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:56): I would like to thank all members for their contribution to the bill. I particularly acknowledge the member for Kaurna from the opposition indicating his support for the bill, unsurprising as that is given this replicates what was previously presented last year, although we are disappointed on this side of the house that this could have had six further months of operation, of course, if it had been progressed in a timely manner through the parliament in November last year. Certainly, there was opportunity for that to occur.

Obviously, the government of the day decided that there were other priorities, like extinguishing the fairness clause from the constitution, which they rushed through the parliament in a day and a night. They had other priorities. That is disappointing. We have remedied that. We are proud of it and I look forward to the passage of the bill.

Bill read a second time.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

DISABILITY INCLUSION BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 17:59 the house adjourned until Wednesday 6 June 2018 at 10:30.