

## HOUSE OF ASSEMBLY

Thursday, 21 June 2018

The **SPEAKER (Hon. V.A. Tarzia)** took the chair at 11:01 and read prayers.

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

### *Motions*

#### LIVESTOCK INDUSTRY

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (11:02):** I move:

That this house establish a select committee to inquire into and report on strategies to ensure a strong and robust South Australian livestock industry should live exports of sheep be either banned or restricted with particular reference to—

- (a) the development of a plan to assist sheep farmers and transporters who currently gain income from the live export trade in the event that the trade ceases or is restricted;
- (b) explore the capacity of the local meat processing industry to expand and create jobs in a changing industry;
- (c) develop and strengthen overseas markets for Australian chilled and frozen sheep products;
- (d) explore the quantum and scope of the assistance package required for South Australian sheep farmers to make a positive transition should the trade cease or be restricted;
- (e) ensure that the South Australian livestock industry is best placed to capitalise on opportunities should live sheep exports be banned; and
- (f) any other related matters.

The time for the end of the live sheep export trade is very near. This is not a question of if: it is a matter of when. As legislators, we can no longer remain idle while we see those horrific images of animal cruelty and animals in distress being loaded onto ships and enduring long journeys across the seas to the Middle East. We know the conditions on live-export ships are not conducive to animal welfare. We know that sheep suffer from significant heat stress exacerbated by shipments during Australian winters to summers in the Middle East.

We know that South Australian sheep are largely exported to the Middle East, and we know that the trade has a long and well-documented history of animal welfare issues. The most recent example was that awful footage on 8 April 2018 on the Nine Network of sheep aboard a live-export vessel bound for the Middle East. It was clear those sheep were in significant distress. That footage was so shocking, so distressing, that it even resulted in some action undertaken by the commonwealth Liberal government, which commissioned a review by Dr Michael McCarthy titled 'The independent review of conditions for the export of sheep to the Middle East during the Northern Hemisphere summer'.

That report identified that the industry has a chequered history. There are many tales of high-mortality heat stress events incurred on voyages to the Middle East. It is no surprise that this report confirmed what we had all witnessed on our television sets in April this year: 2,800 sheep were suffering significant heat stress because they were overcrowded on a ship bound for the Middle East during the hottest time of the year.

It is unfortunate that federal National Party minister David Littleproud narrowed the terms of reference for this review so that the reviewer was not given the option to call on the federal parliament to end this trade. We know that ending this trade is an inevitability. The live sheep export trade no longer meets the standards for animal welfare in South Australia, and when you look at the economics, the financial case for this industry no longer justifies the continuation of the trade.

In a report undertaken by Pegasus Economics, titled 'Economic issues associated with the South Australian live sheep export trade', it is also clear that the industry does not have long-term

strategic value for South Australia. This report identified that the live sheep export trade has been in decline since the 1980s and that South Australia only makes up approximately 10 per cent of the trade nationally. That decline has been even more significant since the early 2000s. The report identified that loadings from Port Adelaide peaked in 2001-02 at approximately 1.3 million sheep, but by 2017 numbers had dropped to approximately 260,000.

We know that the demand for live sheep is in decline. We also know that our South Australian meat processing industry has the capacity to take this share of the market. I am advised that the industry has the capacity to process these sheep. In fact, the report identified that it would have the capacity to process another 1.2 million sheep per annum. This means that, by banning the live sheep export trade, we could create new jobs for South Australians, who have the expertise, infrastructure, capacity, capability and skills to process meat locally.

We know that South Australia has a green and clean primary produce industry that is envied around the world. The Labor opposition wants to explore and expand our local industries and not simply trade on the suffering of these animals for little value. That is why the Pegasus report concludes that the 'cessation of the live sheep export trade will have a positive material impact on SA sheep meat processors'. That is because in 2017 South Australia exported 10 times the volume of sheep carcass equivalent meat than we do through live exports, and the value of that processed meat exported from South Australia is around half a billion dollars, which I understand is approximately 20 times the value of the live sheep export industry.

It is clear that the growth in this industry and the opportunities for our state are in local processing opportunities, not in subjecting these animals to significant suffering by packing them on ships for weeks and weeks in the most unbearable conditions for slaughter. That is why South Australia Labor is backing federal Labor's measures to amend legislation to ban live sheep exports with many amendments offered up and, indeed, initiated by federal Liberal member Sussan Ley.

We would like to have bipartisan support for this call. We believe the time has come. There can no longer be justification for these sheep being packed on these ships and sent across the seas on these long voyages in significant heat stress. Their suffering cannot be ignored anymore but, as I have outlined, this is not just an animal welfare issue. There will be new economic growth opportunities created for our state by banning this archaic practice.

I recognise that there should be a transition period for the South Australian sheep industry. I want to ensure that graziers are supported as a ban on the live sheep export industry is legislated. That is why we are calling for a parliamentary inquiry to explore the best way to support this industry and to explore the new opportunities for the expansion of our meat-processing industry. We want to strike the right balance for all on this issue, and I look forward to bipartisan support for our call for a parliamentary inquiry.

To be completely clear, this presents an opportunity for our state. If you accept that Sussan Ley or other federal Coalition MPs support a transition out of the live sheep export trade, if you accept that that is a political reality or inevitability, it makes perfect sense for South Australia to get ahead of that occurrence. It makes perfect sense for South Australia to capitalise on the opportunity that that presents. To simply sit back, wait for a legislated ban to take place and then respond is not good enough. We should see the live sheep export ban coming down the line and seek to act before that occurs.

We can work closely with the industry. We can work closely with graziers. The government has the capacity to develop a transition plan to work with them so that when the inevitable legislative ban takes effect we are best placed, best equipped, to be able to deal with that. More than that, more than just working with graziers to transition out of the trade, what we should be doing is working with abattoirs and other meat-processing facilities to ensure that we capitalise on the opportunity to expand the industry. If we sit back and wait for a ban to be instituted and do not act, we will have missed the boat—no pun intended. We would have missed the opportunity to capitalise on that ban.

Let's ensure that we do not sit idle and watch. Let's ensure that the government seeks to act pre-emptively, not reactively. That is an obligation upon a quality government functioning in the interests of our economy and in the interests of what the people who work in this industry will be

doing. To sit back and simply wait for the tide to roll over would be not only a wasted opportunity, it would be an indictment on those people who rely upon the trade now.

I hope that the government takes up this opportunity that the opposition presents to it. We can put together a parliamentary inquiry and come up with cogent recommendations and thought-through strategies so that no-one ends up worse off and, more importantly, we grab every opportunity that can be made available to us as a result of the inevitable ban.

**Mr TRELOAR (Flinders) (11:12):** I move to amend the motion by the Leader of the Opposition as follows:

Delete the words after 'That this house' and replace them with:

refer to the Natural Resources Committee of the South Australian parliament to inquire into and report on strategies to ensure a strong and robust South Australian livestock industry, with particular reference to:

- (a) the development of a plan to ensure that all livestock producers and transporters who currently gain income from the live export trade meet high animal welfare standards;
- (b) explore the capacity of the local meat industry to expand and create jobs;
- (c) further develop and strengthen overseas markets for Australian meat products;
- (d) ensure that the South Australian livestock industry is best placed to further capitalise on new opportunities, and
- (e) any other matter.

The Clerk has copies of the amended motion. I need to declare an interest in this debate. I am actually a sheep producer and have been for the last 40 years, and I am one who has exported sheep live in the past, although we have not done so for some time. Live animal trade has been an important part of the Australian livestock industry over the past six decades. The live export trade has had a chequered past, and recently we have seen disturbing footage of conditions on board the *Awassi Express* bound for the Middle East. These were scenes that were disturbing to the general public, livestock transporters and producers alike.

At least 10 government and parliamentary reviews since 1985 have examined the live export system and its associated animal welfare issues. These reviews have led to significant regulatory reform of the animal welfare standards to which exporters must adhere and the level of oversight of the export process. It is fair to say that the current regulatory framework in place for livestock exports is complex. Nonetheless, reports of regulatory breaches continue to occur.

Live sheep were first exported from Australia to Middle Eastern countries in the 1960s. From an initial volume of 2,500 head in that year, numbers exported to the Middle East rose progressively to 800,000 head by 1973. Relatively minor quantities were also exported to other countries, including Singapore, Malaysia and Mauritius. The principal exporting state was Western Australia, with some exports from South Australia and other states becoming increasingly important from the mid-1970s.

The people of the Middle East are traditional sheep meat eaters. Moreover, and of vital importance in the current context, they prefer fresh meat to chilled meat, which is in turn preferred to frozen meat. This preference reflects both taste considerations and traditional customs as well as the practical matter of there being no refrigeration in many areas remote from the unloading ports. Live sheep are often simply walked from the port to more distant settlements where they are to be consumed. Storage is thus relatively easy in the form of live animals.

The main group responsible for opening up the market for Australian live sheep was the Danish Clausen shipping line. It converted surplus oil tankers back in the day into specialist sheep carriers—enormous vessels, some of which are capable of carrying over 100,000 sheep per voyage. The requirements and husbandry skills for feeding, watering, ventilation and hygiene of large numbers of sheep on these ships are clearly not to be underestimated. That has been highlighted numerous times over the years. It is not, however, an impossible task.

My first memory of the live sheep trade stems from 1978. During that year, an industrial dispute took place involving live sheep exporters and the Australasian Meat Industry Employees Union. Interestingly, the debate at that time was more about an industrial relations issue than about

animal welfare. Live exports ground to a halt for a time with large numbers of animals accumulating on the docks around the state.

Eventually, the nexus was broken after negotiations involving the ACTU, led by Bob Hawke, and the organisations that preceded the National Farmers' Federation, led by Ian McLachlan. The live sheep trade resumed, the growers were appeased and the markets were satisfied. Interestingly, the South Australian state premier at the time, Mr Don Dunstan, said:

I sympathize with the farmers about the export of live sheep. The Government of South Australia has always been in favour of the export of live sheep and we have been endeavouring to encourage the trade. But there are two sides to the question and they need to be settled by the reasonable people. It is the extremists that have been taking the decisions...

As the Leader of the Opposition rightly pointed out, the live sheep trade has declined over the past 30 years. Once, Australia was exporting around six million sheep. We are probably now down to fewer than two million, the majority leaving via Western Australia. Over the past five years, a relatively small number have left Port Adelaide—around 200,000 head—although some South Australian sheep certainly find their way out through Portland, primarily from the South-East. The conditions seen last year during a shipment of Australian sheep to the Middle East were clearly unacceptable and not in line with the standards of the South Australian government or our farmers.

The Australasian Department of Agriculture and Water Resources is responsible for regulating the export of livestock from Australia. Australian exporters are required to comply with the Australian Standards for the Export of Livestock and with the Exporter Supply Chain Assurance System. Significant breaches under both standards can result in the Australian government taking actions against the exporter, ranging from placing conditions on export consignments to the loss of the export licence.

The Australian Livestock Exporters' Council has committed to a number of measures to deliver immediate industry changes as well as longer term reforms. These include an independent observer under the direction of the Australian government to travel on voyages to the Middle East during the 2018 Northern Hemisphere summer and reduced stocking density for summer voyages. Decisions on halting or placing further restrictions on the live export industry can be made only by the Australian government not individual states, given the relevant legislation is a commonwealth responsibility.

The Australian government recently instigated a review into the live export process for sheep bound for the Middle East during the Northern Hemisphere summer. The resulting McCarthy review has called for a major overhaul of the live sheep trade during the Middle Eastern summer, and the Australian government has accepted 22 of the 23 recommendations made by Dr Michael McCarthy. This is consulting on the final recommendation, with the view that these will significantly improve animal welfare on long-distance voyages.

The South Australian government supports the live industry export and is working closely with the Australian government on how it can assist with the implementation of the McCarthy review recommendations. The South Australian government is aware that further testing and consultation will need to occur to understand and implement the recommendations involving heat stress risk assessment.

The decision on whether the live export industry should be restricted or stopped is not one that can be made by individual states, as it is commonwealth legislation that governs the industry. Susan Close MP, Deputy Leader of the Opposition, said on ABC *Country Hour* on 31 May this year:

The regulation of the live animal export trade is absolutely a federal matter. There's a federal act that covers that and so it is not really possible legislatively to do anything at a state level.

The state government supports the 400 South Australian jobs that rely on the live export trade worth nearly \$40 million a year to our economy. This government also supports the high standards of animal welfare, which is the priority. RSPCA (SA) inspectors have the authority to investigate breaches of the South Australian Animal Welfare Act 1985 and take action regarding unlawful handling and treatment of livestock within the state.

The value of the live sheep export industry to South Australia in 2016-17 was \$23.2 million, and the value of live cattle to South Australia was \$15.9 million. South Australian livestock industries

contribute approximately \$6.3 billion to state revenue, or around 30 per cent of total agriculture, food and wine industry revenue. The government does support an inquiry by the Natural Resources Committee of this parliament into strategies to ensure a strong and robust South Australian livestock industry. I commend the motion to the house and seek leave to amend paragraph (e) of the amendment.

Leave granted.

**Mr TRELOAR:** By leave, I move an amendment to the amendment:

That the word 'related' be inserted in paragraph (e) after 'any other', as follows:

(e) any other related matter.

Debate adjourned on motion of Mr Pederick.

### *Bills*

## **FARM DEBT MEDIATION BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 19 June 2018.)

**Mr TEAGUE (Heysen) (11:26):** I rise to continue my remarks. For those who were following the debate, I refer you to the commencement of my remarks some time ago now, on Tuesday of this week. I continue my remarks, as I indicated at the outset, that this is a commitment that we have made and, by the good work of the Minister for Primary Industries and Regional Development, the bill was introduced on 6 June. It is yet another fulfilment of the pre-election program of the new Marshall government and yet another step in the right direction insofar as ensuring that we are bringing the focus back onto the good work and livelihood of those who live and contribute to the regions in our great state.

The Farm Debt Mediation Bill 2018 is a practical step to help farmers and the institutions with which they interact to have an opportunity to de-escalate and reduce an otherwise dramatic threshold, and circumstances usually of high stress, and have a means by which they can get around the table and hopefully work towards resolution in circumstances where otherwise the means of resolving difficult situations may have been hard to find.

We must bear in mind that, when we are talking about farm debt mediation in the contractual sense, we are often talking about circumstances in which the nature and the power of the bargaining position of the two parties could not be more disparate. Often we are talking about an individual or a family who, by dint of the nature of credit regimes, find themselves dealing with one of the top 10 publicly listed companies on the ASX and the bargaining power is dramatically different.

Moreover, we are dealing with circumstances in which such an individual or family is engaged in a credit arrangement where, by the nature of farming enterprise, what is tied up in the document is not just a business enterprise but also the family home, the family's identity and livelihood and, in many cases, the identity of the individuals concerned going back over a whole lifetime, or indeed over multiple generations. So it is a special kind of credit arrangement we are considering that usually involves much more than pure commerce.

I invite honourable members to reflect on perhaps the analogous circumstances of the importance of the credit contract that governs the obtaining of the family home, and how loath we all are to find ourselves in circumstances where the family home may be at risk. If one extrapolates out the sort of stress that brings about to a farming situation, we have not only the family home but also the family's enterprise and identity. Those are the circumstances we deal with in looking to provide a means for regularising the mediation of farm debts in these circumstances.

The bill provides for a formalised access to a mediation process in the interests of both the creditor and the farmer. It ensures that the farmer has certain rights in relation to ensuring that a mediation occurs if that is the farmer's wish, that the credit provider is brought to the table and that both parties participate in the process in good faith. In my earlier remarks, I described this in terms

of it being a welcome introduction of a practical circuit-breaker, a step or a series of steps that one might hope would lower the temperature, lower the stakes and ensure that, rather than dealing with just the risk of foreclosure and all the precipitous and dramatic outcomes that result in those circumstances, there is a means of engaging with and attempting to resolve these difficulties in the context of a mediation.

I refer to remarks I have been quoted as having made in the recent edition of my local newspaper, *The Weekender Herald* of 14 June 2018, by extension to amplify those sentiments. *The Weekender Herald* reported, at pages 1 and 17, comments made by me and by the member for Kavel in welcoming the practical nature of the regime this bill will bring about. I refer and commend that article to honourable members, and I am sure that there has been other relevant discussion in the press more broadly.

The regime that is the subject of the bill is very approachable and provides a step-by-step structure much in the nature of terms of a contract that might otherwise be included when commercial parties are dealing with each other and looking to incorporate workaround measures so, where there are commercial parties dealing with each other, establishing a relationship under which there are certain deliverables. The parties would well regard it as being desirable and sensible that if anything were to go wrong in those commercial dealings along the way, there be workaround measures in place to ensure that they do not throw the baby out with the bathwater but, rather, they explore all opportunities to keep the relationship on foot and to keep the terms of the commercial dealing in place.

This is no different. This deals with the special circumstances of a farm credit arrangement, but it really just ensures that it treats the parties as being parties to a relationship that is robust and ought to be able to be brought to a human level of people sitting around the table and working through issues that may emerge. What does the bill provide for? The bill importantly introduces a substantial role for the Small Business Commissioner in bringing about the mediation that is provided for in the legislation.

Honourable members may be aware, and bear in mind as this regime is now rolled out, that the Small Business Commissioner will be called upon to assist parties in identifying a mediator, in facilitating the mediation process, and in being an arbiter in relation to whether or not the mediation has occurred in a good faith manner. Ultimately, the commissioner may be called upon in determining whether or not certificates should be issued, vis-a-vis whether or not the mediation has occurred as required, and in determining practical matters such as the cost and nature of the mediation process.

The Small Business Commissioner will have an important role. In my experience of these matters in a commercial context, I observe that it is a welcome development to have a Small Business Commissioner role, in that it is so often the most difficult step to get the parties around the table in the first place, so to have a means by which that can happen in an ordered way—the subject of the legislation—is a welcome development. I understand from my discussions with the minister that not only has this been the subject of widespread consultation but that both sides very much welcome having this means of being able to lower the temperature, provide a circuit breaker, and in this regularised way, via the Small Business Commissioner, having a means of bringing parties around the table.

The bill will provide important safeguards in the interests of farmers. It will prevent the creditor from taking enforcement action without having entered into the process for mediation. It will allow a farmer to take steps to seek prohibition of any such action in the absence of those steps having been taken by the creditor, and it ensures that both parties are brought to the mediation table. What is inherently a matter that relies very much on the good faith of parties—that is, a mediation process—can be taken so far. It can be taken to the point where the parties are airing their concerns in a good-faith manner and are doing so in a timely and orderly way. That is what the bill sets out to achieve. Beyond that, a mediation is what it is.

The parties participating in good faith have no guarantee that the mediation will necessarily result in an outcome that all sides are delighted with. The reality is that often a successful mediation is one in which there has been a serious attempt to compromise and both parties leave the mediation somewhat unhappy with an outcome that is not entirely what each party would have sought. Importantly, if the mediation is given the chance to occur—and that is very much what this bill does—

and if parties participate in good faith in a mediation, knowing that the result of an unsatisfactory outcome or the failure of the mediation is in these circumstances potentially precipitous, then there is a powerful set of incentives for both parties to participate constructively in the process, and that is what this bill does: it brings parties to the table and ensures that the process occurs.

In the short time that is available to me, I want to reflect briefly on the very serious nature of the circumstances with which we deal. We all know that situations of financial distress in a farming context often have resulted in very serious and sometimes tragic outcomes, none of which anyone would wish to contemplate or would wish to bring upon anyone. In my observation, that sometimes occurs because of the absence of the possibility for dialogue, because of the absence of the possibility for sitting around the table and attempting to mediate. This bill addresses that, I hope, in relevant ways. I commend the bill to the house.

**Mr HUGHES (Giles) (11:43):** I rise today to indicate our support for the Farm Debt Mediation Bill. It is a good incremental step forward. I know there has been a little bit of history around this bill. It was bowled up to the house on previous occasions as a private member's bill. Going back and looking at the debates at the time and some of the internal advice, it was actually a close-run thing as to whether or not we supported the bill while in government. My view is that it represents a step forward. The position at the time was that there were a number of processes in place to assist our farmers who were facing serious financial circumstances.

Of course, we have the rural financial counsellors who provide independent and confidential advice for farmers. That is an incredibly worthwhile initiative. We also have the South Australian Farm Finance Strategy and the Farming Industry Dispute Resolution Code under the Fair Trading Act, so there is a bit of a framework there to provide support for farmers who are experiencing financial distress. However, I think this introduces a new element, a very worthwhile trigger, when it comes to ensuring that farmers can make use of mediation services.

A creditor in correspondence with a farmer is required to indicate that mediation is available. The member for Heysen has, in a detailed way, discussed the steps that are available under this bill should it be enacted and, of course, it will be. I think it is good that the Small Business Commissioner has carriage of this particular act because, in my dealings with the Small Business Commissioner regarding companies that have been in distress in my community in Whyalla, he has played an incredibly valuable role. I have absolutely no doubt that, with this additional responsibility, he will carry out that role in an exemplary fashion.

This brings South Australia into line with some of the other states. Queensland, New South Wales and Victoria now all have similar legislation. There is a desire at a national level to harmonise our legislation when it comes to farm debt and assisting our farmers. I understand that Western Australia is also looking at introducing a similar piece of legislation. The feedback from Victoria is that it has been a very worthwhile initiative in that state. I think something like 95 or 96 per cent of mediation processes entered into have been resolved in a satisfactory manner. There are a number of positives there.

I think it is entirely appropriate when we look at the farming sector contribution. There are over 9,300 farmers in this state, and they have made an enormous contribution over the years. Of course, we stand on this green carpet that partly reflects the longstanding, sustainable financial and social contribution that farming has made in South Australia.

**The Hon. D.C. van Holst Pellekaan:** We should probably have a brown one, Eddie, a sort of ochre.

**Mr HUGHES:** Yes, a few minerals would not go amiss. It is worthwhile reflecting in more detail upon the primary industries scorecard for the last year full figures were available. The gross food and wine revenue increased in 2016-17 by \$1.33 billion. That was a 7 per cent increase on the previous year. The trend over the last 1½ decades has been, on a trend basis, about 3 per cent of growth a year. That additional contribution in 2016-17 made record levels of South Australian gross food and wine revenue, just under \$20 billion a year.

I will not go into further detail on that but, when we look at the over 9,300 farmers and the fact that most of the farming sector is still family and small business based, we get an idea of the

contribution made. Because it is family and small business based, the member for Heysen spoke about the special circumstances, if you like, that apply. It is not just a business: it is also a lifestyle, the family home and also, in many cases, continuity over generations. The feeling of stress when people are facing difficult circumstances would be incredibly deep and, as the member for Heysen has said, would sometimes lead to incredibly tragic outcomes.

I recall the last time there was an extended drought on Eyre Peninsula and the difficulties a lot of our farmers ran into at that time. Fortunately, to a degree—although it did not entirely mitigate or go anywhere near to entirely mitigating—at that time we had the growth of Roxby Downs through Western Mining and a lot of our farmers on Eyre Peninsula ended up, while holding onto their farms, going to work in Roxby Downs. It probably explains why the Labor Party have never done all that well in Roxby Downs until, I would have to say, the last election, when we had a resounding victory, and I am hoping that is going to continue.

Sometimes mining and agriculture are painted as being in conflict. In some particular circumstances, that can be the case, but they are often complementary and give farmers the opportunity to earn off-farm income. Indeed, over the years a number of our farmers have also worked in the Middleback Ranges, just outside Whyalla.

This is a worthwhile step forward and it is why we on this side have no hesitation in supporting the bill. I think that in some ways it demonstrates the strength of our parliamentary system, that over time its views can change on the basis of argument. Views can evolve. There might at times be good reason not to support something, but sometimes, with fresh insight or a change in circumstances or the opportunity to more deeply consider the arguments that have been put, you do get that evolutionary change and you do get that incremental change.

It is one of the strengths of our open system of government, that for all the negativity out there directed towards politicians, which we need to more fully address, in a decent parliamentary system there is going to be overlap—and sometimes very significant overlap—when attempting, through debate, to do the right thing by our communities. With those few words, I commend the bill to the house and acknowledge the work done by the government. I think it is a positive step forward.

**Mr BASHAM (Finniss) (11:52):** I would also like to thank the Minister for Primary Industries and Regional Development for bringing the bill to the house. I think this is a great bill, as committed by the Marshall government. To introduce the Farm Debt Mediation Bill in the first 100 days shows the importance of the bill and how it is needed to support our farmers.

Currently, South Australian farmers have no mandatory farm debt mediation process. This means that farm operations can be forcibly foreclosed by a bank without any formal negotiation. For a farmer, that is the most confronting thing to have happen to them. Not to have that control and ability to have some influence on their direction going forward can break many people, and I think this is a great opportunity to give them some control back into the process.

If the bill passes, it will provide some protection and financial security for those farmers going forward with that slight increase in control. As the member for Giles just stated, having the Small Business Commissioner as the person responsible for the management and administration of the scheme is a wonderful way to go. The work he has done for other small business sectors is also commendable, and I think this will be another key plank in his ability to deliver.

The key elements of the proposed debt mediation framework are to provide protection and finance security for farmers by enforcing a mandatory mediation process before a creditor is able to foreclose on the farming operation. It puts South Australian farmers on a level playing field with their Eastern State counterparts and ensures that farmers have a moral in place that they can rely upon in difficult financial circumstances. It can help farmers in financial difficulty to overcome such difficulties, re-establish financial viability or exit the industry with a minimum impact on the farmers themselves and their families.

This is also very important, as both the member for Giles and the member for Heysen have pointed out, because farms are often the homes of the people we are talking about, and they can be long-term generational homes. I come from a family farm. My family has been continuously farming in South Australia for 175 years, and dairy farming for 170 of those. Lots of businesses like ours have gone through stresses at different times in their operation. There is huge emotional and mental stress



that results from the pressures of when things go wrong financially. To have a little bit of control put back into the process certainly helps to actually work out how to move forward.

In my roles in the dairy industry over the last 12 years, I have encountered three significant events in the history of the dairy industry that have put enormous pressure on farmers. The first event was the Millenium Drought, particularly during 2007. The pressures that were forced onto farmers during that time saw a mass exodus of farmers along the river as they lost the ability to irrigate, and we saw an amazing pressure right across the dairy regions of South Australia. It is the only time in history, I believe, that all the dairy regions of South Australia were actually drought declared. We saw the Mid North, the Fleurieu, the river and lakes and the South-East all drought declared. That sort of impact on their business is outside the farmers' control: they do not expect to have the one in 100 years drought come and hit their business.

So the need for some ability to have some control back in the process going forward, after having been hit by something like that, is important. The issue was that we had that in 2007 and then we had another significant hit to the industry in 2009. That was when Warrnambool Cheese and Butter, a company in Victoria that was collecting significant amounts of milk in South Australia, dramatically dropped their prices on 1 April of that year. That saw complete and utter panic by many farmers: they laid off staff immediately, etc., trying to get their businesses back under control because of the significant impact on their business.

Fortunately, because of competition in the industry, that severe impact did not last. There was enough pressure on that business to reverse those decisions within a week, and they were able to rebuild that business and look after those farmers, going forward, by changing other things within that structure, rather than passing it through to farmers. Again, that put enormous pressure on businesses. Through these three events that I am talking about, I personally saw farms collapse and end up being sold, which was very unfortunate. However, I have seen it done well and I have also seen it done badly. I have seen farmers really struggle with that process of having no control. I guess my really big concern in this space is the mental wellbeing of those farmers in particular. There is enormous stress when that control is taken away from them.

The third big impact in my time in the dairy industry was back in 2016 when Murray Goulburn did a very similar thing to what Warrnambool Cheese and Butter had done, again in the month of April of that year. They significantly dropped their prices in what was seen as a clawback of income from farmers. Dropping the price so low forced farmers to totally revalue their businesses and how they were going to survive going forward. Again, that put enormous pressure on those businesses.

My concern is that those three big impacts have had a significant effect on the dairy industry, and we have seen significant numbers of farmers under extreme pressure from their banks. You can cope with one of those in most businesses. You can cope with two of those in most of the businesses, but with three impacts it starts to affect many businesses trying to find a way through. So I think this is a great opportunity for us to introduce some controls and to mandate that mediation going forward.

We have seen this week prices announced across the dairy industry. We have seen significant rises from last year's pricing to this year's. We are talking increases for the average South Australian farm of probably \$30,000 to \$40,000 on the bottom line. That is very much going to be about whether the farm now makes a profit or not. I think we are seeing some good signals for this next year, and that will be an opportunity for some people to consolidate, particularly after the last two years of high stress involved in the industry.

Farmers need to be given every opportunity to succeed, and this mediation does that. It means that occasionally, if a crisis does come around, if we can force the banks to the table to have a conversation about that crisis, then it may be that we can find a way through that and allow those businesses to survive. We have seen similar legislation in New South Wales, Victoria and Queensland in 1994, 2011 and 2016 respectively.

That legislation has been well accepted and we have seen great success and agreements reached—90 per cent acceptance of agreements have been made between the parties. That does not mean that the farmers have not had to leave their farm, but an agreement has been made that there is a better way forward than the bank just going to shut the business down and sell it off. There are times when farms can be sold when it is more opportune to get a better price, etc. There are

ways to manage the cash flow of the business going forward that may need to be taken into account. Debt mediation will allow those things to be put on the table to have a conversation about achieving.

The proposed farm debt mediation framework is very largely based on the Victorian legislation, which is considered to be flexible, less prescriptive and administratively effective and efficient. Victoria conducted a recent independent evaluation of its farm debt mediation scheme. The evaluation process revealed strong stakeholder support for the legislative framework. The mandatory nature of Victoria's scheme was considered to be a key driver of its success.

In Victoria, we have seen agreements reached with 96 per cent of all mediations held since the commencement of the scheme—well above the projected target of 75 per cent. Farmers participating in the Victorian farm debt mediation scheme feel more supported and less vulnerable than they otherwise would have if the scheme did not exist.

By introducing this bill, the government is responding to the farmers' requests. Certainly, in my role in the dairy industry, it is something that I have pushed for in my advocacy roles previously. This is something that we needed to achieve on a national scale—not just here in South Australia but right across country—to make sure the opportunity is there for all farmers. Certainly, the approach that has been brought to the house by the minister brings us in line with the Eastern States and the federal commitment.

There has been much said about a move to corporatise farming, but we still see at the heart of agriculture those individual family businesses that support the industry. The health of the industry is good, but we do get hit by droughts, as we are seeing across the Eastern States at the moment. We have to be aware that these hits affect our industries in agriculture generally, but we need to make sure that it does not necessarily mean the end of individual businesses if we can help it.

We have had announcements from the federal government recently, increasing support for families and making sure they can put food on the table, etc. to get through the drought in the Eastern States at the moment. We still need those sorts of things as well as giving the opportunity so that if things go particularly badly in the financial sense, we can help them right to the end.

There are so many things that affect the viability of a farm business, and so many of them are out of the control of farmers. My personal ethos in managing my farm is: only worry about the things I can control. I cannot control when it rains, but I can control what I do when it does rain. To me, that is the way to give those farmers the strength to be able to run their businesses and to give them as much control as possible over things so they can keep their businesses functioning.

We cannot control market fluctuations and we cannot control exchange rates—there are many things out there that we cannot control—but to have the opportunity to give back some control to farmers when things are at their worst certainly empowers them to deliver the best outcome for their families and their business, and the best outcome for the state is to allow those businesses to continue. This bill is an important step in the right direction, and I commend it to the house.

**Ms BETTISON (Ramsay) (12:07):** I rise today to support the Farm Debt Mediation Bill. I talk in my capacity as shadow minister for trade in recognition of the importance of our primary producers in the export sector. In 2016-17, 49 per cent of our total merchandise exports were from food and wine. This is an incredibly important part of our economy. It is the backbone of our economy. Of course, mining has also been there for a very long period of time, but we know that our primary producers have always played a very significant role in our international trade.

I have a soft spot when we talk about farming because I paid my way through university working as a weighbridge clerk at the Kapunda weighbridge during 1991, 1992 and 1993. It was operated by AusBulk then, which turned into SACBH after that time. I recall that I trialled the first computer that was introduced; before that we did everything in triplicate. I was seen as one of the young ones who was hired and, although the computers were not connected, we did put them online.

Farmers and primary producers are a vital part of our state's economy, and we want to ensure that they are given every opportunity to be assisted with their financial problems when this arises. The bill is about mandating the opportunity and providing assistance to farmers to have disputes referred to mediation before creditors can take possession.

Farming is a crucial part of the state's regional development, and Labor wants to ensure we provide crucial support in what can be a challenging industry. Financial situations can arise for a number of reasons: natural disasters, price changes in international markets and impacts of personal circumstances. We all know that if the unfortunate situation of sickness, death or divorce impacts farmers, not only is it the family home and the family business that are impacted but sometimes these decisions have to be made very quickly.

Of course, there is also the very complex issue of succession planning. Sometimes to contribute for access to gain residential aged care, you have to put up a bond or you might need to sell some of the farm to pay for that. That is going to be more of a challenge as we go on further. We have also seen the impact of changing farm sizes. Sometimes reducing the productivity requires changes to business practices, and we have often seen a consolidation of farm lands or a change to the individual farmer looking after their land but having someone else manage it. I think that on Yorke Peninsula we have seen quite a bit of that consolidation.

I was a resident around Kapunda, which had a big farming population, and I recall some of the key things from when I was younger, probably in the late eighties, regarding the issues around very high interest rates. We also might recall that there were some issues regarding foreign-exchange loans where people got bad advice or advice that was very risky and those loans got called in. That was a little time ago now but it had a significant impact on the area at the time.

New South Wales, Victoria and Queensland all have mandatory farm debt mediation in place, and this bill has been modelled on these other jurisdictions. As I understand, Primary Producers SA supports the bill along with the livestock sector. South Australia's Small Business Commissioner, John Chapman, is supportive of the bill and will be responsible for the administration of the act. Let's remind ourselves about Labor's role in the office of the Small Business Commissioner. We established that in 2011 to give small businesses a voice and an advocate to help them through tough times, disputes and compliance issues.

Since its operations began in March 2012, thousands of businesses have been provided with assistance in dispute resolution, including mediation and representation. I am very proud that we have introduced this office, not just for farmers but across the board. I remember franchisees had some issues that they raised with us as well, so that was established back then. The Small Business Commissioner will be responsible for the administration of the act.

The mandatory mediation procedure sets out certainty to farmers. It gives them guidelines and protection. Once a farmer has been served with a notice, they have 21 days from the date the notice was given to notify the creditor that the farmer requires mediation. A farmer who is liable for debt may request mediation. A creditor who receives a request for mediation from a farmer may, by notice given to the farmer, agree or refuse to participate in mediation. If the creditor refuses to participate in mediation with a farmer, the farmer can apply to the Small Business Commissioner for a prohibition certificate preventing the creditor from taking enforcement action against the farmer for up to six months.

Small Business Commissioner John Chapman must make arrangements to facilitate the resolution of a farm debt dispute by mediation as soon as notice is received that a farmer and a creditor have agreed to participate in mediation. The commissioner has advised the shadow minister for regional development that the bill requires uniformity. He talks about the fact that after it was introduced in Victoria, 96 per cent of cases reached a satisfactory outcome.

The mandatory aspects of the bill set out clear points on the issue at hand and give farmers a clear opportunity to present and discuss the case. My husband is currently studying financial counselling, and if there is one thing that is very clear when we have had constituents come to us it is that the sooner the better you address the situation, things can be resolved. But what we tend to do, and this is human nature, is ignore it or hope it will go away.

One of the key things here is that we encourage people to seek out other forms of support and to find out the different avenues that can help as well. It gives farmers a clear opportunity to present and discuss their case and, while the 21 days' notice is still limited, it gives time for action and advice. I recognise that this is not the only area of support but is in addition to the voluntary

South Australian Farm Finance Strategy and the Farming Industry Dispute Resolution Code, which is under the Fair Trading Act.

When we were in government, from time to time we were called upon to help different parts of the sector, and I want to recognise the former primary industries minister Leon Bignell for his role when, in 2016, he provided immediate support for the state's dairy farmers when they suffered a severe cut in milk prices. The funding from the Labor government was invested in the Taking Stock program, which allowed farmers to meet with a consultant to have their financial situation assessed and to develop a financial plan, as well as be provided with general business advice and mental health support. While we support this legislation today, it is not everything we can provide for farmers when they have a need.

There are two other things I want to talk about. In 2016, when the member for Hammond spoke about this bill that was brought in as a private member's bill, he praised the work of the rural financial counsellors and spoke quite passionately about the Rural Financial Counselling Service. I commend him for that. He said that it was a voluntary service but that its service was quite limited and that only 25 per cent of farmers in South Australia used it.

Based on these comments and on the excellent work undertaken by the not-for-profit Rural Financial Counselling Service, I call upon the minister and urge him, along with the member for Hammond, to give a significant funding boost to this vital service. While it is good to have this legislation, we need to build support around it. I do not know what the funding is now, but I propose to the minister that we increase it.

My final point is to request an evaluation, that you might consider accepting it as part of the bill—I understand Victoria recently did the evaluation and received 96 per cent—and that we have it within the bill and have a review clause in three years' time.

#### *Parliamentary Procedure*

#### **VISITORS**

**The DEPUTY SPEAKER:** Before I call the next speaker, I would like to welcome to the gallery today students and staff from Portside Christian College, who are guests of the Deputy Leader of the Opposition, the member for Port Adelaide. Welcome, and I hope you enjoy your visit.

#### *Bills*

#### **FARM DEBT MEDIATION BILL**

#### *Second Reading*

Debate resumed.

**Mr ELLIS (Narungga) (12:17):** It gives me great pleasure, as a regional MP, to rise today to speak on the Farm Debt Mediation Bill 2018. Indeed, agriculture was a big battleground in the Narungga election campaign, particularly between Liberal, SA-Best, the Australian Conservatives and the Greens, who all recognise the importance it plays in our economy.

I commend the Minister for Primary Industries and Regional Development, the Hon. Tim Whetstone, for introducing this bill and for the work he has undertaken in forming the legislation. I would also like to express my appreciation to the Hon. David Ridgway in the other place for the private member's bill introduced and carried through the Legislative Council during the last parliament. It is wonderful work by two members who recognise the vital role that agriculture plays in our state's economy and who are taking steps to support it accordingly.

This Farm Debt Mediation Bill comes in addition to the support we have shown by slashing ESL bills, which disproportionately affect farming families, as well as the policy announced at the election to arm the Office of the Small Business Commissioner in its fight to represent farmers against mining exploration companies, and a commitment to introduce multi-peril crop insurance. I know that the farming community is really feeling the benefits of a change in government.

Those who have spoken before me have spoken of the benefits and protections for farmers that this legislation will bring, and there is no doubt that the requirement for mandatory mediation will

benefit both parties—landholders and the financial institutions—as clear communication and informed and fair negotiation are vitally necessary to ensure the best outcomes for all.

In the case of a farming family facing foreclosure along with significant financial loss and the upheaval that come with such a stressful plight, there is not only administrative and financial advice on offer through this legislation but also important emotional support, which is a positive spin-off resulting from such mandatory sharing with others of problems being faced. I am pleased to have found in my research on this topic that farm debt mediation legislation has been operating successfully in other jurisdictions, namely Queensland, New South Wales and Victoria, and that this bill, in particular, mirrors the Victorian model which was introduced back in 2011.

I was also pleased to find throughout all my research on this topic that in all jurisdictions with similar legislation the mediation process has been found to be wildly beneficial for all participants. I found a Law Institute of Victoria article, written in December 2016, particularly interesting. The article is entitled Debt and Distress and I will quote from the wise words of Brian Kennedy, a barrister at the Victorian Bar who holds a Master of Commercial Law and whose background is predominantly in banking and commercial practice, including commercial arbitration.

Mr Kennedy describes Victoria's Farm Debt Mediation Act as the vessel for 'a compulsory mediation scheme requiring mortgagees to offer farmers a mediation before commencing enforcement action', which is as good a description as any. He comments that the Farm Debt Mediation Act was considered so vital for the jurisdiction that it:

...was rushed through parliament to offer farmers some protection from mortgagees—usually with large institutional lenders—after the financial assistance provided to the many farmers affected by droughts and floods across Victoria expired in 2010.

Mr Kennedy adds:

Farmers are rightly seen as being in a worse position than other mortgagors in default because losing the farm entails the loss of both business and home. The High Court, describing the Act's New South Wales counterpart, stated: 'the background to the Act lies in the notorious problems which face Australian farmers. They include harsh climatic conditions, the vulnerability of crops and animals to disease...the tendency of farmers to be asset-rich but cash-poor, their dependence on loans; the risk of speedy ejection from their land if there is entire freedom for creditors to enforce their general law rights, despite the possibility of remedying defaults if climatic and market conditions change; and the expense of and often delay in litigation as a method of keeping creditors within their rights...

The Act protects distressed farmers from 'speedy ejections' by voiding all enforcement action taken by lenders without first offering farmers a mediation, with the goal of keeping communication lines open so that a dignified exit or (less commonly) a settlement can be negotiated.

The article also reinforces:

The compulsory offer of mediation makes it particularly important for lenders to identify whether the Act applies before issuing mortgage default notices.

On my reading, it is also apparent that the quality of selected mediators and access to them is also very important to the success of the process. The Victorian Act, which this South Australian model I support today mirrors quite closely, is also very similar to the New South Wales farm debt mediation legislation.

I read with interest that New South Wales has been successfully operating its farm debt mediation legislation since 1994. It has just made some amendments to its 1994 bill—as recently as 3 May this year in the Farm Debt Mediation Amendment Act 2018—to enhance the principal act by strengthening its accessibility, flexibility and fairness. The amendments, which received bipartisan support, are seen as providing more opportunity for farmers and creditors to successfully resolve debt issues, providing opportunities for long-term success in farming businesses.

The amendments respond to the findings of a review of the act in 2017, overseen by the board of the New South Wales Rural Assistance Authority. The review found:

...broad stakeholder support for the key features of the Act including its simplicity, flexibility and structured approach to informal dispute resolution and its procedural fairness and equitable cost sharing.

Farm debt mediators, financial counsellors, lawyers, farmers, industry bodies and accountants provided that feedback to the review. The amendments are also cited as contributing to the national

harmonisation of farm debt mediation legislation. Indeed, we can learn much from past experiences in New South Wales, having had such a mediation scheme for 24 years, the longest of any state in Australia.

Taking it back a few years, I found very interesting a report published in 1998 reviewing the first four years of the New South Wales scheme. It was released by the University of Western Sydney Macarthur, Faculty of Law. The report, entitled Research into Farm Debt Mediation Act 1994, was written for the New South Wales government's Department of Primary Industries' Rural Assistance Authority. The executive summary of that report states:

Lenders' and farmers' representatives reported substantial cost benefits from participation in FDM [farm debt mediation]. Those farmers who reported costs savings as a result of FDM...refer to quite substantial cost savings.

The review also stated:

Farmers report a significant decline in their debt to assets ratios post-FDM. This may be attributable to FDM, but may also be attributable to external forces such as increasing property values between 1992 and 1998.

I continue the quote:

Farm debt crisis leads to significant personal and lifestyle changes for the farmers and their families who experience it. There are significant social impacts which cannot be ignored: decline in community standing, unemployment, divorce and other family upheaval. Nonetheless, there are indications that FDM offers a more ordered transition in farmers' economic and personal circumstances.

Of the mediation process, the summary states:

FDM appears to increase the level of communication between farmers and lenders, but farmers remain concerned as to whether lenders really understand how they feel and whether mediation helped them to deal with the emotions which farmers experience as a result of farm debt. Farm debt mediators need to be even more vigilant to these concerns by farmers, and lenders need to understand the importance of these factors in contributing towards settlement prospects and durability of outcomes.

Of outcomes, it was stated that the first four years in New South Wales had resulted in:

... settlement by the parties not less than 72% of the time...The most prevalent outcomes of FDM [had been] the farmer refinancing, the lender allowing more time to pay, or the lender writing off part of the debt.

Indeed, in the Victorian example since the Victorian bill commenced, agreement was reached in 96 per cent of all farm mediations, which is well above the target program percentage of 75 per cent. Of interest, too, was the summary stating:

The majority of farmers and the overwhelming majority of lenders and representatives would use and recommend mediation again. Clearly FDM is regarded as a better alternative than going to court.

Further, it states:

The mediators undertaking FDM are performing their roles to the satisfaction of farmers, lenders and representatives, and there are no significant concerns about the FDM process overall.

If we fast forward 20 years to 4 May 2018 and to a New South Wales agri-politics article, journalist Alex Druce describes the amendments in the original Farm Debt Mediation Bill as having enjoyed bipartisan support from across the New South Wales government. It is great to see, finally, that we have it in the South Australian parliament with bipartisan support—years after the first private member's bill was introduced.

The key amendment in New South Wales, interestingly, was the inclusion of oyster and fish farming as well as forestry operations to ensure that they are now covered by expanded farm debt negotiation laws. New South Wales primary industries minister Niall Blair is quoted as saying the reforms, which passed unanimously, 'will enhance the 1994 Act by encouraging both farmers and creditors to seek realistic solutions to financial challenges'. He said:

It was particularly pertinent with drought gripping parts of New South Wales currently, particularly in parts of the Hunter, the Central West, the Central Tablelands, and the western and south-east greater Sydney divisions. Many farmers and farming communities in those areas are facing tough times.

The definition of 'farming operations' has been expanded in the act to include on-farm and offshore aquaculture and farm forestry, which used to be outside the scope of the law. Amendments to the New South Wales act also provide an incentive for early mediation by enabling farmers to ask their

creditors to mediate before they default on loans. Mr Blair said that the government also aimed to discourage situations of the past, when multiple mediation sometimes resulted in a number of loan restructures, compounding the debt and, regrettably, sometimes bankruptcy. He states:

A requirement to offer only one mandatory mediation minimises this risk and encourages farmers and creditors to attend mediation with a willingness to find a viable and durable solution.

Another article I came across in my research is aptly titled 'Farm debt mediation: talk can be cheaper'. It was written in May 2015. It reflected on the success of the Victorian government's farm debt mediation scheme which, at the time of publication, was described as having been operating effectively since December 2011. The service was described as low-cost, confidential and independent, and there had been a very high level of satisfaction.

The example given was the 2012-13 financial year, with a total of 91 mediations completed and terms of settlement agreed in 87 cases for a success rate of 95.6 per cent. It was reported that comments provided by participants following mediation had been positive. I quote the comments provided by a couple of Victorian farmers:

This process gave us the opportunity to meet with our lender in a neutral location with a mediator who could put things in terms we could understand. We felt reassured we were not being bullied as had been our previous experience during direct discussion with the lender.

Another farmer said:

We believe this process is very good for farmers. Farmers are very emotionally involved in their business because it is also their home.

Finally, a quote from a creditor:

[It was a] well conducted mediation in what was an extremely delicate situation. The professionalism of the mediators continues to impress...

The 'Talk can be cheaper' article emphasised that:

Farm debt mediation is a structured negotiation process where a neutral and independent mediator assists the farmer and the creditor to try to reach agreement about current and future debt arrangements.

It clarified that:

The mediator's role is to facilitate the discussion and they will not provide advice on the matters in dispute. Mediation is a simple, voluntary and confidential process that is quick, accessible and affordable.

[In Victoria] the scheme is administered by the Department of Environment and Primary Industries and the mediation services are arranged by the Office of the Victorian Small Business Commissioner...

This is very similar to what the bill before us today has proposed, legislating that administration will be provided by the excellent South Australian Small Business Commissioner. The article continues:

The cost of mediation [in Victoria] is \$195 per session for each party. This is [reportedly] significantly lower than market price and is subsidised by the Victorian government. Parties are responsible for their own costs in preparing for and attending mediation.

Whilst the urgency for this bill has been debated in the media, I am pleased it is in the Marshall Liberal government's 100-day plan. It is pleasing to note at this junction that this bill has been presented to the parliament well within the 100 days, another example of the government meeting its commitments, which is happening with startling frequency. Even though it has been raining off and on here in Adelaide over the last couple of weeks, steady rain has not been widespread across the state. We never know when the next drought will be upon us, which is the most well-known cause of financial difficulties for farmers.

Only last week in New South Wales, the government there announced additional support for farmers and their families facing drought with a boost of \$284 million from its 2018 budget, bringing the New South Wales government's drought relief package to well over half a billion dollars. The Premier of New South Wales reinforced the value of New South Wales farmers with the words:

We know the drought is hitting our farmers hard but we want to reassure communities that we are doing everything we can to make sure the right help is available at the right time.

The Farm Debt Mediation Bill 2018 before this house also reinforces the value we place on our farmers in this state by ensuring that financial institutions offer the right support and the required mediation before taking action to foreclose on a farm mortgage. This is crucially important legislation that allows South Australian farmers to have such a support mechanism in line with other interstate jurisdictions, providing a level playing field with their Eastern States counterparts.

It also brings us one step closer to nationally consistent farm mediation and banking practices. Considering the mental health impact felt by farmers around the state and the levels of stress placed on them whilst waiting for rain or other factors, it is vitally important that they take this legislation as a means to increase their peace of mind. I fully support this bill and commend it to the house.

**The Hon. A. PICCOLO (Light) (12:34):** It gives me pleasure to stand in support of this bill. As my colleague the member for Giles has mentioned, the Labor opposition is supporting the bill because it represents an incremental improvement on the provisions in the law at the moment to help farmers. As the members for Giles and Ramsay have indicated, it was actually a Labor government that introduced the Small Business Commissioner Bill. The member for West Torrens was minister at the time. He was minister for small business when we introduced and passed the Small Business Commissioner Bill in this place.

I particularly wish to address in my commentary the farm machinery aspects of this bill—the debt that occurs from farm machinery because farm machinery represents a very big expenditure for farmers. Even though I do not have many farmers left in my electorate now because of boundary changes, I certainly had a number of farmers in my electorate whom I called on as supporters of mine. Given the history of the Small Business Commissioner Bill in this place, I will bring it to the attention of the house because the research of the members opposite has not quite highlighted that point at this time.

The Small Business Commissioner Bill, which was passed by this parliament, also had a range of codes of practice. There is an existing code of practice that deals with farming industry dispute resolution and that code of practice has been in place for some time and has provided some relief to farmers. Certainly, farmers I have spoken to have used the service already. That code of practice is under the Small Business Commissioner Act.

The Small Business Commissioner Act came about as a result of two inquiries by the Economic and Finance Committee of this parliament: one was the franchising code of practice inquiry, undertaken by the committee at the time when it was chaired by a Labor person, and the other was the farm machinery inquiry.

It is interesting to note that the farm machinery inquiry, when it was proposed by me at the committee, was actually opposed by all three Liberal members of that committee at the time. Their view was that there were no disputes between farmers and farm machinery owners, or producers and manufacturers, and that it was a waste of time. It was interesting to note that, as a result of both the franchising inquiry and the farm machinery inquiry, the Small Business Commissioner Act came into place. It was as a result of those two inquiries that the bill came before this parliament and was supported.

It is also interesting to note that the Small Business Commissioner Bill was supported by the then farmers federation. I worked closely with the then CEO of the farmers federation to develop a structure that would be flexible enough to deal with a whole range of industries, particularly the farming industry. It was also supported by Business SA at the time and also supported quite strongly by the ICA (independent contractors association), which I think now has a different name. They supported it from the point of view of small businesses, particularly contractors that were small businesses. It was also supported by a number of franchisees across the state.

Unfortunately, when the Small Business Commissioner Bill was brought to this place, it was opposed by the Liberal Party in this chamber despite, I understand, Liberal members having the right to vote according to their conscience. Not one of them crossed the floor on that occasion to support the bill that would give rise to the bill that we are speaking about today in which the Small Business Commissioner is going to take this mediation. I am glad to see that the Liberal Party have now come on board and seen the importance of the Small Business Commissioner Bill.



In fact, the reason the Small Business Commissioner Bill was opposed, according to *Hansard*, was that providing a service for small business, particularly when they are fighting against the big end of town, was seen as unnecessary red tape and stopping economic growth at the time. Clearly, members opposite have changed their minds since that time and see the benefit of providing small business with an advocate and people who can support them when disputes arise.

It is also interesting to note that the only industry organisation at the time to oppose the Small Business Commissioner Bill was the Franchise Council of Australia, and they were quite ferocious in their opposition. They certainly lobbied the members opposite. It is interesting that the Franchise Council of Australia represents the big end of town. Certainly, the Liberal Party, in both this house and the upper house, opposed the establishment of the Small Business Commissioner in this state.

There are a couple of other things I wish to add, which I think are very important. Last year, the Economic and Finance Committee accepted a motion of mine that we undertake an inquiry into how things are going in primary production, in the primary industries. That committee, in their report, 'From the paddock to the plate: a fair return for producers', made a number of recommendations, particularly for farmers, and I think they were very good recommendations.

Certainly, most of the recommendations were endorsed by the committee, although a couple were not. A couple were seen by members of the Liberal Party as unnecessary red tape. We will see if their view about that changes now. I am not aware whether the government has formally responded to those recommendations. I know that the government is required to respond within six months to the committee about how the government of the day will respond to those recommendations from the committee. I look forward to receiving those responses from the relevant minister.

I draw your attention to recommendation 2 of the committee inquiry and perhaps recommendation 3 as well. I think it is very important to have these dispute resolution processes in place, particularly where the bargaining power is unequal. That was one of the major findings of that inquiry: often the bargaining power between primary producers, whether it is farmers, viticulturists or whoever, and people in retail is quite unequal, and that is often where the problem comes about.

The committee recommended that the Small Business Commissioner be allowed to expand his role to provide advice to people who enter into contracts, whether it be a finance contract or any other contract for sale. That is important because it is one thing to say, 'We'll empower the commissioner to do this mediation when the dispute arises,' but it is much more important to empower producers to make sure that they do not actually sign unfair contracts. This is not only true of farmers. Other people often sign contracts that are to their detriment. Obviously, they are just busy doing their day-to-day stuff looking after a farm, and sadly, sometimes, some of the advisory services available in the private market are not as good as they could be.

I look forward to seeing the response from the relevant minister to see whether the Small Business Commissioner will be given additional resources to provide an advisory service to make sure that he can intervene at the point before contract signature to make sure that unfair contracts are not signed by primary producers. The Small Business Commissioner and others also recommended that on the government website, where it says 'starting a business', there perhaps be a bit more information for small business owners. When I say 'small business' I include farmers, because farmers are just a small business—in some cases quite a big business—but they are businesses nevertheless.

They also recommended that they look at some information about how they can work as a cooperative, or form cooperatives, because it is very important to aggregate their influence when they are dealing with the bigger players in the market. Whether it is purchasing finance, purchasing power or whatever, farmers buying cooperatively can strengthen their bargaining position and get a fairer deal. There are two things that farmers need: to keep their costs down and to increase their market share.

With those comments, I would like to support this bill and remind those across the chamber that the reason they are speaking today about the Small Business Commissioner in such glowing terms—which is appropriate—is that it was we who actually created it, against opposition from the Liberal Party at the time.

**Mr DULUK (Waite) (12:43):** I also rise to speak in support of this really important piece of legislation to ensure that farmers can have low-cost, high-impact results regarding credit and debt mediation. Currently, South Australian farmers do not have a mandatory farm debt mediation process. This means a farming operation can be forcibly foreclosed without any form of negotiation. The point of this legislation and similar legislation that occurs in other jurisdictions is that the parliament, the government, recognises the need for a form of farm debt mediation.

We know—as the member for Narungga acknowledged in his contribution, as did the member for Heysen—the worth of our farming sector and the importance it has, not only in the South Australian economy but also in the lifeblood of so many regional and rural communities. If we can keep farmers on their property for longer and help them through tough times and ensure that the family farm stays the family farm, then I think we are doing a good thing in the long run and helping the people of South Australia, which is ultimately what we are here to do.

This bill when passed will provide protection and financial security for farmers. Once established, the Small Business Commissioner will be responsible for the management and administration of the South Australian farm debt mediation scheme. Broadly, the essence of the bill is that it will give farmers a structured negotiation process through an independent person, the mediator, to reach a mutually agreeable outcome.

It will allow farmers to apply for a prohibition certificate through the Small Business Commissioner, preventing further action against the farmer for up to six months. Key elements of the proposed SA farm debt mediation framework include the provision of protection and financial security for farmers by enforcing a mandatory mediation process before a creditor is able to foreclose on a farming operation.

That is really important for many farmers. In a previous life, I worked for one of the big banks, not in rural and regional banking but in business and corporate banking. It was almost a position of reluctance to go down this path of foreclosure because it is the last thing that any lender of credit wants to see for their customers and their clients. Avoiding that process is very important. I think that it will be of great benefit and give a bit of guidance as well to credit lending institutions in this patch.

This legislation will put South Australian farmers on a level playing field with their Eastern States counterparts and ensure that farmers have a model in practice that they can rely upon in difficult financial circumstances. It will help farmers in financial difficulty to overcome such difficulty, re-establish financial viability or to exit the industry with a minimum impact on farmers and their families. It will help relieve the emotional and mental stress on farmers and their families associated with foreclosure and ensure that South Australian farmers are given every opportunity to succeed, meet the growing demand for agricultural produce and make a contribution to regional prosperity, which of course is the state's economy, jobs and exports.

As we are talking about exports and understanding their importance, I know that the minister in his position here will talk a lot about exports here in South Australia. Exports, especially in the agricultural space, whether it be wine exports, sheep and dairy exports—even in the live cattle section—wheat, barley or cropping, are so important to the future of South Australia. In fact, over the last three, four or five years, if it were not for the strength of our regions and the strength of our agriculture sector and in particular our mixed cropping farmers and their export to markets, we would be in a world of pain.

I know that in the member for Hammond's electorate farming is such an important agricultural component and that in the member for MacKillop's electorate wine and sheep and cattle and dairy are also so important. Without these fantastic regions in South Australia, this state would be in a much worse financial position and our state's budget would also be in a much worse financial position.

It is important that as a government and as a community we do all that we can to help our farmers because ultimately when our farmers are doing well, when wool prices and dairy prices and wheat prices are high, then we create jobs for South Australia and we create export. More importantly, we allow the opportunity for those profitable farmers to reinvest back in their communities and reinvest back in their businesses.

I know that when farming is good on Yorke Peninsula in the member for Narungga's community, they put back into the community. They buy newspapers. They put back into the footy clubs. They sponsor wonderful players in the league there to ensure that it is a very strong footy league on Yorke Peninsula. They steal players from metropolitan Adelaide as they commute to the peninsula to play with the member for Narungga for the Kadina Bloods.

Farm debt mediation legislation has been in place in New South Wales, Victoria and Queensland since 1994, 2001 and 2016, respectively. South Australia is certainly catching up in this area. I have to pay a lot of credit to the former shadow minister, the Hon. David Ridgway in the other place. When we were in opposition prior to the March election, he pushed for this bit of legislation in the parliament. We had a private member's bill, which was disappointingly not supported by the then Labor government.

It was pleasing to hear the contributions this morning of those opposite. The member for Giles, the member for Ramsay and the member for Light talked about the importance of this legislation, and rightly so. It is a shame those same members did not support this legislation a mere 12 months ago. But here we are today, and that is really important, and I feel that this bill will go through the parliament.

The proposed farm debt mediation framework is largely in line with Victoria's legislative framework, which is considered to be flexible, less prescriptive, and administratively effective and efficient. There is no point bringing in legislation that does not meet those requirements, so I am glad we are picking up here in this jurisdiction on best practice from across the federation. That is one really good thing about our federation, and that is why I am such a big federalist and support the model of federation: because it allows there to be a competitive advantage.

I am always reluctant when state ministers go to COAG in all jurisdictions and continue to pass powers over to the commonwealth as what is seen to be an easy fix. The moment we pass powers to the commonwealth is the moment we become a less flexible and agile federation. By allowing each state to develop rules and practices over time allows other states to then find best practice, to see what has been trialled and worked, and then bring it here into South Australia. That is pretty important. The member for Finniss, in his former life of chairing the dairy industry, would see best practice around the country and bring it back to South Australia. Understanding that nature is certainly pretty important.

Going back to the Victorian model, Victoria recently conducted an independent evaluation into its farm debt mediation scheme and the evaluation process revealed strong stakeholder support for the framework. The mandatory nature of Victoria's scheme was considered to be a key driver of its success. If we can have farmers and creditors come to the table in a swift mediation and come to a swift debt recovery position that can only ensure the financial stability of credit and lenders. Looking after those who provide credit is very important as well, because we do not have a strong economy unless we have strong banking sector. It is very easy to get on the board of bank bashing, but they actually provide a very important role in our society and in the functioning of our economy and marketplace.

Farmers participating in the Victorian farm debt mediation scheme feel more supported and less vulnerable than they otherwise would be if the scheme did not exist. That is reflected in the consultation process that was undertaken in Victoria. Hopefully, we will see that same confidence in the South Australian scheme. Data from the federal Department of Agriculture and Water Resources states that 90 per cent of farmers in the broadacre and dairy sectors are family owned and operated. Funds for land and capital purchases, such as new equipment, are limited to the viability of the farmer's property and of course their bank account.

As you would know, Mr Deputy Speaker, throughout the 1990s low interest rates meant a boom in lending and an increase in property prices. During the 2000s, when drought hit, loan repayments slowed. Since 2000-01, average farm debt has more than doubled. This has resulted mainly in an increase in the average farm size and working capital debt amounts for nearly 30 per cent of that increase in farm debt.

With larger farms and larger, more specialist machinery being utilised, investment in the agriculture sector is growing thus meaning higher expenditure and outlays for families. Operating

expenses in the sector remain high as the costs continue to rise. Debt for broadacre farms in the 2016-17 financial year was on average around \$616,900, and the dairy sector was \$926,700—almost \$1 million. This was an increase of 5 per cent and a decline of 2 per cent respectively in those two sectors.

Since 2011, when Victoria introduced their farm debt mediation scheme, 96 per cent of all mediations reached an agreement between creditors and the farmers. This is well above what was the 75 per cent program target. The voluntary system in South Australia has failed our farmers and this provision of mandatory mediation puts us a step closer to a nationally consistent approach. This bill will help South Australian farmers to be given every opportunity to grow and give them the support required to stay in business.

The previous government, as I reflected on recently, failed to protect the state's primary producers. The 21-day grace period provides farmers with a chance to seek mediation in the new legislation. This piece of legislation should be administratively effective and efficient because every farmer deserves to be treated equally. Denis McMahon of Legal Aid Queensland told the recent federal Select Committee on Lending to Primary Production Customers:

People's livelihoods, homes and whole lives revolve around the property. They are part of the community. When things go awry, it's not just one person that's affected; it's generally a whole family, and it can be generational. Other people within the community can also be affected if the client's business is wound up and other small businesses in towns don't get paid. All sorts of other ramifications might happen. It's also very socially damaging for a lot of people. These hurts don't go away.

That was in testimony to the recent federal inquiry. It is important that we understand what is going on and that it is not just a South Australian issue. It is a big issue in Queensland and obviously there were big drought issues at the time. We need to understand the impact debt, particularly on family farms, has on the stress and mental health of farmers. Also I think there is a lot of stigma associated with a failing business in country regions. If mediation can help reduce that stigma, I think that is very important. Having those debt levels under control is pretty important.

When debt causes stress in farming communities, it is the community that loses, too. With debt obviously comes the tightening of belts. Local groups and sporting clubs are often the first to lose their sponsorship money which is seen as a luxury to many local businesses. The loss of pride leads to the degradation of what makes rural and regional communities so close-knit and strong.

Deputy Speaker, recently I was on a trip with you throughout your wonderful electorate of Flinders, visiting the farmers in Wudinna and talking to local producers in Streaky Bay and Ceduna. Their pride for the community is so important, and we need to help farmers stay on the land and appreciate the community. I have been into the Mallee to places like Peake where they have great farming and proud communities. Things that we can do to support them—

**Mr Pederick:** A premiership side.

**Mr DULUK:** —a premiership-winning side—are so important. It must be your good work there and the good sponsorship of the member for Hammond. It is absolutely important that we support farmers and regional communities, and that is what we are going to do. Mediation is an important step in helping our farming-dependent rural and regional economies. In South Australia, we need to support our farmers through good times and bad. Farmers do not want to be slaves to the banks nor should they, and this legislative approach helps that mediation lead to a more financially secure future.

By creating a mandatory farm debt mediation service in legislation, farmers have their chance for their voice to be heard, which is so important. It allows there to be a great harmony. This bill brings a nationally consistent approach to our great state. I commend the bill to the house.

Debate adjourned on motion of Mr Pederick.

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

*Parliamentary Procedure***SITTINGS AND BUSINESS**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:00):** I give notice that on Wednesday 4 July I will move that this house calls on the state government to declare the Southern Expressway a protective security area under the Protective Security Act to assist South Australia Police in mitigating rock-throwing incidents along the Southern Expressway.

*Members interjecting:*

**The SPEAKER:** I call to order the member for West Torrens, as well as the Minister for Primary Industries and the Minister for Energy.

**PAPERS**

The following papers were laid on the table:

By the Minister for Education and Child Development (Hon. J.A.W. Gardner) on behalf of the Deputy Premier (Hon. V.A. Chapman)—

South Australian Community Visitor Scheme, The—Special Report—Disability Services  
2016-17

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

Death of—Tiffany Jayne Michie, Report of actions taken by SA Health following the Deputy State Coroner's finding of 29 November 2017 into the Death in Custody of—  
May 2018

*Ministerial Statement***POLICE REVIEW**

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. C.L. WINGARD:** I am pleased to announce that the Marshall Liberal government has met our 100-day election commitment to commission a review of police work. There are a number of components to the review, including:

1. Developing recommendations to ensure police have more time to devote to front-line policing;
2. Improving community safety;
3. Streamlining police operations so that police can focus on front-line operations;
4. Exploring innovation and new technologies to enhance the work undertaken by police; and
5. Reviewing legislation and internal protocols with a focus on reducing red tape and delays associated with police having to spend significant time in courtrooms and on paperwork.

The report will also consider what community expectations are regarding police operations and functions. The report will provide ways in which South Australia Police may be able to improve on the wonderful work they already deliver for all South Australians. The Marshall government has commissioned this report because it is our priority to keep South Australians safe, and reviewing police work will provide ways in which we can improve community safety.

Police already do a fantastic job, and our government will continue to back our police, but we must continue to look for areas of improvement and this report will explore those areas. The person who has been appointed to undertake the review is the Hon. Kevin Duggan AM QC.

Mr Duggan QC has 46 years experience in the legal profession, 23 of those years on the Supreme Court bench, and has been a Queen's Counsel since 1979. He is a highly decorated and respected member of the community and, in particular, the legal community.

Mr Duggan QC will commence the review in October this year. There is a substantial amount of work to be undertaken, and he will be supported by SAPOL throughout this process. SAPOL, and in particular the police commissioner, have been consulted when developing the framework for this review. I thank the commissioner for his input during that process. Other key stakeholders have also been consulted, including the Police Association, and I thank Mark Carroll for his interest in this matter.

I am looking forward to continuing to work with SAPOL and other stakeholders during the course of the review and to receiving a final report from Mr Duggan QC. The government is committed to delivering the best police force it can for South Australia and this report will help deliver that.

#### *Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** Before I call the Leader of the Opposition, I welcome to parliament today grade 6 students from Tatchilla Lutheran College, who are guests of the member for Mawson. Welcome to Parliament House.

#### *Question Time*

#### **COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:05):** My question is to the Premier. Was it appropriate for the Attorney-General to sack the Commissioner for Victims' Rights, Michael O'Connell, over the phone, while he was overseas, after 12 years of loyal service?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:05):** I'm not sure why you are using the term 'sacked'. Nobody was sacked. His contract came to an end—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** The Attorney-General, the government, went through a process to appoint a new commissioner, and a decision was made to appoint Bronwyn Killmier.

*Ms Cook interjecting:*

**The SPEAKER:** I call to order the member for Hurtle Vale.

#### **COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:06):** My question is to the Premier. Why did the Attorney-General not wait for the commissioner to return from overseas to deliver the news in person? What was the rush?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:06):** I think that once a decision is made it's better for somebody to hear it directly from the government. A decision had been made. The quickest way to convey that was over the phone because the commissioner was overseas at the time.

#### **COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:06):** My question is to the Premier. Did the Premier play any role in the decision not to reappoint Michael O'Connell to the position of Commissioner for Victims' Rights?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:06):** Of course; it was a cabinet decision.

**REGIONAL ROADS AND INFRASTRUCTURE FUND**

**Mr ELLIS (Narungga) (14:06):** My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the establishment of the regional roads and infrastructure fund?

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:07):** I do thank the member for Narungga for his question as one of the pesky regional MPs in this place who is on at me constantly, one would say, about ensuring that regional road funding in South Australia is prioritised. It is why we took to the election, member for Narungga, a policy to institute a regional roads and infrastructure fund, to guarantee that 30 per cent of mining royalties is quarantined for regional road and infrastructure maintenance. It is an extremely important signal to regional South Australia that we are locking in, that we are guaranteeing, their share of road funding going forward.

As a regional MP sitting on the side of the house where almost all of us are, we know full well that we have been the poor cousins—long been the poor cousins—when it comes to getting infrastructure money spent in our districts. It is why we are proud on this side of the house to be part of a government that is now delivering for regional South Australia exactly as we said we would: another 100-day commitment is delivered.

I have issued the instructions to the Treasurer to establish the fund. That has taken place, and I look forward, over the coming year, to starting to deliver the money that we promised in the election for regional South Australia. But South Australians need not have waited for us to set up this fund because we've also had the chance to show our cards and put our cards on the table by some other commitments we have made and also work that we have done with the federal government to deliver.

I am talking about the Penola bypass, which I look forward to delivering as soon as possible. On this longstanding project, the former government sat on their hands for years—years—because they were too pigheaded to get on and deliver what is an extremely important project. But, more than that, we also cleaned up their mess in relation to the Joy Baluch Bridge in Port Augusta.

Speaking about another one of these pesky regional MPs, the member for Stuart has been on at me constantly. I wonder whether or not he may have even been talking at me just upon being sworn in on the garden lawns, saying that this is an important project that needs to be delivered. Again, this was part of one of the projects that we were seeking to achieve federal funding for as soon as possible.

I can't call him pesky because we all serve at the Premier's pleasure but, upon being appointed to this role, he said, 'Stephan, you've got to go to Canberra. You've got to repair the relationship with the federal government, and I want you to deliver on these early commitments.' So that's what we went and did, and we managed to secure \$160 million worth of money for South Australia. Work has already begun to improve the design on the Joy Baluch Bridge. I look forward to getting the member for Stuart off my back and delivering this project as soon as possible.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** What I want to impress upon South Australians, especially those who are listening to us over the live feed, is that regional road funding will always be higher under a Liberal government. Regional South Australia will always be better off under a Liberal government. South Australia will always be better off because we know that investing in country South Australia delivers for all South Australians by improving productivity, improving job creation, improving our important export industries—giving them greater ability to get their products interstate and overseas—and creating the wealth and prosperity that South Australia has been crying for after 16 long years of hard, arduous Labor.

**The SPEAKER:** Before I call the leader, I call to order the Minister for Education, the Minister for Industry and the member for Playford. The Leader of the Opposition.

**COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:10):** My question is to the Premier. Has the Attorney-General met with the Commissioner for Victims' Rights, Michael O'Connell, since his return from overseas?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:11):** I'm not aware of that, but I will find out and I will come back to the house.

**NATURAL RESOURCES MANAGEMENT**

**Mr McBRIDE (MacKillop) (14:11):** My question is to the Minister for Environment and Water. Can the minister detail to the house how the state government has been engaging with regional communities regarding the government's commitment to natural resources management reform?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:11):** I thank the member for MacKillop for his question and also for being so hospitable when I visited the South-East of our state on a three-day tour of that important region last week. During that time, it was great to be able to talk not only to the member but to the many stakeholders he brought together—along with the Department for Environment and Water, the EPA and SA Water, all entities I have responsibility for—to discuss the value of our natural landscape and, in particular, how the new government plans to put in place a management framework that will really value that landscape, protect its biodiversity and ensure that it is able to form a key foundation for our sustainable regional economy.

We know it is only with a healthy, vibrant natural environment in our regions that the regions can do that heavy lifting in terms of our state's economy overall when it comes to productive agricultural landscapes. The government made it very clear in the lead-up to the 2018 state election, for many months leading into that election, that we were absolutely committed to reforming natural resources management and the way that framework is used in our state to deliver on both environmental and economic outcomes, particularly in our regions.

It has been our view, and I believe it has been the view of many people in our regional areas, that natural resources management as a governance framework had drifted too far into metropolitan Adelaide, too far into the bureaucracy, and had really lost sight of the communities that it was very clearly initially set up to serve when soil, pest and water boards were merged in the early 2000s under the previous government. Integrated natural resources management is a good idea in theory and in principle. I believe it got off to quite a good start but drifted further and further away from the service it gives to regional communities looking after our environments and sustaining regional economies.

As part of the government's broad-ranging natural resources management reform and our concept to establish Landscape South Australia, the replacement body for natural resources management, we will be undertaking a vast and very deep consultation exercise over the coming weeks and months. That will kick off in a couple of weeks' time with visits to all the NRM regions as they currently stand, having a series of public meetings and stakeholder meetings to engage with the people who engage with our natural landscape on a day in, day out basis because we know that relying on their knowledge and their understanding, their day-to-day connection and often their love and passion for that natural landscape is so important.

All too often, government doesn't rely on the people on the ground for insight and advice. Through this new body that we set up, Landscape South Australia, we are going to ensure that we are relying on that knowledge and understanding. We are respecting it. We are valuing it and we are setting up a back-to-basics approach to NRM in this state focused on soil quality, water catchment management and pest control, overlaid with the importance of sustainable agriculture. Part of that is sustaining biodiversity. This is something that I will be bringing to the house on many occasions in the coming months. Our aim is to introduce, early next year, that body of new legislation so we can continue to transform natural resources management in this state.



**COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:15):** My question is to the Premier. What was the process that the government established regarding the appointment of the Commissioner for Victims' Rights?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:15):** A merit-based selection process was put in place that was overseen by the Commissioner for Public Sector Employment. That process was undertaken, and then the Attorney-General, the Deputy Premier of South Australia, brought her recommendation to cabinet and that was passed. I would like to make a public statement, and put it on *Hansard*, that Michael O'Connell has served the state with distinction in this role.

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. S.S. MARSHALL:** He has served in the role as Commissioner for Victims' Rights—

**The SPEAKER:** The Premier has the call.

**The Hon. S.S. MARSHALL:** —for 12 years. His term comes to an end on 16 July, but the cabinet has made a decision and that decision is that Bronwyn Killmier will take up her role as the Commissioner for Victims' Rights for a term of five years. Bronwyn Killmier is currently an assistant commissioner with the South Australian police and she has given 40 years of service to the police force in South Australia. There were two very strong applicants for that position, but the cabinet formed the opinion that the person to take this position forward was Bronwyn Killmier. She will start her five-year term on 1 August 2018.

**COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:17):** My question is to the Premier. Did the Premier express a preference to not reappoint Michael O'Connell as the Commissioner for Victims' Rights before the process started to select a new commissioner?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:17):** Absolutely not.

**AUSTRALIAN SPACE AGENCY**

**Mr TEAGUE (Heysen) (14:17):** My question is to the Premier. Will the Premier update the house on Dr Andy Thomas's recent visit to the University of Adelaide and what action the government is taking to bid for Australia's national space agency?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:17):** It was a great visit from Dr Andy Thomas, a great South Australian and one of our most distinguished South Australians who has really made our state very proud of his accomplishments on the international stage. It was a great pleasure when he came to South Australia, and I will tell you the reason why. It's because at the moment we are in a bidding process. We would like the national space agency to be located here in South Australia.

As I pointed out to this house last month, this is a competitive bidding process and plenty of other people now have found a dish in their backyard or maybe a bit of space junk and other premiers are all jumping into this race. They don't have anything like we have in South Australia—nothing like we have here in South Australia—because we have Dr Andy Thomas. Dr Andy Thomas, of course, who was a graduate of the University of Adelaide, came to South Australia. I was very pleased when he lent his support to the South Australian bid to establish the national space agency right here in South Australia and I will tell you what he said. He said to the media:

I am unashamedly pro SA. It's very logical to put the headquarters for such an agency here in South Australia.

He went on to say:

SA has a long history of participating in space. SA has a huge defence industry and defence and space go hand in hand—you can't have one without the other.

He is quite right. We do have a very strong defence sector in South Australia, and this is one area where I would like to applaud the former government for their insight and ambition to make sure that we were going to have a space industry here in South Australia.

Members of this parliament may realise that back in 2016 I visited NASA's Johnson Space Center in the US at the invitation of Dr Andy Thomas. I have had a longstanding interest in this area and I know that members opposite have had a longstanding interest in this area. It is really important that we work in a bipartisan way if we are going to secure this national space agency in South Australia.

I think it was a very proud moment for our state, last year, when the world International Astronautical Congress was held right here in South Australia, with every space agency from around the world represented here, at that congress—a very proud day for our state. So it's all systems go. As I have said previously to this parliament, I have spoken with the Prime Minister, I have spoken with the defence minister, I have spoken with the defence industry minister and I have also spoken with Michaelia Cash, the minister for science—

*Members interjecting:*

**The Hon. S.S. MARSHALL:** I would be very careful because she's making the decision. Senator Cash is doing a fine job, and she has an important responsibility to determine where the national space agency will be. As part of that consideration, sir, you will be interested to note that she has appointed Dr Megan Clark, the former chief executive of the CSIRO. Dr Megan Clark will be visiting South Australia next month. She will begin the process of making that evaluation. So it's all systems go. There only seems to be one little fly in the ointment, and that is the ALP. I want a space agency here in South Australia. We on this side—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —want the national space agency to be in South Australia.

**Mr KOUTSANTONIS:** Point of order.

**The Hon. S.S. MARSHALL:** The question is—

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

**Mr KOUTSANTONIS:** The Premier is debating the question, sir.

**The SPEAKER:** The question was very clearly about an update on Dr Andy Thomas. It is not to be used for a partisan speech, so I do ask the Premier to —

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

*Members interjecting:*

**The SPEAKER:** Order! I do ask the Premier to respectfully return to the substance of the question, please. Premier.

*Members interjecting:*

**The SPEAKER:** The Premier will be heard in silence.

**The Hon. S.S. MARSHALL:** I can read the question for you: what action the government is taking to bid for Australia's national space agency? I tell you, sir—

**Mr KOUTSANTONIS:** Point of order, sir: did the Premier just read out a question that was given to him without notice?

*The Hon. S.S. Marshall interjecting:*

**The SPEAKER:** Is there a point of order? I think the Premier is wrapping up. Premier, would you like to wrap up, please.

**The Hon. S.S. MARSHALL:** I would like to, sir—

*Members interjecting:*

**The SPEAKER:** Order, members on my left! There have been two points of order. The Premier will wrap up shortly.

**The Hon. S.S. MARSHALL:** I would just like to say that it is important—

**The SPEAKER:** Premier, 15 seconds, please.

**The Hon. S.S. MARSHALL:** It is very important that we do work in a bipartisan way to secure the national space agency, and I look forward to those opposite and the Leader of the Opposition joining with our bid for the national space agency and rejecting the Labor Party's plan to move the national space agency to Canberra.

**The SPEAKER:** Thank you, Premier. Yesterday, I did grant the member for West Torrens additional time in a grievance, I believe.

**Mr Koutsantonis:** In grievances, sir.

**The SPEAKER:** Yes, and I do have discretion to do that. I call on the Leader of the Opposition.

#### COMMISSIONER FOR VICTIMS' RIGHTS

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:22):** My question is to the Premier. Has the government changed the scope of the role of the Commissioner for Victims' Rights?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:22):** Not that I am aware of.

#### COMMISSIONER FOR VICTIMS' RIGHTS

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:22):** My question is to the Premier. Why did the government increase the salary of the new Commissioner for Victims' Rights?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:23):** I will take that question on notice and the Attorney will bring back an answer to the house.

#### COMMISSIONER FOR VICTIMS' RIGHTS

**Mr KOUTSANTONIS (West Torrens) (14:23):** My question is to the Acting Attorney-General. When did the government inform SAPOL Assistant Commissioner Bronwyn Killmier that she was successful in her application for the role of Commissioner for Victims' Rights?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:23):** After the appointment was made.

**The SPEAKER:** Before I call the member for Waite, I have been referred to section 98(b) of the standing orders:

- (b) During the period for asking Questions without Notice an answer to a question must not exceed four minutes. The Speaker has discretion to extend the time for a Minister or other Member's answer if the answer is interrupted.

The member for Waite.

#### SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

**Mr DULUK (Waite) (14:23):** My question is to the Minister for Education. Can the minister provide an update to the house on the government's commitment in relation to a review of stage 2 of SACE?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:24):** I am very pleased to be able to say, yes, I can. I thank the member for Waite for his question and his interest, along with so many members on this side, in ensuring that South Australian students have the opportunity to achieve their potential, the best version of themselves, by receiving the best education they possibly can.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.A.W. GARDNER:** We have a strong ambition for South Australian students to be supported with the best education system in Australia. One of our commitments in this area was to undertake a review of the stage 2 requirements of the SACE. There were a number of useful reasons for a review. It has been a number of years since the new SACE was implemented—some six or seven years now—and it is time for a review. That is why the Liberal Party committed to this review prior to the election.

There are a number of key components to the review. The first is in relation to the number of subjects that are expected of our students at a year 12 level. When the expectation was that we go from five subjects to four subjects, there was indeed outcry from a number of teachers' organisations who saw the number of students undertaking their subjects, whether they be languages or geography or a range of others, diminish substantially to the point where we now have a very small number of students doing some of those subjects where we actually need to have workforce capacity with that skill set.

That is one of the factors that was feeding into it. One of the questions that has been raised is in relation to the research project. There were significant teething problems raised by many people in the community, but over the last seven years many schools—and I commend them for this—have invested significantly in ensuring that the research project is a valued part of the curriculum in their schools. Many schools now get great value out of it; however, others report that there are still things that they would rather do. It is operating differently in different schools. Some are doing it at a year 12 level, and it is 10 points at stage 2 of the SACE. Many schools are doing it at year 11. That is for many reasons.

They are offering it at year 11 so that potentially their students can do five subjects at year 12 and give themselves the best opportunity to achieve the results that they want. A number of them do it so that there are more flexible apprenticeship pathways available so that apprentices are not held back by the requirement to come back to school and do the research project if they are primarily on the job site. We want those young apprentices to get their SACE as well. We want more apprentices in our system because we have a skills need and, of course, there is almost a record low number of apprentices in our system at the moment.

The Minister for Industry and Skills is working hard to get that up. We want to ensure that the SACE is working very effectively with vocational education. Forty per cent plus of our students do a VET course as part of their year 12 requirements, yet we are not convinced that all those VET courses are leading to a job outcome. We want to ensure that all those VET courses that do lead to job outcomes as part of an apprenticeship are able to be counted towards their SACE for the training component, if that is possible, to ensure that we can have young people doing apprenticeships and getting their SACE.

But we also want to ensure that there is excellent capacity in the system for entrepreneurship and for academic excellence. The government is pleased to advise that Wendy Johnson, the principal of Glenunga International High School and vice president of the South Australian Secondary Principals' Association, an extremely highly regarded educator in South Australia, has agreed to undertake this review in the coming months.

There will be an opportunity for public submissions—stakeholder and expert submissions. Wendy Johnson's capacity and integrity cannot be held in anything but the highest of regard. She has most recently served the people of Australia as a panellist on the most recent Gonski review. That work has been recognised around the country. I am very pleased that Wendy has agreed to undertake this role. I am very pleased that she and the SACE Board are working with the government to deliver on this critical election commitment that will deliver excellent outcomes for the people of South Australia and in particular our students.

**COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr KOUTSANTONIS (West Torrens) (14:28):** My question is to the Acting Attorney-General. Did anyone in the Marshall government or any member of staff approach Bronwyn Killmier to apply for the role of Commissioner for Victims' Rights?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:28):** Not that I am aware of.

**COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr KOUTSANTONIS (West Torrens) (14:28):** My question is to the acting—

*Members interjecting:*

**The SPEAKER:** The member for West Torrens will ask his question in silence so I can hear it, thank you.

**Mr KOUTSANTONIS:** Thank you, sir, for your protection. My question is to the Acting Attorney-General. How will the Marshall government respond to a petition on change.org that calls on the government to review the sacking of the Commissioner for Victims' Rights, Mr Michael O'Connell?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:28):** The Commissioner for Victims' Rights was not, to use the shadow minister's word, sacked. The Commissioner for Victims' Rights' term expired on 16 July. There was a merit-based selection process undertaken. The name of Bronwyn Killmier should be held in the highest regard by the people of South Australia. She has been a trailblazing police officer, one of our first female assistant commissioners of police.

She is our first female Commissioner for Victims' Rights. She is a significant South Australian, a woman of great capacity and merit, and I believe she is an excellent appointment. This side of the house believes that she is an excellent appointment, and we are confident that she is going to do a great job. She will serve the people of South Australia and, most importantly, those victims she will come into contact with she will provide support to and she will provide service to. She will serve them well.

We have confidence in her to do that work. We know that she will do a great job. We look forward to seeing her do a great job, and I hope that all members of this house will support her in those endeavours so that the victims of crime here in South Australia will not see the commissioner who will be supporting them undermined by any member of this parliament.

**FOOD SOUTH AUSTRALIA**

**Mr CREGAN (Kavel) (14:30):** My question is to the Minister for Primary Industries—

**Mr Koutsantonis:** That's unfortunate, sir.

**The SPEAKER:** The member for Kavel has the call.

**Mr CREGAN:** —and Regional Development. How will the state government's funding commitment to Food SA grow the food and beverage sector in South Australia?

**The SPEAKER:** The Minister for Primary Industries.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:30):** I thank the member for Kavel—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.J. WHETSTONE:** —for his question. I do note that the member for Kavel—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.J. WHETSTONE:** —was at the recent opening of the \$14 million redevelopment of Beerenberg, as was one of his constituents, A.E. Cranwell and Sons, the brussels sprouts grower, one of the member for Kavel's favourite vegetables. I commend him for that.

This government has committed to the food industry of South Australia once again. One of our election commitments was that we were going to give Food SA the funding they needed to progress the food industry and beverage sector. A figure of \$1 million per annum was announced just in recent days to Food SA at their industry action plan of 2018-21. That \$1 million guarantees that they can now get on with the job of promoting the food sector here in South Australia, and the beverage sector here in South Australia, that is critical to South Australia's economy.

A \$17.6 billion revenue comes into our economy through the great work of our producers, our value-added manufacturers, our traders, our packagers, and the suppliers and markets. It is critical to know that Food SA is more than just an advocate for growing food, value-adding food and making sure that the R&D is done around staying in front of the game.

Food SA also travel the world, making sure the expos are filled with SA businesses to make sure that those businesses are prepared so that, when they are on the floor of those large areas on the world stage, South Australia has some of the best representation in the world. It is ably run by Catherine Sayer, CEO of Business SA, and another great success story, Ray Borda, Chairman of Food SA. He is the chairman of Macro Meats, and it's a great South Australian business.

Regional South Australia will be the beneficiary, by and large, because regional South Australia, by and large, grow the produce. They then value-add. If Food SA can actually give benefit or add value to that vertically integrated business out of the regions, they will do that. They will make sure that South Australia's produce is A class, clean, green, safe produce.

It is important to note, again, as I have said many times, that 29 per cent of the population present 50 per cent of the merchandise exports. That is what South Australia is renowned for. We are the leading state in this great nation of food production and value-added. What I will say here is that not only through the value-added chain will we continue—as will Food SA—those core programs to make sure that we are in front of the game.

It is important to note that everyone here puts food on the table, three meals a day. It is important to note that there are many thousands of businesses, some 4,000 businesses in regional South Australia, that rely on food production to put income into their business. But it is also important to note that we are putting safe, clean, green food on everyone's table. Globally, we are renowned for being some of the best producers, innovative producers, anywhere in the world.

Food SA will again host the Food Industry Awards. They will now employ a liaison officer to better integrate those businesses with the trade shows, with all the producers' two markets. It's also important to know that this government is going to back our exporters because we remember that hashtag #regions matters.

#### **COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr KOUTSANTONIS (West Torrens) (14:34):** My question is to the Premier. Is the Premier aware of anyone in his government approaching Bronwyn Killmier to apply for the role of Commissioner for Victims' Rights?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:34):** No.

**The SPEAKER:** Member for West Torrens.

#### **COMMISSIONER FOR VICTIMS' RIGHTS**

**Mr KOUTSANTONIS (West Torrens) (14:34):** Thank you, Mr Speaker.

**The Hon. J.A.W. Gardner:** It's a fishing expedition.

**The SPEAKER:** The Minister for Education is warned.

**Mr KOUTSANTONIS:** I enjoy fishing. My question is to the Acting Attorney-General. What guarantees has the government offered the new Commissioner for Victims' of Rights on ongoing funding for victim support services that have been provided for domestic and family violence since 1979?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:35):** I will ask the Attorney-General's office to have a look at the detail of the question that has just been asked. I am sure the Deputy Premier will bring back an answer in due course.

#### CRIME STOPPERS SA

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:35):** My question is to the Minister for Police. Why hasn't the minister signed the funding deed to provide Crime Stoppers with ongoing funding?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:35):** I thank the opposition leader for the question and just note that it is actually the 92<sup>nd</sup> question I have been asked in this place. I think I am on world record pace, and I thank him very much for that.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr Koutsantonis:** No minister has ever performed like you before—

**The SPEAKER:** Order! The member for West Torrens is warned.

**The Hon. C.L. WINGARD:** Well, 92 is a pretty impressive number from the opposition, so I thank them for that.

*Members interjecting:*

**The SPEAKER:** Order! The minister will be heard in silence, although he did ask for it.

**The Hon. C.L. WINGARD:** I know that Crime Stoppers have met with the Attorney-General, and I have met with Crime Stoppers as well. They are a very good organisation that has been running for a long time here.

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. C.L. WINGARD:** They have been a not-for-profit organisation that have had great sponsorship from people like the State Bank and, post that, the Credit Union. They are looking to expand their role.

*Ms Hildyard interjecting:*

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

**The Hon. C.L. WINGARD:** They are looking to move into a few different areas, and we are happy to continue conversations with them about what they are out to achieve.

*Members interjecting:*

**The SPEAKER:** Members on my left will cease interjecting.

*Mr Mullighan interjecting:*

**The SPEAKER:** The member for Lee is called order.

**The Hon. C.L. WINGARD:** Thank you, Mr Speaker. I am happy to continue our conversations with them about what they are trying to achieve. I think some of the things they are doing are out of scope—

*Mr Koutsantonis interjecting:*

**The SPEAKER:** The member for West Torrens will cease interjecting.

**The Hon. C.L. WINGARD:** —and they are looking to move into a few different areas, including some sporting fields and others, but we think fundamentally what they do, and what they have done as a not-for-profit for a long time, has been very well served. They use police resources, of course, so the police commissioner and SAPOL will need to be engaged in that as well, but we will happily continue conversations. I know that before the last election those on the other side—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —made another one of their veiled promises, a promise that was not funded, a promise they did not commit to—

**An honourable member:** Another one, just another one.

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** I think it may even have been in caretaker mode—

*Mr Duluk interjecting:*

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

**The Hon. C.L. WINGARD:** I will have to check my records and see there. Again, we had a government that makes commitments and then never stumps up the money, never puts up the money to deliver.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** We will keep talking with Crime Stoppers and if we can find a resolution we will look to do so.

**The SPEAKER:** The member for King.

**Mr MALINAUSKAS:** A supplementary.

**The SPEAKER:** I'm sorry; I have called the member for King. I will come back to you.

#### **GOLDEN GROVE ROAD**

**Ms LUETHEN (King) (14:37):** My question is to the Minister for Transport. Can the minister update the house on the government's plans for upgrades to Golden Grove Road within the electorate of King?

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:37):** I can.

*Members interjecting:*

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

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** I would like to thank the member for King, another local MP who has been constantly reminding me about the importance of her local electorate to South Australia and things we should be doing to ensure that the good burghers of King get looked after by this new Liberal government.

*The Hon. A. Piccolo interjecting:*

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

**The Hon. S.K. KNOLL:** It does—

*Members interjecting:*

**The SPEAKER:** Order! The minister has the call.



**The Hon. S.K. KNOLL:** —seem that success does have many fathers, and when it comes to the fixing of Golden Grove Road—

*Members interjecting:*

**The SPEAKER:** Order! The leader is called to order.

**The Hon. S.K. KNOLL:** —I dare say there are many who believe that they are the father of the fixing of Golden Grove Road, but in this instance, in this case, there is only one mother and that is the member for King. She has been a tireless advocate—

*Members interjecting:*

**The SPEAKER:** Order, members on my right!

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** I think that anyone who had the now member for King's social media in their feeds would have thought that she was living out on Golden Grove Road with a sign getting people to honk and stop and sign the petition, a petition that ended up having over 1,200 signatures on it, which did pressure a former government into committing \$20 million to fix the road.

I point out—and maybe this is a lesson that I think we in this house who come from small business understand, the value of spending money—that when it comes to spending taxpayers' money it is not the Labor Party's money, it is not the Liberal Party's money, it is not my money, it is not a minister's money, it is not even the member's money: it is South Australian taxpayers' money. As their government, they deserve to know how it is being spent—

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. S.K. KNOLL:** —but they also deserve to know that—

*Mr Koutsantonis interjecting:*

**The SPEAKER:** The member for West Torrens will cease clapping.

**The Hon. S.K. KNOLL:** —we are prudent with how we spend that money. Can I say in relation to this project, member for King and Mr Speaker—

*Mr Bignell interjecting:*

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

**The Hon. S.K. KNOLL:** —that some early geotechnical works are already underway and that the best advice I have at the moment is that the completion has actually been brought forward from 2021 to sometime in 2020. This project is very much on track. In fact, at this early stage it is ahead of schedule, and I look forward to delivering it as soon as possible as the new Marshall Liberal government seeks to get on and deliver these very important infrastructure projects. Can I also say, though, that in this place, there are many people who should look at what the member for King has done in relation to advocacy. The squeaky wheel really does get the oil, and 1,200 signatures really does—

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. S.K. KNOLL:** —help deliver these important infrastructure upgrades for South Australia.

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. S.K. KNOLL:** I look forward to further updating at any time that the member for King would like—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader, please cease interjecting.

**The Hon. S.K. KNOLL:** —on this very important project to deliver for the great people out at Golden Grove.

#### **GOLDEN GROVE ROAD**

**Mr KOUTSANTONIS (West Torrens) (14:40):** A supplementary question to the Minister for Transport: on how many occasions has the member for King written to the minister regarding Golden Grove Road?

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:40):** Actually, if I'm talking about pieces of communication, I dare say we've had about five or six conversations already about it, including my giving—

*Members interjecting:*

**The SPEAKER:** Order, members on my left! The minister is attempting to answer the question. He will be heard in silence or members will be departing. Members on my left will cease interjecting. Minister.

**The Hon. S.K. KNOLL:** —personal updates to the member for King about where this project is at.

*The Hon. C.L. Wingard interjecting:*

**The SPEAKER:** The Minister for Police is called to order. I won't call the next speaker until we have silence.

*The Hon. S.S. Marshall interjecting:*

**The SPEAKER:** The Premier is called to order.

*The Hon. D.G. Pisoni interjecting:*

**The SPEAKER:** The Minister for Industry is warned.

*An honourable member interjecting:*

**The SPEAKER:** Member for Lee, was that you? No. The Leader of the Opposition.

#### **CRIME STOPPERS SA**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:41):** My question is to the Minister for Police. When will the police minister's conversations cease and he actually sign the funding deed with Crime Stoppers?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:41):** I thank the member for the question. I just find this galling that after 16 years they delivered nothing. They delivered nothing in 16 years.

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. C.L. WINGARD:** Fake commitment. They have delivered nothing. They did not give one cent to Crime Stoppers, not one cent. Now they are over that side. I bet they will put out a press release. That's what they will do. They seriously, for 16 years, delivered nothing. Now we're in government—

*Members interjecting:*

**The SPEAKER:** Order!

*Mr Picton interjecting:*

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

**The Hon. C.L. WINGARD:** —they ask, 'Why aren't you doing this? Why are you doing this?' We will continue to have conversations with—

**The SPEAKER:** The minister will be seated. A point of order by the member for West Torrens.

**Mr KOUTSANTONIS:** Yes, sir. The minister is debating the question.

**The Hon. J.A.W. GARDNER:** A point of order, sir.

**The SPEAKER:** A point of order on the point of order.

**The Hon. J.A.W. GARDNER:** The debate is in the question itself.

**The SPEAKER:** Before I rule on the point of order, there are a number of interjections taking place. The minister is attempting to answer the question. Minister, I ask that you please return to the substance of the question. It was, I believe, about a deed being signed. Minister.

**The Hon. C.L. WINGARD:** Thank you very much, Mr Speaker. There was no substance to the question—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —and there is no substance to those on the other side of the chamber. They, for 16 years, have done absolutely nothing. They delivered no funding—

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. C.L. WINGARD:** —to SAPOL in 16 years, no funding to Crime Stoppers, I should say, in 16 years. Crime Stoppers and SAPOL have a good working relationship—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** We will continue to work with them and find a resolution, but that side did nothing.

#### **CRIME STOPPERS SA**

**Mr ODENWALDER (Elizabeth) (14:43):** My question is to the Minister for Police. Why is the government cutting \$960,000 in funding to Crime Stoppers?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:43):** I thank the member for the question. There was no funding for Crime Stoppers. You never delivered any funding in 16 years. There is no funding being cut to Crime Stoppers.

#### **SPORTS FUNDING**

**Dr HARVEY (Newland) (14:43):** My question is to the Minister for Recreation, Sport and Racing. Will the minister update the house on the government's commitments to support grassroots sporting organisations, particularly in the north-east of Adelaide?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:43):** I thank the member for his question, and what a great member he is, too, looking after his community, fighting incredibly hard to get—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —sporting commitments into his community, grassroots sporting commitments, and he knows how important these things are for his community. Can I say that the

success of the Marshall Liberal team in the north-eastern suburbs at the March election is a testament to how hardworking our members are, including the member for King, the member for Newland and, of course, yourself, Mr Speaker, a wonderfully hardworking member for your local community. I would also like to recognise the hard work of Therese Kenny, our candidate for Torrens—

*Mr Malinauskas interjecting:*

**The SPEAKER:** The leader will not interject.

**The Hon. C.L. WINGARD:** —who I know fought incredibly hard for her community as well in the north-east. The Marshall government understands the importance of grassroots sport, in particular the role sport can play in bringing communities together. The north-eastern community is all the better for having elected these strong—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —passionate and capable members of parliament, even more so because these members are part of a government that is equally passionate about encouraging participation in grassroots sport, and finally providing clubs with the resources they need to improve their facilities. Regular involvement in sport benefits individuals and communities, not just in health, but it also delivers social benefits through volunteer participation and a sense of giving back to the community in which we live. I am proud that the Marshall government is delivering on a suite of election commitments that allow clubs and councils to improve their sporting facilities and, in turn, help increase participation in local and community sport.

Across the state we have made funding commitments to many electorates and we will be delivering on all of them. In the north-eastern suburbs specifically we have committed to assisting in the replacement of the sprung floor at the Tea Tree Gully Gymsports club, and I know the member for Newland fought hard for that; supporting the upgrade of the car park lighting and entry point at the SA District Netball Association facility at Golden Grove, and the member for King campaigned hard for that as well; but also supporting the development of six new multipurpose courts for tennis and netball at the Tea Tree Gully sports club and, again, both the members for King and Newland were very passionate about that.

The member for Newland has worked incredibly closely with the chairperson of Tea Tree Gully Gymsports, Steve Crompton. In fact, I was pleased to visit the gym during the campaign. I know the member for Newland has met with the board of Tea Tree Gully Gymsports since the election and reconfirmed our commitment to them. Our funding commitment to the Tea Tree Gully sports club involves Jason Todd from tennis and Karen Lang from netball, who I know the member for Newland has spoken with since the election, and they are very excited about the expansion there.

In fact, he had me out there on a fairly cold winter night, I think it was, when we caught up with the two netball clubs there and the tennis club. To see that there were young children out there not able to play because there weren't enough courts was very disappointing, and that is why the member for Newland got so engaged. I am also pleased to confirm the funding agreement offers have been sent to the Tea Tree Gully Council regarding our funding commitment. This process is being led by the Office for Recreation and Sport, and the house will not be surprised to know that the ever-diligent member for Newland has also had conversations with the Tea Tree Gully council. I understand he has met with Mayor Kevin Knight and CEO John Moyle since the election to discuss the commitments.

Let's not forget other commitments we have made in the north-eastern suburbs, including funding to upgrade the Campbelltown Soccer Club—I know that will make you happy. This will deliver funding to install the FFA-quality certified synthetic soccer pitch, build women's change rooms and provide new fencing as well; funding for the Max Amber Sportsfield lighting upgrade; and funding for women's change rooms at the Hectorville Sports and Community Club as well. I look forward to seeing these facilities developed in the Tea Tree Gully Gymsports, the Tea Tree Gully sports hub and the South Australian District Netball Association, and I know they will add significant benefit to the north-east of Adelaide.

**SOUTHERN EXPRESSWAY**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:48):** My question is to the Minister for Police. Given another spate of rock-throwing incidents in recent days, will the minister now declare the Southern Expressway a protective security area, so protective security officers can be deployed?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:48):** I thank you for the question.

*Mr Mullighan interjecting:*

**The SPEAKER:** Member for Lee is warned.

**The Hon. C.L. WINGARD:** As I have said previously in this place, we are taking this very seriously. We have a very firm and appropriate and timely action for rock throwing, with SAPOL. As I have said previously in this place, this isn't a new issue, but it is one that has been ignored by those opposite for far, far too long. As I have said previously in this place, rock throwing—

*Members interjecting:*

**The SPEAKER:** Order, members on my left! It is your question time.

**The Hon. C.L. WINGARD:** —hasn't just happened over the past three months; it has happened over the past three years. Those on the other side did nothing in government again. In 16 years they did nothing when it comes to this situation—

*Mr Duluk interjecting:*

**The SPEAKER:** Is the member for Waite interjecting?

*Mr Duluk interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —over the past six years. But what they have done in opposition is put out a press release saying they want security guards to patrol the Southern Expressway. On this side of the house, we back police.

*Members interjecting:*

**The SPEAKER:** Order!

*Mr Duluk interjecting:*

**The SPEAKER:** Minister, please be seated for one moment. The member for Waite is well and truly on two warnings. If he continues to interject, he will be departing the chamber under 137A.

**Mr Malinauskas:** Good coach; well done!

**The SPEAKER:** And the leader is warned.

**The Hon. D.C. van Holst Pellekaan:** Good team over hear, mate.

**The SPEAKER:** The Minister for Energy is also warned.

*The Hon. T.J. Whetstone interjecting:*

**The SPEAKER:** The Minister for Primary Industries is warned. The Minister for Police will be heard in silence. Minister.

**The Hon. C.L. WINGARD:** Thank you, Mr Speaker, and I thank you for your protection. They are so nasty on the other side, I must say.

*Members interjecting:*

**The SPEAKER:** Please get on with it, minister.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** Mr Speaker, I make the point with a lovely smile on my face.

*Members interjecting:*

**The SPEAKER:** The minister has the call.

**The Hon. C.L. WINGARD:** I stress the point again: 16 years and they did nothing. They get into opposition and they put out a press release, another one of their mighty press releases, saying, 'We want security guards down there.' Well, on this side of the house, we back police. We want police to do policing. We don't want to put policing in the hands of security guards. Security guards can do security; police will do policing.

We know police have increased their presence down there, with Operation Watercolour. They have called on the resources of the local LSAs to get more people down there, more people actioning when something goes wrong and/or patrolling when it doesn't. In fact, I have had a number of people contact me, and they have said that as they have driven on the Southern Expressway they have been amazed at the amount of police on the Southern Expressway. Patrols, foot patrols, bike patrols, motorbike patrols and also mounted police and other units as well have been called to this issue. What we are saying—

**The Hon. T.J. Whetstone:** So what did you do, Chris?

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** What we're saying is—

**The Hon. T.J. Whetstone:** What did you do in 16 years?

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —after 16 years, those on that side did nothing. Now they want security guards. They want to bring in security.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** They are ignoring police and they want security guards. On this side of the house, we are backing police. Police do policing; security guards can do security.

**Dr Close:** Stop the rot instantly.

**The SPEAKER:** Before I call the member for West Torrens, the deputy leader I call to order. The member for West Torrens.

### SOUTHERN EXPRESSWAY

**Mr KOUTSANTONIS (West Torrens) (14:51):** My question is to the Minister for Transport and Infrastructure. When will the government install screens on the overpasses along the Southern Expressway. Sir, with your leave and that of the house I will explain.

Leave granted.

**Mr KOUTSANTONIS:** A further two rock-throwing incidents are making the Southern Expressway unsafe.

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:51):** I thank the member for West Torrens for his question and say that this government has moved since day one to deal with this issue. It's why you saw on Monday the first works around creating mesh over 2,000 square metres of rock area around various bridges across there being secured. It's why yesterday we saw the upgraded CCTV cameras being installed—

*Mr Koutsantonis interjecting:*

**The SPEAKER:** The member for West Torrens will cease interjecting. He is now on two warnings.

**The Hon. S.K. KNOLL:** —at 13 locations across the Southern Expressway. But I would like to talk to the house, if I can for a second, about what happens when putting up throw screens goes wrong. It's where you get incidents where chunks of concrete fall off bridges and start to hit motorists who are driving under South Road. That is what happens when you do not get the design work done properly. That is what happens when these things go wrong. Chunks fall off bridges and bridges need to be closed, and traders around the vicinity of the area struggle to trade. That's what happens when a government doesn't do its job properly. It is why we will not do anything—

*Mr Bignell interjecting:*

**The SPEAKER:** The member for Mawson will cease interjecting.

**The Hon. S.K. KNOLL:** —that increases the risk to those road users using the road. It's why we need to be extremely careful about the throw screens that we put up, and any temporary measures that we are looking into as well, to make sure that it doesn't actually increase the risk to motor users on those roads. The worst thing that could happen is that it is not a rock that is being thrown off and someone doing something malicious but because something falls off one of the bridges because the structural integrity has been compromised by a throw screen that hasn't been designed properly, or a temporary screen—

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. S.K. KNOLL:** —that's put up that blows off the bridge—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —and onto the car itself. That's why governments need to employ essentially what doctors do, and that is in the first instance to do no harm. That's why we need to make sure that we get this right before we take action— because otherwise we could see a situation like we saw on the shared-use pathway on the Glenelg tram overpass: 11 months and millions of dollars to fix what was essentially a design flaw—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —in the process.

*The Hon. S.S. Marshall interjecting:*

**The SPEAKER:** The Premier will cease interjecting.

**The Hon. S.K. KNOLL:** The bridge was literally falling apart—

**Mr Mullighan:** It's the same bridge design, is it?

**The SPEAKER:** The member for Lee will cease interjecting.

**The Hon. S.K. KNOLL:** —and that is why we will make sure that we do our homework properly, that we are prudent, that we work as quickly as we can but as safely as we can to make sure that the treatments that we put in place to solve this issue from an infrastructure standpoint are appropriate and safe.

#### SOUTHERN EXPRESSWAY

**Mr KOUTSANTONIS (West Torrens) (14:54):** Supplementary: my question is to the Minister for Transport and Infrastructure. Does he now concede that the member for Unley's promise of a tender on day one of a Marshall government was inept?

*The Hon. S.S. Marshall interjecting:*

**The SPEAKER:** Premier, please cease interjecting. Minister.

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:54):** I think this, again, is a question that I have been asked before. If we were to take the opposition's suggestion about where we are right now—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —that would actually slow down the process. We would actually be further away from throw screens than we are. Here's the thing: we come into government—

*Members interjecting:*

**The SPEAKER:** Members on my left will cease interjecting.

**The Hon. S.K. KNOLL:** —and we ask the question, 'What is the quickest way for us to be able to deliver these improvements—

**Mr Mullighan:** You got told that your promise was worthless.

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

**The Hon. S.K. KNOLL:** —to these infrastructure treatments on the Southern Expressway?' When the answer comes back, 'We can utilise an existing design and construct contract to put these things in place; that is the quickest way to get this done,' then that's what we do. We take the advice—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —and we actually do something that's even better. So, if we were to take the advice of members opposite, we would be further away. We would be going through a process to actually tender for a design and construct contract as opposed to using the flexible approach, the quick approach, of using the existing design and construct contract to deliver this solution as soon as possible. It's why we have not waited for throw screens as the only part of the solution. It's why we have worked to install over the coming weeks 2,000 square metres—

*Members interjecting:*

**The SPEAKER:** Order, members on my right!

**The Hon. S.K. KNOLL:** —of mesh on rocks across the various bridges. It's why we are upgrading CCTV as of yesterday. It's why we are looking at fencing to be installed at various sections over the coming weeks, and it is why we have expedited the design and construct process in relation to these throw screens. But, once again, we need to act responsibly. Governments need to be grown-ups. They need to take responsibility for what's happening in our community but also for what's happening on our assets. We will not do anything that compromises safety because, whilst these incidents are occurring—and they are disgusting, and we are extremely grateful for the work that South Australia Police is doing to bring these people to justice—we will not do anything that actually increases the risk of harm to South Australian motor users.

### SCHOOL ABSENTEEISM

**Mr BASHAM (Finniss) (14:56):** My question is to the Minister for Education.

*Members interjecting:*

**The SPEAKER:** The member for Finniss will be seated for one moment. If the member for West Torrens and the Minister for Primary Industries keep interjecting, they will be continuing their discussions outside the chamber. The member for Finniss.

**Mr BASHAM:** My question is to the Minister for Education. Can the minister inform the house about the progress towards meeting the government's commitments to address truancy?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:57):** I am very grateful to the member for Finniss for this question. The member for Finniss shares the concerns



that I and all members on this side of the house have, and I hope all members of the house have, for our students who are truant. We are ensuring that we do everything we can to get them back to school.

Earlier in the week, I talked a little bit in the house about the importance of doing everything we can for this single reason: a student who is absent from school for five days a term is going to miss one year of their schooling. That's a year of their schooling that is impossible for them to make up. Some students are absent for much more than that. The deficit in their education as a result of this is extraordinary, and it is damaging to their future.

*Mr Koutsantonis interjecting:*

**The Hon. J.A.W. GARDNER:** I think the member for West Torrens—

**Mr Koutsantonis:** Certainly, it is very important. I agree.

**The Hon. J.A.W. GARDNER:** Yes. The member for West Torrens says that it's important in an interjection. I hope that he is equally supportive of the government's commitments in this area. Member for West Torrens, I urge you to take this seriously because students who are absent from school are damaging their own future, unfortunately. There are often significant reasons behind that, and that is why this government is taking action to support them in their work.

Students who are absent from school will be supported in a number of ways. This government is taking action, even despite some of the commitments that were made by the former government but never delivered by the former government to address truancy, things like improving the legislation, which we hope to do under legislation that is now before the house and therefore I won't reflect further on it. Measures include increasing the number of workers in our attendance officers area, a commitment that the Liberal Party made to increase by 50 per cent—

**Dr Close:** We did.

**The Hon. J.A.W. GARDNER:** No, no.

**The SPEAKER:** The deputy leader is warned.

**The Hon. J.A.W. GARDNER:** The shadow minister interjects that she did.

**Dr Close:** Yes.

**The Hon. J.A.W. GARDNER:** In that case, I ask the shadow minister—

**The SPEAKER:** Please do not respond to interjections, minister. It leads to quarrels.

**The Hon. J.A.W. GARDNER:** —to reflect on the fact that for a number of years there have been 22 people who work in this area. This is, indeed, the next commitment that we made. When this government came to power, there were 22 people working in this area.

*Members interjecting:*

**The SPEAKER:** Members on my left will cease interjecting.

**The Hon. J.A.W. GARDNER:** There is a commitment that the Liberal Party made in 2016 to increase the number of officers—

*Dr Close interjecting:*

**The SPEAKER:** The deputy leader is called to order.

**The Hon. J.A.W. GARDNER:** —from 22 to 33. The Labor Party matched that commitment months before the election, but never actually employed a single one extra. There is still now a need for us to increase the number of officers by 11, and that work is being done and will be delivered by this government—but there is more. One of the other commitments the government made in the lead-up to the election was to have an audit of all schools' attendance policies to ensure that all public schools' attendance policies—

**Mr KOUTSANTONIS:** Point of order, sir: the minister is now quoting from publicly available documents.

**The SPEAKER:** Is the minister quoting from publicly available documents only?

**The Hon. J.A.W. GARDNER:** As minister, I identified one promise made before the election and I now propose to identify how the government is acting on it.

**The SPEAKER:** I inform the minister that, while he can refer to public documents, he must also quote other material, as has been the past practice of the house.

**The Hon. J.A.W. GARDNER:** The Liberal election commitment was clear that we would be—

**Mr KOUTSANTONIS:** Point of order: I ask him to table the document he is quoting.

**The Hon. J.A.W. GARDNER:** The document that I'm quoting from is advice provided to me reminding me of the Liberal election commitments. To be clear—

**Mr KOUTSANTONIS:** Point of order.

**The SPEAKER:** Point of order. What is the point of order?

**Mr KOUTSANTONIS:** Point of order, sir: the point of order I made was that it was publicly available. He had—

*Members interjecting:*

**The SPEAKER:** Order, members on my right!

**Mr KOUTSANTONIS:** He hasn't answered it. Ask him to table it, sir.

*Members interjecting:*

**The SPEAKER:** Order! I will listen carefully to the minister's answer. Minister, please continue your answer.

**The Hon. J.A.W. GARDNER:** I note that the shadow minister has been interjecting substantially, and I hope that there will be the opportunity for further time, especially as he is on two warnings. I would make the point that there are 500 public schools in South Australia. We believe it's very important that they have adequate attendance strategies and, indeed, the education department requires, and this is our expectation, that schools publish their school attendance data, analyse that data and have strategies outlining how they are ensuring high attendance. That is the commitment that the opposition made in the lead-up to the election to the Liberal Party. What did we find? Less than 80 per cent of schools were meeting that. That is the legacy of the former Labor government—

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

**The Hon. J.A.W. GARDNER:** —that had no interest in this issue—

**The SPEAKER:** Thank you, minister.

**The Hon. J.A.W. GARDNER:** —as demonstrated by—

**The SPEAKER:** Thank you, minister. The member for Frome.

#### **VOLUNTEER BUS DRIVERS**

**Mr BROCK (Frome) (15:01):** Thank you, Mr Speaker. My question is to the minister representing the Minister for Health. Can you advise the house why an existing volunteer bus driver has to sign an agreement with Health SA to be able to carry out their volunteering services at the Port Pirie Regional Health Service. With your leave, Mr Speaker, and that of the house—

Leave granted.

**Mr BROCK:** I have been advised that volunteers need to sign an agreement that will allow for their engagement as a volunteer for a probationary period of three months and, if approved, they will be offered a 12-month agreement, to be reviewed during the annual performance and development review, and attend compulsory organisation orientation sessions and attend ongoing mandatory training sessions, workshops and meetings as directed. Country Health SA may also terminate their appointment as a volunteer and cancel their accreditation if they do not comply.

**The SPEAKER:** Member for Frome, whilst you do have leave, I would caution members against reading lengthy paragraphs of facts. Is that it?

**Mr BROCK:** It is my explanation.

**The SPEAKER:** Okay, thank you. Minister.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:02):** I thank the member for Frome for this question. I know how genuine and sincere he is about volunteering and health in country regions. We are neighbouring MPs, Stuart and Frome, and we share a lot of these values together, so I know that he is very genuine and very sincere when he asks this question.

I guess the first thing I would do is to try to find out for him whether these requirements are requirements that, while they may have come in since the election, are policies that were put into place by the previous government or not, so is it something which the previous government decided to do which we have to consider whether we continue on with or whether we have to consider undoing, like so many other things we have come across since the election. We will find out for you, member for Frome, exactly what is going on there.

Let me just say that the volunteer drivers throughout regional and remote South Australia, who take people to and from doctors' appointments, take people to and from specialists in Adelaide and to and from hospitals for minor surgery where they don't have to be there overnight, are incredibly valuable people. They provide a very valuable service. I know a service that is shared between the electorate of Frome and the electorate of Stuart, the northern passenger service, is incredibly important and would be nothing without those volunteers.

While we would all agree that volunteers do need to be screened, and they do need to have some clear understandings with the organisation they serve, and while they should have to take on training it should of course be reasonable for those volunteers. It's a very hard thing to get exactly right, as we would all know, whether it's coaching, volunteer driving or whatever it might be.

It's hard to get it exactly right so that you get the benefits of volunteering, and we ensure that the volunteers have the right skills, have the right intent and have the right capacity. You don't want to have something that's onerous for them. You don't want something that makes it hard for them or puts them or others off volunteering.

We know how badly the former government dealt with the screening of volunteers, particularly the screening of volunteers who work with children. It is a very important thing to do but, goodness gracious, how many volunteers did the previous government put off from putting their hands up to offer help because the screening process was so onerous? I take the question from the member for Frome very seriously. I will seek information on the topic for him.

*Members interjecting:*

**The Hon. D.C. VAN HOLST PELLEKAAN:** I am sorry if those opposite don't take the member for Frome's question seriously.

*Members interjecting:*

**The SPEAKER:** Order! Is the member for Stuart finished?

*Members interjecting:*

**The SPEAKER:** Order! The member for Waite will depart for half an hour under 137A.

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

**The Hon. D.C. VAN HOLST PELLEKAAN:** I am sorry that the members opposite don't take the member for Frome's question seriously. The shadow treasurer is walking out of the chamber.

**Mr KOUTSANTONIS:** Point of order: it is disorderly to be raising members' absences in the parliament, and I ask you to bring the member back under control.

**The SPEAKER:** The member will be seated.

*Members interjecting:*

**The SPEAKER:** Order! There was so much noise in the background that I did not hear. Would the member for Stuart like to withdraw any comment that the member may have taken offence to.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Actually, if you don't mind, I would be happy to respond to that point of order. I did refer to the shadow treasurer while he was still here, but I do take the point that it's inappropriate.

**The SPEAKER:** Would you withdraw that, please.

**The Hon. D.C. VAN HOLST PELLEKAAN:** I do take the point—

**The SPEAKER:** Thank you. Please continue.

**The Hon. D.C. VAN HOLST PELLEKAAN:** —that it's inappropriate to refer to members' absences. But let me just say that it's very clear from the interest of those opposite, the noise they are making and their clear disinterest, that they don't respect this question. We on this side do take this question very seriously. I will confer with the Minister for Health and I will bring back, directly to the member for Frome, a very serious and genuine answer to his good question.

*Grievance Debate*

### **MENTAL HEALTH SERVICES**

**Mr PICTON (Kaurna) (15:06):** I rise on a very important issue for South Australia and for services, particularly in the mental health area across South Australia, namely, the funding threat we have seen with the introduction of the NDIS. It is a funding threat from the commonwealth government that is hitting mental health services in South Australia and other states, and we have seen no action from this state government to address that.

There are now 10 days to go until this funding threat looms on 1 July, and on that date we are going to see 150 mental health workers across South Australia lose their jobs. We are going to see thousands of South Australian mental health patients and clients lose vital services that are keeping them well and healthy and out of hospital. We are going to see some 23 organisations lose their funding to provide these important services or have their funding significantly diminished to the point of being very stretched in being able to provide these services.

We know that when it comes to mental health the most important thing we can do is keep people healthy, in the community and out of hospital, through intervention services and through prevention services. That is exactly what these programs are doing in the community, but, sadly, what we have seen from the federal government is a combination of the cutting of these programs and a lack of ability for people to get access to the NDIS services.

The original promise from the federal government was that some 80 per cent of these mental health clients would be able to get a package of care from the NDIS. The reality is that we are seeing 80 per cent of those people unable to receive care from the NDIS. So, when the federal government has cut, by 80 per cent, a lot of these programs, they are still dealing with having to provide 80 per cent of those services to clients.

We knew that this was an issue before the election, and that is why we in the Labor Party and our now Leader of the Opposition, when he was the health minister, made a mental health services guarantee: we want to make sure that people in South Australia who need mental health services in the community should be guaranteed to have them provided and that, if they are ineligible for the NDIS, the state government should guarantee those services and should provide them.

Unfortunately, we did not see that commitment matched by those opposite who have formed government. Since then, we have not seen any action from them in intervening, with their special relationship that they supposedly have with the federal Liberal government, to take any action in terms of addressing this issue. We held a crisis stakeholder meeting a couple of weeks ago that I called, with the Leader of the Opposition, the member for Hurtle Vale and the shadow minister for human services, together with the Mental Health Coalition of South Australia and the Australian Services Union.

We had representatives from programs across the state. We had mental health workers and mental health clients there. They were all expressing to us the dire situation that those programs are in and, because of that, the situation the people are going to be in because of this. People were very frank. The fact that these programs are going to end is going to mean that people will not stay healthy in the community, that we will see more people going to emergency departments, that we will see more pressure on our homelessness services in the community and, sadly, we will see more self-harm in the community as well and potential tragedies in our community.

The time for action is now. We think that the Minister for Health and Wellbeing needs to take immediate action to intervene and ensure that these services continue over this interim period. At the very least, he needs to act now to intervene to ensure, for the next three months while negotiations can continue with the federal government, that these services are not cut off, that these 150 staff who are trained, skilled and providing services in South Australia right now, are able to continue their good work. It is not just in the city; it is right around South Australia. Regional areas will be particularly hard hit by these cuts that are about to face us.

I have also seen a whole range of other mental health services that do not receive this funding but are concerned about the impact that it is going to happen to them. Diamond House, which is a great initiative in the western suburbs I visited recently, are very concerned about what the impact is going to be on them. There is a petition circulating. I call on the government to take action and ensure these services continue.

#### FINNISS ELECTORATE

**Mr BASHAM (Finniss) (15:12):** I rise to talk about the beauty of the area of Finniss within the seat of Mayo. To me, there is great beauty in our electorate, with the beautiful beaches like Horseshoe Bay, through to the wonderful scenery around Mount Compass with the rolling hills, through to the River Murray and the beauties of the lower reaches of the Murray.

We have a real opportunity in this electorate now with a by-election. It is a by-election that is through no fault of the electors of Finniss or Mayo but the fault of the previous member in not getting her paperwork in order. This previous member, Rebekha Sharkie, has previously also been a member of the Democrats. Yes, she was a member briefly of the Liberal Party, then she was a member of NXT, now Centre Alliance. It even now appears that she may be eventually going to join the Labor Party following a grievance recently by the member for Mawson. There is great support there from the member for Mawson for the Centre Alliance candidate. It even appears to be so strong that it is above his own candidate.

Last week in Victor Harbor, a forum was held where four of the candidates who indicated they were going to be running in the seat were given the opportunity to put their positions forward. The Labor candidate, Reg Coutts, was given the opportunity to speak first. I was insulted by his opening remark, which was, 'I am the second dark horse in a race,' which I think is insulting to many.

That insult to the people of Mayo continued, with no solutions offered to the electorate. His dismissing of questions by saying that he had only been preselected very recently so he was not across the issues within the electorate, to me, was dismissive of the people of Mayo. I see this as Labor Party support for the person they would really like to see elected, that is, Rebekha Sharkie. A real alliance is occurring there and that really concerns me with regard to what we really need in Mayo.

This is the perfect opportunity to elect Georgina Downer, the Liberal candidate for the seat, to get a strong representative in the seat. She has the ability to go a very long way at a federal level. Having had personal interaction with her over the last few weeks in particular, re-acquainting myself with her as she started campaigning, I think she has real potential to be a minister. I do not even rule out the potential, eventually, if circumstances were right, for her to be prime minister of this country.

There are many things that this area needs. Members of this parliament and in the federal parliament advocate for those needs, but to take credit for matters that you write supporting letters for I think is a big call. Even in my brief role as member for Finniss I have supported things, but I do not say I have delivered. I have certainly supported people trying to achieve things, but to say that I

am the one who has delivered something just by writing a letter of support is false and misleading to the community.

During the state campaign in Finniss, enormous promises were made: \$600 million towards the duplication of the Victor Harbor Road, \$2 million to the Goolwa sporting precinct, extra buses, etc. Again, these promises were never deliverable. This was trying to buy the support of people in the electorate. People are waking up to this, though. We need to make sure that we work hard and get the best candidate elected down in the seat of Mayo to deliver the best outcome we can for those people in Mayo generally, and for the people in my electorate of Finniss, and that we get the support of the federal government behind the wonderful Marshall government we now have here in this state and deliver what we need in Finniss and Mayo.

### MAYO ELECTORATE

**Mr BIGNELL (Mawson) (15:17):** The best member for Mayo will be a local member for Mayo—not some blow-in from Victoria. I find it really surprising, and I think the people of Finniss will react very badly to someone who wants to go along party lines instead of going along with the best person for the job.

I was at a function last night that the member for Finniss was invited to, and he was a no-show. He was a no-show at the Parawa Ag Bureau function in Normanville. He sent Georgina Downer along as his proxy so that people could meet her because no-one knows who she is. She has spent the past 20 years in Victoria. It is a bit impolite to send along someone as your proxy when you could quite easily have made it along to the function.

I went to my letterbox this morning and there was all this mail in there from the Liberal Party. That is how worried they are. They are spending so much money on trying to get Georgina Downer up because they know she is a hard proposition for the electorate that I live in to accept. She is from Victoria. She got out of South Australia as soon as she could. She said disparaging things about the state where she was born. She missed out on preselection in Victoria. Now she has come back because she thinks that, like Buckingham Palace and the royal dynasty, she can take Mayo over as some God-given birthright; that because great-granddaddy, granddaddy and daddy had the seat, she is entitled to have the seat. Well, no. The people—

*An honourable member interjecting:*

**Mr BIGNELL:** Now someone is interjecting whose dad was in the Senate. This is good form, isn't it? It is not Georgina Downer's God-given right to inherit a seat. That seat, and that representative, belongs to the people of Mayo: people like me who live down there who want a local person. We do not want someone who has just moved over here. I am not sure if she is on the electoral roll yet. Her name had not popped up when I had a look.

She is trying to get on the electoral roll, but she is not on there. I am not sure whether her children go to school in South Australia or if they are still in Victoria. I know she has taken leave from her job with the Australian Strategic Policy Institute but she has not quit that job. Does Georgina Downer intend to actually move to South Australia whether she wins or loses? Is she going to make that commitment, that she will actually move here?

What also disturbs me, amongst a lot of other things that Georgina Downer has done, are her comments on the ABC over the years. At the national Liberal Party Federal Council over the weekend, we saw that they voted to get rid of the ABC, to privatise it. That is a disgrace. It is regional people, people in the electorate of Mayo, who really need the ABC.

If you go and talk to some people on Kangaroo Island—and I do not know whether Georgina Downer has ever been to Kangaroo Island, but I get there regularly, and I was talking to people there last week—they cannot get ABC TV over there after about 7 o'clock at night because of what the ABC tells them are atmospheric conditions. They need more funding into the ABC, funding that has been ripped out by successive Coalition governments.

I worked at the ABC from 1996 to 2001, and the Coalition government was ripping through that place, ripping money out of it and taking things out of South Australia and centralising them in Sydney. The ABC was becoming the Sydney broadcasting corporation. Those cuts have intensified in the past few years under a different coalition government.

We need the ABC. We do not need it privatised, which the Liberal Party supported on the weekend, and we do not need it defunded to the extent that it no longer provides the efficient service it can. Anyone listening to the 7pm radio bulletin on Sunday night would have heard rugby scores out of Queensland and New South Wales and a story about someone who was attacked in their home in Coffs Harbour. I do not care about that; I want some national news, but I want local news as well.

The ABC has been defunded so badly that there is no money there to have journalists on here in Adelaide to read bulletins over the weekends, to read bulletins on weeknights. I want a better ABC than that for my relatives in country South Australia and for the people I represent in the seat of Mawson. That is what I want, a better ABC. Georgina Downer and the Liberal Party want to tear it apart, an institution that has looked after Australia, got the message out across Australia, for more than 85 years. That is a disgrace.

The Liberal Party will lose Mayo because they do not stand up for the people they want to represent. They have a candidate who is from out of this state and she is out of touch.

Time expired.

### **SURF LIFE SAVING SOUTH AUSTRALIA**

**Mr COWDREY (Colton) (15:22):** I would like to take a slightly different tack from that of the last couple of members. I would like to take this opportunity to recognise the sporting achievements of the two surf lifesaving clubs within my community.

On Saturday 2 June, I had the pleasure of attending the Henley Surf Life Saving Club senior presentation night, and it was a night of genuine recognition for many surf lifesavers and volunteers within that club. I am not sure if you are aware, Mr Speaker, but the Henley Surf Life Saving Club was the first surf lifesaving club to be established here in South Australia. It was established in 1925 and, from looking around on Saturday night, the sense of community and camaraderie in the club is a direct reflection of the success it has had and it will continue to have well into the future.

The week prior, on Saturday 26 May, the West Beach Surf Life Saving Club also held its annual presentation evening. Unfortunately, I could not get there due to a conflicting event, but I would like to thank my colleague the member for Morphett for attending on my behalf. From all reports, the night was a great success and enjoyed by all who attended. I am a passionate advocate for Surf Life Saving, the service it provides and the community it helps to build.

The West Beach and Henley surf lifesaving clubs both do a tremendous job patrolling our beaches and keeping our community safe. As a frequent beachgoer myself, it is reassuring to know that our beaches are supervised by such committed and passionate members of our community. I would like to take this opportunity to recognise and congratulate the major award winners from both of the surf clubs' presentation evenings.

At the Henley Surf Life Saving Club presentation night, the Club Member of the Year—or members, as it was in this case—was jointly awarded to the fantastic power couple of Emma Cassidy and Matthew Gardner. I also had the pleasure of personally presenting the Club Champion awards across several categories. The Open category was won by Cameron Johns and the Masters category was awarded to Claire Burke and Grant Turner. The Under 19s was awarded to Ciara McGeagh and Cooper Forest, the Under 17s went to Aimee Moroney-Plouffe and Evan Corbett, the Under 15s was awarded to Layan Saadeh and Oscar Forest and, finally, the Under 14s was awarded to Bethany Corbett, Austin Bridge and Jarrod Butterfield. All of the award winners from the Henley Surf Life Saving Club Senior Presentation Night should be very proud of their achievements and I wish them all the very best for the next season.

At the West Beach Surf Life Saving Club awards night, Leca Reading took out the prestigious Club Person of the Year, Benjamin Zuill won Life Members Best Competitor, and Frank Martin took home the Stephen Trengove Youth Club Person of the Year. I also congratulate the new club champions. The J. Edwards Senior Male was Benjamin Zuill. The Kay Dempsey Senior Female was Kate Curtis. The Masters Male was awarded to Damien Newberry and Grant Simpson, and the Masters Female to Jo Sutcliffe. The Junior Males were Lachie Boag and Tommy Newberry, and Junior Female was Alyson Hettner. The Cadet Male was Frank Martin, and the Cadet Female was

Stella Benger. All of the award winners are highly respected members of the West Beach Surf Life Saving Club and I congratulate them on their success through their season.

I also acknowledge that sporting clubs like these cannot run on their own. It takes a lot of hard work, commitment and many volunteer hours to support and sustain successful clubs like the Henley Beach and West Beach surf lifesaving clubs. From what I have seen, both Henley and West Beach are very fortunate to have fantastic volunteer and membership bases and are well supported by their local communities.

I look forward to working alongside both of the surf lifesaving clubs in my capacity as the local member of parliament and to deliver on the commitments that the state Liberal Party made during the election. I would like to list them all, but I have very little time left and will just list a few of those commitments: providing free DCSI clearance for all volunteers—as I mentioned, many volunteers are involved in both of those surf clubs; providing financial support to families who participate in Surf Babies and Little Life Savers; and a very important one is increasing the kids' sports vouchers to \$100 for primary school-age children to help cover the cost of membership and registration fees.

To conclude, again I congratulate the major award winners from the Henley Beach and West Beach surf lifesaving clubs and wish them all the very best for next season.

### NORTHERN FUTURES

**Ms BETTISON (Ramsay) (15:27):** I rise today to talk about an organisation based in my electorate of Ramsay called Northern Futures. It has been in operation for more than 14 years and over this period has helped thousands of people in Adelaide's northern suburbs obtain the skills required to find meaningful employment. They are all about getting people back into work. The services provided by Northern Futures are, in fact, so valued that they successfully won a tender program to provide career coaching for over 1,200 employees as part of the Holden transition program. Holden itself provided a glowing testimonial, stating:

The Holden transition program has been very successful and the Northern Futures team has played a big part in that. Thank you to the team for genuinely caring for our people and helping so many of them effectively determine pathways back into employment.

Northern Futures is not an employment agency. They are not part of the jobactive network. They are a one-stop shop where job seekers receive:

- practical assistance to research and identify training pathways;
- tailored, local advice about industries and jobs in the region; and
- assistance with resumes, job applications and interview skills.

Therefore, it is with great disappointment that I stand here today reflecting on that work undertaken successfully by Northern Futures and other South Australian career services organisations that are coming to an end.

The Marshall Liberal government told the people of South Australia they had a plan for more jobs, lower costs and better services. But it seems that for the most disadvantaged, the unemployed or the underemployed, the Marshall Liberal government have decided to axe the very services that have helped get people into jobs in the first place.

Whilst vital everywhere—and these career services are supported up until 30 June throughout South Australia and then it stops—it is particularly important in Adelaide's north, still weathering the impact of the Holden closure last year. On 30 June, Northern Futures and other statewide career service providers such as Career Partners Plus and WISE Employment will no longer be funded.

It seems that, whilst working away behind the scenes to axe these important services, the Minister for Industry and Skills at the same time refused, despite several attempts at contact, even to respond to a meeting request—not prepared to talk to people, not prepared to visit them, not prepared to understand what it is that they are doing. I am concerned that this may be the first sign of a Marshall Liberal government razor gang mentality to cut front-line services, especially for our



most vulnerable. I cannot believe that when they have written to them, and they have seen them personally at an event, they have still been refused a meeting.

On 3 May, Northern Futures wrote to David Pisoni, Minister for Industry and Skills, to congratulate him on winning government at the state election and outlined an urgent need for an extension of their funding beyond the 30 June deadline. Northern Futures did not receive a response. When they wrote again to the minister on 30 May together with their state counterparts from Career Partners and WISE employment, they again did not receive a response. This is a disgrace. So much for being transparent, so much for delivering to people.

I welcomed the Marshall Liberal government's commitment to an increased number of apprenticeships and traineeships; however, it is a simplistic world view for many jobseekers to be able to walk straight into an apprenticeship. There is a distinct gap between being unemployed and job ready, and career services have been developed specifically to address this need. Challenges to being job ready can include lower levels of education achievement, lower levels of self-esteem, unpreparedness for employment, and not meeting employers' expectations.

People need to be ready to apply for apprenticeships and traineeships. Apprenticeships and traineeships are only as valuable as their completion rate and the skilled full-time jobs that can be counted at the end. Without Career Services in place to bridge this gap, the government's plans to successfully increase apprenticeships and traineeships will be hampered. These are not soft services. Admit that you have made a mistake and reinstate this funding of \$1.9 million being cut on 30 June.

#### COMMISSIONER FOR VICTIMS' RIGHTS

**Ms BEDFORD (Florey) (15:32):** Like many locally and internationally, I was astounded by the Attorney-General's recent announcement concerning current Commissioner for Victims' Rights, Michael O'Connell, who we now know will not be reappointed. Since 2006, Mr O'Connell has diligently served and advocated for victims of crime and willingly made himself available to parliamentarians of all political persuasions, proving to be a most apolitical advocate.

Mr O'Connell began his police career in the late 1970s, soon developing an interest in helping those hurt by crime. From 1980 to 1984, he worked with female police officers, tackling domestic violence and child protection. In the mid-1980s, while studying a business diploma, he completed victimology, later writing the curriculum on victimology for TAFE SA's justice studies, teaching that subject for about a decade. While a police officer, in 1989 Mr O'Connell was appointed the inaugural victim impact statement coordinator convincing the commissioner of police and the then attorney-general, the Hon. Chris Sumner, to allow victims to write their own statements. Next, he advocated for victims to have the right to read them in court.

He also helped craft several leading victim-oriented policies for the police and was on the committee organising the 1994 International Symposium on Victimology. When seconded from the police, Mr O'Connell became the lead researcher and writer for the then government's review on victims of crime, producing the blueprint for reforms on victims' rights and victim assistance, including state-funded victim compensation. In 2001, the Liberal government invited the Governor to appoint him as the state's first victims of crime coordinator. He was reappointed in 2004, in that era co-designing the model for regional services for victims of crime and chairing an inquiry into services for Aboriginal people as victims.

The Labor government's justice for victims policy in 2006 was greatly influenced by Mr O'Connell's advocacy on victims' participatory rights, including community impact statements and playing a key role in forging the law on the Commissioner for Victims' Rights, a position he strongly argued should be independent of the government of the day. That year, the Governor appointed Mr O'Connell as our first state and, in fact, Australia's first Commissioner for Victims' Rights.

Once the commissioner's functions were grounded on law, he set about advancing victims' participatory rights. He maintained that victims should not be outsiders or bystanders in the criminal justice system. Prosecutors have revised decisions on charges and victims have been represented by legal counsel in criminal proceedings pre and post conviction. The criminal bar has applauded these reforms made without unduly impacting on the rights of defendants. Judges and magistrates

have, through their decisions, acknowledged that his advocacy has been helpful. Several hundred victims have benefited from the evolution—or perhaps revolution—that has happened.

As commissioner, his focus was on victims' needs, introducing victim notification letters to ensure victims are told when criminal proceedings begin. This program is the only one of its type in Australia and possibly the world. Working with police officers in the Far North of our state, he devised better ways to inform Aboriginal people living on the APY lands of their rights as victims. He successfully argued for funding to establish a statewide network of workers to assist victims of sexual assault, to ensure the survival of the Road Trauma Support Team and the Homicide Victims' Support Group. He also introduced the homicide crime scene clean-up program, which has significantly alleviated the burden on those bereaved by homicide.

Furthermore, at Parole Board hearings he represents those affected by murder, a reform he drove when advising parliamentarians on the reform of parole laws. Remaining loyal to South Australians, he witnessed our citizens becoming victims of crime overseas. He fought for the rights for victims of terrorism, and victims of the Bali bombings were paid compensation after Mr O'Connell's advocacy. Most recently, he collaborated with consular staff, London police and private business to repatriate the body of a young person who was murdered during a terrorist incident. He has organised the repatriation of other victims of homicide, ensuring that loved ones are treated with respect, dignity and compassion. Most public was the repatriation of Khandalyce Pearce and her mother, Karlie.

Last year, he pursued better treatment of Australians as victims of terrorism. Earlier this year, the COAG tasked the National Victims of Crime Working Group, which Mr O'Connell helped establish in 2008 and has co-chaired since 2010, to draft good practice guidelines to assist victims of terrorism. Unfortunately, he will not complete this task. He will, however, continue as a member of the international network of services for victims of terrorism.

The soon to be retired commissioner is an international expert and an acknowledged scholar on victims' rights and victim assistance. He has helped train police in many countries and lectured internationally on the plight of victims of sexual assault, child abuse and terrorism, among other topics. The UN Office on Drugs and Crime has drawn on his experience and expertise and currently is co-writing the final draft of his new handbook on justice for victims. He is a founding member of Victim Support Asia and cooperates with Victim Support Europe.

Throughout his distinguished career, Mr O'Connell has never forgotten that victims are people in crisis. He has remained on call 24/7, even while working away or on private leave. He has assisted a countless number of women and children escaping domestic violence or dealing with the effects of that violence and has helped drive the previous government's child protection reforms. Victims of cyber crimes have also benefited from his interventions, with police now using information on scams and e-frauds that he produced. He holds many qualifications in the field of victimology and was awarded an Australia Police Medal and last year became a Member of the Order of Australia.

Time expired.

#### *Bills*

### **SUPPLY BILL 2018**

#### *Final Stages*

The Legislative Council agreed to the bill without any amendment.

### **SENTENCING (RELEASE ON LICENCE) AMENDMENT BILL**

#### *Final Stages*

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

No. 1. Clause 3, page 3, line 3 [clause 3(1), inserted subsection (1a)(b)]—Before 'infirmity' insert 'permanent'

No. 2. Clause 3, page 3, after line 3—Insert:

(1b) Section 58—after subsection (4) insert:

- (4a) The Supreme Court, when determining an application under this section, must not have regard to the length of time that the person subject to the order may spend in custody if the order is not discharged.

No. 3. Clause 4, page 3, line 18 [clause 4(1), inserted subsection (1a)(b)]—Before 'infirmity' insert 'permanent'

No. 4. Clause 4, page 3, after line 18—Insert:

(1b) Section 59—after subsection (4) insert:

- (4a) The Supreme Court, when determining an application under this section, must not have regard to the length of time that the person has spent in custody or may spend in custody if the person is not released on licence.

No. 5. Clause 4, page 3, after line 18—Insert:

(1c) Section 59(10)(b)—delete 'the person has contravened, or is likely to contravene, a condition of the licence.' and substitute:

—

- (i) in the case of a person released on licence on the ground referred to in subsection (1a)(b)—there is evidence suggesting that the person may now present an appreciable risk to the safety of the community (whether as individuals or in general); or
- (ii) in any case—the person has contravened, or is likely to contravene, a condition of the licence.

No. 6. Clause 11, page 5, line 33 [clause 11, inserted Schedule 2, clause 1(5)(b)]—Before 'infirmity' insert 'permanent'

No. 7. Clause 11, page 6, after line 23 [clause 11, inserted Schedule 2, clause 1(8)]—After paragraph (c) insert:

(ca) evidence tendered to the Court of the estimated costs directly related to the release of the person on licence;

No. 8. Clause 11, page 6, after line 26 [clause 11, inserted Schedule 2, clause 1]—After subclause (8) insert:

(8a) The Supreme Court, when determining an application under this clause, must not have regard to the length of time that the person has spent in custody or may spend in custody if the person's release on licence is cancelled or not confirmed.

Consideration in committee.

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendments be agreed to.

The government thanks the Legislative Council for its consideration and contemplation. I particularly thank the members of the Legislative Council who sided with the government in relation to some opposition amendments, which, we are advised by the Solicitor-General, would have given rise to a potential constitutional challenge, as it would have been an issue between the powers of the Supreme Court and the Parole Board. The amendments that have been supported are in addition to the bill. There are some opposition amendments that the government viewed as having no detriment to the bill. Therefore, I am able to advise the house that we are happy to accept all the amendments.

**Mr PICTON:** I am pleased that the government is saying it will accept all the amendments. We think this is a very important bill, and we are glad that it is being treated with much haste in getting through this parliament.

Motion carried.

## TERRORISM (POLICE POWERS) (USE OF FORCE) AMENDMENT BILL

### *Introduction and First Reading*

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:41):** Obtained leave and introduced a bill for an act to amend the Terrorism (Police Powers) Act 2005. Read a first time.

### *Second Reading*

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:41):** I move:

That this bill be now read a second time.

As part of the government's election commitment to introduce a broad suite of measures to keep the community safe from the evolving threat of terrorism, I am very pleased to introduce the Terrorism (Police Powers) (Use of Force) Amendment Bill 2018. This bill is the culmination of longstanding Liberal policy that the former minister for police suggested was not necessary and not required. At present, South Australian police officers are governed in how they are allowed to use their firearms and lethal force by a series of general orders.

The bill seeks to provide a clear legislative statement for South Australian police officers that they are protected from criminal liability if they are required to use force, including lethal force, when responding to a terrorist incident. These amendments are informed by the approach taken in New South Wales and the recent bill introduced by the Western Australian government in response to the New South Wales State Coroner's investigation into the Lindt Cafe siege.

The coroner concluded that it may be that special powers available to police responding to terrorist incidents should include a more clearly defined right to use force and recommended that the minister for police consider amendments to the Terrorism (Police Powers) Act 2002 of New South Wales to ensure that the legal position of police officers resorting to the use of deadly force is sufficiently clear and certain to enable them to respond to terrorist incidents in a manner most likely to minimise the risk to members of the public.

The actions undertaken in this bill reinforce this government's determination to equip the Commissioner of Police with the necessary powers to combat terrorism. The attacks on Lindt, on Bourke Street, in Paris, in Manchester and across the world are at the forefront of our minds today. These attacks have unfortunately become all too frequent. As a government, the safety and security of our community is our utmost priority. This bill will follow on from New South Wales and ensure South Australia has strong counterterrorism legislation in the unwelcome circumstance that it should be required.

The bill inserts part 2A into the Terrorism (Police Powers) Act 2005 to provide for terrorist act declarations by the Commissioner of Police, or the Deputy Commissioner of Police if the commissioner is unavailable. The commissioner can make a terrorist act declaration if satisfied that an incident to which police officers are responding is, or is likely to be, a terrorist act and planned and coordinated police action is required to defend any persons threatened by that act or to prevent or terminate their unlawful detention. The terrorist act declaration will apply to each location at which police officers are responding to the incident, which may include vehicles, buildings or other structures.

A declaration must be in writing; however, in urgent circumstances, the declaration may be made orally and then confirmed in writing as soon as reasonably practicable to do so. To avoid any doubt, I will repeat that sentence. A declaration must be in writing; however, in urgent circumstances, the declaration may be made orally and then confirmed in writing as soon as reasonably practicable to do so. If a declaration is revoked, the protections offered by part 2A continue to apply until the officer is aware of the revocation or the officer ought reasonably to have been aware of the revocation, whichever comes first.

Proposed new section 27B(1) sets out the police action authorised under a terrorist act declaration; that is, a police officer who has authorised, directed or used force, including lethal force, in relation to a declared terrorist act will not incur any criminal liability if the use of force was reasonably necessary in the circumstances as the officer perceives them to be. Subsection (2) further provides that the protections in subsection (1) do not apply to the action of a police officer that was in contravention of an order of the police officer in charge of police officers responding to the incident, or that was not in good faith.

The bill also includes a provision to protect the identity of police officers involved in the use of force. Proposed new section 27C provides that, if a person is to give evidence that would tend to reveal the identity of a relevant police officer involved in the use of force, the court must make an order requiring all persons to absent themselves from the proceedings while the evidence is being given. The new provision also restricts the publication of any statement or representation that would

reveal the identity of a relevant police officer, unless the officer consents or the Supreme Court makes a publication order. Notably, the legislation will commence on assent.

To conclude, the bill builds on the announcement made by the then opposition, the Liberal Party, in August 2017. Although this issue and the urge for legislative change was discussed at the Council of Australian Governments meeting in Hobart last year, no action was taken by the former Labor government. Having worked with the Commissioner of Police on this legislation and the reform required, as indeed, the Attorney-General has also, she commends the bill, as do I, to members. I seek leave to have an explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Terrorism (Police Powers) Act 2005*

###### 3—Amendment of section 2—Interpretation

This clause inserts definitions for the purposes of the measure.

###### 4—Insertion of Part 2A

This clause inserts a new Part as follows:

###### Part 2A—Terrorist act declarations

###### 27A—Declaration

This section provides that the Commissioner of Police may make a terrorist act declaration (or the Deputy Commissioner if the Commissioner is not able to be contacted when an urgent declaration is sought). The provision also prescribes the manner of notification and revocation of such declarations.

###### 27B—Use of force in relation to declared terrorist act

This clause provides that a police officer does not incur any criminal liability for authorising, directing or using force (including lethal force) that is reasonably necessary, in the circumstances as the police officer perceives them, to defend any persons threatened by an incident that is the subject of a terrorist act declaration or to prevent or terminate their unlawful deprivation of liberty. This protection will not apply if the police officer's action was in contravention of an order of the police officer in charge of the police officers responding to the incident or was not in good faith.

If a court finds that a declaration has not been validly made, any action taken by the police officer up until the date of the finding is to be treated as if the declaration were valid. If a declaration is revoked, this provision applies to any actions taken by the police officer until the police officer becomes aware or, acting reasonably, ought to be aware of the revocation.

###### 27C—Identity of police officers not to be revealed in court or published

This provision requires a closed or restricted court if, in any proceedings, a person is to give evidence that directly or indirectly identifies a person as a police officer who has taken police action to which section 27B(1) applies (a *relevant police officer*) and makes it an offence to publish material by which the identity of a person as a relevant police officer is revealed or from which such identity might reasonably be inferred, unless the police officer consents to the publication. The penalty for that offence is a fine of \$10,000 for a natural person or \$120,000 for a body corporate. The Supreme Court may however authorise publication despite the lack of consent of the officer concerned.

Debate adjourned on motion of Ms Hildyard.

## STATUTES AMENDMENT (DRUG OFFENCES) BILL

### *Introduction and First Reading*

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:48):** Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984 and the Sentencing Act 2017. Read a first time.

*Second Reading*

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:48):** I move:

That this bill be now read a second time.

The bill that I introduce today makes a number of changes to the Controlled Substances Act 1984 in fulfillment of several of the Liberal government's election commitments to address the issue of illegal drugs in the community. With the introduction of the Statutes Amendment (Drug Offences) Bill 2018, these election commitments have now been fulfilled within 100 days of the 2018 election and the new government being formed.

This government committed to limit the number of drug diversions to two before a person must be charged with an offence, to increase the penalty for cannabis possession so that it is in line with the penalty for possession of other controlled drugs, and to review the penalties in the Controlled Substances Act to ensure that they are in line with community expectations.

This bill complements another introduced into this house in the last sitting week, which shows zero tolerance for drugs in prisons. The bill makes amendments to several of the penalties for offences contained in part 5 of the Controlled Substances Act. These amendments result from the review of the penalties in the act to ensure that they are in line with community expectations. The penalties were amended so that they are consistent in terms of the fine and term of imprisonment for similar offences.

Many penalties for possession, trafficking and manufacture of drugs have remained unchanged since 1984, when our drug laws were introduced. Over this time, however, the nature of drug crime has changed significantly. Community expectations about punishing drug offenders have also changed since 1984, and our drug laws should reflect that shift. Cannabis is the illicit drug most commonly used by secondary school students, yet it has a maximum penalty of just \$500—a penalty that has not increased in 33 years. Further, in actual practice, fines imposed for cannabis possession under 25 grams are only \$150. This is similar to the penalty for jaywalking. That is why we will legislate to ensure penalties for drug offences are appropriate and in line with community expectations. This bill confirms the priority.

A two-tiered basic offence has been introduced through this bill for the majority of the offences in part 5 of the act. Where a person meets the definition of 'prescribed serious drug offender', which is based on having a number of past convictions, they will be subject to a higher maximum penalty when convicted of the basic offence. This means that serious, repeat drug offenders can be hit with a much higher penalty.

Several offences have also had an aggravated version of the offence introduced. The aggravated offence applies to those who are members of, or associated with, criminal organisations or who committed the offence on behalf of a criminal organisation. As organised crime is a significant driver of drug crime in this state, it is vital that, where criminal organisations are involved in an offence, those offenders are subject to a much higher maximum penalty. The most serious offences contained in division 3, which involve supplying drugs to children or within a school zone or using a child to commit a drug offence, will be added to the list of serious and organised crime offences in the Sentencing Act 2017. This will prevent the use of suspended sentences for adult offenders convicted of those offences.

Penalties have also been increased for several offences where the penalty was considered to be inadequate. To reiterate, many penalties had not been increased since they were introduced and were no longer adequate to address the modern nature of drug crime in the community. The penalties have also been reviewed for consistency against a scale of penalties that was developed to ensure that fines have a consistent corresponding sentence of imprisonment. Some offences have had minor adjustments to the fines so that the penalty complies with the scale. It is vital that penalties are as consistent as possible across the Controlled Substances Act so that offences of similar levels of severity have similar penalties.

The penalty for cannabis possession has been increased so that it is the same as the penalty for possession of other controlled drugs. This change aligns with the recommendations made by the South Australian Coroner in the 2017 inquest of Mr Lewis McPherson, who indicated that possession

and use of cannabis is not harmless. Particularly in relation to young people, it needs to be signalled that it can be quite serious and have negative impacts on their lives. The Minister for Police is all too well aware of this, and that is why he is supporting this bill.

I move now to the final aspect of this bill and policy, which limits the number of drug diversions available. Currently, people found possessing drugs must be provided with the opportunity to participate in an accredited drug diversion program. There is no limit on the number of times an offender can participate in a program, and some offenders have continuously opted to take part as a way of avoiding more serious punishment. A 10-year review of the program revealed that while compliance with diversions was high it tended to decrease as the number of diversions per individual increased. Quite simply, taxpayers' money and police resources have been wasted in the abuse of these programs.

It is unacceptable for people to be able to use drug diversion programs to enable them to avoid facing court for repeated drug offences. The number of drug diversions permitted where a person commits a simple possession offence has been limited to two in a four-year period in this bill. By limiting the number of occasions an offender can participate in drug diversion, this government is sending a message to offenders to take drug diversion seriously. It is an opportunity for them to help them get better.

It decreases workloads by reducing the amount of work that police must do to repeatedly arrange for participation in the programs and frees up drug-diversion resources for offenders more likely to genuinely attempt to utilise rehabilitation services. Regardless of this, offenders who use drug diversion responsibly and get themselves back on track will not be affected. This amendment prevents offenders taking advantage of the system and going through a diversion program again and again and avoiding any criminal penalties for their offending.

In conclusion, I want to reiterate to the house that this government takes drug offending very seriously. The measures in this bill build on those contained in a bill introduced last sitting as part of the Marshall Government's war on drugs 100-day commitment. I commend the bill to members and seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Controlled Substances Act 1984*

4—Amendment of section 4—Interpretation

This clause inserts a definition of *serious drug offender* for the purposes of determining the maximum penalty that will apply for certain offences against the Act. An offender that is to be sentenced for an offence is a *serious drug offender* if the person has, within 10 years of the commission of the offence for which they are to be sentenced, been previously convicted of—

- (a) 2 or more offences against Part 5 Division 2 (other than Subdivision 4) or Division 3, being offences arising out of separate incidents; or
- (b) 3 or more offences against Part 5 (other than sections 33D, 33DA, 33I(2), 33K, 33L, 33LA, 33LAB or 33LB), being offences arising out of separate incidents.

5—Amendment of section 32—Trafficking

This clause proposes to amend the maximum penalties provided for in section 32 of the Act as follows:

- (a) the maximum fine for an offence against section 32(1) will increase to \$1,000,000 from \$500,000;
- (b) the maximum penalty for an offence against section 32(2) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$500,000 or imprisonment for life, or both;

- (c) the maximum penalty for an offence against section 32(2a) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$200,000 or imprisonment for 25 years, or both;
- (d) the maximum penalty for an offence against section 32(3) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$75,000 or imprisonment for 15 years, or both.

#### 6—Amendment of section 33—Manufacture of controlled drugs for sale

This clause proposes to amend the maximum penalties provided for in section 33 of the Act as follows:

- (a) the maximum fine for an offence against section 33(1) will increase to \$1,000,000 from \$500,000;
- (b) the maximum penalty for an offence against section 33(2) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$500,000 or imprisonment for life, or both;
- (c) the maximum penalty for an offence against section 33(3) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$75,000 or imprisonment for 15 years, or both.

#### 7—Amendment of section 33A—Sale, manufacture etc of controlled precursor

This clause proposes to amend the maximum penalties provided for in section 33A of the Act as follows:

- (a) the maximum penalty for an offence against section 33A(1) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$500,000 or imprisonment for life, or both;
- (b) the maximum penalty for an offence against section 33A(2) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$200,000 or imprisonment for 25 years, or both;
- (c) the maximum penalty for an offence against section 33A(3) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$75,000 or imprisonment for 15 years, or both;
- (d) the maximum penalty for an offence against section 33A(4) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$75,000 or imprisonment for 15 years, or both;
- (e) the maximum penalty for an offence against section 33A(5) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$75,000 or imprisonment for 15 years, or both.

#### 8—Amendment of section 33B—Cultivation of controlled plants for sale

This clause proposes to amend the maximum penalties provided for in section 33B of the Act as follows:

- (a) the maximum fine for an offence against section 33B(1) will increase to \$1,000,000 from \$500,000;
- (b) the maximum penalty for an offence against section 33B(2) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$500,000 or imprisonment for life, or both;
- (c) the maximum penalty for an offence against section 33B(3) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$75,000 or imprisonment for 15 years, or both.

#### 9—Amendment of section 33C—Sale of controlled plants

This clause proposes to amend the maximum penalties provided for in section 33C of the Act as follows:

- (a) the maximum fine for an offence against section 33C(1) will increase to \$1,000,000 from \$500,000;
- (b) the maximum penalty for an offence against section 33C(2) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$500,000 or imprisonment for life, or both;
- (c) the maximum penalty for an offence against section 33C(3) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$75,000 or imprisonment for 15 years, or both.

#### 10—Amendment of section 33D—Sale of equipment

This clause proposes to amend the maximum penalty provided for in section 33D of the Act as follows:



- (a) the maximum penalty for a basic offence will be increased to \$15,000 or imprisonment for 3 years, or both;
- (b) an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence is added, being \$20,000 or imprisonment for 5 years, or both;
- (c) an additional increased penalty is added for an aggravated offence, being \$20,000 or imprisonment for 5 years, or both.

11—Amendment of section 33DA—Sale of instructions

This clause proposes to amend the maximum penalty provided for in section 33DA(1) of the Act as follows:

- (a) the maximum fine for a basic offence will be increased to \$15,000, from \$10,000;
- (b) an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence is added, being \$20,000 or imprisonment for 5 years, or both;
- (c) the maximum fine for an aggravated offence is to be increased to \$20,000, from \$15,000.

12—Amendment of section 33GA—Sale of equipment to child for use in connection with consumption of controlled drugs

This clause proposes to amend the maximum penalty provided for in section 33GA of the Act as follows:

- (a) the maximum imprisonment that applies for a basic offence will be increased to 5 years, up from 2 years;
- (b) an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence is added, being \$30,000 or imprisonment for 7 years, or both;
- (c) an additional increased penalty is added for an aggravated offence, being \$30,000 or imprisonment for 7 years, or both.

13—Amendment of section 33GB—Sale of instructions to a child

This clause proposes to amend the maximum penalty provided for in section 33GB(1) of the Act as follows:

- (a) the maximum imprisonment that applies for a basic offence will be increased to 5 years, up from 3 years;
- (b) an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence is added, being \$30,000 or imprisonment for 7 years, or both;
- (c) the maximum imprisonment that applies for an aggravated offence will be increased to 7 years, up from 5 years.

14—Amendment of section 33I—Supply or administration of controlled drug

This clause proposes to amend the maximum penalties provided for in section 33I of the Act as follows:

- (a) for section 33I(1), an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence is added, being \$75,000 or imprisonment for 15 years, or both;
- (b) for section 33I(1), an additional increased penalty is added for an aggravated offence, being \$75,000 or imprisonment for 15 years, or both;
- (c) for section 33I(2), the maximum penalty for a basic offence will be increased to \$15,000 or imprisonment for 3 years, or both.

15—Amendment of section 33J—Manufacture of controlled drugs

This clause proposes to amend the maximum penalties provided for in section 33J of the Act as follows:

- (a) the maximum fine for a basic offence against section 33J(1) will decrease to \$30,000 from \$35,000;
- (b) the maximum penalty for an offence against section 33J(1) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$75,000 or imprisonment for 15 years, or both;
- (c) the maximum penalty for an offence against section 33J(1) will include an additional increased penalty for an aggravated offence, being \$75,000 or imprisonment for 15 years, or both;
- (d) the maximum fine for a basic offence against section 33J(2) will be increased to \$20,000, from \$15,000;

- (e) the maximum penalty for an offence against section 33J(2) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$30,000 or imprisonment for 7 years, or both;
- (f) the maximum penalty for an offence against section 33J(2) will include an additional increased penalty for an aggravated offence, being \$30,000 or imprisonment for 7 years, or both.

16—Amendment of section 33K—Cultivation of controlled plants

This clause proposes to amend the maximum penalties provided for in section 33K of the Act as follows:

- (a) the maximum penalty for an offence against section 33K(1) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$5,000 or imprisonment for 5 years, or both;
- (b) the maximum penalty for an offence against section 33K(1) will include an additional increased penalty for an aggravated offence, being \$5,000 or imprisonment for 5 years, or both;
- (c) the maximum penalty for an offence against section 33K(2) will be increased to \$2,000 or imprisonment for 2 years, or both.

17—Amendment of section 33L—Possession or consumption of controlled drug etc

This clause proposes to increase the maximum penalty for an offence against section 33L(2) of the Act to \$2,000 or imprisonment for 2 years, or both.

18—Amendment of section 33LA—Possession or supply of prescribed equipment

This clause proposes to amend the maximum penalty provided for in section 33LA of the Act as follows:

- (a) the maximum penalty will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$20,000 or imprisonment for 5 years, or both;
- (b) the maximum penalty will include an additional increased penalty for an aggravated offence, being \$20,000 or imprisonment for 5 years, or both.

19—Amendment of section 33LAB—Possession or supply of instructions

This clause proposes to amend the maximum penalty provided for in section 33LAB(1) of the Act as follows:

- (a) the maximum penalty will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$20,000 or imprisonment for 5 years, or both;
- (b) the maximum penalty will include an additional increased penalty for an aggravated offence, being \$20,000 or imprisonment for 5 years, or both.

20—Amendment of section 33LB—Possession or supply of prescribed quantity of controlled precursor

This clause proposes to amend the maximum penalty provided for in section 33LB of the Act as follows:

- (a) the maximum fine for a basic offence against section 33LB(1) will increase to \$15,000 from \$10,000;
- (b) the maximum penalty for an offence against section 33LB(1) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$20,000 or imprisonment for 5 years, or both;
- (c) the maximum penalty for an offence against section 33LB(1) will include an additional increased penalty for an aggravated offence, being \$20,000 or imprisonment for 5 years, or both;
- (d) the maximum fine for a basic offence against section 33LB(2) will be increased to \$20,000, from \$15,000;
- (e) the maximum penalty for an offence against section 33LB(2) will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$30,000 or imprisonment for 7 years, or both;
- (f) the maximum penalty for an offence against section 33LB(2) will include an additional increased penalty for an aggravated offence, being \$30,000 or imprisonment for 7 years, or both.

21—Amendment of section 33LD—Intentional manufacture of controlled drug alternative

This clause proposes to amend the maximum penalty provided for in section 33LD of the Act as follows:

- (a) the maximum penalty for a basic offence will be increased to \$20,000 or imprisonment for 5 years, or both;

- (b) the maximum penalty will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$30,000 or imprisonment for 7 years, or both;
- (c) the maximum penalty will include an additional increased penalty for an aggravated offence, being \$30,000 or imprisonment for 7 years, or both.

22—Amendment of section 33LE—Promoting controlled drug alternative

This clause proposes to amend the maximum penalty provided for in section 33LE(1) of the Act as follows:

- (a) the maximum penalty will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$20,000 or imprisonment for 5 years, or both;
- (b) the maximum penalty will include an additional increased penalty for an aggravated offence, being \$20,000 or imprisonment for 5 years, or both.

23—Amendment of section 33LF—Manufacturing, packaging, selling or supplying substance promoted as controlled drug alternative

This clause proposes to amend the maximum penalty provided for in section 33LF(3) of the Act as follows:

- (a) the maximum penalty for a basic offence will be increased to \$20,000 or imprisonment for 5 years, or both;
- (b) the maximum penalty will include an additional increased penalty for a basic offence committed by a person who is a serious drug offender in respect of the offence, being \$30,000 or imprisonment for 7 years, or both;
- (c) the maximum penalty will include an additional increased penalty for an aggravated offence, being \$30,000 or imprisonment for 7 years, or both.

24—Amendment of section 34—Application of Division

Part 5 Division 6 of the Act provides for referral for assessment and undertakings of persons alleged to have committed simple possession offences, being an offence against section 33L(1) other than an offence relating to a prescribed controlled drug. This clause proposes to disapply Part 5 Division 6 in respect of a person who is alleged to have committed simple possession offence if the person has been previously referred under the Division on 2 or more occasions in respect of other simple possession offences within the preceding 4 years.

25—Amendment of section 44—Matters to be considered when court fixes penalty

This clause amends section 44(1) of the Act to add to the matters that a court must take into account in determining the penalty to be imposed on a person convicted of an indictable or minor indictable offence against this Act. The addition to section 44(1) is, in the case of an offence against section 33, whether a child was present at any stage when the offence occurred.

Part 3—Amendment of *Sentencing Act 2017*

26—Amendment of section 71—Home detention orders

This clause amends section 71 of the *Sentencing Act 2017* to include in that section's definition of *serious and organised crime offence* offences under section 33F, 33G and 33H of the *Controlled Substances Act 1984*.

27—Amendment of section 96—Suspension of imprisonment on defendant entering into bond

This clause amends section 96 of the *Sentencing Act 2017* to include in that section's definition of *serious and organised crime offence* offences under section 33F, 33G and 33H of the *Controlled Substances Act 1984*.

Debate adjourned on motion of Ms Hildyard.

## FARM DEBT MEDIATION BILL

### *Second Reading*

Adjourned debate on second reading (resumed on motion).

**Mr McBRIDE (MacKillop) (15:56):** I rise to speak on the Farm Debt Mediation Bill. I am pleased to have the opportunity to speak today in support of this bill introduced into parliament on 6 June by the Hon. Tim Whetstone. The introduction of this bill is a significant step forward to safeguard the financial security of farmers, who form a key part of the regional economic powerhouse of this state. The Marshall government's commitment to introduce this bill within the first 100 days is part of all the other commitments we have made. It is absolutely reassuring that we have put this into the first 100 days as well as all the other commitments.

The proposed farm debt mediation framework is focused on supporting farmers to give them every opportunity to succeed and meet the growing demand for agricultural produce and contribute to regional prosperity, the state's economy, jobs and exports. Farms are a group of businesses that are important and we want them to succeed. The current absence of a mandated farm debt mediation process enables the unfair situation where a farming operation can be forcibly foreclosed by a bank without any form of negotiation.

The current situation leaves farmers vulnerable in what is likely one of the most stressful events in their lives. My commitment and support for this bill stems from the desire to see farmers and their businesses thrive in my own electorate, which has a strong foundation and dependence on agricultural productivity. The region and the state has a strong reliance on the success and financial sustainability of our farming sector.

In my electorate, we are fortunate to have an enormous diversity of farming businesses and enterprises. The landscape and climate of the region enable a significant and impressive diversity of farming businesses ranging from commercial apple orchards in the regional areas like Kalangadoo in the south, broadacre cropping across vast tracts of the region, cattle, sheep meat and wool, viticulture, dairies and small seed crops, to intensive piggeries and poultry farms such as those found in the northern part of my electorate. It is for these businesses and for farming businesses more widely in the state that I am proud to speak in support of this bill.

Farming enterprises vary from small and large family businesses through to larger corporate operations. Fluctuating commodity prices, the seasonal conditions and the cost of financing are a range of forces that impact on the operation of these farming businesses. For farms, there are often a lot of costs incurred up-front, which cannot be realised if the season does not deliver the conditions required. This can impact farms small and large.

The Hon. Tim Whetstone rightly highlighted in his second reading contribution that the impact of severe storms, bushfires, frosts and drought 'can leave farming families and their assets prone to financial crisis'. Farming can be a risky business, and farmers take calculated risks every day. Severe weather events can be difficult to manage and have significant and at times catastrophic impacts on farming businesses of any size.

Farming businesses are often intergenerational operations, with families handing on a business, a rich heritage of experience knowledge and a way of life from generation to generation. Farming families such as these are an enduring constant and strength in our regional communities. The opportunity to provide a safeguard to these businesses through a process of required mediation should foreclosure be under consideration is a priority.

The management and administration of the farm debt mediation scheme will be the responsibility of the Small Business Commissioner. The ability for farmers to be given a fair opportunity to present and discuss their case with an independent mediator before they have their farm foreclosed provides much-needed breathing space for them in a difficult period. The arrangements, in essence, embed a process of good faith.

The debt mediation framework will be there to assist farmers who are in financial difficulty to find a pathway to overcome the challenges before them to re-establish a financially viable business. The framework will also provide a process for cases where it is not possible to establish financial viability to work through an approach that can assist farmers to move out of their particular industry. Importantly, in such a situation the mediation process will support decisions at this difficult time to minimise the impact on farmers and their families.

There should be no doubt that this is also about mental health and mental health in regional areas. As the farming industry and communities around our region know, we have financial counsellors supplied by Rural Business Support networks. This mental health aspect is a very important part of the discussions and negotiations, and a good form of communication helps all those in this process. It should not be doubted that in the world of agriculture a lot of elements are taken out of our hands and are not in our management or decision-making and we have little choice about them. It is like the three stars we try to pursue in a successful business.

We have no control over commodity prices, we have no control over seasonal impacts, but we have control over management decision-making. In that decision-making, when farms take on

debt and take on more finance, people in agriculture are obviously a very optimistic breed. We work on the goodness of the fact that we do believe there will be good seasons, that we do believe there will be good commodity prices to be seen and reaped; we just sometimes do not know when these will occur. When it goes pear-shaped and against what we consider good outcomes for regional South Australia in the agricultural sector, we never know how long these issues, be they dry seasons or poor commodity prices, will last.

I remind the house of the Millennium Drought, a one in 100 year event. That was the extent of how dry and tough that period was for agriculture. The businesses that survived the Millennium Drought—and no doubt many of them operating today did survive—were obviously businesses that had good steps or processes in place to combat those difficult financial times. They would have put money aside and had good financial commitments and arrangements with financiers to get over these hurdles. For those who did not have that strength, and perhaps were more vulnerable, a millennium drought can also kill these farming businesses off. A good process is required to ensure that businesses of all shapes and sizes can get through these difficult periods and strive for the next good time that may be around the corner.

One of the ironic things about the drought was that it happened around the 2006-07 period. We were involved in a citrus farm on the River Murray, and the River Murray took a long time for the water to dry up and for a lack of irrigation water to be available. On this citrus farm we got only 30 per cent of our water requirements on our permanent water licence, and then we had to go to the market and buy water. On top of that, we also had a dollar that was in excess of parity in terms of the Australian-US dollar, so we were talking about \$US1 to \$US1.10.

We were selling oranges for a very low price and then had to go into the market to buy water at \$1,000 a megalitre. In that one year our business went into a million dollars' worth of debt just to keep going, and that was due to those two circumstances: the water being very expensive and the parity of the dollar. Basically, our citrus was not required on the world market or, if it was, they were only going to pay a small amount for it. It took another two or three years after recovering from that difficult dry period and the high dollar, and lack of world market forces on the citrus industry, for growers to recover.

It is not without negotiations with financial systems that businesses can survive those two elements that are totally out of their control. This is where good communications are required and where confidence is required not only by the farming businesses growing this produce but also by the financial institutions offering the services, and it has to be as transparent as possible for all that to work. One of the other issues I have had to fight and survive relates to the wool industry.

As I said in my maiden speech, one of the biggest financial collapses in corporate Australian history was the collapse of the Australian wool floor price. It took nearly 20 years to recover from that. There is no financial institution that can grit its teeth and allow businesses to continue on without any commitment or payment of their debts, so what had to happen was that those sheep producers who survived those 20 years had to have great relationships with their financial institutions, had to have strong books, but the communication also had to be very open and transparent.

That was not the case for everyone in that position. We know that hardships were felt by producers in that wool industry over the 20-year period, and we know that negotiations took place. We heard that there were businesses that had borrowed funds from financial institutions, that had met all their commitments, that had paid all their commitments as they were obligated to, but the bank still foreclosed on them. Basically, it was due to the fact that the bank had lost confidence in the industry, had lost confidence that the business was ever going to get its head above water and pay back the debt that they were still meeting their commitments on. There was probably very little of the communication taking place that we hope will take place with this Farm Debt Mediation Bill.

Another industry that comes to mind is the cattle industry. Around Australia, it bore the brunt of the government decision banning live cattle trade out of the northern parts of Australia. It was far reaching, affecting not just those northern cattle producers, but I will not take anything away from them—they suffered the brunt of it, and a lot of them were sent to the wall by those sorts of decisions. Again, that is another reason that good financial negotiations and mediation need to take place so that financiers and the farms and producers can work through these hurdles, which are unexpected

and out of the control of these businesses. It was no fault of the cattle producers when these sorts of bans and impositions were put on them.

That beef ban was widespread across Australia. Although I talk about the wool industry suffering for 20 years from the collapse of the wool floor price, beef prices have also had a very flat market for the period from the late nineties right through up until 2010 or 2012, when they started to improve again. There were probably about 15-odd years there when, in benchmarking figures, some of the wool enterprises outshone the beef production figures. Again, when a decision is made by government to ban a whole section of our production cycle—in this case the northern cattle market—it has wide-reaching implications. Its tentacles were felt right down to Victoria and Tasmania by a massive beef oversupply.

That brings me to my next point. Industries that are doing well right now that we know about include the beef industry that has had a massive improvement. It has been a little softer in the last 12 months because there is a massive dry spell in the northern parts of Australia. Again, it shows an example of why, with these dry periods, we are seeing right now that the beef market is flooded. It is a processor's market at the moment because cattle are in abundant supply, probably not in the finished condition they would like, but no-one can help that.

These tough times need good communication and skills between the producers and the financial institutions. We know one day it will rain. It will turn around. They will need refinancing. They will produce more beef again and it will be of prime quality, meeting the world demands as we can do. The other industries that have been thriving at the moment are lamb and mutton, and particularly wool is having a really good time of it.

I think one of the reasons for this regarding wool is that, yes, there is a world demand out there for a natural fibre of high quality but our production is way down. One of the reasons the production is down is that, yes, it is a dry period, but a lot of producers have not survived this downturn. They have not gone through this 20-odd years because it was too tough, and some of them would have been foreclosed by financial institutions, wrongly or rightly. We just hope that the negotiations that were taking place then will hopefully have changed now that we are introducing this mediation bill so that it is done and accepted by both parties in a universal decision.

A couple of industries that are doing it tough right now are the pork and dairy industries. The pork industry is suffering from an oversupply in world markets. It is very tough at the moment. Grain prices are okay but it is just general oversupply. The dairy industry, too, is okay but it could be a lot better. Those industries would need good negotiations with financial institutions. They need negotiations where it is very open and transparent, and I am hoping this mediation bill absolutely helps that to happen and that it allows these businesses in the pork industry and the dairy industry to survive this downturn and wait for the next good times to arrive.

The other thing of note is that the federal government is making tax laws that are easier for businesses to survive these downturns. I will talk about the FMD system. The FMD is a farm management deposit where in the good times landowners and agricultural producers are allowed to put money aside for the tough times. What a great system to have, because we know, due to benchmarking figures, that over the last 30 years it has worked out on average that two years in 10 are your two good years when you have to make money, and the other eight years you must survive and try to be profitable.

So, if there are two years in 10 that are going to be years when the money is really going to be made for that 10-year period, you certainly do not want to waste it. You certainly do not want to just throw it all to the tax man. You want to be able to say, 'Can I take this money out forward for the next drought, the next downturn, the next commodity collapse or maybe the next bad political decision that is made?' and an example is what has happened in the beef industry, that you then have to survive. These FMDs are there to help those producers do that, and that is a new mechanism out there that has been taken out to \$800,000 now where it was \$400,000 24 months ago.

The other thing is that with these booming industries I alluded to—beef, lamb, wool and mutton—we look at the free trade agreements and we look at world demand and world markets. I really hope that they continue on because this run that we are seeing in these commodity prices is nearly unheard of at this stage, especially in my generation. We have been in the industry since 1992

and we are thinking there could be a few more years in it yet. Again, this is the time that I am hoping the industry is able to lay down funds, like in the FMD system, to help them through the next downturn that occurs, whether it be seasonal or regarding commodity prices.

The introduction of this farm debt mediation process will provide protection and financial security for farmers and, importantly, will put South Australian farmers on a more level footing with their interstate counterparts. It is also worth noting that the commonwealth government is committed to a nationally consistent approach to farm debt mediation processes. New South Wales, Victoria and Queensland are states that all have farm debt mediation legislation in place, so we have been fortunate to be able to review and understand some of the benefits of having such a framework in place.

Notably, an important piece of feedback gained related to the Victorian scheme is that farmers involved in that scheme felt more supported and less vulnerable than they otherwise would have, had the scheme not been in operation. The considerable mental stress that is understandably experienced by farmers being subject to foreclosure is something to be taken very seriously.

Another point about suicide and suicide prevention is that when this stress comes upon farmers, the worst thing is that when farmers are pushed to the wall and pushed to the limit, because they have access to a means of committing suicide, they are more likely to be successful than their city counterparts. It is another reason to make sure that we do everything we possibly can to help with this mental health issue and suicide prevention. We as a government believe that this will help both the financier and the farmer over the long term, and that good communications take place for good outcomes. I commend the Farm Debt Mediation Bill to the house.

**Mr TRELOAR (Flinders) (16:15):** The South Australian government is committed to providing improved protection and financial security to farmers through the introduction of the Farm Debt Mediation Bill 2018. The bill seeks to legislate a mandatory farm debt mediation scheme to be administered by the South Australian Office of the Small Business Commissioner and has been modelled on the successful farm debt mediation legislation and scheme in Victoria. Debt mediation is a structured negotiation process in which the mediator, as a neutral and independent person, assists the farmer and the creditor in attempting to reach a mutually agreeable outcome on the present arrangements and future conduct of financial relations between them.

The Farm Debt Mediation Bill seeks to enforce a mandatory farm debt mediation scheme before a creditor is able to foreclose on a farming operation. Best farm business management practice recognises that financial planning and financial problems are best addressed at the earliest possible stages. In South Australia, we have rural financial counsellor services through Rural Business Support—and what a great job they do right across the state—who are able to provide discreet support and advice about farm financial matters.

Rural financial counsellors can provide a free, confidential and independent service that helps primary producers with information on government assistance schemes, and personal or family counselling where required; however, when financial institutions and primary producers find themselves in a situation they are unable to resolve through discussion or negotiation, then the mandatory farm debt mediation legislation can and will help. The new legislation will provide a framework for open communication and relieve the emotional and mental stresses associated with financial issues, and ensure South Australia's farmers are given every opportunity to resolve financial problems.

Farm debt mediation resolution can also be pursued through the voluntary South Australian Farm Finance Strategy and the Farming Industry Dispute Resolution Code under the Fair Trading Act 1987. The farm debt mediation legislation and scheme will put South Australia's farmers on a level playing field with their east coast counterparts. Similar legislation has been in place in New South Wales, Victoria and Queensland for some years now, and this legislation has the support of the banks, the financial services industry, and the primary industries in these states.

The federal government, too, is committed to a nationally consistent approach to farm debt mediation, encouraging the establishment of a standard set of principles and model legislation across the states. In the absence to date of a nationally consistent approach, the establishment of mandatory farm debt mediation legislation will align South Australia with practices in place in other states. The

South Australian government is committed to unlocking the resources and production of the state's regional areas and ensuring growth opportunity for regional businesses and industries.

A healthy and supported agriculture sector is vital to the state's future economic prosperity; however, harsh climate conditions, damaging weather events, and unpredictable commodity prices, all of which have been spoken about in other contributions, can make farming a volatile and sometimes unpredictable industry leaving farming families and their assets in financial difficulty.

A mandatory farm debt mediation scheme in South Australia can help relieve some of the emotional and mental stresses associated with a foreclosure at what is understandably an extremely difficult time. This legislation will ensure that South Australian farmers are given every opportunity to resolve financial problems, meet growing demand for our food and fibre and grow our economy, jobs and exports.

In 2013, the Fair Trading (Farming Industry Dispute Resolution Code) Regulations was introduced under the Fair Trading Act 1987. This provides for a farming industry dispute resolution code, which is administered by the Small Business Commissioner. The code applies to a dispute between a participant in the farming industry and another participant in the farming industry, or a person to whom goods or services are or may be supplied by the participant relating to the business of primary production.

While this code provides the Small Business Commissioner with important statutory powers to assist in mediation and alternative dispute resolution, it requires a party to lodge a dispute, and then the Small Business Commissioner must be satisfied that a genuine dispute exists and genuine attempts have been made previously to resolve the dispute. The code has been used on a number of occasions and will remain an influential factor in the alternative dispute resolution process. Also, while participation under the South Australian Farm Finance Strategy is voluntary, the banks can be compelled by the Small Business Commissioner, under the farming industry dispute resolution code, to participate in mediation.

Under the new Farm Debt Mediation Bill 2018, creditors will have no alternative but to undertake a mediation administered by the Small Business Commissioner before enforcement action against a farmer under a farm mortgage commences. The new bill also allows for a farmer to request mediation within 21 days from the date written notice was given by a creditor stating the creditor's intention to take enforcement action against the farmer. A creditor who proposes to take enforcement action against a farmer under a farm mortgage must give written notice to the farmer.

A creditor must not take enforcement action until the expiry of the period of 21 days from the day that notice is given. The notice must state that a creditor intends to take enforcement action and that mediation between the farmer and the creditor is available. A farmer who is given a notice may, within 21 days from the date that the notice was given, notify the creditor that the farmer requests mediation concerning the farm debt involved. A farmer who is liable for debt may request mediation.

A creditor who receives a request for mediation from a farmer may, by notice given to the farmer, agree or refuse to participate in mediation in respect of the farm debt involved. If a creditor subsequently refuses to participate in mediation with the farmer, the farmer can apply to the Small Business Commissioner for a prohibition certificate, preventing the creditor from taking enforcement action against the farmer up to six months.

Conversely, the creditor is entitled to apply for an exemption certificate if the farmer is in default under the farm mortgage, no prohibition certificate is in force against creditor, and certain conditions regarding mediation proceedings have been met. The exemption certificate allows the creditor to begin enforcement proceeding and remains in force for varying periods of time depending upon the steps previously taken under the legislative framework.

The Small Business Commissioner must make arrangements to facilitate the resolution of the farm debt dispute by mediation as soon as notice is received that a farmer and a creditor have agreed to participate in meditation. A failure by a creditor to agree to reduce or forgive any debt does not demonstrate a lack of good faith on the part of the creditor in participating or attempting to participate in mediation. Once proclaimed, the Office of the Small Business Commissioner will be responsible for the administration of the farm debt mediation scheme.



There is a lot of detail in my contribution. It is a very important bill that provides support to our primary producers and farmers that has not previously existed. It is very important legislation that brings us in line with other states and gives farmers and primary producers, who find themselves in difficult financial situations, the opportunity to negotiate and mediate their way through the situation. I commend the bill to the house.

**Mr CREGAN (Kavel) (16:24):** I rise to support the second reading of the Farm Debt Mediation Bill. Farm debt mediation legislation has been in place in New South Wales since 1994. Legislation in a similar form to the bill now before the house was introduced in Victoria in 2011 and later in Queensland in 2016. I welcome the member for Giles indicating the opposition's support for the bill. I have listened carefully to the contribution of other members, including the member for Heysen.

I appreciated very much the contributions made by those members, particularly the sharing of directly relevant experience and stories of the difficulty faced by many farmers in managing debt during circumstances of drought, hail, pests, inclement weather events and other seasonal changes, which make farming a difficult occupation at the best of times. I will reflect in further detail on those challenges in a moment in my remarks. The bill has as its object:

...to provide for the efficient and equitable resolution of farm debt disputes by requiring creditors to provide farmers with the opportunity to have the disputes referred to mediation before the creditors are able to take possession of property or other enforcement action under farm mortgages.

Clause 6 does much of the work of the bill by prohibiting enforcement action by creditors who have failed to comply with the terms of the bill. The real machinery of the bill is to be found in clauses 8 and 9. Clause 8 requires that no enforcement action by a creditor be taken unless notice requirements in respect of the availability of mediation are observed and, by operation of clause 14 together with clauses 8 and 9 and the other clauses of the bill, no such action can be taken by a creditor unless they have been issued with an exemption certificate.

It is necessary also to observe that a farmer may obtain a prohibition certificate under clause 13 and no enforcement action can be taken against a farmer who enjoys the protection of such a certificate. The operation of similar clauses in the New South Wales legislation was tested before the High Court in *Waller v Hargraves Secured Investments*. The decision was handed down by the High Court on 29 February 2012. I relate the circumstances of the proceedings to the house in brief though, I hope, sufficient detail to illustrate the significance and importance of this legislation at times when farmers appeal to the law to vindicate and protect their rights.

The creditor, Hargraves Secured Investments, obtained an exemption certificate after mediating with a farmer in respect of a farm debt. As might be expected, there was a loan agreement giving rise to that particular farm debt. The farmer and the creditor negotiated a second loan agreement as part of the settlement of a dispute in relation to the first loan. Later, a third loan agreement was negotiated when the second was breached.

I have had the benefit of considering a gloss on the case prepared by Mr James and Mr Frost of the firm Clayton Utz. Mr James and Mr Frost observe that the primary question for the court was whether the exemption certificate issued to Hargraves lifted the bar on enforcing the mortgage for the advances made under the third loan agreement.

You will recall, Mr Acting Speaker, that the exemption certificate was issued in respect of the first loan and loan agreement. The court held that the successive discharge of the debts under the first and second loan agreements extinguished the creditor's obligations arising under the mortgage. As a consequence, no enforcement action could be taken under the mortgage by reference to obligations arising under the subsequent agreements because the third loan agreement created a new interest or power over the farm and, of course, there was no certificate available to the creditor for that third agreement.

Worth observing was Justice Heydon's reflections on the misfortune that the bill is directed at assisting farmers to overcome. I reflect that the member for Narungga has similarly adopted or reflected on these remarks. Paragraph 28 of Justice Heydon's judgement states:

The background to the act—

that is the New South Wales act—

lies in the notorious problems which face Australian farmers. They include harsh climatic conditions; the vulnerability of crops and animals to disease; unpredictable volatility in prices on world markets; the tendency of farmers to be asset-rich, but cash-poor; their dependence on loans; the risk of speedy ejection from their land if there is entire freedom for creditors to enforce their general law rights, despite the possibility of remedying defaults if climatic and market conditions change; and the expense of and often delay in litigation as a method of keeping creditors within their rights. In contrast, some perceive in mediation a capacity to produce much cheaper and speedier outcomes.

We see great benefit in an adequate scheme to effect mediation between creditors and farmers in South Australia. It is important to observe that a farmer may request mediation under our bill before they fall into default. It is our clear intention to create a scheme under which farmers can take early and direct action before farm debts become unmanageable. We wish to prevent, wherever possible, farms being repossessed when a negotiated outcome might otherwise have been possible.

Members in this place, in the course of debate, have earlier reflected on the advantages of forcing parties to the table early, particularly in circumstances where a family home might be repossessed by creditors. That home has a significance in the life of that family far beyond the business as might be obvious, and I respect very much the contribution made by members in terms of the pressures that face farmers whose homes are being repossessed, often at times of great stress, but also of great stress in the wider farming community. It is often the case that the misfortune that befalls one farmer befalls an entire farming community.

A farmer is defined to include a person engaged in a farming operation, and the act affords a wide meaning to farming operations so as to include any of the following activities undertaken for commercial purposes: agricultural, pastoral, horticultural, viticultural, forestry or apicultural activities—and I will return to apicultural activities in just a moment—poultry farming, dairy farming or any business that consists of the cultivation of soils, the gathering of crops or the rearing of livestock; aquaculture or the propagation or harvesting of fish or other aquatic organisms for the purposes of aquaculture; or an activity prescribed by regulation. It would only be right that there be a catch-all at the end of the clause.

You will know, Mr Acting Deputy Speaker, that apiculture is the keeping of bees, and I reflect only very briefly that my own father kept bees. My role was to assist in smoking the very small number of hives that were maintained on the property and, on occasion, robbing those hives.

Knowledge of primary production of all types is waning in our society. I am pleased to say that on this side of the house we maintain an abiding interest in every form of primary production and, in some cases, direct and clear knowledge of changing industry conditions. Many of us on this side of the house, in fact, return to farming operations when in our constituencies. I cannot say that directly for myself, but I am particularly interested in the welfare of farmers within my community, in the success of their businesses and family farming businesses, because the success of those operations directly informs the wealth of my community and the wealth of this state, as well as the welfare, of course, of those families and the communities that they support and from which they come.

We will always fight to maintain the interests of farmers. This bill is a very practical tool to assist farmers manage their debts in some of the circumstances I outlined earlier and in some of the circumstances other members outlined to the house. I commend the bill to the house.

**Mr PEDERICK (Hammond) (16:34):** Thank you, Mr Acting Deputy Speaker. You do a fine job in your role at the moment, as you do as the deputy whip and as the member for Newland. I rise to speak to and absolutely support the Farm Debt Mediation Bill. As this house knows, I come from a farming background. My family goes back to 1840, when they settled in Plympton and had a little farm and boot shop, and then they eventually ended up at Gawler River, Angle Vale and then down at Coomandook, where I have lived all my life on the family farm.

I am personally well aware of—and, knowing the seasons, certainly in this role—what can happen if you get a run of bad seasons—in some cases, a family break-up in farms. It can have a really significant effect on your bottom line if, all of a sudden, your debt blows out by an extra 50, 60, 80 or 100 per cent, or even more, for all sorts of different circumstances. Throughout the eighties and early nineties, we saw scenes that I hope we never see again. I remember interest rates were up around 22 per cent. Interest rates are now in the very low numbers, and I often wonder how

people can function, even at the moment when we have high wool prices, high sheep prices and pretty handy cattle prices. They have backed off a bit, as I said the other day, and our cropping is going along not too badly, but with a lot of cost.

The cost of machinery and input is just massive on the land. You can have spray rigs that cost \$400,000 to \$500,000, you can have harvesters of up to \$1 million on their own and you can have large tractors costing towards \$400,000. Air seeder units—and I obviously have not priced one for a while because I have not actively farmed, as I have it leased out for 13 years—may cost \$600,000 by the time you have the bin and the bar to cultivate a section. The old adage is: either get big or get out. That is a bit sad because you lose a lot of history, but I guess it is pretty true.

Certainly, many members who have spoken on this bill understand how it works when you have to put your hand in your pocket: you have to make it work. You cannot get nervous about high six-figure overdrafts or loans, or even seven-figure loans if you are in a big way. There would be plenty of people in this day and age who would be spending over \$1 million just putting in a crop—plenty. It is a lot of money to put out, and there is no guarantee that you are going to get it back, and on the land that can compound not just the debt levels but also the stress levels.

The year 2006 was interesting. The good bit was that I got elected to this place as the member for Hammond. However, there was a drought, a severe drought, and I activated early. As a new member, you come in here and you look like a deer in the spotlights, sometimes—I appreciate that because I was there before. I thought, 'What do I do? I've got to help the people, the good farmers and their families, of this state,' so I advocated to get a special exemption so that we could get exceptional circumstances in this state without the normal three-year window of drought needed before it is even implemented. I managed to negotiate that with the federal government after there had been only two dry years, which is bad enough, and we managed to get exceptional circumstances funding into this state.

Some say that only helps people who may fall out of the system anyway, but it also helps a lot of other people. I am not trying to be too hard on those people, but I do agree that, with the other work that has gone on since that time of exceptional circumstances declaration, there is more work going on so that we can get farmers braced for the tough times, build up their productivity, build up their equity and build up their resilience so that they can manage the tough times.

There is a limit, though. There is a limit, because if you have too many dry years in a row, or prices crash or everything just cascades down upon you, whatever you do, no matter how good a manager you are, no matter what happens, you may fall over. Along the way, we need to do the best we can for our primary producers of this state. Primary production has something like over \$17 billion produced every year directly, and that also translates to \$25 billion, roughly, every year in finished food products, so we need to support our primary producers.

This is a little bit of an aside. I am a bit stunned when I hear about faux meat—fake meat, meat that some people might like to eat and that is their choice—on the meat shelves at Woolworths. I think that is disgraceful.

**An honourable member:** How does it get called meat?

**Mr PEDERICK:** Yes, how does it get called meat? It is not meat: it is made out of plants. I am fine with that. If people want to eat fake meat, go to town.

**An honourable member:** Knock yourself out.

**Mr PEDERICK:** Yes, knock yourself out, but I will eat real meat. I tell you what, a good steak or some good lamb is really good to tuck into.

*Members interjecting:*

**Mr PEDERICK:** Thank you for the help in the background. We have to stick to reality. We have to stick with supporting our producers. I mentioned the scenes we saw in the 1980s. Farmers crawled up windmills when the bailiffs turned up with the police. They went up these windmills and said, 'I am not coming down.' Some even went to the nth degree and said they would not come down and, sadly, some people took their own lives.

I think we have matured a bit since then. Thankfully, interest rates have not got anywhere near that level, but it does worry me that if they ever did we would be in real strife because of the price of inputs—not just the price of machinery that I was talking about earlier but also the price of fertiliser and sprays for the cropping. It is not just for the weeds; it is for the bugs. There is a fair bit of stuff, a fair bit of effort and a lot of money, as I said, with some people spending \$1 million, and some people spending \$2 million or \$3 million on their inputs, just laying it on the line so that they can grow food for this state and this country to export, and for use domestically.

I want to reflect on a rally that was held in Canberra quite a few years ago. This was back in the 1980s, when 45,000 farmers rallied at a national tax summit in Canberra. I reckon that is not a bad job, getting 45,000 farmers together in one place. I have an aerial photo of these 45,000 farmers rallying on the first day of the tax summit at the now Old Parliament House in Canberra in July 1985.

In 1985, the prime minister at the time, Bob Hawke, hosted a national tax summit to overhaul the system in place. It was held in the first week of July, and the summit was to look at a range of proposals, including reducing marginal income tax rates. To do this, the idea of a consumption tax was floated, and farmers in particular were very worried about a consumption tax and its effect on fuel prices.

The 1980s had also seen farmers squeezed by high interest rates, as I mentioned earlier, and other farm costs. So on the first day of the tax summit these 45,000 farmers marched through Canberra in one of the biggest rallies in the capital's history, and the largest ever held outside what is now Old Parliament House. The National Farmers' Federation president, Ian McLachlan, the former member for Barker, gave a rousing speech (this was obviously before he was the member for Barker), where he told the crowd:

We don't want to be subsidised to produce and then subsidised to export, we are not after short-term handouts. But we are sick and tired of subsidising the rest of Australia. We want the government to remove taxes on our productive inputs, we want all the taxes taken off fuel so that we can get down to level terms with [international] competitors.

At the rally farmers came from most states and from places as far as away as Cape York and Perth, with one farmer commenting:

I thought today was a wonderful effort by rural Australia to get here. I came to be a drop in the ocean and I think that's why everyone came.

After the summit, Paul Keating, who was treasurer at the time, fought for the consumption tax, as only Paul would, but the prime minister, Bob Hawke, became worried about the political consequences. The summit showed that a wide range of people, not just farmers, would oppose the tax and in August of that year it was buried. New reforms were announced, such as taxes on fringe benefits, capital gains and the tightening of tax provisions in areas such as farm losses.

Many farmers felt that the Australian farm rally was the real success as it showed politicians what rural Australia could do. As I said, markets currently are not bad, but they will not stay that way forever. Costs are going up—fencing costs, input costs—and you run into some dry years. This year we are a long way from being out of the woods; some people have not had enough rain yet to put in much of a crop. Down my way they were fortunate to get 32 to 40 millimetres a couple of weeks ago, which really has the crops bouncing out of the ground, but we are a long way short of our average rainfall.

I have heard of farmers in the northern Mallee, up towards the Riverland, who have put in thousands of acres and a lot has come up and then died through a lack of moisture. It is pretty heartbreaking. It may be lower input country, but if you have run over 20,000 acres and you have 50,000 to put in, and 60 per cent of the first 20,000 has died, it is pretty heartbreaking.

We need to do what we can. We need to put resilience into agriculture. There are pressures on farmers at the moment, and there are issues, obviously, around live sheep export from what I have heard anecdotally.

We have seen disgusting scenes on television, but one thing I will say about the disgusting scenes is that, if Animals Australia thought they were so disgusting, why did they not put it out in the media when they had the footage instead of waiting six months? These animal activist groups do it every time. I challenge them to take responsibility for their actions, instead of just grandstanding. If

they see poor animal welfare practices—and I do not condone poor animal welfare practices—they should release the footage immediately and show that they really do care, instead of just staging media stunts.

We need to make sure we have the right animal welfare practices because, unless you do, there is no profitability in it for the farm market. We saw what happened in 2011, when the live cattle trade was stopped. That did not just impact the poor station owners in the north. I saw some terrible practices on the footage. Not only did it impact those growers in the north, those people who had no other market but to put their cattle on a boat and send it to Indonesia, but it also reflected all the way down to places like Kapunda and other places where the pellets are made for the live export boats.

I can remember probably 30 years ago helping cart small bales of hay—man killers, I call them now. I do not know if anyone would want to handle small bales of hay. I do not even know if the member for Finnis would handle small bales of hay. He is saying no. I am glad he does not because they are terrible things. It is a good thing we have moved forward with bigger bales and round bales. I can remember trucking trailer loads of straw over to what was to be dehydrated fodder at Meningie, which was being pelletised for the live boat trade.

These issues do have far-reaching effects. Certainly, when the live cattle trade was pulled all of a sudden, there were quite a few station-owners who, sadly, took their own lives. Farmers are proud of what they do and they do want good animal welfare practices. We must make sure that the shippers and everyone in the industry—and even if the animals are not going overseas and they are being handled locally—promote good animal welfare practices.

I know of the recent yards upgrade that went in at Thomas Foods in the last 10 years or so. Sadly, they had the big fire in January. They use Temple Grandin style of yards with closed races and that sort of thing so that the cattle or sheep cannot see light and run better off trucks or onto tracks or into the processing area so you can handle them gently. There is no point getting animals stressed. Anyone who has anything to do with animals knows that, if you stress them, it does affect the quality of the meat.

Farm debt mediation is the prime interest we have in this bill. It was developed between Primary Industries and Regions South Australia and the Office of the Small Business Commissioner. Debt mediation is a structured negotiation process in which the mediator, as a neutral and independent person, assists the farmer and the creditor in attempting to reach a mutually agreeable outcome on the present arrangements and future conduct of financial relations between them. This bill seeks to enforce a mandatory debt mediation scheme before a creditor is able to foreclose on a farming operation.

Best farm business management practice recognises that financial planning and financial problems are best addressed at the earliest possible stages. That is why I talked about that business training so that people can get better up to speed to handle their debts and their issues. It is far better than a rescue package at the end where you are just essentially bailing people out.

We have excellent rural financial counsellor services through Rural Business Support. They provide discreet support and advice about farm financial matters. Rural financial counsellors can provide a free, confidential and independent service that helps primary producers with information on government assistance schemes and personal or family counselling where required.

Sometimes, when people find themselves at the end of the road and they are in a situation they are unable to resolve through discussion or negotiation, the mandatory farm debt mediation legislation can help. The new legislation will provide a framework for open communication and relieve the emotional and mental stresses associated with financial issues and ensure South Australia's farmers are given every opportunity to resolve financial problems. Farm debt mediation resolution can also be pursued through the voluntary South Australian farm finance strategy and the Farming Industry Dispute Resolution Code under the Fair Trading Act 1987.

Finally, when this bill goes through this place, as I believe it will, it will put our farmers in this state on a level playing field with their east coast counterparts. Legislation has been in place in New South Wales, Victoria and Queensland since 1994, 2011 and 2016 respectively. This legislation

has the support of the banks—they have had their own headaches recently—the financial services industry and the primary industries in these states.

I note that the federal government is committed to a nationally consistent approach to farm debt mediation, encouraging the establishment of a standard set of principles and model legislation across the states. I think this is fantastic legislation. It has taken a while to get to this point. Farmers working with a small business commissioner get that mandatory negotiation up and running to give our farmers in this state a better go. I commend the bill.

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (16:55):** I am quite buoyed by the debate we have had here today. The contribution from both sides of the house has been sensible and robust input, and it is great to see that the farm debt mediation has received support from both sides of the house. Contributors have highlighted their concerns and the concerns of their constituents, and there have been many concerns. As a primary producer living in the regions and having been through the hardship of drought, bushfire and hail, I know that there is more to it than dealing with just the natural impediments of weather.

The member for Ramsay touched on people dealing with hardship. Sometimes it is not just financial hardship; sometimes it is dealing with matrimonial issues, a broken marriage through difficult circumstances, and sometimes it is dealing with isolation. In a lot of cases, primary producers are very proud people and they put their head in the sand and do not deal with the issues at hand, and those issues at hand can be a wideranging set of circumstances.

At the end of the day, it impacts on the way the businesses are run or managed or on the decisions that are made. At the end of the day, most of those decisions come down to financial decisions. The farm debt mediation is sensible legislation. It will be overseen in South Australia by the Small Business Commissioner, John Chapman. He is a sensible Small Business Commissioner, and he welcomes this legislation and thinks that it is long overdue.

The opposition has been briefed, and the shadow minister has seen fit to support this legislation. He has a good handle on something that has been a missing link in the support needed for primary producers. It also needs to be noted that this legislation has been supported by a wide range of sectors. Primary Producers SA has welcomed it and has said that it is a critical part of the puzzle because we know that primary production, farming, is a ruthless game.

We are dealing not only with decision-making but with situations that are out of our grasp, whether they be markets, emerging markets, trading prices or exchange rates. There are so many different variables that the farm debt mediation will help with.

Mediation will be based on an amended Victorian model, and I am really buoyed to hear that they have had a 98 per cent success rate with their model. I think that is an outstanding achievement, particularly for those primary producers who get into a really difficult situation. I know that when you are going through those difficult situations sometimes it is hard to make a considered decision, or it is hard to make decisions that will have a lasting impact, because your judgement might be clouded through high stress or outside forces might not be allowing you to make good judgements on the day.

This mediation acts as a line of communication. The Small Business Commissioner will be there to mediate between the farmer and the banker. It is about opening up the lines of communication. It is about making sure that there is some form of a negotiation process, and we all know that good communication and good negotiation normally end up in a good place.

There is also the thought that when someone experiences hardship there is a high level of intimidation by the financial sector in dealing with them. They want their pound of flesh, and they want to make sure that they are getting a return on their investment, as we all do. Again, that return on investment is only ever going to happen if we have a successful mediation process, which also provides the best chance for that business to be ongoing, making sure that it contributes to our state's economy and making sure that the business is given the best opportunity to continue to put food on the table.

If it is a primary producer with a family, it is making sure that family is looked after and that they do not have to go to government looking for social benefits. They do not have to go to

government looking for some form of a handout. It happens a lot. When the chips are down, normally a lot of these people go to institutions looking for some form of assistance. This is where the mediation will potentially open up lines of communication to make sure that the situation is laid out on the table and dealt with.

The Parker family, who live in my electorate down at Maggea, have needed some form of a mediation process to deal with land clearance to be able to borrow money to put in a crop, and for too long it has been ignored. Even though it is a different set of circumstances, their situation is that if they had good mediation they could have dealt with this situation and it would have been resolved by now. It is a situation that has been ongoing for far too long, and this is just a prime example.

As I said, I have acknowledged Primary Producers SA. I also want to acknowledge the Banking Association. I have had significant contact with them. I have also had significant contact from the banking sector and their input. They are all there with open arms thinking that this legislation is vital to their industry because they know that the farmer who is managing their property—because they are the financier of that property—is doing an outstanding job and the best job they can. But sometimes through financial situations they do need that input.

I will commend the opposition again. There have been a number of members who have had input for the right reasons. We want to see business given the support they need so that they can be an ongoing business. There is nothing worse than having a cross next to a business name. It is always much better to see a tick and make sure that that business is ongoing.

I have also been contacted by the banks, and they have shown keen interest in this legislation. They are waiting for it to be introduced so that they can use this farm debt mediation process to assist some of their customers. This is real live information as we speak. Those banks are waiting to use this legislation. It speaks mountains of just how important this measure will be to our primary producers and of how important it will be to the state's future of an ongoing business.

I am very proud to have brought the Farm Debt Mediation Bill to the parliament. I am proud that we have worked in a bipartisan approach in this chamber. I thank everyone for their contribution, and I expect that this piece of legislation will go down in the history books as a great day for the primary sector of South Australia.

Bill read a second time.

*Third Reading*

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (17:05):** 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 6 June 2018.)

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (17:05):** I rise to speak on the Electoral (Prisoner Voting) Amendment Bill. I will not take too long. I appreciate the opportunity to make a few remarks on behalf of the people of Stuart. I refer the house back to 19 May 2016 and to the Electoral (Prisoner Voting) Amendment Bill that I brought to this place as a private member. I was grateful to be supported by my Liberal colleagues in that. Unfortunately, that bill did not pass this place. The then Labor government did not support it, and I was very disappointed in that, but that is how things work.

I hope that they will support this bill. It is the delivery of an election commitment that we took to the last election in March, and we believe that we have a right to pass this through. We accept that the parliament has a right to examine it, to go into it in depth and to think about it, but I earnestly ask the opposition to support us in this, as it was one of our election commitments.

When I brought the private member's bill to parliament at the time, I was the shadow minister for corrections, an outstanding area of work, I have to say; I am talking about corrections rather than being a shadow minister. I know that there are three members on the opposite side of the chamber who have been ministers for corrections. I am sure that they share my view that that is a very challenging, often perhaps even slightly heartbreaking but very important area of work.

We do not bring this bill to this place because we have it in for prisoners. Nothing could be further from the truth. It is not like that at all. But we do believe that people who commit serious crimes lose some rights, and we believe that that is appropriate. In the extreme, one of the most serious rights they lose is the right to liberty and, in the extreme, they are sentenced to a term in prison, and that is appropriate; that is as it should be.

We also believe that if a person commits a crime so serious that that crime results in a conviction and a prison sentence of three years or more, then that person also deserves to lose their right to vote in state elections. We are not alone in this view, either. Other states have this view broadly, and the commonwealth has this view broadly. The commonwealth has had it for a long time.

Other states that have this view and have this legislated have a range of different lengths of prison sentence to which it applies, some more than three years and some less than three years. The commonwealth is three years, so we in opposition took, and now in government have taken, the view that three years was the right place to land. It is actually in the middle of where the other states have set their legislation, and it is the same as the commonwealth's.

That way, in South Australia, if a someone is imprisoned for three years or more, then that person not only loses their right to vote in a state election, as we are trying to implement at the moment, but has already lost their right to vote in a federal election as well, so there is consistency here in South Australia on that.

Again, it is not about trying to punish prisoners; it is just saying that if a person is a criminal of that calibre, such that he or she has brought upon themselves a sentence of three or more years as result of committing so serious a crime, then for the time they serve that sentence they do not deserve the right to vote and contribute to who is or is not in government. Very importantly, when that sentence is finished that person gets those rights back.

I do believe that if you do the crime you do the time, but when you have repaid your debt, when you have done all the things our courts and our society expect of people who commit crimes, let those people do the very best they can to put that behind them. That is one of the most important foundations of our corrections system, to try to help people do that, so of course once they have done that they get back the right to vote. That is very important.

In recent years, the way in which people can serve their sentence has changed. It is now the case that somebody could have a three-year prison sentence but may not serve all of it in prison; they might serve the tail end of it in home detention, for example. They are still serving a three-year sentence which, at the time the court imposed it, was expected to all be served in prison, whether over time or for one reason or another they may have been allowed to serve it in home detention or another way. Effectively, even though they are not in prison they are still serving a sentence, and under our proposal it is not until they have completed serving that sentence they get back the right to vote.

Of course, if a person does have their sentence reduced, that does not take away the requirements of this legislation. If the sentence is reduced, that does not necessarily mean they immediately get back their right to vote. However, if their sentence is reduced and they have then worked their way through completing that reduced sentence, upon completion of the reduced sentence—whether that is because they were allowed out of prison back into mainstream life early or they are out of prison into home detention and then out of home detention earlier than originally sentenced by the judge—when they have completed their sentence they get back the right to vote.

It is a very straightforward, very simple principle that the overwhelming majority of South Australians agree with. If you have committed a crime that is so serious that you get a sentence of three or more years as a result of that crime, while you serve the sentence you cannot play a part in who is or is not in South Australian government or who is or is not your local member of parliament, depending upon what your address might be. Some prisoners keep their pre-sentence address and



electoral enrolment and some prisoners end up enrolled in the electorate where the prison is located, but that is a separate issue that does not complicate or in any way diminish the principle behind this bill.

I thank my colleagues for supporting me in opposition previously in my right to put forward a private member's bill on this topic, and I thank my colleagues for making this one of our election commitments. I thank my colleagues for bringing it to parliament, and I hope the opposition will support this. I think the overwhelming majority of South Australians want this, and I commend the bill to the house.

**Mr PICTON (Kaurana) (17:14):** I indicate that I am the lead speaker for the opposition. I think it is a pretty rare thing to have the lead speaker for the opposition so far into the debate. We have had probably a dozen speakers from the government on this particular bill. It goes to show, when it came to this particular piece of legislation, where the process really fell down in this fledgling government, in terms of how this legislation was introduced but, more particularly, how there was no briefing for the opposition, how the briefing was delayed, how there was a very late briefing offered, and how debate proceeded without the opposition being briefed on this matter.

We then arrived at a point where we had the bizarre spectacle in the last sitting of this parliament where the Attorney-General broke what was an agreement in terms of the government and the opposition and sought to close the debate by being the last speaker. It took a quick intervention by yours truly to make sure that that did not happen and that the opposition had the chance to make a contribution to this important legislation and raise some important questions about this debate.

I think it goes to show how quickly those opposite forget the 16 years in which they sat on this side of the house and complained every inch of the way about every tiny—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The member will be heard in silence.

**Mr PICTON:** Thank you for your protection, Deputy Speaker. Members opposite complained every tiny little inch of the way about every tiny little process thing that happened. Then suddenly they get into government after 16 years in opposition and they want to steamroll the parliament, they want to forget about process, they want to forget about briefing the opposition and they want to forget about the orderly process of this parliament and being held accountable. I think there is a Greek word for that—it might be hypocrisy. It goes to show how quickly they have forgotten what the parliament is here for and the important role that the opposition needs to play in this place.

This is an important piece of legislation. This is an important matter for the parliament to be debating and it is something that deserves a significant amount of scrutiny by this parliament. What the government is proposing to do is to take away the rights of people, and that is something that we should never do without significant scrutiny and without significant consideration, particularly when it is their voting rights, which is inherently very important in our democratic system. That is why we think that this matter deserves a very high level of scrutiny.

I am happy to say at this stage of the debate that the opposition is happy to allow this through this parliament, where obviously the government does have the numbers, but we reserve our position in terms of the Legislative Council to continue to scrutinise this matter, to continue to consider our position and to continue to consider whether any amendments to this legislation might be necessary to improve the law that is being proposed by the government.

As the member for Stuart said in his contribution, this was something that he introduced as a private member's bill in the previous parliament and it was not supported. It was not supported for some of the reasons that I have outlined in terms of the important rights of people. However, I also think it was not supported for the key reason: what do we want our corrections system to be about?

Fundamentally, the now Leader of the Opposition, when he was corrections minister, made great strides in terms of the policy development for our state in that we want our corrections system to be about the rehabilitation of people. That is what the focus of our corrections system should be, not just on punishment and not just on locking people away.

We do know that the vast majority of people who are sentenced to imprisonment one day will be out in our community. We do not want people who go to prison to use their time in prison to become hardened criminals and more set in their ways. We want to use people's time in prison for rehabilitation. That is why the previous government, under the now Leader of the Opposition's leadership of that department, made great strides in terms of the development of policy to do just that—to reduce reoffending and to reduce recidivism in our corrections system.

We have brought in policies that I hope the government is going to take very seriously and continue to roll out, both in terms of making sure that we are improving our education system for people within prisons and also making sure that we are improving the situation for people where they are leaving prisons in terms of the ability to find employment and the ability to find housing. On a point of order, Mr Deputy Speaker, I note that there is no minister in the chamber.

**The DEPUTY SPEAKER:** It is general practice but it is not an obligation, so continue.

**Mr PICTON:** They are too busy to be here, okay. This is a very important program that the former government was rolling out in terms of making sure that we can improve the rate of reoffending in South Australia. We actually have a relatively low rate of reoffending in South Australia compared with some other states, but it is something where we think we should make continued strides to reduce that rate of reoffending. So, in those three areas in terms of education, employment and housing, we are seeking to make sure that we reduce that reoffending.

We have a significant increase in terms of work programs inside prison to make sure that prisoners are occupied and doing constructive things. I note a number of other members in their contribution have talked about some of those programs that we particularly see in prisons like the Port Lincoln Prison that you would be very familiar with, Deputy Speaker, as well as Mobilong Prison, Mount Gambier Prison and others where we are increasing the productive output of prisoners but also giving them skills to enable them to have additional pathways apart from crime when they are released from prison.

With that as the central principle, that is why the former government did not support what was then the private member's bill from the member for Stuart at the time because we thought that using that time in prison as productively as possible would be to make sure that we could reduce that reoffending. Whether you take a person's voting right away, whether that contributes in any way to reducing the rate of reoffending, I do not think there is any particular evidence to show that that is the case at all.

Of course, we have since had the election. The government has been formed and they have reintroduced this legislation now as a government bill. We think that it is something that deserves a significant amount of scrutiny. Unfortunately, what we saw in terms of the process was that the bill was introduced and a briefing was not offered until the Monday night of the last sitting week, when an email was sent to the shadow attorney-general's office apologising and saying that a briefing would be provided as soon as possible. However, it had already been put on the *Notice Paper* for debate for the government that week.

We said that, quite frankly, we were not prepared to consider that. That message was passed back to the government. In fact, I had a conversation with the Attorney-General to that point when we met on Tuesday to say that we were not ready to debate this bill because she had not briefed us. At least at that point, even though her office had contacted us saying that they apologised and were setting this up, she said that she had no knowledge of that and that she was not aware we had not been briefed. But she agreed at that point that we would not close debate that we would have a number of members of the government speaking on this bill but that we would reserve the ability for the opposition to speak on it after the opposition had been briefed but also after our caucus and shadow cabinet had the opportunity to consider the bill as well.

Then we got to the stage later in the week where, after a huge number of government MPs debated this bill, the Deputy Premier got up to close the debate. The Attorney-General got up to close the debate and started to close speaking, after which the opposition would not have been able to speak. Luckily I had my trusty new television monitor displaying the parliamentary proceedings—

**The Hon. J.A.W. Gardner:** An outstanding development.

**Mr PICTON:** It is an outstanding development. I know that, while I am bagging the Attorney-General for what I think she did, I praise the Acting Attorney-General for his contribution in terms of pushing the agenda for televised debates of the parliament, something I also supported internally within our show. I think it has been a great development.

**The Hon. J.A.W. Gardner:** There are dozens of people who are grateful to us.

**Mr PICTON:** They are all watching. I think it is just David Bevan usually, isn't it? Now having this ability to watch proceedings in my office, I saw the Attorney-General rising to finish the debate on this bill, which would mean, of course, that no member of the opposition was able to contribute to the debate and breach the agreement that we had earlier in the week, at which point I bolted down the steps from level 2, where my humble lodgings now are in this building.

**The Hon. J.A.W. Gardner:** We just need CCTV in those corridors, too.

**Mr PICTON:** There probably is. The Clerk could probably pull that up. As I am sure the Clerk knows, those are a huge occupational health and safety risk, those steps.

**Mr Pederick:** Here we go—they are going to unionise the stairs next!

**Mr PICTON:** That's right, but we are not covered by any occupational health and safety at all in terms of members of parliament. There is no WorkCover for us, so if I had fallen I would have been all on my own. But I managed to transcend the steps very quickly to rush into this parliament and, speaking out of the standing orders, I jumped up to say to the Attorney-General that she had breached the agreement, that she was closing this debate without any member of the opposition speaking, and she said, 'Oh, I am sorry, I didn't realise.' She did not realise and then allowed us to speak on it this week.

I have to say that it goes to show how important it is that the opposition is briefed on these things and does get the opportunity to scrutinise legislation. There is no better way of demonstrating that than that we now have, filed in this house, amendments moved by the Minister for Education, filed on 20 June 2018—a whole series of amendments that came from contributions that we raised in the briefing with government.

**Mr Bignell:** Picto saves the day.

**Mr PICTON:** That's right—the member for Mawson says, 'Picto saves the day.'

*Members interjecting:*

**Mr PICTON:** That's right. It should be noted as well that all of this chaos, all of this breakdown in procedure happened without the Minister for Education here carrying the ship, which I think goes to show how much he does carry the show over there.

**Mr Bignell:** He does a good job.

**Mr PICTON:** He does a good job.

**Mr Bignell:** We missed you.

**Mr PICTON:** We missed him. I raised some of these points in an earlier debate and he then went on to have a massive spray about how bad the former government was, and I am sure he will do that again. The point is that they are in government now. It is up to them to be consistent with their statements previously in terms of what they had committed to the house. You just have to look at some of the previous contributions of the now Attorney-General when she was the shadow attorney-general and some of the outrage that she had about the way that she was so harshly treated and how she should have been able to be briefed.

**The Hon. J.A.W. GARDNER:** Point of order: I feel we are now straying from relevance to the bill at hand.

**Mr PICTON:** Point of order, Deputy Speaker: you, in the debate on this bill in particular, have ruled a number of times and referred to the House of Representatives practice that second reading speeches can be very broad—

**The DEPUTY SPEAKER:** Broad ranging, you are right.

**Mr PICTON:** Broad ranging.

**The DEPUTY SPEAKER:** Member for Kaurua, if you could work towards concluding your comments before 6 o'clock, at least, that would be worthwhile, I think. Continue.

**Mr PICTON:** I appreciate your suggestion, Deputy Speaker, but I understand the standing orders allow me unlimited time for my contribution as the lead speaker for the opposition.

**The DEPUTY SPEAKER:** Given that it is Thursday night, I would encourage you to further your comments, and particularly in relation to the bill.

**Mr PICTON:** Thank you very much. I will have to note the footnote in the standing orders that says that Thursday night is a different connotation in terms of what you can contribute. In terms of the process, which I think is very important in relation to how this bill has been debated, the Attorney-General previously had made a number of statements when she was in opposition about how things should be debated in this chamber. We have seen the results of her throwing out—that complete discard of her previous views—in the fact that we now have these amendments.

Amendments Nos 1, 2, 3 and 4 filed by the Acting Attorney-General, the Minister for Education, go to the points that we raised in the briefing with the government. These are points that go to the fact that there were some very serious flaws with the government's bill that was promoted, and they go to some of the issues in terms of what the definitions are around who should be detained. In particular, given that we have just spent a significant amount of time in this house and in the other place debating people who are held in custody due to their inability to control their sexual instincts, there was significant doubt as to whether those people would be covered by this legislation or not.

That is something that we raised, and now the government has had to go in and clarify it in their amendments. It goes to show how important the opposition's role is in this, which I am sure in the many, many quotes from the current Deputy Premier that the Deputy Speaker does not want me to read out, but I am very happy to, goes to the importance of the role of the opposition in this.

I am glad that the Minister for Education is back. I congratulate him on the birth of his child, but I am glad that he is back. Hopefully, from now on we will see routine significant improvements in the process. During the briefing, matters came to light, and one of those matters was that the government had done absolutely no consultation on this bill whatsoever—absolutely no consultation on this bill.

You would think that on introducing a significant piece of legislation like this, it would be pretty important to consult all of those organisations and peak bodies that would be affected, and none of those was consulted. It was mentioned that the Law Society had been sent the bill for its thoughts, or was about to be, but they were not quite clear on whether that had happened. Other than that, to our understanding, there had been no consultation on this bill whatsoever, and a very important part of the legislative process is making sure that we are seeking as broad a range of views as possible on this before members have the opportunity to vote on legislation.

We find it concerning that they claimed that they were going to come in with all these new ways of operating, be much more consultative and be much better at these sorts of things, and they did not last 90 days. They are not briefing the opposition, they are not consulting anybody and, 90 days later, they are shown to be a government that are hiding things and not talking to the community. There are still a number of significant queries in terms of this bill, a number of which we are going to deal with when we get to the committee stage of the bill.

As I mentioned, we are very unclear as to whether this applied to people who were indefinitely detained under various acts of parliament. I note that the Minister for Education has had to rush in some amendments following the opposition's briefing and raising these issues. During the committee stage, we will have to tease out whether that adequately covers the situation.

We asked about this during our briefing and were told that the intention was that this bill, as it was originally submitted, would cover these people, but clearly now we have been shown that that was not the case and that they were not covered. We are pleased that the government has now come to a similar position and drafted these amendments, but we will be considering them both in the lower house here and also in the other place.

We are also particularly concerned about clause 6 of the bill, which amends section 69 of the Electoral Act, and in particular the insertion of new subsection (5)(b)(iv) which provides:

a person who is subject to detention of a kind that is—

- (A) imposed by or under an Act or law; and
- (B) prescribed by the regulations for the purposes of this subsection,

That is a very broad range of ability to cover somebody under this legislation. During the briefing we asked, 'Who is this intended to cover?' and the government and their representatives were unable to tell us who they are looking for in terms of being able to cover under this legislation. I think that is another very important piece of scrutiny that we need to cover when we get to the committee stage.

Why did the government need this to be included in the first place? It is a very good question. It appears incredibly broad. We asked about it in the briefing. It does not appear in the commonwealth's prisoner voting model, which is interesting. So much of this is based on the commonwealth's model, but in the state model they are adding in an ability to add by regulation a whole range of other types of acts or laws that are not particularly covered.

One question which I raised in particular, which I do not think has been sufficiently answered, is that, if you are saying another act or law detaining someone applies here, would that not cover mental health detainees? Are we saying that if you are detained under the Mental Health Act you are prohibited from voting under this legislation? That is something that needs to be answered by the government as well.

There are a number of other aspects of the bill, including the purpose of new section 27B, which allow the state Electoral Commissioner to provide information to the commonwealth electoral commissioner; the purpose of playing around the electoral roll with the amendment of section 68(1); and a number of additional queries in relation to clause 6 of the bill, including why the Attorney-General has chosen three years as the cut-off date for eligibility and why we have departed from the commonwealth model and included those people on home detention, whereas the commonwealth model does not include those people.

Some members of this house recollect that this has been debated before. Looking back, there were good words from the Hon. Paul Caica, the former member for Colton, which I think summed up the position of the then government and some of the concerns around it that we are considering in this bill. He pointed out, and I quote:

...in 1976 the South Australian parliament passed legislation with bipartisan support, I might add, to remove the restrictions on prisoner voting that were in the South Australian Constitution Act 1934. There seems to be no strong policy rationale for shifting from the bipartisan position adopted back then. Introducing restrictions on prisoner voting rights does not correspond with other policy priorities of the Attorney-General's Department which focus on restoring and rebuilding community connections.

Those were the points made by the government then. I think that they are matters that the government will need to respond to next sitting week during the committee stage of the bill. They are certainly issues that we are considering in this legislation.

In summing up, I hope that we will see better process from the government. I hope that they will continue the important work of reducing reoffending and the recidivism policies which the former government instituted and which I think are vitally important in terms of reducing crime in our community. At the end of the day, that should be the main focus of our law and order system in terms of keeping our community safe.

I hope that we will see those laws, programs, policies and directions continue under this government. This does not bode well, but I hope that the whole range of other aspects of what was intended by the 10 by 20 goals to reduce our recidivism rate by 10 per cent by 2020 will be maintained by the government. I look forward to the committee stage.

Debate adjourned on motion of Mr Cowdrey.

At 17:39 the house adjourned until Tuesday 3 July 2018 at 11:00.

