

## HOUSE OF ASSEMBLY

Thursday, 26 July 2018

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

**The SPEAKER:** 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*

#### **TRANSFORMING HEALTH**

**Ms BEDFORD (Florey) (11:01):** I move:

That this house establish a select committee to inquire into and report on the benefits, costs and impacts of Transforming Health and in particular—

- (a) the scope of policy issues that Transforming Health was designed to address (including federal healthcare funding cuts) and whether they were addressed adequately;
- (b) what other issues Transforming Health should have addressed;
- (c) the adequacy of the model of care proposed by Transforming Health, based around three tertiary hospitals and 'centres of excellence' supported by ambulance transfers;
- (d) the adequacy of consultation with clinicians and the community on Transforming Health and alternative models for consultation and engagement;
- (e) the degree to which a focus on primary health care could improve the overall effectiveness of the healthcare system;
- (f) the degree of difference between public expectations and the capacity of the healthcare system, as currently resourced, to meet them;
- (g) whether, having regard to its revenue base, the federal government is funding an appropriate share of the state's healthcare budget (and what the state should be doing to address this); and
- (h) any other relevant matter.

Today, I move for a formal parliamentary inquiry to be conducted into Transforming Health. This motion represents a genuine effort to see our health system become better and truly functional by examining and reporting on the benefits, costs and impacts of the aftermath of the Transforming Health initiative.

I urge all members to consider the importance of this motion for our electors and accept that it is, of course, a matter for the house to determine on behalf of our electors as to whether this inquiry should be undertaken and the manner and form it should take. From the outset, I indicate to the chamber my willingness to discuss amendments that would advance this inquiry and the purposes I outline for it today.

In moving this motion, I am conscious of that fact that this may be an uncomfortable topic—uncomfortable for those responsible for the formulation and implementation of Transforming Health, uncomfortable for me as someone who felt, on the face value of the information given to me at the time, that it was a policy that should be given a go, and I think potentially uncomfortable for the new government whose own policy remedies post election will be tested by the testimony the inquiry might hear or the findings the inquiry might make.

I expect this inquiry will uncover mistakes made under the banner of Transforming Health that could have been avoided, mistakes such as the reduction of services at Modbury Hospital without explanation to, or a social licence from, the north-east community I have represented for the past two decades. Through that time, my community has seen other experiments, or attempts to rein in health expenditure, not go as planned. The Healthscope period at Modbury Hospital that preceded it, threatening similar privatisation measures at The QEH, were indeed dark days.

I also expect that this inquiry will raise questions that will challenge the current government. Transforming Health did not arise in a vacuum. It arose in part as a result of the significant reductions in real terms of federal funding for health care imposed by the federal Coalition government.

In my view, this is an underacknowledged inconvenient truth. The federal government's role in the provision of aged care and dental care cannot be ignored any longer and will be part of the challenges we face in the years to come. Expectations must be met with honesty. There are legitimate questions to be asked of some of the health policies the state government is now pursuing. I for one am not convinced about the merits of reintroducing health boards, particularly in the metropolitan area. I am yet to see whether the Liberal Party will back my call for universal ambulance cover or how they will deliver their commitments to restore services at Modbury Hospital.

I expect this inquiry will raise questions from the community that I will have difficulty answering, especially if the committee does not go ahead, and if it does they will want answers if the deliberations do not lead to positive outcomes. But this is exactly why I believe we must proceed with the inquiry. Health care is a complex area of public policy, but too often it is dominated by short-term politics rather than long-term policy development conducted in depth. In my view, we have lost the ability to discuss health care outside of the hyperpartisan context that has alienated so many in the electorate.

Too often, genuine discussion and evidence-based policy comes second to other demands. Too often, meaningful engagement with community and clinicians is reduced to spin, stats and soundbites for the media cycle and yet another round of glossy brochures. Too often, expert opinions are wheeled out not to inform debate but rather to close down alternative views that do not match preconceived notions. Too often, individual issues are politically weaponised with simplistic solutions that fail to address complex policy needs and prevent mistakes from being acknowledged and lessons being learned.

The Transforming Health initiative—probably the most significant program of healthcare reform attempted in decades by a state government—ultimately fell victim, in my view, to the politics of the day. In this sense, whatever its original intent, it was doomed to failure. As concerns arose pre-election, the opposition of the day quickly adopted them as their own policies and this, in turn, fostered an increasingly adversarial attitude. In the constant battle for political mileage, the chance for genuine discussion was lost.

I believe universal access to quality health care, like universal access to education and training, is a defining element of a decent society and the two things people most expect from their government. I believe South Australia is smart enough and prosperous enough to deliver world-class health care to all its citizens. What concerned me then, as a member of the former government, and what concerns me now is that the quality of our political debate makes these ideals almost impossible to achieve. Our healthcare system must be guided by a clear, cogent, cohesive and cooperatively developed policy framework based on a shared vision and agreed values.

I think we all have to take responsibility for a public debate that has become unnecessarily adversarial, no matter the merits of the case. This must change. I propose the motion because I want us to rule a line under the public acrimony that ultimately enveloped Transforming Health and to ensure that it is unbiased evidence, not spin, that informs future policy discussion about health care in this state.

I am not a health professional. I and my family and the community I represent are consumers of health services and we all know or are related to health professionals we trust. In the past, before Dr Google, I needed to understand and learn how to support a healthy life, and whenever it has been necessary I have had to learn how to facilitate recovery from serious illness and sustain and maintain recovery. If I needed to understand something, I sought good advice and several opinions. I asked and I informed myself. All knowledge is a learning experience.

The formation of the policies underpinning Transforming Health must be the starting point of any deliberations to evaluate the position we now find facing our health system, a continually evolving system that is called on to address our needs in times of illness and vulnerability in a world where we are living longer and undergoing more sophisticated and technologically advanced treatments

and procedures. We need to understand what Transforming Health was trying to achieve, how it hoped to achieve it and what data and information led to the policies that were put into place.

SA Health has undergone radical changes from many sides: the move to the new RAH at the same time a new records management system was implemented, just to name two, and the stresses being placed on front-line staff cannot be underestimated. To the wonderful health professionals who work on the front line and allied health care providers and the volunteers who support hospitals not far from the front line, I say thank you for your professionalism, dedication and perseverance. Caring for the complex human physically, mentally and psychologically is a big task. None of us can imagine what we would do without you.

I say to the health professionals that, while it may seem we take you for granted, the stories I hear about you have led me to propose this motion because I have been led to the conclusion that without action the system will not improve to the level we all want to see, and we want to make your workplaces safe and happy. To the people who use the health system, I say thank you for sharing your stories and experiences and frustrations. It is because of you and on your behalf that I put the motion to the house.

It is the ongoing, and almost now acknowledged as the new normal, visible sign of ambulance ramping that has prompted me to this course of action. We are not being honest if we keep saying to ourselves that it is going to be okay and then list all the excuses and reasons we think it will improve without honestly examining where we are and how we got there.

Only with honest evaluation can we set new aspirations and targets to establish what needs to be done to achieve the best-integrated and safest health system we can provide. Safety is at the heart of the need to make informed change. If the front-line staff are doing their job, surely it is incumbent on us to truly consult with them to establish what has happened and how they believe things need to be changed.

Was engagement with front-line staff really how we arrived at Transforming Health, or was it with the best of intentions, for it is at our peril that we act irresponsibly, that the initiative was produced around a dollar amount and then tailored as well as possible to fit it? If all this front-line information has already been put to use with Transforming Health and putting it into place, then it needs to be consulted again, for it is the front-line staff who are dealing with the aftermath and are best placed to identify how to streamline service delivery and eliminate unnecessary waste.

Clearly, everyone understands that it is necessary to spend public health dollars responsibly and we all accept that there must be continual monitoring of service delivery. However, we should not accept the open slather, cost-cutting measures that would see us return to the pre Medibank days, when there was a definite two-tier health system, seeing people forced into private health insurance they just could not afford.

What is fair about the now Medicare system is that the levy is calculated on income. We must maintain a strong and vibrant public health system that delivers, dare I say it, the best care, first time and every time, close to home. The health model we had needed improvement and will always need improvement. We need change for the better, not change for change's sake, a change into the unknown or a change that leaves us and the system in a worse condition.

The first step was to acknowledge Transforming Health had not worked as had been hoped. Now we are at the stage of working out how to make urgently needed improvements and, unfortunately, we cannot wait until new CEOs take up their positions and for the new government's return to the policy direction of health boards to be put into place. A new policy, or should I say return to a former policy, implemented into a system already on life support is a recipe for further trauma and stress for the front-line staff and the public using the hospitals we are charged to provide.

A parliamentary committee can do the research and report now to assist new senior management with changes. Preventative health measures must be improved, and how aged-care issues are to be handled is also of major concern. Immediate improvements to communication and information sharing with GPs—that is, on hospital discharge and with GP liaison—are important. I note that all this happens in Family Doctor Week. I acknowledge the role of the AMA and all they do. The role of the GP must be recognised and enhanced in the community.

This inquiry, if supported by the house, provides a chance for a political reset and a chance for us all to work together and find common ground in one of the most complex and important areas of public policy and service delivery. It provides a chance for us to show this state can be a leader and to show the South Australians we each represent that it is their interest we put first, that we can work together for the common good and that, no matter where we sit politically, when it comes to health care we all agree it is the community that counts. I commend the motion to the house.

Debate adjourned on motion of Dr Harvey.

### AUSTRALIAN CRANIOFACIAL UNIT

**Mr KOUTSANTONIS (West Torrens) (11:14):** I move:

That a privileges committee be established to examine the allegations set out in *Hansard* by the member for West Torrens on 24 July 2018 regarding the minister representing the Minister for Health and Wellbeing and investigate whether the minister deliberately misled the house as therein alleged.

I have been in parliament 20 years, and to the best of my recollection—

**An honourable member:** That's outrageous.

**Mr KOUTSANTONIS:** Yes, that's what my wife says, too. To the best of my recollection, only two ministers have had prima facie cases found against them that would accord precedence being given to this house for a privileges committee. From my memory—I could be wrong, and I stand to be corrected—one is John Hill and the other is the member for Stuart. The Speaker said:

If I were considering this matter prior to the minister's personal explanation, I would be of the view that prima facie the matters raised by the member for West Torrens touch on privilege and should therefore be accorded precedence for a motion which would enable the house to determine if there had been a breach of privilege.

The Speaker, of course, did not give that precedence because, in the Speaker's determination, the member made explanations. There is a requirement in this parliament that when a member gives inaccurate information to the house, they correct it at the earliest possible opportunity when they knew that they had, either inadvertently or deliberately, misled the house.

We know from radio transcripts that Professor David David AC, South Australian of the Year, was accorded the courtesy of a phone call by the cabinet colleague of the member for Stuart immediately after reading the transcripts of what occurred in question time on the day that I alleged the minister deliberately misled the house. Professor David said on radio that what the minister said in the parliament regarding an independent inquiry and Professor David's ability to contribute to that inquiry was wrong. The cabinet reacted immediately: they called Professor David.

At the conclusion of question time, at the conclusion of grievances, did the minister come in to correct the record? No. He waited, and then corrected half the record, despite his cabinet colleague calling Professor David immediately. In the answers the minister gave to questions, it was very clear that he walked into question time that day with a deliberate tactic. He knew he was going to be asked questions about the Australian Craniofacial Unit; it had been in the media. He got up, he answered questions—prepared—and he said that Professor David knew that there was an independent inquiry and had had every opportunity to give effect and assist that inquiry.

He went further. He implied to the house that the Premier had announced it and that all of us were aware of it, and we should have known better than to ask these silly questions because the house was fully informed. Of course, none of that was true—none of it. The minister representing the Minister for Health deliberately and intentionally misled the house not once but twice, and while doing that he impugned the reputation of a great South Australian, a man who quite frankly has done more for South Australia than the minister ever will, a man whose reputation goes beyond the borders of this state and indeed beyond the borders of this nation. He has been given our nation's highest accolade, a Companion of the Order of Australia.

**The Hon. D.C. van Holst Pellekaan:** This is the Jon Blake show.

**Mr KOUTSANTONIS:** Again, he just can't learn the lesson. The hubris and the arrogance is beyond measure as heard on radio this morning—Icarus, with wax wings, flying close to the sun. The minister told parliament that he, Professor David, 'is well aware of it and has had every opportunity'. He even talked to the house about the intelligence of Professor David and how could

he possibly not know these things? Because it was a tactic. It was a debating tactic that he was using. He even looked to his phone and read out a briefing. Even after he corrected the record, he said to the parliament in answer to a question from the Leader of the Opposition, when he was asked what advice he relied on:

I'm not sure what sort of fishing expedition this is, but let me answer that question very, very directly. What advice did I rely on? I relied on the advice—

and he read out the advice—

'The Minister for Health and Wellbeing has advised that his office received a copy of the independent review today.'

Unrepentant.

*The Hon. D.C. van Holst Pellekaan interjecting:*

**Mr KOUTSANTONIS:** Interject all you like.

**The SPEAKER:** I ask members not to interject.

**Mr KOUTSANTONIS:** You're the only minister to have been found in 20 years to have deliberately misled the house, had it not been for your corrections.

*Members interjecting:*

**The SPEAKER:** Order! Could members not interject? You will have your response soon.

**Mr KOUTSANTONIS:** This is Wednesday 25 July after the minister corrected the record.

*Members interjecting:*

**Mr KOUTSANTONIS:** Again, interjecting with something that is not accurate—hubris and arrogance again.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr KOUTSANTONIS:** The minister said:

'The Minister for Health and Wellbeing has advised that his office received a copy of the independent review today. The minister will consider the review. Following this consideration the Minister will make a statement.' That is the advice I received, and that's the advice upon which I answered the question.

But we know now, despite having corrected the record, despite the Minister for Health having called Professor David and saying what the minister said was all wrong, he repeated it again yesterday. He repeated it again. It is a tactic. The man cannot accept he got it wrong. This inaccurate and misleading answer given by the minister representing the Minister for Health, in my opinion and in the opposition's opinion, was a deliberate attempt to mislead the people of South Australia. The other point that I want to make very clear to the parliament is that, in representing the Minister for Health, he speaks to this parliament on behalf of the cabinet. He said this:

...one of the most important things that clearly the opposition has forgotten—

impugning the opposition's credibility—

is that we were going to undertake an independent review.

Why would you say that? You would say that because it is a debating point and a point to try to deflect from questions being asked of the government by the opposition—prepared, probably discussed in his office before he came into the parliament. It did not just pop into his head, because we know that even after he corrected the record he has told the parliament again the advice he relied upon was from the Minister for Health, despite the Minister for Health telling Professor David that was not true.

**Mr Picton:** Deliberate strategy.

**Mr KOUTSANTONIS:** A deliberate strategy by the minister. He went on to say:

I don't know why the opposition would pretend that didn't happen...

He is asked a question and now he is saying, 'Why are you asking these questions when you know full well there is an independent review?' He made the correction the next day. Later that day, he repeated, I think, another falsehood to the parliament that he relied on advice which the Minister for Health disputes.

There is no public record of the government announcing an independent review into the Craniofacial Unit to the House of Assembly—none—because it did not happen; Mr Speaker, as you found, that it touches on privilege, had it not been for the minister's correction. In no statement to the parliament has the minister representing the Minister for Health corrected the record that the government, in fact, did not undertake an independent review.

The minister has also refused to explain to the house what information he relied on to make these claims, further proving he deliberately and intentionally misled the house. The Premier's excuse for the Minister for Energy's conduct in the house is also appalling. The Premier stated on ABC radio this morning that it was reasonable for the Minister for Energy to assume that Professor David had been consulted on the review.

This is the parliament of our state. It is not reasonable to assume anything in your answers to this house. It goes to the heart of the arrogance and entitlement that this minister thinks he has. There are other concerning developments related to the Craniofacial Unit. We have received an email from SASMOA today, dated 25 July, addressed to the Minister for Health. It states:

Dear Minister,

Thank you for contacting SASMOA about this important issue. In brief, the association holds concerns about reports of what equates to cartel-like behaviour and nepotism by senior management of the Australian Craniofacial Unit which could amount to maladministration and has grave impacts on patient care including on overseas patients who are not being treated by Australian specialists which has already resulted in unnecessary deaths.

These concerns include a lack of transparency and failure to follow proper merit-based selection processes in relation to recent recruitment of key roles within the Australian Craniofacial Unit, allegations of bullying and harassment by members and staff against senior surgeons within the ACFU and the Women's and Children's Hospital and changes to the services and the standard of model of care provided by the Australian Craniofacial Unit without any consultation.

At this point, SASMOA has not yet raised its concerns with the Executive of WCHN or SA Health. However, SASMOA understands that these issues are adversely impacting the current and former ACFU staff, thousands of patients, including particularly vulnerable overseas patients and various other stakeholders, bearing in mind the multidisciplinary set-up of the unit.

That is a damning email by the people representing surgeons in this state, the salaried medical officers. What is worse, though, is that a minister, with hubris and arrogance, thinks he can tell the parliament whatever he pleases, who thinks he can come into the parliament and use the parliament as if it is a debating point to win a political point, rather than give factual information to the house so it can conduct its business.

This house conducts the people's business, not the business of the Liberal Party. This house is established in form—as the Speaker reads out in the prayers before the parliament begins—for the betterment of the people of this state. We cannot do that when ministers give us false information. We cannot do that when ministers walk into the parliament to deliberately mislead the parliament, to deliberately mislead the opposition and to mislead the public. Do not believe me, believe the Speaker. The Speaker found that he had done this.

*The Hon. D.C. van Holst Pellekaan interjecting:*

**Mr KOUTSANTONIS:** The minister doesn't like it. He does not like his hubris and arrogance being raised in the parliament—that he can come in here and say whatever he likes. Even after he corrects the record, again in question time yesterday he pretends it did not happen and says, 'I did nothing wrong. I followed the advice of the health minister.' Well, which one is it? Did you get it wrong or did you get it right? Which one? Of course, he will not tell us.

**The Hon. V.A. CHAPMAN:** Point of order, Mr Speaker.

**The SPEAKER:** Point of order. The member for West Torrens will be seated for one moment.

**The Hon. V.A. CHAPMAN:** You, sir, are not under any allegation in this house, and it is totally improper—

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

**The Hon. V.A. CHAPMAN:** —for the member for West Torrens to—

**The SPEAKER:** What is the point of order Deputy Premier?

**The Hon. V.A. CHAPMAN:** —shout out to you in respect of alleged conduct by you.

**The SPEAKER:** I will listen carefully.

*Mr Mullighan interjecting:*

**The SPEAKER:** Order, member for Lee! Member for West Torrens, please stick to the motion before us.

**Mr KOUTSANTONIS:** Sure, sir. Irrelevant points of order to try to chew up time show a government that is worried about exposure on this.

**The SPEAKER:** Please stick to the motion, member for West Torrens.

**Mr KOUTSANTONIS:** Showing that—

*Members interjecting:*

**Mr KOUTSANTONIS:** So much for the openness and accountability—

**The SPEAKER:** Member for West Torrens, please do not respond to interjections; please stick to the motion. You have two minutes left, member for West Torrens, thank you.

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

*An honourable member interjecting:*

**The SPEAKER:** Order!

**Mr KOUTSANTONIS:** At the very least, the government should strip the minister of responsibility for the portfolio of health in this house. We have no confidence that what the minister tells this parliament is accurate—no confidence whatsoever.

**Mr Mullighan:** He assumes it all.

**Mr KOUTSANTONIS:** He assumes it all, just makes it up as he thinks, comes up with debating points and deliberately misleads the parliament. And then, not at the earliest opportunity but when it suits him politically, he comes in to correct the record.

The one point that I just cannot understand is how is it that the Minister for Health can immediately call Professor David after question time when the minister misled the parliament and tell him everything the minister said was inaccurate, yet it took the minister two occasions, separated by days, to find the truth? Why is it—

**An honourable member:** Days.

**Mr KOUTSANTONIS:** Yes, days. Why is it that he did not correct the record immediately after the Minister for Health contacted Professor David? Why? Why the delay? Why was the parliament not told immediately? Why did the Minister for Health call Professor David immediately, apologise to him and tell him everything that the minister said was wrong, yet the minister did not correct the record completely until the following day? Why? Why did the minister not do it? He has an obligation under standing orders to do it immediately. There should be a privileges committee into this man to investigate what he has told the parliament. If the government have nothing to hide, they will agree with the motion for a privileges committee.

**The SPEAKER:** Before I call the next speaker, I remind members that they should not be interjecting when another member is speaking. I expect members on my right also to be afforded the same courtesy.

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (11:30):** The member for West Torrens has failed to outline a case as to why the minister has deliberately and intentionally misled the parliament. He insisted on a dozen or so occasions that that had happened. The body of the motion insists and the member for West Torrens says that the privileges committee should be established to examine the allegations—the allegations, in his raising the issue with you in the first place, sir, were that the minister deliberately and intentionally misled—then goes on to say 'investigate whether the minister deliberately misled the house' and then in 15 minutes fails to identify a single item of evidence as to why there was any deliberate nature or intent in providing information to the parliament. This is further backed up by the fact that the minister corrected the record on two occasions when matters were drawn to his attention.

The member for West Torrens holds, as he considers, a smoking gun the idea that Professor David David was contacted after question time by the Minister for Health, who obviously had a deep understanding of every aspect in his portfolio because he is an extraordinarily good Minister for Health. The Minister for Health, of course it is understood, would naturally know the matters that are cogent to the detail of the portfolio for which he has day-to-day responsibility.

This is actually relevant to the point that the shadow minister raises in relation to the John Hill case. In the John Hill case, the parliament decided that there was to be a privileges committee—with the support of the government at that stage—because the government of the day was unable to explain why a minister of the Crown would be unable to be aware of issues in their personal portfolio responsibilities. That is not the case on this occasion.

On this occasion, we have a minister who is representing a minister in the other place who has tried to provide the house with immediate information to assist the house and then, when being advised that there were inconsistencies, corrected the record. The minister holds, as a smoking gun in his mind—

**Mr Koutsantonis:** Shadow minister.

**The Hon. J.A.W. GARDNER:** Sorry, the former minister.

**Mr Koutsantonis:** Shadow minister.

**The Hon. J.A.W. GARDNER:** I was thinking of it in the US sense, where one maintains a title forever. Maybe we could consider that. The shadow minister, as he will be until the community of West Torrens decides he is no longer needed here, holds as he considers to be a smoking gun the idea that the Minister for Health has provided immediate advice to Professor David. Then, of course, it is only natural that the minister in this house provides himself with the opportunity to seek information to provide accurate information to the house in the nature of the personal explanation. And that is exactly what happened. On that basis, the Speaker made a ruling that was entirely consistent with the expectations of the house, and I am confident that members of the house will find in this case that to be so.

In the shadow minister's dénouement, in his conclusion in between accusations of hubris, intention and deliberateness, he concluded with this crescendo that the minister was apparently in the wrong because he had assumed something and then deliberately misled the house. The shadow minister himself alleges—and I think this was probably the closest he came to the truth in his whole 15 minutes of rhetoric—that there was an assumption in the answers given by the minister on Tuesday. The minister, I am absolutely satisfied, and I am sure this house is satisfied, did believe what he said to be true as he said it. There was no intent to mislead the house. There was no deliberateness in providing information to the house in that way.

The shadow minister said it was a deliberate tactic, that it was something that the minister allegedly chose to do. This is where the shadow minister's argument is clearly preposterous. What is the alleged benefit of this tactic? What is sought to be achieved, when the Minister for Health clearly calls Professor David immediately after it has happened? A deliberate tactic? This is nonsense. This is nonsense from an opposition that does not have anything better to do.

The issue related to the Craniofacial Unit is clearly an important matter, and that is why the Minister for Health is taking it very seriously. The minister representing in this house attempted to assist the house by providing information immediately so that we could have that information, and



when he understood that clarification needed to be made, he did so. That is the expectation this house has and that is why this motion should not be supported.

There is no case that the shadow minister made that was not dealt with entirely satisfactorily in the Speaker's ruling. The Speaker found that there was no need to give precedence to this motion. Today, when the motion has been moved and offered through the opportunity that the opposition has in the house, they have made no case as to why this house should support it.

The minister, advised of the breach, sought information and provided that information to the house in correcting the record. The allegation that the minister, having sought information from the health minister—and this was repeated twice by the shadow minister, and it was in relation to a question in *Hansard* from yesterday and that is what he got his advice for—was in relation to a different question and I do not see that there is any relevance for that being raised.

Clearly, the Minister for Energy and Mining, representing the Minister for Health in this house, seeks information and presents it as he can. I think he does a tremendous job doing that. On this occasion, some incorrect information was provided inadvertently, an error, but it was not an intentional error. The idea that an intentional error was made is utterly preposterous. The idea that an intentional error was made as a debating tactic is utterly preposterous.

I hope this house will not see fit to delay deliberations too much. It is reasonable for a discussion or debate to take place on this motion, but once this motion comes to a vote I am confident that it will be defeated, and this motion should be defeated because the opposition has made no case that the minister intentionally or deliberately misled the house. Repeating it time and time again is not a substitute for an argument. It is not a substitute for providing evidence, and there is none. I urge all members to oppose this motion.

**Mr PICTON (Kaurna) (11:37):** I rise to support this very important motion that this house should be supporting so that we can get to the bottom of this matter, so that we can properly investigate what you yourself, sir, have ruled were prima facie cases of privilege that the member for Stuart raised.

**The Hon. J.A.W. Gardner:** That's not what he said.

**Mr PICTON:** Check the *Hansard*—

**Mr Mullighan:** Don't interject; we didn't while you spoke.

**The SPEAKER:** Order! Member for Kaurna, I ask you to qualify that statement. I know what you are saying, but please just qualify it.

**Mr PICTON:** I know in the end you decided not to give it precedence as a motion; however, this is pretty startling. If we look at what was said by the Speaker yesterday, these were findings that have not been found regarding a minister in a very long time. I believe you could probably go back to 2003 to find the last time that a minister was in so much trouble about allegations of misleading the house.

This is about a very serious issue. This is about a unit in a hospital that South Australians are very proud of, and they should be proud of, because it has had an amazing 44-year history in this state of providing care for young and old people here and also around the country and around the world. Very serious claims have been raised repeatedly, not just this week, but over the last month, about the management of this unit. We have raised important questions in this house about the management of this unit. What we saw this week was the minister representing the Minister for Health in this house time and time again misleading the house. If we go through everything that he said, there are four areas where, in our view, he deliberately and wilfully misled this house.

Firstly, he said that there was a review that was announced, that the opposition should have been aware of it and that everybody was aware of it. In doing so, he was reading from notes that he had been provided. These were premeditated notes that had been provided for him to say that there was an announcement that had been made about a review into this matter. There was no such announcement. We have gone through the *Hansard*—you yourself, Mr Speaker, have gone through the *Hansard*—and we have gone through all the VOD clips. No-one has ever been able to point to

any previous announcement of a review being undertaken. That premeditated statement to the house was clearly wrong.

The second issue was that the minister claimed that this review was independent. He held it up and said, 'There's an independent review underway into this matter.' Clearly, it has come out that this review was not independent. This review was undertaken by a mid-level public servant in the Department for Health. The Minister for Health's own agency undertook this review; it is not independent at all. I believe trying to tell this house and the public of South Australia that this was an independent review is strongly misleading the house, and I believe that that was a deliberate tactic to try to deflect the controversy away from this issue.

Thirdly, the minister said that David David was clearly aware of this matter. In fact, we questioned the minister about this during question time after he had said it and asked whether he was sure that David David was aware of this, as we had been told that we was not aware of this. He mocked those questions and said, 'Well of course he's aware of this.'

**Mr Koutsantonis:** 'He's a smart man.'

**Mr PICTON:** 'He's a smart guy. He's South Australian of the Year; of course he should be aware of this.' It belittled the South Australian of the Year in his answering of those questions to say that he should have been aware of a review that there was no way he could have been aware of. He had never been told. The minister had never discussed it with him. In fact, it did not turn out to be an independent review at all, but of course there was no way.

That was the opportunity for the minister to immediately correct the record and say, 'Well, I said that, but I had no idea what I was talking about and it is completely false. I take your advice that he must not have known about it.' Instead, he dug deeper into his hole by declaring it to be true. Fourthly, he said that Professor David David, South Australian of the Year, had every opportunity to contribute to this review. What we now know, of course is that he had zero opportunity—absolutely no opportunity—to respond to this.

These were clearly devised in the minister's briefings notes and also in the text messages and emails that the minister was reading from during the debate of this house as a deliberate tactic to avoid and deflect criticism of the government during this matter. We believe that this deserves the proper investigation of this house. We believe that the prima facie evidence is that this should be investigated, and only a privileges committee will get to the bottom of it. I think it is very disappointing. If the government does not think that they have anything to hide, why would they not support this motion?

If the government thinks that the Minister for Energy is totally clean, then they should be supporting this committee, and would be happy to examine all the documents and evidence, and get all that off the table because they believe that he would be cleared. The only reason that they would not support this is if they believed that there are things that we would not want to find out about what was discussed beforehand, about what was in the briefing document, about what was in those text messages the minister was receiving during question time. That is the only reason you would not support this committee inquiry to get to the bottom of this matter.

We also know that after question time the minister did not immediately come back to the house to explain. We know that was not immediate because we know that between him coming to explain and question time, the Minister for Health was on the phone to Professor David David saying, 'Don't worry about what that Minister for Energy was saying in question time, it's all wrong. All of that's wrong. He got it all wrong—completely wrong.' So how was Professor David David able to be updated by the government that the statements by the minister were completely wrong—

**Mr Koutsantonis:** But the house wasn't.

**Mr PICTON:** —but the house was not? The house should be updated as soon as possible by the minister. Clearly that was not the case here. In fact, the minister took many, many hours after that to come to this house and give a statement. That statement did not even cover all the areas in which he had misled the house. He had to come back the next day as well and clear up even more of these matters, clearly trying to clear them all up before the Speaker could rule on this case.

These are areas that deserve scrutiny. They deserve to be scrutinised by a committee of this parliament to get to the bottom of this matter because we know this is a very serious issue. Today, we have heard serious allegations about this issue. We have heard allegations that there is cartel-like behaviour and nepotism going on in this unit. We have heard allegations that they amount to maladministration. We have allegations that they amount to grave impacts on patient care, even leading to unnecessary deaths. These are serious allegations and the government did not deal with these matters at all seriously.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr PICTON:** They did not deal with these matters at all seriously. We know that there are allegations that there were failures to follow proper merit-based selection processes, allegations of bullying and harassment, and allegations that it is adversely impacting current staff, patients and vulnerable overseas patients. These are the sorts of very important issues that allegations are continuing to come out about, but what we saw from the government was a deliberate attempt to try to cover this up, a deliberate attempt to try to mislead this house, and this deserves to be scrutinised by a privileged committee of this parliament to get to the bottom of this matter.

We heard the Premier come out on radio this morning and say that it was reasonable for the minister to assume facts in relation to this matter. I have checked the standing orders and I cannot see anywhere there or in Erskine May or in any of the procedures where it says that ministers can assume facts in relation to their answers to this house. They need to give the house proper information. The house needs to be able to rely on cabinet ministers to give it accurate information. That is part of the privilege we all have of being a member of parliament and that is why breaching that privilege is a very serious offence and why it should be investigated by this parliament.

**Mr MULLIGHAN (Lee) (11:46):** I also rise to speak in support of this motion put by the member for West Torrens and supported by the member for Kaurua. It is extraordinary that we are here, three months into parliamentary sitting times in this year, and we are now debating the third matter of privilege that has been raised in this chamber. What an extraordinary performance by this fledgling new government. The member for West Torrens is absolutely right: this whole situation has come about because of a callous disregard for minister's obligations to this place during question time.

Privilege, of course, is one of the most sacrosanct rights of this parliament, but I would argue that it is no more important than when it is exercised during question time—the one hour in each parliamentary sitting day when the executive is held to account on behalf of the people of South Australia by the opposition. On three occasions now, matters of privilege have been raised in this place because of the poor behaviour of ministers in not furnishing accurate information to this place.

First of all, we had the callous disregard of the Minister for Transport, airily recommitting to completion dates for projects that are not even funded until beyond the forward estimates. It was only because he was yanked up on radio and asked subsequent questions in here, again by the member for West Torrens, when he reconfirmed his poor advice to this place, that a matter of privilege was raised. What was the result? He scurried into this place and gave an explanation that perhaps he was incorrect the first two times around with the dates that he provided to this place.

Then we had the Minister for Police telling us that, yes, of course he would table documents, and of course he withheld those documents again until a matter of privilege was raised and they had been tabled. Now we have the third matter of privilege within three months, the gravest of these examples, this time in relation to the Minister for Energy.

In all three of these matters, there is the same consistent behaviour and treatment of this parliament with absolute contempt by these ministers in how they behave and how they answer legitimate questions put by the opposition on behalf of the people of South Australia. They treat this hour every sitting day carelessly—absolutely carelessly.

**The Hon. A. Piccolo:** Recklessly.

**Mr MULLIGHAN:** The member for Light is right: it is reckless. There is a tactic that permeates through all these ministers as they answer, in this callous and reckless way, legitimate questions that are being asked.

**The Hon. V.A. CHAPMAN:** Point of order.

*Mr Mullighan interjecting:*

**The SPEAKER:** Order, member for Lee!

**The Hon. V.A. CHAPMAN:** I think some licence can be given, but the reference to the joint conduct of other members of the cabinet in relation to prior conduct in this house is hardly relevant to this motion, which is in relation to the wilful misleading of the house—

**Mr Mullighan:** What's the standing order?

**The SPEAKER:** The point of order is for relevance, Deputy Premier?

**The Hon. V.A. CHAPMAN:** —by the minister, not by every other person of the house.

**The SPEAKER:** Relevance? It is for relevance.

**The Hon. V.A. CHAPMAN:** Thank you.

**The SPEAKER:** I will listen attentively. I do ask the member for Lee to strictly speak to the motion before us. I will be listening carefully. Thank you, member for Lee.

**Mr MULLIGHAN:** The behaviour that we saw from the Minister for Transport, and the behaviour that we saw from the Minister for Police, is exactly the same behaviour that we have seen in this instance with the Minister for Energy.

**The Hon. V.A. CHAPMAN:** Point of order: the minister again flagrantly goes into conduct in relation to other ministers—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —which has nothing to do with the relevance of this motion.

**The SPEAKER:** Member for Lee, I understand that you have touched on the other matters of privilege. I do ask you to bring it back to this matter before us, please.

**Mr MULLIGHAN:** The most extraordinary event about the Minister for Energy and his behaviour—in fact, more than one event actually—is that he waited nearly two hours after a matter of privilege was raised by the member for West Torrens to come back into this place in an effort to correct the record. Even that was insufficient.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr MULLIGHAN:** He then had to come back nearly 18 hours later and have another crack at correcting the record. In your own ruling, Mr Speaker, as you look at the two very well set out, very well documented examples of where the Minister for Energy deliberately misled this house, in your own words, both of those examples touch on privilege. The only exoneration that can be found for the Minister for Energy was the strength of those explanations to the house. The first one was given late, only after a matter of privilege that was raised, and incomplete. The second one was given 18 hours later when, after the benefit of being hauled over the coals publicly, on radio, he comes in and has another crack.

What would have happened, Mr Speaker, if you had ruled immediately? What would have happened had he not come in and made those explanations? The facts of this matter are crystal clear and beyond debate. He deliberately misled this parliament. Relying on those two explanations, the first late and insufficient—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr MULLIGHAN:** —and the second one having to clarify the first—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr MULLIGHAN:** —is not good enough. Even the member for Adelaide, the Minister for Child Protection, had the wherewithal to come into this place and correct the record about the alleged charity day. You cannot even meet that standard. Two explanations: insufficient. This is absolutely crystal clear. Of course, it is important that this parliament, that this house, supports this motion because this may be the only way, of course, as the member for Kaurna says, that we can get to the bottom of this matter about why the Minister for Energy behaved in such a callous, disrespectful way to this place.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr MULLIGHAN:** But it also might mean that we see an end to this completely disrespectful behaviour, this treatment of this parliament, this abhorrent conduct that we see within question time where we have ministers misleading the house, we have a Premier bellowing out across the chamber, 'Oh, you have run out of questions!' as if issues were not important. It is an absolute disgrace.

**The Hon. J.A.W. GARDNER:** Point of order: we are now straying far from relevance.

**The SPEAKER:** Please stick to the substance of the motion, member for Lee.

**Mr MULLIGHAN:** I will, Mr Speaker. I will with great pleasure. The Minister for Energy finds himself in a situation where his debating tactic in this place has now found himself not so much in hot water but in the most serious and significant breach of a minister's responsibilities to this place.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr MULLIGHAN:** The Premier calls out across the chamber again because he has not learnt that he is meant to behave like a leader of this state. We have repeated points of order from the member for Morialta and the member for Bragg, trying to delay time—

*Members interjecting:*

**The SPEAKER:** Please do not respond to interjections.

**Mr MULLIGHAN:** —and trying to knock us down. In fact, I think I was reflecting on the member for Morialta, not on him.

**The SPEAKER:** Member for Lee, please stick to the substance of the motion. The clock is ticking.

*An honourable member interjecting:*

**Mr MULLIGHAN:** Well perhaps you should stand up and make a contribution—

**The SPEAKER:** Member for Lee, do not—

**Mr MULLIGHAN:** —rather than hiding up in the back rows too scared to get up on your feet.

**The SPEAKER:** The Member for Lee will not respond to interjections.

**Mr MULLIGHAN:** It's no wonder you are not on the front bench and no wonder you will not be! Luckily, we have your colleague—

*Mr Cregan interjecting:*

**The SPEAKER:** Member for Kavel! Member for Lee, please stick to the substance of the motion, thank you.

**Mr MULLIGHAN:** It says a lot about this matter and this motion that those opposite still do not realise how serious this is. They still do not realise the gravity of their responsibilities to this place.

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

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

**Mr MULLIGHAN:** They still do not understand what the penalty is for continuing to behave like this. It is an absolute outrage. While the behaviour is bad enough from the Minister for Energy, what it also reflects is a gaping vacuum of leadership from the Premier in how his ministers should be behaving in this place.

**The Hon. V.A. Chapman:** Not one shred of argument.

**The SPEAKER:** Order!

**Mr MULLIGHAN:** We have all known for more than five years that he is not cut out for this place, and now we know the example he is setting for his colleague.

**The Hon. J.A.W. GARDNER:** Point of order.

**The SPEAKER:** Point of order. This is for relevance, Minister for Education. Member for Lee, I will not ask again. Are you finished?

**Mr MULLIGHAN:** I am done.

**The SPEAKER:** Thank you. If the member for West Torrens speaks, he closes debate. Member for West Torrens.

**Mr KOUTSANTONIS (West Torrens) (11:56):** Sir, I remind the house of your finding, and I quote from the Speaker:

If I were considering this matter prior to the minister's personal explanation, I would be of the view that prima facie the matters raised by [me] touch on privilege and should therefore be accorded precedence for a motion which would enable the house to determine if there had been a breach of privilege.

Mr Speaker, the standard you walk past is the standard you accept. The Premier this morning accepted the standard of sloppiness, hubris, arrogance and, even worse, wilful disrespect for the institutions that ministers represent.

**An honourable member:** Get out the thesaurus, Tom, and keep going.

**Mr KOUTSANTONIS:** Interjections like that show exactly what contempt the government is showing for the House of Assembly. The member for Kaurua put a point to government members that I think is very important: if the minister is innocent, what do they have to fear from a privileges committee investigating the minister? Nothing, not a thing.

If he advised the house accurately in his corrections, the minister has nothing to worry about. There is an old saying: if you did nothing wrong, you have nothing to worry about. The principle that members brought to the parliament—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr KOUTSANTONIS:** —at the most recent election was that they would be different, that they would be open and that they would be accountable.

*The Hon. V.A. Chapman interjecting:*

**The SPEAKER:** The Deputy Premier will not interject.

**Mr KOUTSANTONIS:** We will see how they behave now.

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** The Minister for Education will not interject.

**Mr KOUTSANTONIS:** I commend the motion to the house.

The house divided on the motion:

Ayes ..... 19  
 Noes ..... 24  
 Majority ..... 5

**AYES**

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E.	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A. (teller)	Malinauskas, P.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Rau, J.R.	Stinson, J.M.	Weatherill, J.W.
Wortley, D.		

**NOES**

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Habib, C.	Harvey, R.M. (teller)
Knoll, S.K.	Luethen, P.	Marshall, S.S.
McBride, N.	Murray, S.	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Sanderson, R.
Speirs, D.J.	Teague, J.B.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

Motion thus negated.

*Bills*

**HEALTH CARE (GOVERNANCE) AMENDMENT BILL**

*Committee Stage*

In committee.

(Continued from 25 July 2018.)

Clause 15.

**The Hon. D.C. VAN HOLST PELLEKAAN:** I move:

Amendment No 5 [EnergyMin-1]—

Page 11, line 8 [clause 15, inserted clause 3(3)]—Delete 'they are incurred' and substitute:  
 they are paid for by the board (whether directly or by reimbursement to the member)

Amendment No 6 [EnergyMin-1]—

Page 12, lines 1 to 10 [clause 15, inserted clause 7]—Delete inserted clause 7

Amendment No 7 [EnergyMin-1]—

Page 12, line 12 [clause 15, inserted clause 8(1)]—Delete 'a meeting' and substitute:  
 an annual public meeting

Amendment No 8 [EnergyMin-1]—

Page 15, line 25 to page 21, line 35 [clause 15, inserted Schedule 3A]—Delete inserted Schedule 3A

Amendment No 1 [EnergyMin-2]—

Page 10, lines 11 to 14 [clause 15, inserted clause 1(1)]—Delete inserted subclause (1) and substitute:

- (1) The Minister is to appoint 1 of the members of a governing board (by the member's instrument of appointment or by other instrument executed by the Minister) as Chairperson of the board.
- (1a) The Minister may appoint 1 of the members of a governing board (by the member's instrument of appointment or by other instrument executed by the Minister) as Deputy Chairperson of the board and, if a member is so appointed, that member will, in the absence of the Chairperson, act in the office of the Chairperson.

Amendment No 2 [EnergyMin-2]—

Page 12, line 31 [clause 15, inserted clause 9(3)]—After 'Chairperson' insert '(if any)'

This is in regard to amendment No. 1. The effect of this amendment is to provide the minister with discretion whether or not to appoint a deputy chairperson to a governing board. The intent is essentially that clause 1 of schedule 3 currently requires the minister to appoint a chairperson and deputy chairperson. This is a minor amendment which provides the minister with discretion whether to appoint a deputy chair to a governing board. I am advised that the remuneration amendment is just a minor wording change and that the others are all consequential amendments.

**Mr PICTON:** In relation to amendment No. 6, you are deleting a clause (clause 7) in relation to the conflict of interest under the Public Sector (Honesty and Accountability) Act 1995. It is a very wordily written piece of drafting. It sounds like it is relatively important, to me. Why is that being deleted?

**The Hon. D.C. VAN HOLST PELLEKAAN:** I am advised that we believe that it was incorporated into the new section 33D that was passed yesterday.

**Mr PICTON:** Bear my lack of recollection of each section number in its entirety. Is that in relation to disclosure of interests?

**The Hon. D.C. VAN HOLST PELLEKAAN:** Yes, that is correct.

**Mr PICTON:** So you are saying that because you are now going for the slimmer disclosure of interests you no longer need this section. There is no longer any conflict between these acts whatsoever.

**The Hon. D.C. VAN HOLST PELLEKAAN:** We are going for the standard disclosure of interest.

**Mr PICTON:** In relation to amendment No. 7, what consequence is it in terms of the name change between a meeting and an annual public meeting?

**The Hon. D.C. VAN HOLST PELLEKAAN:** I am advised that it was to remove any potential doubt about the fact that the meeting is open to the public.

**Mr PICTON:** In relation to amendments Nos 1 and 2, what were the issues with the original wording that the government had in relation to these sections which I understand was unamended in the other place? Why has this wording been required to change?

**The Hon. D.C. VAN HOLST PELLEKAAN:** Shadow, I am advised that it was actually to give the minister some appropriate flexibility so that it does not lock him into a specific number. It gives him the opportunity to have a bit of flexibility with regard to the number of members of the board.

**Mr PICTON:** Can the minister explain how that is the case because, as I understand it, there would not be any change to the numbers of the members of the board based on the different wording. Essentially, there would still be the same numbers; it is just worded differently. How is it the case that there is flexibility now in terms of the numbers? What are the changes in what the potential numbers could have been before to what they will be after the passage of this section?

**The Hon. D.C. VAN HOLST PELLEKAAN:** Shadow, as you know, the minimum number is six. There is an opportunity for the minister to appoint more if he or she wishes to do so at another time. The government believes that it is important for the minister to have the flexibility, and part of that flexibility that may well be relevant is whether or not there is a deputy chair. It might be that the



minister and the chair agree that a board with six people does not require a deputy chair. It might well be that they prefer, in another situation, to have a board of eight people with a deputy chair.

Just removing the requirement to appoint a deputy chair gives the minister greater flexibility with regard to getting the right number of people onto the board, keeping in mind that the right number of people is all about getting the skills mix right so that the board can deliver for local people.

**Mr PICTON:** I am still wondering, essentially, what this will mean in terms of the number of people on the board. I take it that the minister is saying that there is the potential that a deputy chair may not be appointed. However, the minister previously said that this is going to give the minister flexibility in the total number of people that will be appointed to the board. How many people could the minister have appointed to the board previously, and now how many people could the minister, with this new flexibility, appoint to the board?

**The Hon. D.C. VAN HOLST PELLEKAAN:** I have answered the second part of that question in my last answer, but let me go into a little bit more detail for you. As I said before, there is an expected minimum of six. It could be more. The government believes that by removing the obligation to have a deputy chair but retaining the opportunity to have a deputy chair it gives the minister more flexibility with regard to the number of people that he might choose to have.

For a certain board, in a certain area, with a certain mix of board members, it may be entirely appropriate to have a six-member board with a chair and a deputy chair and four members who are not a chair or deputy chair, but for another group it might be entirely appropriate to have a board of six with a chair and no deputy so that the other five are board members and none of them are chair or deputy chair; or it might be appropriate to have more than six. Just removing that obligation, I am advised, gives the minister greater flexibility with regard to getting the right people, and the right number of people, onto those boards.

**The CHAIR:** Just before you go on, I realise this is a big clause and there are amendments, some consequential, but this will be your eighth question.

**Mr PICTON:** On six different amendments.

**The CHAIR:** Some are consequential, and they have been moved en bloc. Anyway, just keep that in mind. I am prepared to let you go for a little while.

**Mr PICTON:** I do not have many more, but I am just trying to seek clarification on an important point. Under these proposed amendments, what is the minimum number of people that would be on a board and what is the maximum number of people that would be on a board?

**The Hon. D.C. VAN HOLST PELLEKAAN:** A minimum of six and a maximum of eight.

**Mr PICTON:** So there is no change to that. Chair, I appreciate your willingness to allow me to ask a number of questions. Just for the record, I note that based on the assurances from the minister that these amendments are minor and consequential, the opposition is happy to support amendments Nos 1-2, 2-2 and 5-1 and 7-1, but we will be opposing amendments Nos 6-1 and 8-1 on the basis that these are consequential to the amendments that we previously opposed in relation to watering down the disclosure regime.

**The CHAIR:** Member for Kaurna, that may be difficult to achieve, given that the amendments have been moved en bloc, but I guess from your perspective you have at least put it on the record.

**Mr PICTON:** It is on the record.

**The CHAIR:** Yes, I understand that. The question then is that the amendments standing in the name of the Minister for Energy and Mining be agreed to.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendment.

*Third Reading*

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (12:16):** I move:

That the bill be now read a third time.

Bill read a third time and passed.

**CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 5 July 2018.)

**Mr TEAGUE (Heysen) (12:17):** I rise to speak on the bill and, in doing so, I am conscious of the remarks of the Attorney-General on the second reading when the bill was introduced into this place on 5 July. I note that in advancing these miscellaneous amendments in the criminal assets confiscation space, the bill is attending to three amendments from the Statutes Amendment (Drug Offenders) Bill 2017, which lapsed when parliament was prorogued in November 2017. These amendments, the subjects of the Criminal Assets Confiscation (Miscellaneous) Amendment Bill 2018, are attending to matters that were the subject of the bill in the previous parliament.

The bill ensures that the current criminal assets confiscation arrangements will work appropriately in the prescribed drug offenders context. For circumstances involving prescribed drug offenders, it is necessary to do this because the act allows the director to apply to the court for an order that property belonging to an offender that was an instrument of an offence be forfeited to the government and sold. For prescribed drug offenders, the situation is that all property is automatically forfeited to the Crown upon conviction, excluding items such as children's necessities and personal items and so forth. There is an automatic regime that is in place in relation to prescribed drug offenders when it comes to confiscation resulting directly upon conviction.

Money from the seizure and sale of assets of drug offenders is placed in the Justice Rehabilitation Fund. The fund may be applied by the Attorney, in the absolute discretion of the Attorney-General, as additional government funding for the provision of programs and facilities, for the benefit of offenders, victims and other persons, that will assist to further crime prevention and rehabilitation strategies.

As I indicated at the outset, it was in 2017 when the former Labor government introduced the drug offenders bill into parliament. Members may recall that that bill arose out of the former government's Ice Task Force, as it was described. The bill will not come as a great surprise in that it is a revised version of that former bill. Under the current regime, much time is taken up by and spent on the process of confiscating assets and then dealing with them once confiscated, and all the more so given the automatic nature of confiscation flowing from conviction in the context of prescribed drug offenders. The bill ensures that efficiencies are found and only assets that really should be seized are seized.

What we are doing is, firstly, making a minor amendment to section 209 of the Criminal Assets Confiscation Act regarding the costs of administering the act and dealing with confiscated property. Section 209 already allows for administration costs to be covered by money received from seized assets. The amendment will have the effect of clarifying the meaning of the term 'administration' so as to ensure that it is broad enough to cover the work undertaken by agencies administering the legislation and dealing with the assets that are so forfeited to the Crown.

This is an amendment to the regulation-making power provisions in the Criminal Assets Confiscation Act to provide that the director has operational discretion to most effectively target proceeds and assets under the Criminal Assets Confiscation Act—notably, to decide if it is in fact uneconomic or otherwise impracticable to seize assets from prescribed drug offenders.

In that way, it is to introduce a level of practicality and discretion to those whose day-to-day professional life is otherwise occupied with the nuts and bolts of having to attend to these matters. In circumstances where the assets of prescribed drug offenders are uneconomic in terms of their

desirability and recoverability and so on, it will not come as any surprise to this house that we would take steps to ensure that the director has relevant and necessary discretion so as not to have to engage the office in uneconomic tasks when there is any number of important matters in which the director and his office are otherwise usefully engaged.

Thirdly, section 227 will be amended so as to clarify that the court may not award punitive or exemplary damages against the Crown if an applicant is successful in an action against the Crown to have their property excluded from a forfeiture order. There is a practical aspect to this as well, in the context of confiscation. One might consider that the director, in carrying out those obligations in relation to confiscation, is taking into account the discretion as to matters that may be economic, but is acting in a confiscation regime context and is not in a position to determine the nature, shape, size and condition of the various assets that may find themselves the subject of an order.

Practically speaking, it may be that these circumstances might arise in relation to a motor vehicle, such as a motorbike, or some other personal asset that has been confiscated pursuant to this regime, and a claim that might be made against the Crown for dilapidation, as it were—for condition, functionality issues or something of the like—in relation to the way in which that confiscated asset had been stored, kept, not used or otherwise. That is the amendment to section 227.

I might note that that finds voice in clause 8 of the bill. For reference, it is to be found by the insertion of a new subsection (1a) at section 227 that will provide simply that. It is a practical measure so as to ensure that the Crown, in carrying out its duties in relation to confiscation, is not otherwise exposed to extraordinary costs orders on such an application. There will be a new section 59B and that is the subject of clause 5 of the bill.

New section 59B is inserted so as to allow the court to make an order that property can be excluded from the automatic forfeiture provisions, again, if it will be uneconomic or contrary to the financial interests of the Crown or otherwise not in the public interest to seize that property. The regime is set out rather succinctly in new section 59B. In providing the court that power to exclude, it sets out the way in which the court will go about that. It may identify such property. It will need to specify what it is, direct that the property be excluded and may make any further directions that are necessary or convenient for giving effect to the order.

Further, section 219 will be amended so as to allow the court to make a consent order reflecting any agreement that the parties may reach in relation to a money sum being forfeited to the Crown in lieu of property being forfeited. Once again, it is a step to ensure that, where liquid assets are available in the form of money that may satisfy a confiscation order, in the interests of all sides there will be discretion to allow for money to be paid over in lieu of the confiscation of assets.

Of its nature, as I have been reminded on numerous occasions by those holding judicial office and required to enforce this legislation, it is a somewhat blunt instrument, providing as it does for the confiscation of assets in a broad way. Where there is the application of an automatic and widespread confiscation regime in the context of prescribed drug offenders, then it is important that we do what we can to make sure that in imposing these strictures on such offenders we are not in so doing creating a rod for either the court's back or a rod for the Director of Public Prosecution's back to be unduly occupied by the administration process when it comes to dealing with all the assets that may find themselves the subject of the regime.

Those are the amendments and that is the nature of them. As is the case in some of the business that remains before the house at this stage of the new parliament, it is unsurprising to members opposite, and I expect uncontroversial, as it is business that remains unfinished from the previous parliament to a very large extent.

In making these changes, we provide further steps down the path towards ensuring that when we legislate in this area, as in any other area, we endeavour to do so in a way that provides a practical regime that grants to those who are charged with the responsibility for administering the regime as much discretion, power and flexibility to do so in as economic a way as possible, and so far as the court is called upon to make orders in enforcing aspects of the confiscation regime, the court is granted the flexibility and discretion also to do so in a practical and economic way. I commend the bill to the house.

**Mr ODENWALDER (Elizabeth) (12:37):** I rise today to speak on the Criminal Assets Confiscation (Miscellaneous) Amendment Bill and to indicate that I am now the lead speaker on the bill and that the opposition will be supporting the bill.

**An honourable member:** Anything for you, Attorney.

**Mr ODENWALDER:** Anything for you, Attorney. It is going to be a bipartisan afternoon, I think, and we may be going home early.

**Mr Pederick:** The love, the love!

**Mr ODENWALDER:** You can feel the love, can't you?

**An honourable member:** After the morning?

**Mr ODENWALDER:** I missed it.

**Mr Pederick:** It's all smoothing over.

**Mr ODENWALDER:** It is. To be fair, part of the reason the opposition will be supporting the bill is that it is identical to a bill that was introduced by the former government last time—almost identical. We will get to that. It is almost identical, and I can only come to the conclusion that perhaps the government is out of ideas. There are plenty more.

**Mr Pederick:** Here we go.

**Mr ODENWALDER:** No, I have a filing cabinet of measures we could take to make this community safer, and we will get to those.

**Mr Duluk:** Not two hours of this, Lee.

**Mr ODENWALDER:** Sorry?

**Mr Duluk:** Not two hours of this, I hope.

**Mr ODENWALDER:** Well, what time is now? We will see how we go. How long have I got?

**Ms Cook:** Unlimited.

**Mr ODENWALDER:** Unlimited? No. It is essentially a bipartisan moment. In as far as the bill goes, the opposition does support it. As I understand it, the Attorney-General previously opposed the Labor government's version. I am not sure whether that was the whole bill or just the measures she has explicitly removed from the bill this time around and I think referred to in her second reading speech. The search and seizure powers were referred to in the second reading speech.

The Criminal Assets Confiscation (Miscellaneous) Amendment Bill 2018 introduces new provisions and clarifies existing provisions in the Criminal Assets Confiscation Act 2005, as well as some provisions made by the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016, which commences in August this year, regarding the seizure and forfeiture of property gained from the proceeds of crime and, importantly, the sale of illegal drugs. As I previously mentioned, this bill reintroduces many of the provisions from the Labor government's Statutes Amendment (Drug Offenders) Bill 2017. I have an enormous folder sitting on my desk with that very thing written across the title.

A notable exception in this bill is the so-called search and seizure powers. As I understand, the search and seizure powers relate to police officers' ability to use their intelligence—and I use the word 'intelligence' in the broad sense—to gather information on what they call drug houses: houses where they know illicit activity and drug dealing are taking place from their own intel. It gives police the power to intercept and to search vehicles and persons going to and from those houses. This is an important measure and it is a measure I have been thinking about. I am surprised that it is not included in this legislation.

I would have to go over the Attorney's second reading speech again or perhaps bring it up in the committee to be clear. If I understand it correctly, the nature of the Attorney's argument was that it was a step too far in terms of infringing on people's civil liberties and—correct me later if I am wrong, Attorney—too far an extension of police powers when compared with the evidence that

informs the use of those powers. I would be interested if, in the Attorney's closing remarks, she could repeat some of her opposition to those so-called search and seize powers. It is an area of great interest to me. I flag now that I am looking at reintroducing some of those measures, if the Attorney has not already turned her mind to reintroducing those at a later date, but we will get to that in due course.

The bill also introduces a new section 59B, which allows the court to make an order to exclude property from automatic forfeiture when it is not in the financial interests of the Crown. The example the Attorney-General provided in her second reading speech was a new motorcycle purchased using a loan where the bank still owns 90 per cent of the value. The bill amends section 219, allowing the court to make a consent order and allowing an agreement that a monetary sum be paid rather than property being forfeited in an instance where there are multiple or complex ownership arrangements.

To the opposition, these seem like sensible additions and we are happy to support them. As I said, I am going to be brief. With those words, I indicate that the opposition will be supporting this bill, more narrowly drawn as it is than our bill. I look forward to the Attorney's response and to the very brief committee stage.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:42):** I thank the members for their contributions to this debate and, in particular, acknowledge the support of the opposition representative to the bill. The matters raised by the opposition require some comment and I will attempt to identify some of the aspects without traversing all the debate in relation to confiscation law.

I think it is fair to say that there have been three stages of confiscation law since we have been here. The act that we are currently dealing with and purporting to propose amendments to is the Criminal Assets Act Confiscation Act 2005. I think it is fair to say that that was a wave of legislation that was necessary to clearly set out not only what assets could be confiscated within the criminal envelope but who would take them and where the proceeds would go.

This had been the development of confiscation laws around Australia. Certain processes had to be gone through when these applications were made, particularly to ensure that we fairly and equitably dealt with assets that might be co-owned with parties who had no interest in or did not participate in any way in relation to criminal conduct—a spouse, for example, in respect of joint ownership of a home and that type of thing.

We then looked at another area of law where I think it is fair to say that, depending on the seriousness of the offence, there would be automatic confiscation of assets. That related to legislation we considered, the last of which was the prescribed drug offenders proposal under the previous government, which essentially introduced a regime within the confiscation of assets envelope. If you were convicted of a certain offence, then by prescription you would be called into a new formula and, if you were identified in this area, it would have the consequence of an automatic confiscation of the whole lot.

In particular, that bill set out a prescribed drug offender to whom these deemed forfeiture orders would apply. A person was a prescribed drug offender in the circumstance where they were convicted of a serious drug offence and the conviction was a commercial drug offence, or:

...the person has at least 2 other convictions for prescribed drug offences and those offences and the conviction offence were all committed on separate occasions within a period of 10 years, not including any period during which the person was in government custody.

A different set of rules would apply to them. The former government, in its proposed enhancement of these laws, wanted to introduce another aspect, which was to enable police to search a person or their vehicle if they were seen entering or leaving a property that they reasonably suspected might be used for the manufacture, distribution or storage of illicit substances. When we, in opposition then, teased out the reason for this, it became clear that nowhere else in Australia was this proposed law in operation. Sometimes we do progress laws that have not been applied anywhere else in Australia, but we still think they are a good idea and we are happy to progress them.

When we looked at it with the assistance of the South Australia Police in our consultations on this matter, it was clear that there had been at least one legal case where I think it is fair to say that the police had some egg on their face. They were probably trying to do the right thing. Nevertheless, they identified a person in a vehicle—in an area not even in the same street as a place they might have been watching and keeping under surveillance—and felt they should have been able to inspect this vehicle. They had to prosecute the argument that there was reasonable belief that qualified them to undertake a search—and they failed.

Understandably in that circumstance, the courts did not allow them to progress the admission of evidence in relation to it. Sure, that can be a bit embarrassing, but they came to this parliament via the former government seeking to remedy that by saying, 'We don't think we need to have this threshold. We just think we ought to be able to do it if they are anywhere near a place that we are looking at and they have been seen entering or leaving it.'

Of course, we have raised issues about other tradespeople going in. I think I used the example of someone going in to read the electricity meter, who might then leave and then next thing their van will be searched because they might be caught by this aspect. We raised a number of these examples because we felt this had been a stretch too far and that it was not necessary, other than to allow the police to do something without having that threshold obligation to satisfy themselves.

We simply do not, in South Australia, allow people—police or anyone else—to stop people in the street and say, 'I want to pat you down and search you,' or, 'Open up your car and we just want to have a look inside.' Nor do we allow them to come into your house and check your records, open the dishwasher, check what is in the back of your freezer. This is not something we support in Australia, and the reason we do not is that we respect that people ought to be able to get on with their normal life and ought not be caught up in criminal surveillance and investigations unless there is some just cause to do so.

We ask the police to make that assessment and present the arguments for satisfying that, if they want to proceed in their investigations to undertake these types of searches. That is the fundamental principle we are talking about here. I appreciate the member raising the matter. There is a long *Hansard* contribution in relation to the former legislation, but we felt this was not an acceptable addition; it was not necessary. On examination of the case, as it turned out, the cases evaporated down to one case, and really that did not justify it.

To the best of my knowledge, going into government, we have not had any submission from the police seeking that this be resurrected or that it be pursued as a priority for SAPOL. The case would have to be made out and perhaps they still want it but have not asked, or perhaps they still want it and they think we would not do it. I do not know the answer to that. I cannot recall in the meetings that I have had with the police commissioner that this is an area of priority for them, so to the best of my knowledge it has not been advanced.

But there are practical aspects of confiscation law which are impeding our SAPOL officers in implementing confiscation which are meritorious and we need to sort them out. I thank the opposition for indicating their support for them. But if I could use just one example, perhaps for some comparison, when officers are sent in to confiscate someone's asset under bankruptcy—this is to recover assets to pay creditors—there is a whole lot of law about it and it does a number of things. Firstly, it allows the debtor to have some personal assets salvaged in the list.

When you do this, they cannot take the clothes off your back and there are a couple of things like tools of trade and personalty, not valuable jewellery but personalty, which are exempted. That is what we do in the bankruptcy law and we also give that process the option that if money is paid out in full settlement of the debt and the costs that are associated with it, then in some circumstances the bankrupt can enter into arrangements where they are able to pay the money instead of having the rest of their assets confiscated or part thereof.

When we come to this law, it is completely inflexible as it is at the moment. It means that when the police go down to take assets, they have to take everything because we have actually prescribed in the law that they have to take everything. I do not think even the former government intended that. Why would you want to take things that are of no commercial value? Why would you

have to take a motorcycle that does not work and, of course, you are just going to have to pay to have it towed away?

Pretty quickly the people involved in having to do this raised it with the former government and said, 'If we are going to recover these assets, all the good ones that we can then quickly liquidate and make good the debt owed to the Crown, we need to be able to do this. If we have to go in and take the whole lot, where are we going to store this stuff? It might be worth nothing.' There might be a long delay in the process of selling things. There might be a live animal involved. There are lots of things that complicate these confiscations.

Essentially, the police want to be able to do three things. Firstly, they want to be able to negotiate to take money instead of the items if it turns out at the last minute that they want to be able to do that. Secondly, they want to be able to take part of the assets—the things that might only be valuable. Thirdly, it enables there to be a consent order to reflect the deal done in settlement of liability. We agreed with that. We are disappointed it was not advanced through the parliament.

I know the former government had other priorities. I have said plenty of times that they were happy to deal with other issues including getting rid of fairness clauses in the constitution and all sorts of other things. We have had plenty of time to do that. This was an important piece of reform which ultimately could have given us another year to be able to actually get on with this confiscation from all these bad guys that we all agreed needed to be in the category of, 'This is so serious, we are taking your assets and we are going to put a capacity in here for them to be able to be liquidated.' Having found the deficiencies in the machinery of operation of that, they should have been remedied. It is disappointing that that did not happen.

I remind members that perhaps we might have had some extra money that had gone in to the Victims of Crime Fund because that is the recipient of the money from the sale of assets in the state—assets that we all agree need to be sold. We want it in the fund. It is a fund that does good work. It needs to be able to be applied to the Victims of Crime Fund in the commissioner's office to victim support services and the like. We want to ensure that that is as flush as possible with funds from those who unrichly have received assets and who richly deserve to lose them.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

Progress reported; committee to sit again.

*Sitting suspended from 12:59 to 14:00.*

*Condolence*

**CONDOUS, MR S.G.**

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:00):** I move:

That the House of Assembly expresses its deep regret at the death of Mr Steve George Condous AM, a former member of the House of Assembly and Lord Mayor of Adelaide, and places on record its appreciation of his long and meritorious service and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

Over four decades, Steve Condous made a significant contribution to the community, local government and the governance of our state. He was a member of the Adelaide city council for 25 years, as councillor, alderman and lord mayor. After his three terms as lord mayor, Steve was elected to this parliament as member for Colton in 1993, with a two-party preferred vote of more than 60 per cent in an electorate then regarded as marginal. His reputation for effective representation of electors had preceded him. He retired undefeated at the 2002 election.

The current Lord Mayor, the Rt Hon. Martin Haese, has paid tribute to Steve's distinguished service to the city council and in particular to his integral role in shaping our capital city as a business, education and tourism destination. His achievements included securing upgrades to Hutt Street and

the North Adelaide aquatic centre, encouraging residential developments in the West End and Halifax Street to grow the city's population and supporting the greening of city streets and preservation of the Parklands. Steve remained rightly proud of his civic work, which set Adelaide on the path to becoming the vibrant capital city it is today.

Born in 1935, Steve grew up in the city's West End, the son of Greek migrant parents who, he remembered, 'could not afford very much in those days'. He once told this house:

I can remember having a pair of shoes for school and a pair of sandals for when I came home, but most of the time most of us would walk around barefooted.

During his childhood in the West End our capital city's population exceeded 40,000. Much later, the postwar decline in the city's population saw it bottom out at just over 10,000. This was why, while Steve was lord mayor, reversing the residential decline of the city became a priority for him.

In his maiden speech to this house, Steve called for the city council and the state government to work 'hand in hand to bring about a rapid increase in the population of the City of Adelaide for the benefit of tourism and the future economic viability of the city'. It remains a credit to him that governments of both persuasions have subsequently taken up this challenge.

Steve became known as the people's lord mayor for many reasons. For example, on the occasion of a royal visit by his Royal Highness Prince Charles and Princess Diana, Steve and his wife, Angela, were to host 1,400 people at the Adelaide Convention Centre. Steve insisted on revising the guest list so that many city residents and workers could be invited to meet the royal couple, a gesture warmly appreciated by the prince and princess as well as all those who met them.

Steve was proud to become the first member for the seat of Colton because it was named after a woman who had been just as dedicated to community service as he was. Mary Colton was a worker for the rights of women, the needy, the neglected and the underprivileged. As member for Colton, Steve was just as tenacious in his advocacy for preservation of metropolitan beaches and the prevention of coastal pollution, for small business and for many local community and sporting organisations.

He took an active interest in the revival of Henley Square, and while he was the local member a number of new restaurants were established in the precinct. His deep interest in recreation and sport and his support of the Crows were reflected in the savage criticism he made of the AFL draft in his first parliamentary speech for forcing the best of South Australia's young footballers to go to other states.

Beyond football, West Beach Surf Life Saving Club, Henley Surf Life Saving Club, amputee sports and Heartbeat QEH were just some of the organisations that benefited from his patronage. As all honourable members are aware, in more recent years Steve's remarkable wife, Angela, has continued the family's philanthropic and charity work. South Australia owes both of them enormous gratitude for their contribution to our state.

As the son of migrants who made good, Steve's life was a reflection of some of those things we cherish in Australia, like the fair go for all, the opportunities that would open up with hard work and giving back to our community. In passing on our condolences to Angela and daughter, Stacey, we trust they will be comforted by the fact that many benefits of Steve's contribution to state and local government, to our capital city and to the wider South Australian community will live on in memory of his service to all of us. Vale, Steve Condous.

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:05):** I also rise to support the motion. Much of the life and times of Steve Condous were themed by his passion for the City of Adelaide and its renowned Parklands. It is where he grew up, where he was educated and where he started his business career.

As the Premier mentioned, Mr Condous was born in the summer of 1935, three years after his parents had migrated from Kastellorizo, the eastern most of the Greek Islands. They had come to South Australia in the wake of their home island's economic decline. The island's late 19<sup>th</sup> century population of 10,000 had dwindled to less than 2,000, and many had moved to Australia. Among them was Steve's father, mother and several other members of his family.



The new home was in Liverpool Street at the north-west end of the square mile of Adelaide. Young Steve's playground was, indeed, his beloved Parklands. In 2001, he told parliament of his memories of playing opposite the Newmarket Hotel, where there was a small granite statue marking the point where Colonel Light inserted the first pin when laying out the City of Adelaide. He always had a strong sense of the origins of the city boundaries and Light's contribution to our great city. He said back then, and he doubts that many members of this parliament would know, what the granite statue represented. That is probably still the case today.

The other favourite area of Steve Condous' childhood was Victoria Square, which he recalled was planted with 30 Moreton Bay figs of enormous dimensions. In later years, he made no secret of his disappointment with the city square's evolution into what it is today. Any Parklands development proposal was always going to attract the attention of Steve Condous, even the place where he went to school, Adelaide Boys High School. In asking the house to commit to protection of the Parklands, he reminded them that the Parklands do not belong to the ratepayers of the City of Adelaide. As he said, and I quote:

They do not belong to the Adelaide City Council or the state government. It is Crown land that belongs to all the people of South Australia.

Steve Condous' other great passion, of course, was the Central Market. Again, that passion had its roots in his childhood but was also marked by his family's early business ventures. His father and uncles had opened a cafe at 73 Hindley Street that was called Central Cafe. That was followed by a larger cafe at 95 Rundle Street opposite John Martin. These businesses and the entire family bought food and groceries from the Central Market. In an archive series called the Central Market Project, he revived the sound and smells of the market. It is worth repeating Steve's description:

The magic was that every single stall had someone who could spruik, and therefore that person would stand up and yell out the special of the day.

It might be a bunch of carrots for sixpence, but if you bought two bunches of carrots it was ninepence.

There were people playing flutes and others were playing squeeze boxes.

You had jugglers, you had magicians.

I can remember the number of horses that were used to bring produce to the Market...and leave their mark...that smell added to all the other wonderful smells that were in the market.

It was just the place to be if you wanted a little bit of seeing the world, or seeing Adelaide go by.

The market had played a major role in the diversification and enrichment of our culture. Steve Condous had been a major part of that diversification. His experiences with the generational shifts in retail and the impact on the community remain informative experiences for us all. His love of the market and the city drew him to his service at the Adelaide city council and, as the Premier mentioned, his 25 years in the council as alderman and then lord mayor. In that capacity, he continued his passionate defence of the Parklands, the market and the city as the key to our state's cultural heritage.

On the matter of the keys, he did have a regret or two. In 1990, when the then 44-year-old American singer and actor Cher came to town to perform at the Grand Prix, he presented her with the keys to the city. When the said keys went up for sale on eBay 20 years later and sold for \$96,000, Steve was a little miffed. Mr Condous described the singer's decision to sell the keys as 'pretty poor'. If only he could turn back time.

The passing of Steve Condous has today allowed us to reflect on other times and for what we stand for in our service to South Australians through this parliament. He was committed to his family, to his friends and to the city he loved. He has left an outstanding mark on South Australia and its capital city. The parliament extends its condolences to his wife, Angela, and their daughter, and acknowledges Steve's substantial contribution to our city and state.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:10):** I rise to support the motion and extend my condolences to Angela and their beautiful daughter on the passing of Steve Condous. My only regret in speaking on this today is that, for the one time, perhaps in all the time I have been in parliament, I wish for the former member for Croydon (Hon. Michael Atkinson) to be here. This is probably the one issue on which we would agree; that is, Steve Condous made a

colourful and significant contribution to public life in the City of Adelaide and its surrounds, ultimately as the member for Colton in this parliament.

Together, Steven and Angela made an outstanding contribution to community life. They were truly champions for those who had less than others, and those who were less well off, and I know that continues to this day. If nothing else is remembered in relation to Steve and Angela's public life, it will be the community service that they employed in ensuring that those less fortunate had the comforts that they deserved.

The other reason I am sorry that the Hon. Mr Atkinson is not here is that we like to reminisce about preselections, and occasions of merit as to what might have been. I just want to say today that Steve Condous, remembered for so many things, almost became the federal member for Adelaide. I had the privilege of being the president of the Liberal Party in South Australia when Steve was preselected and then ultimately elected in 1993. Earlier in that year, prior to the famous state election, there was federal election.

The Liberal Party's federal candidate at the time sort of bit the dust, and we had to quickly find someone else. Ultimately, Trish Worth stepped up to the challenge and became the member for four terms. Prior to that, someone suggested, 'Why don't we get Big Steve to stand?' meaning Steve Condous. Someone thought he may have been out doorknocking in Colton, which is fine, except we did not have mobile phones in 1993 and so it was not a simple exercise to find him.

I, along with a few others, were asked to go down and try to find this bloke in all the streets of the state seat of Colton, which had around the same boundaries as it does today—it changed in the meantime and then came back, but it is about the same. The current member for Colton knows every single one of these streets. We all traipsed around and tried to find him. We were assured that he must be out doorknocking, only to find that we had spent the whole of that Saturday afternoon trying to find him and of course he was not there at all.

When we went doorknocking, asking people, 'Have you seen Steve Condous?' we received all sorts of responses, such as, 'Is he that big guy who's standing as a local candidate?' 'Isn't he standing for you?' 'Don't you know where he is?' and that sort of thing. However, we did not find him on that day. Angela, you might look back—I think had we actually found him, he probably would have been automatically preselected at the meeting we had at 6 o'clock that night and been the federal member for Adelaide. But we did not.

Steve actually became the state member and made an enormous contribution to this parliament. He brightened our lives. He was a big man in heart and in contribution. We miss him and we wish to acknowledge the great contribution that he made as lord mayor and then as the member for Colton.

Finally, when I explained to him that, under Liberal Party rules, up until the end of the 1960s in the famous sort of Hawker-Downer-Cudmore era, if you were a member of the Legislative Council, you were given some preferential advantage in the pre-selection to go into the Legislative Council. I do not know why you would rush to go there—

**The Hon. J.A.W. Gardner:** If you were the lord mayor.

**The Hon. V.A. CHAPMAN:** —if you were the lord mayor, yes. He said, 'Yes, Vickie, I have heard of that, but I think they stopped that precedent with me.' He had the last laugh, Angela. He came in here and served us well. Thank you.

**Mr KOUTSANTONIS (West Torrens) (14:15):** I was incredibly proud of Steve Condous. The son of Greek migrants, as I am, he was born in the same year as my father. His family migrated from Kastellorizo to Australia, like many Greek migrants. My first encounter with Steve Condous was as a student at Adelaide High School when we invited our most famous son to come speak to us at an assembly. He spoke to us and addressed us all. Of the 1,000 students at that time, 650 of those students could trace their heritage back to Greece. I cannot tell you the pride that we all had in seeing a guest speaker at that school holding a position of such trust in the Australian community as the lord mayor of our capital city.

When I entered this parliament, Steve always had a kind word for me. Steve always discussed things with me and told me things as they were. Steve chose the Liberal Party, he told

me, because of the entrepreneurial spirit his family had. His parents, like many migrants who came out from Greece to Australia and like many migrant communities, started their own business and traded, as my parents did. Steve's family was very good at it, as was Steve, but Steve had a higher calling.

I cannot tell you the pride the entire Greek community had in the efforts of Steve Condous and his compatriot from the same island Nick Bolkus. In fact, at one stage the tiny island of Kastellorizo accounted for nearly 60 per cent of all Greek Australian politicians in Australia. There were a number from New South Wales, a number from Victoria and a number from South Australia who could claim their heritage back to that small tiny island.

Steve was the de facto Greek leader in this state. There was not a funeral he did not attend. There was not a dispute he did not attempt to resolve. I have to say that, in the discussion about the preselection that the Premier talked about, I have a different perspective, one that I think Steve shared with me. He was asked to run for a seat that was considered marginal, but of course did not need to be because of the wipe-out that occurred in 1993. The reason Steve Condous was chosen for the seat of Colton was his immense popularity amongst the community here in South Australia and it scared us to death.

He was someone who was beloved by the South Australian community. He had a certain way about him. He had a certain connection to ordinary people. He was able to sell a message to Labor voters that Liberal MPs and candidates should not be able to sell because Steve had those working class roots within him. He was very good at it and I admired it.

He was a great asset for the Liberal Party. He had an attribute that many Liberals have since lost: a spirit of independence. That spirit of independence probably often drove people like the member for Bragg crazy as president of the Liberal Party and certainly Mr Cameron also because Mr Condous was not afraid to speak up.

Steve contemplated not contesting the 2002 election, which we were very pleased about because, without disparaging Labor's candidate Paul Caica, who became a long-serving member of parliament, I think it would have been a lot tougher if Steve had run. I remember my father warning me, saying, 'If Steve runs again, he will win.' I have to say that I probably did not disagree with him. But the reason he quit, he claims in a story to the *Sunday Mail*, which is Steve all over, is that he was sick and tired of supporting two-bob policies. I am not making a criticism of the former government of that time; it just speaks to who Steve was.

He spoke and said it like it was. He never attempted to carry a party line. He always said what he thought. When minister Armitage was attempting to do things that Steve Condous disagreed with, he said so and people loved him for it. I have to say, I remember sitting with him over there where he used to sit, just behind the Member for Transport, and talking to him about these things. He was great mates with the former member for Enfield, Ralph Clarke. We would sit and chat about things and Steve was very generous with his honesty about what was occurring. He was just sick and tired of having to support things—whatever we were saying or whatever the government of the day was saying—because he felt there was not a fair debate occurring. I have to say, I loved him for it.

On his retirement, I would often see him at the Central Market, sitting on his stool, never short of advice for me about what I was doing wrong, or even what I was doing right. I remember a day very, very clearly when I, as treasurer, ran into him. We were having a discussion at the Central Market and he was speaking to a very strong supporter of the Liberal Party. When I turned up to speak to Steve, the man had a few words to say to me, and the defence that Steve gave of me really filled me with pride. It was not on a policy level: it was on a personal level because Steve was exceptionally proud that Australians with Greek heritage were doing well. That is how large he was. That is how generous he was. He was a good and decent man and we are worse off for his loss.

I would like to acknowledge his wife, Angela, and daughter, Stacey. Angela has been a tireless worker in her own right. I cannot do justice in this condolence motion to the work that she has done for charity. Steve was exceptionally proud of her. They had a very beautiful and loving relationship and I thought that was lovely. Steve had a deep love and admiration for his daughter, Stacey. They are a beautiful family and the work that they did together has made our state better.

There are not many members of parliament who can leave this place and have condolence motions spoken of them in the way Steve Condous deserves. He broke barriers for migrants. You cannot have a Gladys Berejiklian as Premier of New South Wales without a Steve Condous as Lord Mayor of Adelaide. You cannot have a Nick Bolkus as a cabinet minister in the Hawke-Keating government without a Steve Condous breaking that glass ceiling in local government for 20 years as an alderman. He was a pathfinder and I am glad to have known him. I am glad to have been his friend. I will miss him and I will miss his honesty. As they say in our church: may his memory be eternal.

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:22):** I rise to make a few remarks about the encounters that I had with one Mr Steve Condous. I only met Steve later on in life, mainly because my life has been a lot shorter than his. I came across him in a business capacity when he had a business proposition to put to me as the general manager of the family business. I knew the name Steve Condous and I knew he had something to do with being the Lord Mayor of the City of Adelaide but not much beyond that.

As became the custom over the meetings that we would have together, the meetings would take place at his house, which made me pause a little bit thinking, 'What sort of business is it with this guy when I have to go to his house to sit down and have a discussion?' I went along down to Norwood and rocked up to this beautiful, well-manicured front. It was a lovely house. There was Steve, shoes off, in an immaculately presented house in a way that I think that Greek Australians would be extremely proud of. We would sit down at his dining table next to the kitchen and discuss some business.

What again became very apparent to me was that the discussion of business was really just a side note to the discussions that we would have about politics. Over time, I would find excuses about why we would have to go back to reconsider the business that we were going through to be able to sit down and have a discussion. We would certainly get the formal bits out of the way and then sit down and have a chat. Steve would always put on a nice, small spread. We would sit there and I would always make sure that I would put an hour, an hour and a half, a couple hours aside to sit down to have the discussion, knowing that getting out the door would be very difficult.

Every single discussion—and to give context, it was at the time I had just joined the Liberal Party and become a member of the Young Liberals, so was a little bit naive about Steve's history—when he would turn topic to wanting to offer me a piece of advice, he would always start with the same phrase. He said, 'Stefan, let me tell you something.' That was the signal for me to sit down, as a young buck, shut up and listen to the wise advice that was going to come out of his mouth.

I can tell you, as lord mayor he was so proud of the work that he did in Hutt Street. I think he knew every light pole down that street by first name. He certainly did not stop to tell me all the detail about everything he had achieved for that stretch of Adelaide and how he saw that as a real beacon for how you could revitalise Adelaide. I think about some of the questions that this new government is dealing with at the moment, down at the East End of Adelaide, looking at how you rejuvenate a quarter of our city. Certainly, a lot of the work that he did asked the same questions and answered them in the same way.

He gave me a very strong piece of advice and was certainly very encouraging of my getting more involved in the Liberal Party and in politics. For those who have just gone through a marginal seat campaign, Steve told me that he doorknocked the entire seat of Colton before 1993 to win it. The only houses that he did not doorknock were the apartment blocks because he knew that they would turn over so often that it was difficult to build a relationship. After he had done it once and been elected, he went and did it before 1997 when he sought re-election and, as previous speakers have said, he did it extremely well.

He was also extremely proud of his family. Again, he had very strong fatherly advice for me and would often explain the love for and the way he looked after his own family. It was a real blueprint for how South Australian families should operate. I must admit that, in the first instance, I did not understand why he took such an interest in me but, after a longer period of time, I was really grateful that he would invest his time and immense knowledge and experience, and so freely share that with some young kid who just wanted to help sell some sausages to a few Foodland stores.

I think back fondly upon the time that we spent together, and it was extremely sad to hear about Steve's passing. I pass on my condolences to Angela and to the family. This man was a giant. He was someone who was willing to share every aspect of who he was. I think these kinds of characters enrich our parliament and our state and speak to a desire for true public service that should inspire all of us as we go about our work in this place. Vale, Steve Condous.

**Mr COWDREY (Colton) (14:27):** I rise as many have to also support this condolence motion and to acknowledge the contribution of Mr Steve Condous, who represented the seat of Colton between 1993 and 2002. I should say that, having heard the contributions of members so far, I have growing regret that I never actually met Steve. From what I have heard so far, his contribution to this place and to our state is almost unparalleled.

As has been mentioned, prior to his election as the member for Colton, Mr Condous served with distinction on the Adelaide city council from 1968 to 1993, firstly as a councillor and then later as lord mayor. His work upgrading the Adelaide Aquatic Centre is something that I am personally extremely thankful for and without which I may not even be here today as the member for Colton.

His long tenure on council ably prepared him for his election to state parliament as the member for the newly renamed seat of Colton, replacing the previously named seat of Henley Beach. I am advised that prior to his election to this place, Steve campaigned for a full 16 months and, as was said, doorknocked every single door to recapture the seat for the Liberal Party. In a further testament to his strength as a campaigner, Mr Condous was re-elected at the 1997 election, suffering just a fraction of the statewide swing against the government of the day.

I am told that during his time as the member for Colton, Steve's door was always open to his constituents, whose concerns he passionately represented. His penchant for standing up and fighting for his beliefs, while laudable and, I am sure, respected by his constituents, at times attracted criticism, a price which Steve was only too willing to pay for fights he believed in. In one infamous example, this led him to cross the floor—I believe four times in one night—during a debate on an amendment bill.

During his time as member, he fought for many significant environmental issues that affected Colton at the time, many of which remain relevant today. Improving water quality at the Patawalonga, increasing rainwater retention, improving wetlands and safeguarding our sand dunes were issues he argued passionately for. He also fought strongly on behalf of South Australian small businesses, being a small business owner himself as a distributor of wholesale health foods.

Steve was a patron and active member of many of our local organisations, such as the West Beach Surf Life Saving Club; the Henley Football Club; the Henley Surf Live Saving Club; as I have just heard, Amputee Sports, which I would be interested to know more about; and Heartbeat at The QEH. He was also a keen supporter of the West Torrens Football Club and attended their matches regularly. He was similarly a strong and loyal supporter of the Adelaide Crows and, with perceptive insight, predicted their great success of the 1990s in his maiden speech in this place.

As honourable members have heard, Steve was appointed as a Member of the Order of Australia in 2004 for his community service to this state. His wife, Angela, an active community member herself through her work as patron of The Advertiser Foundation, continues to do wonderful things for our great state. On behalf of the Colton community and myself, I extend my deepest sympathies to Angela, their daughter, Stacey, and the wider family on the passing of Steve Condous.

Motion carried by members standing in their places in silence.

*Sitting suspended from 14:32 to 14:41.*

*Parliamentary Procedure*

## VISITORS

**The SPEAKER:** I welcome today to the gallery the former member for Goyder, Mr John Meier. Welcome to you, sir. I also acknowledge the Hon. Martin Pritchard MLC, a Labor Party member from Western Australia, elected in 2015, currently the Government Whip. Welcome to you, sir. I also welcome to the gallery Mr Peter Lowings, a guest of the Minister for Industry and Skills. I am informed that they completed their apprenticeships together in the 1980s.

**PAPERS**

The following papers were laid on the table:

By the Premier (Hon. S.S. Marshall)—

Return to Work Act 2014, Independent Review of the—Report

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

Government Response—To the 81<sup>st</sup> Report of the Environment, Resources and Development Committee: Strata Titles

*Ministerial Statement***TREDREA, MR J.**

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:44):** I seek leave to make a ministerial statement.

**The SPEAKER:** Leave has been sought. Is leave granted?

**Mr Koutsantonis:** No, sir.

**The SPEAKER:** Leave has not been granted, there being a dissenting voice.

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

**The SPEAKER:** The Minister for Primary Industries is called to order. I am advised the document may be tabled. Would you like to table the document, Premier?

**The Hon. S.S. MARSHALL:** I have two ministerial statements that I would be happy to table, if the opposition does not wish to grant leave for me to read them into *Hansard*.

**HARRIS, DR R.**

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:45):** I table a ministerial statement relating to Dr Richard 'Harry' Harris OAM.

**AUSTRALIAN CRANIOFACIAL UNIT**

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:45):** I table a ministerial statement on the Australian Craniofacial Unit for the Minister for Health and Wellbeing from another place.

*Question Time***AUSTRALIAN CRANIOFACIAL UNIT**

**Mr PICTON (Kurna) (14:46):** My question is to the minister representing the Minister for Health. What action has the government taken to address allegations raised by the South Australian Salaried Medical Officers Association of cartel-like behaviour, nepotism and maladministration by current senior management of the Australian Craniofacial Unit. With your leave and that of the house, I will explain.

Leave granted.

*Members interjecting:*

**The SPEAKER:** The member for West Torrens and the Minister for Education will not interject. Member for Kurna.

**Mr PICTON:** An email to the Minister for Health dated yesterday, Wednesday 25 July, states, and I quote:

In brief, the association holds concerns about reports of what equates to cartel-like behaviour and nepotism by senior management of the [ACFU] which could amount to maladministration and has grave impacts on patient care including on overseas patients who are not being treated by Australian specialists which has already resulted in unnecessary deaths.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:47):** The ministerial statement that I have just tabled on behalf of the Minister for Health and Wellbeing does address that issue. I note that the shadow minister has twice shared those allegations under parliamentary privilege. The Minister for Health and Wellbeing, though, of course is not doing that. He is looking into the matter. As the ministerial statement makes very clear, he will not be making any more public comments on this issue until pursuing it further in very appropriate ways, and so, of course, neither will I.

#### AUSTRALIAN CRANIOFACIAL UNIT

**Mr PICTON (Kurna) (14:48):** My question is to the minister representing the Minister for Health. What action has the government taken to address allegations raised by SASMOA to the Minister for Health regarding a lack of transparency and a failure to follow proper merit-based selection processes in relation to recent recruitment of key roles within the Australian Craniofacial Unit?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:48):** There is a statement which I expect has worked its way through to the shadow minister's place in this house by now. I understand he may not have had time to read it yet, but I refer him to that statement and suggest he reads it before he asks the same question again.

#### AUSTRALIAN CRANIOFACIAL UNIT

**Mr PICTON (Kurna) (14:48):** What action has the government taken to address—

**The SPEAKER:** Who is this to, sorry, member for Kurna?

*Mr Pederick interjecting:*

**The SPEAKER:** Order!

**Mr PICTON:** The minister representing the Minister for Health. What action has the government taken to address the allegations raised by SASMOA regarding allegations of bullying and harassment against staff at the Australian Craniofacial Unit?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:49):** There's only one thing I can do to try to help the shadow minister. I am going to read the statement, which has just been tabled.

*Members interjecting:*

**The SPEAKER:** You may use copious notes.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** I am just trying to help.

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

**The SPEAKER:** Order! The Premier will not interject.

**The Hon. D.C. VAN HOLST PELLEKAAN:** This is a statement from the Hon. Stephen Wade—

*Members interjecting:*

**The SPEAKER:** The member for Lee will not interject. The minister has the call and he will be heard in silence.

**The Hon. D.C. VAN HOLST PELLEKAAN:** —a statement tabled five minutes or thereabouts ago from the Hon. Stephen Wade MLC, Minister for Health and Wellbeing, dated Thursday 26 July 2018—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** —headed, Australian Craniofacial Unit:

Following a meeting with Professor David David on 9 July, I obtained a briefing on issues raised and a review of a selection process in the Australian Craniofacial Unit. Both the briefing and review raised further questions for me and I have indicated that I will be seeking further information.

In that context, yesterday morning, I made contact with the South Australian Salaried Medical Officers Association to inquire as to whether they had any concerns with the selection process. In response to that contact from me, the association sent me an email yesterday afternoon which I received late morning today.

The email raises serious concerns about the culture and operations of the Australian Craniofacial Unit, recruitment processes and the impact on patients. I have discussed the matter with the Commissioner for Public Sector Employment who has undertaken to meet with SASMOA and initiate whatever action is necessary.

As appropriate, I have also referred the matter to the Office for Public Integrity. In that context, I do not intend to make any further statement.

So, if the shadow minister asks me another question down the same vein, I have no other answer that I can give him.

#### PREMIER AND CABINET DEPARTMENT

**Mr COWDREY (Colton) (14:51):** My question is to the Premier. Can the Premier update the house on recent appointments within the Department of the Premier and Cabinet?

*Mr Koutsantonis interjecting:*

**The SPEAKER:** The member for West Torrens is called to order.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:51):** Yes. I am very pleased to announce the appointment of Mr Jim McDowell as the Chief Executive of the Department of the Premier and Cabinet. Mr McDowell is known to many of the people in this chamber—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —and he has been an outstanding servant of this state. Mr McDowell is an incredibly talented leader, with decades of international business experience in industries that are critical to South Australia's future prosperity.

A former chief executive of BAE Systems in Australia and also in the Middle East, Mr McDowell is well placed to guide the South Australian public sector as we seek to take full advantage of the commonwealth naval shipbuilding program and other defence contracts here in South Australia. I also believe that he will play a pivotal role in helping us put forward the very best and most competitive and compelling bid for the hosting of the national space agency here in South Australia.

Recently, Mr McDowell has served as the chancellor of South Australia's largest university, the University of South Australia, and as a board member of several major Australian businesses and community organisations, including the Adelaide Football Club, but also the RAA, Codan and the Australian Strategic Policy Institute.

I am also pleased to announce and thank Ms Erma Ranieri for her role as the Acting Chief Executive of the Department of the Premier and Cabinet during the transition period. She has done an outstanding job in that role. I am pleased to announce that Erma Ranieri's role as Commissioner for Public Sector Employment will be reconfirmed and indeed expanded. In fact, although she had one year remaining on her existing contract, we have presented her with a new contract for three years with expanded responsibilities. Ms Ranieri has served as the Commissioner for Public Sector Employment since 2014, and I would like to thank her for her past work and also for the work she has agreed to undertake.

In the lead-up to the election I spoke very often about my experiences in the private sector. In the private sector, we know that the most important asset in any organisation—not reflected on the balance sheet but certainly the most important asset in an organisation—are the people who work in that organisation. They are the values that we wish to take into government. We value the people who are working in the Public Service in South Australia. As the Commissioner for Public



Sector Employment, Ms Ranieri will be doing a lot of work around the strategic human resource development of the Public Service, workforce planning and leadership development. I am sure she will do an excellent job in this role.

Can I also just highlight that there was another announcement made in recent days and that was the appointment of Ms Rhana Devenport as the new Director of the Art Gallery of South Australia. Ms Devenport has most recently been serving in New Zealand. She has been the Director of the Auckland Art Gallery. I first met Ms Devenport when she was in South Australia as one of the judges of the very first Ramsay Art Prize that was held in South Australia.

She is the very first female Director of the Art Gallery of South Australia. In fact, she is the first female director of any state gallery in the nation. We are very proud that she will be taking up her role I believe in October this year. She will be continuing the excellent work that has been done at the Art Gallery of South Australia with many very successful directors in the past. Of course, it would be remiss of me not to acknowledge and congratulate the former director, Nick Mitzevich, for his time in South Australia and wish him all the very best for his new role as Director of the National Gallery of Australia.

#### PREMIER AND CABINET DEPARTMENT

**Mr MULLIGHAN (Lee) (14:55):** I have a supplementary for the Premier: does the Premier agree with his Treasurer that the level of Mr McDowell's remuneration is warped?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:55):** No.

#### AUSTRALIAN CRANIOFACIAL UNIT

**Mr PICTON (Kurna) (14:55):** My question is to the minister representing the Minister for Health. Has this government done anything to cut funding and access for doctors to undertake humanitarian work at the Australian Craniofacial Unit?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:56):** That is one I will have to take on notice. Let me say very clearly, though, that it might well be—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** —that the shadow minister will need to wait until the budget comes out to get an answer one way or the other on that. Because it could be—

*Mr Malinauskas interjecting:*

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

**The Hon. D.C. VAN HOLST PELLEKAAN:** —there's an increase. I really don't know.

*Ms Bettison interjecting:*

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

**The Hon. D.C. VAN HOLST PELLEKAAN:** In the very, very obvious context that a question like that on any topic may well have to wait—

*Mr Koutsantonis interjecting:*

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

**The Hon. D.C. VAN HOLST PELLEKAAN:** —until the budget, I will seek an answer from the Minister for Health and Wellbeing and, if appropriate, bring it back to the house.

#### ENERGY SECURITY

**Mr MURRAY (Davenport) (14:56):** My question is to the Minister for Energy and Mining. How is the government addressing risk to the security of our power system and are there any other views?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:57):** Thank you to the member for Davenport—

*Members interjecting:*

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

**The Hon. D.C. VAN HOLST PELLEKAAN:** —who, as I have said so many times, like so many hardworking, focused Liberal members of parliament, is focused on what's right for his electorate. Electricity, not only the price but also the security of supply of electricity, is a very important issue in the electorate of Davenport. I commend him for focusing on that.

Who can forget the statewide blackout that we had in South Australia nearly two years ago—an unprecedented statewide blackout that we all understand was precipitated at the start because of a storm. But that storm had far more impact than it needed to have because of the state of our electricity industry and market here in South Australia. It has been documented and reported many times that our system strength throughout our state was not as good—

*Members interjecting:*

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

*Members interjecting:*

**The SPEAKER:** Minister, please be seated. The Minister for Transport is called to order, as is the member for Light, the Deputy Premier and, unfortunately, the member for Cheltenham. Minister.

**The Hon. D.C. VAN HOLST PELLEKAAN:** It has been documented that our system strength was not as good as it could have been and that contributed to the outcome of that storm being so, so much worse. We are focused on improving not only the price but also the reliability and the environmental impact of electricity generation and distribution consumption in South Australia. We are very focused on storage, for example. Mr Speaker, you will remember that the then opposition leader, now Premier, was the very first person years ago to come out and say we need to slow down this stream of permissions that the then government was giving for wind farms and we need to be able to harness this energy better. He was the first person to say that, out of anybody in this chamber, to the very best of my knowledge.

We did thank the then government when they took his advice and they did the deal that they did with Tesla for the battery at Hornsdale in my electorate. You have never once heard anybody from this side of the chamber, even in opposition, run that decision down, because it is exactly what we asked them to do. But we are looking to do more. We have a \$50 million grid-scale storage fund, which will contribute to the stability and strength of our electricity system.

We are not stopping with that one. We have money on the table to contribute to grid-scale storage, whether that be more battery storage comparable to the one at Hornsdale, or whether it be pumped hydro, whether it be more solar thermal, or whether it be hydrogen. We are technology agnostic. We just want the very, very best results for the people of South Australia. We have \$100 million for small-scale batteries, and of course we have a program, in partnership with industry—TransGrid, ElectraNet, the New South Wales government and other key partners—to deliver interconnection into South Australia. These are very, very important things.

One of the things the member for Davenport asked was, 'Are there any alternative views?' Well, there were certainly some alternative views when those opposite were in government. They were actually advised that declining system strength was going to be a problem for our state. They were told that that was going to cause us more difficulties than we would otherwise have, and unfortunately they ignored that advice. Mr Speaker, we will not ignore that advice and we will fix up their mess.

*Parliamentary Procedure*

#### VISITORS

**The SPEAKER:** I welcome to parliament the Hon. Iain Evans, who is in the gallery with us today.

*Question Time***AUSTRALIAN CRANIOFACIAL UNIT**

**Mr PICTON (Kaurna) (15:01):** My question is to the minister representing the Minister for Health. When will the government accept Professor David David's recommendation and use Dr Ben Grave's existing clinical academic position with patient treatment rights to reinstate him in the unit?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:01):** Mr Speaker, I have done everything I can for the shadow minister with regard to this line of questioning, including reading out the ministerial statement that was tabled before, and I said—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** As I told him at the time, there is nothing else I can add on this matter.

**AUSTRALIAN CRANIOFACIAL UNIT**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:02):** My question is to the Premier. Will the Premier now commit to an actual independent review into the Australian Craniofacial Unit as a result of the explosive allegations that have taken place?

**The Hon. S.K. Knoll:** Out of order!

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:02):** I refer to the ministerial statement which has been both tabled and read in this chamber this afternoon.

**The SPEAKER:** The Minister for Transport will not interject. Leader of the Opposition.

**AUSTRALIAN CRANIOFACIAL UNIT**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:02):** My question is again to the Premier. Will the Premier now consult with Professor David David AC to resolve the serious issues raised by him and SASMOA?

*Members interjecting:*

**The SPEAKER:** Order! I've heard the question.

*Members interjecting:*

**The SPEAKER:** The member for Kaurna is called to order. The Premier has the call.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:03):** Thank you very much—

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** Thank you very much, sir. Again, we don't have anything further to add in this chamber today with regard to statements that have already been tabled and already been read into *Hansard*.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** I think it's a pity because we have been allowed to read those matters into *Hansard*. Of course, we were prevented earlier today, with the opposition seeking to—

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** —not grant leave to the—

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** —to read into *Hansard* two important—

**The SPEAKER:** Point of order, sir?

**Mr PICTON:** This is debate. Section 98: debate.

**The SPEAKER:** 98—that the Premier is debating the issue. I don't believe he is at this point but I will listen attentively. Premier, please stick to the substance of the question.

**The Hon. S.S. MARSHALL:** Sir, the substance to the question was seeking information which has been tabled and read into *Hansard* today by the—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —minister representing the Minister for Health in this chamber. That's what the question was about.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** It was about information that had already been provided, tabled and read into *Hansard*. I was just—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr KOUTSANTONIS:** Point of order, sir.

**The SPEAKER:** I'm sorry; before I hear the point of order, the Premier is being constantly interjected upon by members on my left and some on my right. Members of parliament in this place know that it is highly disorderly to interject. There seemed to have been a level of benevolence and compassion a short time ago; that seems to have dissipated. I will be intervening in future interjections more than usual if I need to restore order to the house. The member for West Torrens.

**Mr KOUTSANTONIS:** As a point of clarification, sir, can you advise the house whether the two statements the Premier tabled will appear in *Hansard*?

**The SPEAKER:** I am informed that they are only inserted into *Hansard* when they are read in, member for West Torrens.

**Mr Pederick:** So you stopped it, oops.

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

**The Hon. S.S. MARSHALL:** Back to my answer, sir, if I'm—

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** The Minister for Education is called to order.

*Mr Brown interjecting:*

**The SPEAKER:** The member for Playford is called to order. The Premier has the call.

**The Hon. S.S. MARSHALL:** The Leader of the Opposition was asking a question that asked what we were going to do in terms of a certain course of action.

*Members interjecting:*

**The SPEAKER:** The member for West Torrens and the leader will not interject.

*An honourable member interjecting:*

**The Hon. S.S. MARSHALL:** I heard the question. I recall the question and the question was about what course of action we were going to take with regard to this issue—

*Mr Malinauskas interjecting:*

**The SPEAKER:** The leader is called to order and warned.

**The Hon. S.S. MARSHALL:** —specifically related to meeting with Professor David David. As I pointed out to the house a few moments ago, we have absolutely and unequivocally outlined to this house, both in a tabled ministerial statement and then that ministerial statement read into *Hansard*, exactly and precisely what we are going to do. We have made it clear that we won't be making further comments in the house today. I was contrasting that with when we were earlier trying to read into *Hansard* a ministerial statement dealing with two very important and pertinent issues for South Australia—one was the heroic work of Dr Richard Harris with regard to the work that he did and his part in the rescue of those—

**Mr KOUTSANTONIS:** Point of order: this is debate.

**The SPEAKER:** Has the Premier concluded his remarks? Yes, the Premier has concluded his remarks. I'm informed, member for West Torrens, that the spoken word is obviously entered straight into *Hansard* and if that comes from the document in question of course that will be read straight in.

*Members interjecting:*

**The SPEAKER:** Order!

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

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

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

**The SPEAKER:** The Premier is called to order. Order! The member for Kaurana has the call.

#### AUSTRALIAN CRANIOFACIAL UNIT

**Mr PICTON (Kaurana) (15:07):** My question is to the Premier. Why has this government treated accused murderer Henry Keogh with more respect than South Australian of the Year, Professor David David?

*Members interjecting:*

**The Hon. J.A.W. GARDNER:** Point of order.

**The SPEAKER:** Point of order. Members on my right, be quiet while I hear the point of order. The point of order, I'm anticipating, is about an expression of opinion, which Erskine May's *Parliamentary Practice*, 24<sup>th</sup> edition, tells us is out of order in a question.

**The Hon. J.A.W. GARDNER:** I was just going to stick to the standing orders. That question had absolutely no relevance to what is allowed in the standing orders.

**The SPEAKER:** Yes, I will move on to the next question. If the member for Kaurana would like to rephrase it without the offending—

*Members interjecting:*

**The SPEAKER:** I haven't finished. If he would like to rephrase it in a manner that does not offend the standing orders, I will allow it on this occasion. If he does that again, I will be moving to the government's side.

**Mr PICTON:** My question is to the Premier. Does the Premier believe it would be respectful to provide the opportunity to meet with Professor David David, the South Australian of the Year?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:08):** As was provided to the house I think yesterday and the day before, the Minister for Health and Wellbeing has met with Professor David. I have spoken with Professor David. In fact, not only has the Minister for Health and Wellbeing met with Professor David but he has followed up that meeting with a further conversation.

### GREAT WINE CAPITALS

**Dr HARVEY (Newland) (15:08):** My question is to the Minister for Primary Industries and Regional Development. Can the minister provide an update to the house on the recent visit to South Australia by wine business experts from the Great Wine Capitals Global Network?

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:08):** I certainly can, sir. I would like to thank the member for Newland for his question, and I note his advocacy with horticulture and the vegetable industry in his region, particularly Hermitage Produce, Paracombe Premium Perry, Gilmours Orchards and, of course, the Kersbrook Hill Wines and Cider company. I know his strong advocacy for his primary producers is almost second to none. The Great Wine Capitals network is a program that has bipartisan support in the South Australian parliament. We can thank the member for Mawson for that. Well done.

As a member of the Great Wine Capitals Global Network, Adelaide, South Australia, is part of the exclusive group of 10 international cities whose wine regions are recognised as significant economic and cultural assets. In late June, three international wine experts visited South Australia to visit the key wine regions: the great McLaren Vale, Barossa, Clare and, of course, the engine room of the wine industry, the Riverland, as part of our membership to the Great Wine Capitals Global Network.

This visit provided an opportunity for our wine regions and wine companies to learn international best practice in the wine industry. For the Great Wine Capitals network, this is what it is about: it is about knowledge sharing. It is about people visiting and understanding the situations that the wine regions are facing—marketing strategies and dealing with a global stage. It really is important that we see the great work that has already been undertaken.

Of course, the visit provided an opportunity for our wine regions and wine companies to understand about best practice and gave an opportunity for the three wine experts, Jacques Pesme, the Dean of the Wine and Spirit Academy and Associate Director at KEDGE, the business school in Bordeaux; Miguel Ribeiro, the General Manager of Monverde Wine Experience Hotel in Porto Portugal; and, of course, the great Clay Gregory, the President and CEO of the Napa Valley Vintners. They came and visited all our great wine regions but, really importantly, they tasted and experienced the great attributes that wine tourism and food in South Australia has.

As they said, South Australia is a world leader not only in wine styles and food matching but in the experience that comes with it. It's not just about drinking wine, and it's not just about eating the food: it is about the experience that sits alongside. It was great to catch up. We did some wonderful wine touring around our great state. The d'Arenberg Cube is now one of the great wine destinations in the world and a credit to the passion of the d'Arenberg family. We also visited Seppeltsfield in the Barossa, as well as Yalumba, Two Hands and Clare Valley Rocks.

It was also important that they came up to the Riverland and visited Banrock, they visited Caudo's and they had an experience there that they said they had never had anywhere in the world and that was a river cruise on the Caudo express, which is a pretty wild party boat, I must say. They had the opportunity to experience the great River Murray as well as drink some great South Australian wine. The Marshall Liberal government is backing our wine industry, and we recently delivered our election commitment with a \$1 million annual funding to Food SA. The latest stats now show that South Australia continues to be the engine room of the Australian wine industry.

I do take note, and the member for MacKillop would be very proud, that wine exports out of his electorate in the Coonawarra region have had an 83 per cent increase in exports. Congratulations for the great advocacy work you have done in the wine industry. To top it off, working with the commonwealth government and the \$50 million cellar-door regional wine tourism package is just another example of the great work that the wine industry is doing here in South Australia.

### APY LANDS VISIT

**Mr KOUTSANTONIS (West Torrens) (15:13):** My question is to the Premier. Does he stand by his public remarks that armed elite STAR Force officers did not directly walk around with him on the APY lands but were simply stationed there? With your leave, sir, and that of the house, I will explain.

**The SPEAKER:** Is leave granted?

*Members interjecting:*

**The SPEAKER:** Leave is not granted, member for West Torrens.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:13):** As I reported to the house earlier this week, I was very pleased and privileged to visit the Anangu Pitjantjatjara Yankunytjatjara lands last week for almost three days. I was accompanied on that visit to the APY lands by a member of my team and also two journalists. SAPOL did their own independent risk assessment and decided that they would deploy two STAR Force officers on that trip as well.

I would just make the point to the parliament that at no point was I in any way protected on my visit to the APY lands. They were keeping a respectful distance from the meetings that we held. That is a decision that was made by SAPOL officers. It wasn't something that the Premier's department had requested. In fact, it was my ninth visit to the APY lands. I always love going to the APY lands. At no time previously had I had an escort.

I would point out that SAPOL have access to the diary of the Premier, regardless of who the Premier is at the time. They form their own risk assessment and determine whether or not—

**Mr Koutsantonis:** You said they didn't accompany you and they were just stationed there.

**The SPEAKER:** The member for West Torrens is on one warning.

**The Hon. S.S. MARSHALL:** —they will be present at that time. I very much enjoyed the visit. I thank the STAR Force officers who were present on the lands while I was there, not only for their work on that visit but, most importantly, for the important work they do here in our state.

#### APY LANDS VISIT

**Mr KOUTSANTONIS (West Torrens) (15:15):** My question is to the Premier. Does he stand by his response to ABC's David Bevan, who said, 'But hang on, you were walking around with two armed elite cops'? The Premier responded:

No, no, that's not correct. I wasn't walking around with them at all. They were just stationed on the lands at the same time that I was there.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:15):** Absolutely. As I just stated to the house, I was at no point walking around the lands. The only time that I can think of ever standing right next to them while we were on the lands was at the barbecue that we held at Umuwa on the first night. They joined the barbecue that was held for all of the people that the party got to—

**Mr Koutsantonis:** That's not what you said.

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

**The Hon. S.S. MARSHALL:** I said I wasn't walking around with them on the lands, and that is correct. They attended the barbecue that was held on the first night, Tuesday night last week. That was a meeting—or a function, I suppose—that was attended by plenty of people on the APY lands. I was pleased to meet with police officers who had come from other parts of the APY lands, people who worked at RASAC, people who worked for APY and, of course, the new chief executive of Nganampa Health.

The STAR Force officers were there at that point. I think there was another point, right at the very end as we were about to drive off the lands, where we thought we would get a photograph on the lands, but there was no time when they were walking through the lands with me as the Premier of this state.

So, as I said, it was a very enjoyable visit. It is a very sacred part of our state and a very important part of our state, but it is not a part of our state without its own level of complexity. That is why I take the opportunity each year to drive myself in—I don't fly in and fly out like some people have previously—and I always enjoy it. I think by spending that time on the lands you get a better perspective and you actually meet people. Often, when you are on the lands, it is the chance meetings that convey the most to you as a member of parliament.

Setting up a series of appointments is always an important part of planning one of these trips, but on every trip that I have been on you go into a community and you actually get an opportunity to meet people who are working in and contributing to the various communities on the APY lands. As I said earlier, this trip covered the areas of Indulkana, Mimili, Umuwa, Ernabella, Kenmore Park, and then, on the final day, Fregon. I very much enjoyed that trip.

### LIVESTOCK INDUSTRY

**Mr PEDERICK (Hammond) (15:18):** My question is to the Minister for Primary Industries and Regional Development. Can the minister explain to the house how the state government is supporting South Australia's sheep producers?

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:18):** I certainly can, and I thank the member for Hammond for his question. I know how passionate he is about sheep—and wool and red meat, of course. They are the two main products that we are going to talk about.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.J. WHETSTONE:** The Marshall Liberal government is taking action to help grow the state's sheep industry and restore confidence in the sheep meat and wool industries. It is really important to note that the sheep industry is going through a reasonably tough period at the moment with the dry, particularly in the north of our state. What we are going to see over time is initiatives by this government to support our red meat industry, the livestock industry, here in South Australia.

South Australia has long been one of the nation's proud sheep producing states, with livestock production generating revenue of more than \$4.8 billion. That is a serious number to put onto the bottom line of our economy. There are 11 million sheep in South Australia; that is 16 per cent of the national sheep flock. Following 20 years of low prices for wool, it is quite pleasing to see that only yesterday we had record wool prices once again. It's great news, not only for wool producers but for what was once the Australian dollar riding on the sheep's back.

Yesterday, I talked about our work to fight wild dogs. Today, as part of our efforts to strengthen the sheep industry, I am pleased to discuss the steps we are taking to reduce regulation of key sheep health diseases to restore power to farmers to manage diseases and the health of their flocks on-farm without unnecessary heavy-handed regulations. We are listening to farmers and we are acting. Animal health experts are helping us make key decisions. The management of the endemic sheep diseases, ovine Johne's disease and footrot, is undergoing significant change in South Australia under the new disease management programs that are being phased in over the coming months.

The changes include the establishment of the new South Australian Ovine Johne's Disease Management Program and modifications to the South Australian Footrot Management Program. These management changes are about less regulation for the sheep industry and are in line with the new national OJD management arrangements announced on 26 June. The aim of the changes is to allow producers to manage disease in line with their individual business priorities with less red tape burden, and the South Australian government has been working closely with the South Australian Sheep Advisory Group and Livestock SA.

The changes are about ensuring that safe trading practices are in place to minimise disease spread. To assist producers in making risk-based decisions, PIRSA, in association with SASAG and Livestock SA, will be providing a range of education and awareness programs and opportunities for all sheep producers here in South Australia. An important element of these changes is that sheep producers who have had their flocks in quarantine—87 properties—will be released from quarantine and able to re-enter the mainstream trading system following an individual property risk assessment.

The changes will also start to free up trade of sheep across the South Australian border, providing additional opportunities for farmers to build their flocks. Feedback on the changes to OJD and footrot management has been well received, and I have had positive conversations with industry about these changes. The sheep producers here in South Australia are being given a priority with this measure, particularly in relation to ovine Johne's disease. It's critically important that we know



that we are providing support to the wool industry, the red meat industry and the regions of South Australia, which have been put on the backburner for an extended period of time.

It's also important to note that this government is working with industry. We now have hand-in-hand management programs. We are now looking at reducing red tape and reducing regulation for the betterment of the industry. It's also pleasing to know that now we have the industry coming to the government, coming to me as the minister responsible, wanting to put ideas on the table, wanting to share their knowledge with us so that we can reform the industry for the betterment of South Australia and for the betterment of the economy that surrounds this great livestock industry. Remember hashtag #RegionsMatter.

*Ms Hildyard interjecting:*

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

#### **PRIVATE EMAIL ACCOUNTS**

**Mr KOUTSANTONIS (West Torrens) (15:22):** My question is to the Premier. Can the Premier assure the house that no ministers or ministerial staff are using private email accounts or servers to conduct government business?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:23):** I'm not aware of any of the circumstances that the member for West Torrens has outlined to the house. Perhaps if he has something, he should share it with us.

#### **PRIVATE EMAIL ACCOUNTS**

**Mr KOUTSANTONIS (West Torrens) (15:23):** My question is to the Premier. What action will the Premier take if a minister or ministerial staff are found to be using a private email account or a private server?

**The Hon. J.A.W. GARDNER:** Point of order: that question is hypothetical and therefore out of order.

**The SPEAKER:** 'What action would a minister take?' It is postulating a state of affairs that does not exist. Yes, I uphold that point of order.

**Mr KOUTSANTONIS:** I will rephrase, sir.

**The SPEAKER:** Would you like to rephrase the question?

**Mr KOUTSANTONIS:** Yes, sir. My question is to the Premier. What is the penalty for a minister or ministerial staff found to be using a private email account or server to conduct government business?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:23):** I'm not aware of the answer to that question, but I'm more than happy to find out and come back to the house with an answer.

#### **SOUTH AUSTRALIAN DISTRICTS NETBALL ASSOCIATION**

**Ms LUETHEN (King) (15:24):** My question is to the Minister for Recreation, Sport and Racing. Could the minister please update the house about his recent visit to the South Australian Districts Netball Association and how the Marshall Liberal government's \$320,000 investment to fix their local car park and traffic flow will help our local King and north-eastern community?

**The Hon. A. Piccolo:** Is that the question or the answer?

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

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:24):** I thank the member for her question and acknowledge how much of a passionate advocate she is for her community, how this hardworking member, who listens to her community and engages with her community, achieves such great things. She is absolutely a fierce advocate for her community. It was a pleasure to join with her and the Premier on the weekend at the local netball courts in Golden Grove. I noted as we went around and met a few people that she bumped into a few old netball friends of hers she

used to play against. They smiled and shook hands but knew as well that she is a fierce competitor. They know how fierce she is. She does a marvellous job.

*An honourable member interjecting:*

**The Hon. C.L. WINGARD:** It is a non-contact sport, but it doesn't mean you are not fierce when you play the game.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** It was great to be at the Golden Grove courts and to be with the Premier and the member for King, delivering on one of our election commitments—another one of them. The Premier and I had a very busy roadshow handing out, I think, \$7-odd million worth of election commitments to community sport, grassroots sport. We know how important that is.

This election commitment, as the member for King pointed out, was \$320,000 towards better access to the car park for these netball courts in Golden Grove. The way they have to get to them at present is they wander through the back streets; they also park in the back streets. The member for King has come up with a great solution in working with the local council to give them access off the main road so that cars can get in and out easier.

We found out at these netball courts that they have over 30 clubs that play there. In fact, I bumped into the people from Tea Tree Gully as well, where the member for Newland has been doing some wonderful work, also. There are 200 teams that use these courts each week. Last year, there were around 400,000 players who used these courts and the car park facility. Again, it was great to be there with the Premier, the member for King and a couple of the local players, Abbey and Emily, who don't drive yet but I know that, as they start to drive, we want to see them using this facility and being back at these netball courts playing for a long time.

We acknowledge that Thunderbirds player Fiona Fowler was there as well. The Premier had a bit of a chat to her and got a few tips, which was good to see. The Tea Tree Gully Council was also there, represented by Mayor Kevin Knight and Councillor Bernie Kean. The President of SADNA, Mr John Adams, was also there along with the CEO of Netball SA, Ben Scales.

It has been a brilliant piece of work by the member for King, as I said, to harness her community when she was campaigning in the area. She wore out that many pairs of shoes, it wasn't funny. She still has her blue Nikes, and they are the ones, no doubt, she plays netball in. She is fast and she is agile and she is out there listening to the community, delivering on what they need. That is the sort of government we are. As I said, it was a pleasure to be with the Premier out there engaging with the community, with candidates and members on this side of the house who have listened to their community.

When in opposition, we ran a sports survey to hear what the shortcomings were with a lot of our community clubs, and every member on this side engaged with their region, found out what they needed, and we are doing everything we can to deliver what the regions need and what the communities need to deliver better sporting outcomes for their communities. We know that sport is a real fabric of a community. It brings people together. It allows communities to engage. It allows young people a chance to be fit and healthy and then progress through to playing in their senior years and staying active in a community.

It gives the ability for sports clubs and groups like this Golden Grove tennis complex where the member for King took us on the weekend to see all the families and all the people there and the things they do to give back to the community beyond netball. Umpires were involved as well, people running the canteen; it was just a wonderful community feel. I look forward to getting out into the communities even more in the weeks, months and years ahead with the Premier and the rest of this parliamentary team to deliver more for the people of South Australia.

#### **MINISTERIAL EXPENDITURE**

**Mr MULLIGHAN (Lee) (15:28):** My question is to the Premier. Is the Premier aware that both the Minister for Child Protection's and the Minister for Energy and Mining's agencies have failed

to proactively disclose travel, credit card and mobile phone expenditure since they were sworn in as ministers?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:29):** I will make inquiries as to the statements just made by the member for Lee and I will come back to the house if required.

#### MINISTERIAL EXPENDITURE

**Mr MULLIGHAN (Lee) (15:29):** My question is to the Premier. What action will the Premier take to ensure that these agencies publish their ministerial expenditure as required under DPC circular 35?

**The Hon. S.S. Marshall:** I didn't quite catch that.

**The SPEAKER:** Could the member for Lee please repeat? In silence, members, please.

**Mr MULLIGHAN:** What action will the Premier take to ensure these agencies immediately publish their minister's expenditure, as required under DPC Circular 35?

**The Hon. S.K. KNOLL:** Point of order, Mr Speaker. The question is based on the presumption of a hypothetical situation.

**The SPEAKER:** It may be. Would the Premier like to answer?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:29):** I'm happy to answer it. We have made very clear to the agencies their requirements in terms of the proactive disclosure of these records.

#### MINISTERIAL EXPENDITURE

**Mr MULLIGHAN (Lee) (15:29):** A supplementary to the Premier: if it has already been made clear, why hasn't it been published?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:30):** I refer you back to the first answer when you asked the same question. I will make inquiries as to the allegations that you make and, if there's something to report, I'll come back to the house, thank you very much.

#### INTERNATIONAL KOALA CENTRE OF EXCELLENCE

**Mr DULUK (Waite) (15:30):** My question is to the Minister for Environment and Water. Can the minister update the house on the success of the recent launch of the International Koala Centre of Excellence, and the opportunities this initiative presents for South Australia?

**The SPEAKER:** The Minister for Environment and Water, and apparently koalas. Minister.

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:30):** Thank you, Mr Speaker. I thank the member for Waite for his question. I am not about to stand here and take credit for a project that was initiated under the previous government. It's a good project, and it is worthy to update the house—

*Members interjecting:*

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

**The Hon. D.J. SPEIRS:** It is worthy to update the house on this project.

**The SPEAKER:** The minister will be heard in silence. The minister has the call.

**The Hon. D.J. SPEIRS:** Of course, it is one thing to come up with an idea, but to actually be able to deliver it is another thing altogether. I wouldn't have said that, but I got heckled as usual.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.J. SPEIRS:** On 13 July 2018, I was pleased to be able to launch the South Australian government's initiative: the International Koala Centre of Excellence. This is an initiative which really comes with two parts. There is the centre of excellence, and there was also announced a couple of days later the transfer of six koalas and two wombats—koala diplomacy—heading over

to the United Kingdom to Longleat safari park, one of the world's premier conservation destinations in Wiltshire, in the United Kingdom.

The launch of the International Koala Centre of Excellence was a resounding success with around 150 leaders in conservation gathering at Adelaide Oval for that event. The centre will be headed by someone who is well known by many people in this building and many people in South Australia, Professor Chris Daniels—an exceptionally well-regarded ecologist and expert in urban ecology. Professor Daniels has recently been appointed to the position of Director of Cleland Wildlife Park, in the member for Bragg's electorate—I know she is very proud of that site—and he is also going to take up the dual role with responsibility for the International Koala Centre of Excellence.

Why would you have such a centre? Well, while koalas are a much-loved iconic species, there is actually very little known about the scientific background to the challenges they face. We see koalas being incredibly threatened in some areas and then quite abundant in other areas, despite the environment being very similar in both those areas.

There is a desire to set up an organisation which invests in understanding the challenges these animals face. Particularly, the International Koala Centre of Excellence is going to focus on population biology and natural history of koalas in South Australia, oxalate nephrosis—which is a kidney disease which threatens our koalas in a very significant way because, while there is a healthy population of koalas in South Australia in terms of numbers, that is a fragile population—and the centre will also focus on the human dimensions of koala conservation and management.

We have set up the centre. It will be funded with an ambitious fundraising target of raising \$10 million over the next five years, but also \$2 from every entry into Cleland Wildlife Park will contribute towards the running of the International Koala Centre of Excellence as well. At the same time, we are establishing a long-term conservation partnership with Longleat in the UK. It was great to welcome the proprietors of Longleat, Lord and Lady Weymouth, to South Australia and to be able to host them. It's a good project. It's one which will create an international partnership in conservation, and also showcase our incredible native wildlife in the United Kingdom and obviously contribute towards tourism aspects of our state's economy as well.

### **MOUNT GAMBIER PRISON**

**Mr ODENWALDER (Elizabeth) (15:34):** My question is to the Minister for Correctional Services. What steps has the minister taken in response to violent criminal Daniel Nelson running clothing business FTL Inc, which incites antisocial behaviour, from his Mount Gambier prison cell?

*Members interjecting:*

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

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:34):** Let's talk about jumping the gun here. This is quite phenomenal. I know when they were in government—

*Members interjecting:*

**The SPEAKER:** Order, members on my left! The minister will be heard in silence or members will be departing the chamber. The minister has the call.

**The Hon. C.L. WINGARD:** I know when they were in government they governed by press release—

**The SPEAKER:** Please do not provoke the opposition, minister.

**The Hon. C.L. WINGARD:** —and now they are doing it in opposition as well. Press release is the way they go; that's the way they operate. It was unfortunate for the shadow minister for corrections to be caught out on radio this week after making these big allegations that there was an online business operating out of prison. He went on the ABC radio, on ABC north-west, and Sarah Tomlinson actually questioned him and said:

We invited Minister for Correctional Services, Corey Wingard, to join us. He was surprised to learn of the allegations—

that you have made and that he was concerned that if the shadow minister had conclusive information that he hadn't raised it with SAPOL or the Department for Correctional Services. And she said, 'Is that the normal process?' And do you know what the shadow minister said? He said, 'Well, no. I don't have conclusive evidence.' He said, 'That's the job for other people.'

*Members interjecting:*

**The SPEAKER:** The member for Kaurana is on one warning.

**The Hon. C.L. WINGARD:** So he had no conclusive evidence. How dumb is he? Oh, but he was out in the media. He was straight to the TV stations—no conclusive evidence, but straight to the TV stations. It's unbelievable. How dumb is that? No conclusive evidence, but straight to the media. He doesn't go to police. He doesn't go to Corrections: straight to the media.

So how would the 'other people', which would be police or Corrections, be supposed to investigate if he doesn't tell anyone?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** If he doesn't tell anyone, how are they going to investigate?

*Members interjecting:*

**The Hon. C.L. WINGARD:** The interview went on.

**The SPEAKER:** Order! The member for Kaurana is on two warnings.

**The Hon. C.L. WINGARD:** The interview went on, and the shadow minister was asked by the journalist again, 'Are there other concerns you have about the prison system in South Australia at the moment?' And do you know what he said? 'No.' Just this specific concern, raised by—wait for it—a perusal of Facebook, really'. That's where he gets his allegations from: a perusal of Facebook. Oh, that's nice. That's really nice.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** Do you have any other concerns you want to put a media statement out on? You're not going to take them up with SAPOL or Corrections? I don't think so.

**The SPEAKER:** There is a point of order. The minister will be seated for one moment, please. Before I hear the point of order, I call to order, and I warn for a first time, the Premier and the Leader of the Opposition. The member for West Torrens.

**Mr KOUTSANTONIS:** Sir, relevance: the question was what action the minister has taken, not about reading out a transcript.

**The Hon. C.L. WINGARD:** I take the question to the Treasurer—

**The SPEAKER:** I haven't deliberated. Minister, please return to the substance of the question.

**The Hon. C.L. WINGARD:** I will. Thank you very much, Mr Speaker. We know there is no conclusive evidence and the allegations come from a perusal of Facebook.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** Big allegations made by the shadow minister!

*Members interjecting:*

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

**The Hon. C.L. WINGARD:** If I can, Mr Speaker, I will update from the Department for Corrections that:

...despite a thorough investigation taking place, that included listening in on phone conversations, the prisoner being separated and a thorough cell search taking place, there is no evidence whatsoever that any business activity has occurred inside the Mount Gambier prison. Had any such unauthorised—

**Mr KOUTSANTONIS:** Point of order, sir: the minister is quoting from a Correctional Services document. Could he please table it?

**The Hon. J.A.W. GARDNER:** Point of order: this happens every time. The shadow minister is well aware that notes and memos prepared for ministers to provide information for the house are not required to be tabled.

**The SPEAKER:** Minister is that a publicly available document? If so, I ask you to table it.

**The Hon. C.L. WINGARD:** No, sir, they are notes that I have been handed—

**The SPEAKER:** It is not.

**Mr KOUTSANTONIS:** Point of order, sir: the minister said he was quoting a document. He said he was quoting Correctional Services.

**The SPEAKER:** The member will be seated. I believe that the minister is quoting from advice that he has. Now, if that advice is not in the public domain, then he may not be under any obligation to table that, but if it is a document that is in the public domain I will respectfully ask him to table it.

**Mr KOUTSANTONIS:** Point of order, sir: if he is quoting from a document that is government advice, he must table it to the house.

*Members interjecting:*

**The SPEAKER:** The Minister for Education will be seated. Can the minister please confirm what he is quoting from?

**The Hon. C.L. WINGARD:** I am quoting from ministerial advice that was given to me from the department.

*Members interjecting:*

**The Hon. C.L. WINGARD:** Can I also add, Mr Speaker, that it's amazing—

**The SPEAKER:** Order! One moment. That does not need to be tabled. Minister, please continue.

**The Hon. C.L. WINGARD:** Thank you, I will. It is amazing how when you shave your beard, your glass jaw can be exposed. It's phenomenal. A prisoner in a correctional institution is not entitled to perform either remunerated or unremunerated work of any kind, whether for the benefit—

*Members interjecting:*

**The Hon. C.L. WINGARD:** —of the prisoner or any other person—

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —unless the prisoner has the permission of the chief executive to do so. Prison management was also speaking with the prisoner around the appropriateness of the business in relation to his rehabilitation prospects. What I will say is that these are very serious allegations, that an online business is being run inside a prison. If you have serious allegations like that, take them to SAPOL, take them to Corrections, take them down to the appropriate authority; not a press release.

If you are making serious allegations like that and when you are asked you say, 'I have no conclusive evidence,' it's embarrassing. When you do get your evidence and you say, 'I get it from a perusal of Facebook,' it is incredibly embarrassing. Heaven help us if the shadow minister starts following Donald Trump on Twitter.

**The SPEAKER:** The member for Elizabeth.

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Industry is warned. The member for Elizabeth.

**MOUNT GAMBIER PRISON**

**Mr ODENWALDER (Elizabeth) (15:41):** My question is again to the Minister for Correctional Services. Can the minister now clarify the government's policy on prisoners being able to run businesses which incite antisocial behaviour?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:41):** I did just outline that in my last answer, so I will let the minister go back and read the *Hansard* and check that. That was when the member for West Torrens was interjecting. I make this point, and I stress it very firmly to the shadow minister, that if he has serious allegations of someone running a business inside a prison, an online business, if he has evidence of that, please go to SAPOL and please go to Corrections. Seriously, a press release is not the way—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —to conduct your business.

**Mr Malinauskas:** Here we go. Corey on repeat. Here we go.

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

**The Hon. C.L. WINGARD:** You know what? I have to go on repeat because you don't get it.

**The SPEAKER:** I do get it, minister.

*Members interjecting:*

**The Hon. C.L. WINGARD:** The Leader of the Opposition doesn't listen.

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** It's groundhog day. Everyone on this side has had to repeat it again and again because you don't listen. And it's not that long ago that you were in this chair. You think you would have learnt, but you haven't. So I go back again and say—

**An honourable member:** Again.

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —because you've got to listen. I know it's hard.

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader. The leader is on two warnings.

**The Hon. C.L. WINGARD:** The Leader of the Opposition you would think would have a better understanding—

**The SPEAKER:** Minister, please do not respond to interjections.

**The Hon. C.L. WINGARD:** I am giving a very, very clear answer here, that the shadow minister was exposed not having conclusive evidence, just getting stuff off Facebook. He's the social media guru, and if he does start following Donald Trump or, heaven help us, Kim Kardashian, who knows what allegations he's going to come up with next?

**The SPEAKER:** Before I call the member for Heysen I can advise the house from the *Manual of the Practice, Procedure and Usage of the House of Assembly* guide:

A memorandum made by a Minister, or by anyone else for the use of a Minister, with a view to furnishing information to be communicated to the House, is not treated as a public document whose production can be enforced.

The member for Heysen.

**Mr KOUTSANTONIS:** Point of clarification: so you are saying all ministerial advice quoted in the parliament is not to be tabled?

**The SPEAKER:** Not all ministerial advice, but in that particular case I am taking this ruling.

**Mr KOUTSANTONIS:** Point of order.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr KOUTSANTONIS:** The minister didn't say it was a parliamentary briefing, though. He said it was a ministerial piece of advice.

**The SPEAKER:** Member for West Torrens, I will go over the *Hansard*. That's the way I took it, that's the way I have interpreted it and I have made that ruling. I will now move on to the member for Heysen.

### LOCAL SPORT AND RECREATION

**Mr TEAGUE (Heysen) (15:44):** My question is to the Minister for Recreation, Sport and Racing. Can the minister update the house on the government's commitment to supporting local sport and recreation in the Adelaide Hills, and in particular the provision of funding to improve lighting at Bridgewater oval?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:44):** I thank the member for his question—again, another hardworking member from this side of the house doing all he can to improve facilities in his local community. I know he is a very passionate football follower and very passionate sports fan as well.

Mr Speaker, the Minister for Environment asked me to say that the Adelaide Hills are certainly alive with very good local members, and we have a government that is doing wonderful things for their local communities. The member for Heysen has asked about the Bridgewater Oval. I'm glad to say that \$50,000 has been committed from this government to the Bridgewater Callington Raiders Football Club to upgrade the lighting at the Bridgewater Oval. Upgrading the lights at Bridgewater Oval will enable better training during the week and greater access to the oval, which is great news for the community in the Hills, including president Simon Bryars and sponsorship director Rob Belsole.

This is what we are talking about when we say, 'Good local members doing good things for their local sporting communities and improving the facilities to encourage participation.' But that is not all. The member for Kavel is working closely and hard with this Mount Barker community and its surrounds, and the Minister for Education has secured \$20,000 for the Lobethal Cricket Club. That money will assist with a new storage shed and a lighting upgrade at the Lobethal Oval. If not for a shoulder injury, I know the Minister for Education has a ripping leg break and he could even make a comeback. I'm sure club president, Dave Huxter, and club captain, Mitchell Weeks, will be thanking the member for Morialta for his advocacy on this project.

Over in Flagstaff Hill, the member for Davenport, who has delivered \$500,000 to the Flagstaff Community Centre has done an outstanding job. This funding will go towards new changerooms for men, women and families, coaching facilities and the addition of a function area and meeting room for the Flagstaff Community Centre. It was great to be up there with him, handing over the cheque just a week or two ago, and watching the young kids running around and having a marvellous time.

I would also like to take this opportunity to mention the projects that the member for Waite has championed in his community. The member has fought extremely hard for his electorate, with four projects being delivered. The Unley Football Club are receiving \$100,000 to upgrade Kingswood Oval and the Blackwood Bowling Club have \$90,000 to install a new synthetic green, and we will be catching up with them on the weekend, with the member for Waite as well.

The Coromandel Valley Ramblers Cricket Club have \$80,000 to upgrade facilities at the Hawthorndene Oval, and we are completing the funding needed for stage 2 of the Mitcham council's upgrade of Hewett Reserve. The member for Heysen and all our colleagues in the Adelaide Hills have been fighting hard for their communities and they are already delivering results. Not only is the government committed to providing sporting clubs with improved facilities but we are delivering for all areas of our community.



*Grievance Debate***PELVIC MESH AWARENESS**

**Ms WORTLEY (Torrens) (15:47):** This week I co-hosted, with the member for Frome and the Hon. Dennis Hood MLC, a Pelvic Mesh Awareness morning tea in Parliament House, which was attended by 18 South Australian mesh-injured women determined to be heard and to make a difference. For some of the women, it was not their first visit to a parliament, having previously given evidence to the Senate Community Affairs References Committee inquiry into the number of women in Australia who have had transvaginal mesh implants and related matters. The status of this inquiry is that the report has been tabled, and I understand that there are a number of recommendations requiring a progress report by 29 November this year.

At the mesh awareness morning tea on Wednesday, four women—Kim, Kirsty, Tracey and Yvonne—bravely spoke about their horrific journey since having a pelvic mesh procedure. They did not do so for those present to feel pity for them, although there were tears of sorrow and headshaking, but to aid in creating greater awareness about possible side effects and to highlight the need for remedial action and support for all mesh-injured women.

'Mesh stole my life. Mesh stole my children's happiness. Mesh stole my mind and my body.' These are just some of the words used by Torrens resident Tracey to describe the impact of pelvic mesh injury following a surgical procedure.

Kim told us that, as a mother of four, career paramedic and registered nurse, the effects of transvaginal mesh caused life-altering effects to her and her family physically, emotionally and financially, impacting on both her personal and professional life. She said:

Mesh has impacted me in many ways. It has robbed me of quality time with my family and friends; it has limited severely my everyday activities that I enjoyed prior to mesh implantation—cycling and walking. Spending quality time with my children and partner has been made almost impossible due to extreme pain...

Yvonne, like the other women present, told us that she was not fully informed prior to a mesh device being implanted and that the experience has negatively altered every aspect of her life, leaving her in excruciating pain. She said:

Going into surgery I was fit and active—a much needed wife, mother and grandmother and full of hope. Due to adverse surgical injuries, I awoke bewildered and broken... A bladder perforation left me unable to void and catheter-dependent. I developed a foreign body reaction to mesh. I felt I was dying a slow and agonising death which at times I would have welcomed.

Mesh stole my dignity, ability, self-esteem, confidence and independence—mesh shattered my hopes and dream and put an end to quality time with my family, but more upsetting, mesh left me unable to lift my granddaughter. I'm saddened when I reflect on life before mesh and life now—gone is the fun, happy, energetic me who loved to dance and socialise. Instead is a traumatised, slow moving, helpless, unsociable and angry me.

Also present at the morning tea was Kirsty, accompanied by her husband. With Kirsty's permission, I will read an extract from a poem she wrote:

The bullet I dodged has returned yet again.  
The time bomb embedded, has fastened its tick,  
the lies haven't changed and the advice is the same.  
The infections aren't thrush or your average UTI,  
the doctor said they were fine, but the tests didn't lie,  
No, the smell isn't normal; it must be your fault!  
Fix your hygiene, really, the biggest insult!  
As the mesh bares the truth and its colour clear blue,  
against my delicate skin and the raw it rubs through.  
That nerve pain that won't go away,  
no matter which way I sit, stand or lie,  
or how much I strengthen my back

fighting against each wretched titanium tack.

The surgeon's gold standard tarnished,  
revealed it's just plated.

The lives of our women, our daughters, our mothers, our lovers,  
undervalued, understated.

No longer the victims, lining the pockets of others.

Silent no more, together we stand.

It's our lives, our bodies, our flesh—say no to mesh.

I have run out of time. They deserve more and I will speak on this in the future.

Time expired.

### MAYO BY-ELECTION

**Mr BASHAM (Finniss) (15:53):** I rise today to speak on the importance of this Saturday, particularly here in South Australia in the seat of Mayo. We have five by-elections federally occurring across the country and one here in South Australia, being in the seat of Mayo. I think it is something that should be seen as a privilege and a great opportunity for the members of Mayo to cast their vote. Certainly, one of the things that makes our country great is that the members of the community get to choose someone to represent them.

I have had much pleasure in the last few weeks working alongside the candidate for Mayo for the Liberal Party, Georgina Downer. I have got to know Georgina more and more over time and have enormous respect for her. She is an amazing woman and an amazing candidate. Her ability to understand issues broad and wide is a credit to her.

Certainly, some of the issues that she has been questioned on are not her natural space, particularly some of the stuff that I have been helping her with in the agricultural space. She certainly does not have a background in that at all, but with some very brief conversations she gets a very quick understanding and grasp of situations. I thank Georgina for her efforts during the campaign to this point and would like to wish her best of luck on Saturday in the election.

I think, come Saturday night, if Georgina Downer is elected, she will make a very effective member for the community. She is someone who can make it to the executive level of government and sit in cabinet and help make decisions for this country. I believe one day she could even go further and lead the cabinet. I really think she has the potential to one day be the Prime Minister of this country—she is certainly that good.

The sad thing about this is why we are actually going to this election and that is because of the citizenship issue where some members of the federal parliament who were elected at the last election did not do what was required to make sure that their citizenship was in order. Unfortunately, Georgina's major opponent in this race, Rebekha Sharkie, had not done so and failed to make sure that her citizenship was in order. This has caused a very great expense to the community to put this election on. It is costing the taxpayers hundreds of thousands of dollars to run this election. I think people need to be aware of that.

I also think it is great that we have seen fully costed commitments by the Liberal Coalition Turnbull government in the electorate. These are commitments that are locked in, guaranteed to be delivered to the electorate. They are not election promises. The government is in power and it can deliver and will deliver. One of the things that I was really pleased to be part of during this campaign was the commitment to the steamranger tourism railway. That is a great community volunteer-run organisation. They do a fantastic job in keeping the trains running between Mount Barker and Victor Harbor and make a lot of people happy, keeping steam trains going.

There are different trains that are still in need of repair to get them back up and functioning. The engine 520 certainly needs a lot of repair and they are looking to do what they can to get up and running but require lots of funds to do so. The \$200,000 that has been committed here will hopefully go a long way to actually getting the track repaired in a few locations to make sure that it keeps running. In contrast, the commitments made by Rebekha Sharkie total more than \$700 million, with

no guarantee of any of them being delivered, and she is actually using her claim to hold the balance of power to try to do this. She does not hold the balance of power and she cannot deliver.

#### **TREDREA, MR J.**

**The Hon. A. PICCOLO (Light) (15:58):** Today, I would like to talk about one of our veterans who passed away last Tuesday 17 July and is survived by his daughter, Lynette, and her family. I am, of course, speaking about one of South Australia's most decorated veterans, Jack Tredrea, who leaves an extraordinary legacy.

A member of the secret Australian military unit known as Z Special Unit, Jack and his comrades were the pioneers of what we know today as the Special Air Services (SAS). Based in Darwin, the Z Unit conducted more than 80 operations into enemy territory during World War II, but they were sworn to secrecy and their bravery was finally recognised in 2016 by the Australian War Memorial. South Australia's Jack Tredrea was given the honour of unveiling a plaque at the memorial when he was 96. His memories of the war remained very clear. On the occasion of the unveiling, he told ABC television how he was deployed as part of the stealth operation Semut in Malaysian Borneo, parachuting into the jungle with weapons and cyanide pills. He said:

We didn't know whether the Japanese had arrived up in the highlands, we were just jumping in blind.

He goes on to say:

But luckily they hadn't got into the highlands and we were welcomed that day by the villagers.

Semut consisted of Semut 1, 2, 3 and 4, and each one had eight personnel...at the end of the war, we [had made] over 2,900 kills and taken over 300 prisoners.

He said that the memorial plaque and the public recognition meant a lot to him and other surviving veterans and their families. He goes on to say:

For all these years no-one knew anything about Z which I think was a great pity because even the SAS today tell us that they are still working on what we started.

Senior historian at the memorial, Dr Karl James, told the memorial's online tribute to Z Unit that its members conducted some of the most courageous and extraordinary acts of World War II. He said:

The members of Z Special Unit are amongst the bravest of the brave. It is only given the passage of time say from the 1980s onwards, the wartime records relating to Z Special Unit have been cleared and opened, that we are now able to talk about some of these pretty remarkable exploits.

What we now know about Z Force is that as well as working behind the enemy to frustrate and delay the Japanese advance, they also had a very personal mission to find 2,500 Australians. These were the men who had been captured at the Battle of Singapore in February 1942 and were marched to prisoner of war camps in Sandakan, North Borneo. The Sandakan Death Marches were the single worst atrocity suffered by Australian servicemen during the Second World War. Jack Tredrea and his Z Unit were tasked with trying to find out what had happened to these Australians. History shows, however, that very few survived.

Throughout Jack's later life, he mentored many young Australian service personnel. He remained a legend in life and now in eternity. May he rest in peace. Lest we forget.

#### **GLENELG ROTARY CLUB**

**Mr PATTERSON (Morphett) (16:01):** Recently, I attended the Glenelg Rotary Club's changeover dinner at one of the fantastic clubs in Morphett, the Glenelg Golf Club. The night was an opportunity for the now past president, Sarah Walsh, to reflect on the many achievements and successes of the Glenelg Rotary Club over the last 12 months. Sarah outlined how she was guided in her year as president by basing the club's goals on Rotary's three strategic priorities: to support and strengthen the club, service above self and enhance their public image by being recognised in the community. She certainly did that.

Starting last July, the club supported the Foodbank food drive, with club members volunteering a total of 45 hours and encouraging the public to donate food to redistribute to welfare agencies and charities. In total, they raised over \$1,700. The club also has an international focus,

and Sarah, alongside Peter Heysen and Bill Walsh, wanted to have the club support some projects where the club could be actively involved as well as raise funds.

One of these projects that the club was involved in was called the Hands On Project. In September, the club assembled 10 artificial hands in the Bayside Shopping Village in Glenelg over three days. This gave the club an opportunity to actively engage the general public. On one of the days, I got involved in assembling one of the hands. It certainly was a rewarding experience knowing that the prosthetic hand that I was assembling would help children who had been victims of landmines in Cambodia, Laos and Sri Lanka. Each one of those packs cost \$500 and Glenelg Rotary raised enough funds for a box of 10 hands. Volunteers then fly over each year to fit these prosthetic hands.

In April, Sarah also participated in The Shoe That Grows campaign, which is based on a shoe design that expands over five years so that as a child grows, so can the shoe. Living without shoes can lead to disease that comes directly from the ground into the feet. The club was able to raise enough money to send 50 pairs of these shoes over to a school in Kenya.

There is no doubt that a highlight for the Glenelg Rotary Club has become the Cold Plunge, which is held in August at the beautiful Glenelg Beach. Let me say that although it certainly still looks beautiful in August, the water temperature itself is very icy. The morning itself is a great spectacle, with over 100 people entering the water to raise money for a good cause.

Amongst those many brave swimmers last year were myself, the now member for Colton and also the federal education minister, Simon Birmingham. The member for Colton certainly wasted no time in going underwater, although when he surfaced you may say that you could hear a squeal coming from him. I think I managed to stay underwater just a little bit longer than him, but the best person to judge that may well be the member for Black, who was also present on the day, although he certainly had a good viewing point from the comfort of the beach, sipping on a coffee and wearing a jumper.

The Cold Plunge itself raised over \$16,000. This enabled the club to contribute significant amounts to the wonderful Mary's Kitchen, which is run every Tuesday night to help feed the homeless at St Andrew's church on Jetty Road, Glenelg. The club also held a barbecue fundraiser once a month at the Glenelg Coles. Wayne Sachs and the many club volunteers would be there rain or shine. This and similar fundraising efforts allow the club to donate to many worthwhile groups, including donating a defibrillator to the Glenelg Community Centre.

The club is also involved in many worthwhile youth projects. David Binks initiated a five-day youth sailing experience, where they sponsored a student, Alicia Magill, to sail on the *One and All*, leaving Port Adelaide on a five-day trip to Port Lincoln. David is a past president and, at the changeover dinner, not only received an award for 50 years of service but also accepted the best new generation project on behalf of the club for the successful Rotary sailing experience. Congratulations to Sarah Walsh and the entire Glenelg Rotary club on an enjoyable year. I wish incoming president, Rosie Erasmus, a successful year, and I look forward to the upcoming Cold Plunge in a couple of weeks on Sunday 5 August.

## LIQUOR INDUSTRY

**Mr BIGNELL (Mawson) (16:06):** I rise today to talk about one of my favourite subjects: booze. I want to congratulate the Kangaroo Island Spirits team, led by Jon and Sarah Lark, who last night in London picked up a gold medal at the International Wine and Spirit Competition. It is the first time ever that a South Australian gin distillery has won a gold medal in that very prestigious international competition. Of course, in the electorate of Mawson we are blessed with so many producers of quality booze. I say that because we used to be known as the wine state, but increasingly we are becoming known as the state that produces amazing spirits, ciders, beers and other wonderful drinks.

In the McLaren Vale area, we have 150 wineries, including more than 80 cellar doors. We are really seeing some huge increases in the number of visitors coming to McLaren Vale, largely off the back of the development of the Cube at d'Arenberg. I was there for lunch last weekend, and it is an amazing place. They say that they have been so busy during the school holidays with kids wanting to come through what is a little bit like Willy Wonka's chocolate factory. It is an amazing place. You

really have to experience it to believe what they have done there, thanks very much to d'Arry and Chester Osborn and their vision.

It is also something that we as a government put \$2 million into for a \$15 million build, so the Osborn family stumped up \$13 million. We keep hearing from the new government that they are going to do away with those grants because they do not want to pick winners. Well, what is left for you to pick? Losers? Everyone is a winner in McLaren Vale because of the development of the d'Arenberg Cube. All the wineries and the restaurants that I talk to say that their visitor numbers are up because of these developments.

We have also seen cellar doors right throughout South Australia receive \$25,000 grants, which has really helped them to invest, go to the banks and get some money, so that they can have some of the best cellar doors and experiences anywhere in the world. The minister for agriculture spoke earlier about the fact that South Australia and Adelaide is a member of the Great Wine Capitals. When we did the deal, we did not just do the deal for Adelaide the city and one of our 18 wine regions: we put all 18 wine regions in.

I was up in the Hills a couple of weeks ago. I went to Deviation Road and caught up with Kate and Hamish. They received one of the cellar-door grants from us, but they put a whole lot of their own money in to do a fantastic extension to their cellar door. I tell everyone to make sure you get up there and check out what they have done.

The Adelaide Hills is doing very well in terms of what they are offering visitors from around South Australia but also from around the world. Brendan and Laura from Unico Zelo have done an amazing job, with not just the wines they produce but the spirits as well. They do a fantastic coffee cello. If you ever have time to make yourself an espresso martini, you get a bit of this and just whack it on the ice on a cold night at home and it does not do a bad job.

But if you like an espresso martini, I can make an entire one using Kangaroo Island produce. You use the Kangaroo Island Spirits vodka, you replace the Kahlúa with a mixture of the fig syrup that you can get from Kangaroo Island, and then you add two-thirds nocino which is produced by Kangaroo Island Spirits, and that is made from soaking green walnuts for months in spirits. It is a great thing. It is two-thirds nocino, one-third fig syrup, and then you put the coffee roasted by Kangaroo Island Coffee Roasters in there as well and a lot of ice and you shake it. I find that a cocktail mixer just does not do it for me. I use a thermos, then you can serve all your mates at the same time and you are not there all night. Just a few handy tips from the former minister for food and grog.

Also, when we look at the breweries around our area, we are looking forward to Swell Brewing opening up in McLaren Vale. Dan Wright and his wife, Corrina, who is an exceptional winemaker for Oliver's Taranga, are building an amazing new brewery and cellar door. I guess it is a cellar door or a beer door, whatever they call their brewery. We also have Jeff and Mary Goodieson. We have Smiling Samoyed down at Myponga. Forktree Brewing has just opened up at Carrickalinga. Of course, we have Vale Ale which is doing a great job.

We also have the Shifty Lizard boys. They are some hipsters who have moved into our area in the main street of Willunga. We used to do a five-pub crawl in Willunga. There are only three pubs. Everyone asks, 'How do you get five?' Well, you do three on the way up and two on the way back. Now they have put a taphouse in the middle, so we probably would get seven, which is fantastic. It is a great little taphouse, the Shifty Lizard. Please, if you want a good drink, come down to McLaren Vale and enjoy all the stuff we have there, or head over to Kangaroo Island where we have award-winning spirits, beer and wine.

#### *Parliamentary Procedure*

### **TABLING OF DOCUMENTS**

**The SPEAKER (16:11):** Before I call the member for Florey, I can advise the house that in respect of the point of order raised by the member for West Torrens today concerning the tabling of documents, I have had the opportunity to speak to the Minister for Police and also to sight the document referred to. In my opinion, the true nature of that document is that it is a briefing note, one

prepared for the use of the minister with the view to furnishing information to be communicated to the house and, therefore, is not required to be tabled. The member for Florey.

*Grievance Debate*

**JONES, DR H.**

**Ms BEDFORD (Florey) (16:12):** It is with sadness that I note the passing on 6 July of Dr Helen Jones AM, scholar, historian and biographer, at the age of 92. I learnt of her death at a time when she has been much in my mind because of her important body of work and our shared interest in suffrage and history.

Helen was the beloved elder daughter of the late Arthur and Myrtle Cashmore and the loved sibling of her brother and four sisters, among them our former parliamentary colleague Jennifer Cashmore. Though I met with Helen only once, I have always been aware of the immense contribution she made in uncovering and expanding our knowledge of women in South Australian history. I would, therefore, like to take the time to briefly put on record some of her achievements.

Helen was born on 5 September 1926 in Adelaide to a large family. She attained her bachelor's degree, master's degree and PhD from the University of Adelaide. She pursued her keen interest in history, particularly South Australian history, at each point of her studies. At different times in her career, she lectured at both the University of Adelaide and the University of South Australia on topics related to history and education. All the while she raised a family of her own after marrying Dr Geoffrey Jones in 1949.

Helen is remembered throughout historical circles for her important research on the hardworking women of South Australia. In 1975, Helen was the first woman to join the South Australian working party of the *Australian Dictionary of Biography*, run then as it is now out of the Australian National University in Canberra. The lives of those she documented would be familiar to many of us. Mary Colton, Mary Lee and Lilian de Lissa headline the 31 entries she authored over the years, mostly about prominent educationalists and political activists.

Helen's book-length publications also warrant mention and acknowledgement. Her 1985 book *Nothing Seemed Impossible: Women's Education and Social Change in South Australia 1875-1915* was, among other things, a timely contribution to the understanding of the history of education in South Australia. However, it was her second book published the following year, the seminal *In Her Own Name*, issued first in 1986 and subsequently updated in 1994, that was her most well-known work. Now out of print, I have purchased and given away as many copies as I can find to friends here in South Australia, throughout Australia and now overseas through my association with The Muriel Matters Society.

This wonderful book explored in great detail, with lots of marvellous illustrations and anecdotes, the early life of the colony and the role of women in the history of South Australia in the 19<sup>th</sup> and 20<sup>th</sup> centuries, with a particular focus on their role in politics. My copy is always with me, or in my bag. Not only did it become the standard reference work for women's history in the state, and it remains so, but it also gave a strong factual basis for the centenary of women's suffrage celebrated in South Australia in 1994, a year with so many important activities, among them the creation of the tapestries that hang here in this house and act as a constant reminder of the wonderful women—supported by some men—whose determination and work made all things possible for women in South Australia and continue to be a constant inspiration for us here in this place.

Helen's achievements in the history sector were recognised with an Order of Australia in 1995. As South Australia approaches the 125<sup>th</sup> anniversary of women's suffrage next year, the passing of Dr Helen Jones is a sad but pressing reminder of the importance of remembering in the appropriate manner the contribution of women to this great state. The world first achievement of dual suffrage—the right to vote and the right to stand for election—is something that we must remember proudly and promote as we struggle today to advance the concept of the value of the vote and the importance of democracy.

Women knew the vote was the most important way to influence their situation in life, the life of their families and society within the wider community. Helen's work will be used in 2019, as it was in 1994, to underline the proud fact that South Australia was the first jurisdiction in the world to allow

women dual suffrage rights—something they were encouraged to pursue after New Zealand women gained the right to vote in 1893.

As Helen knew, the history of suffrage in this state is worth celebrating so that women both old and young can look to our past as something that might inspire them to political action in the future. Helen's contribution to researching and writing about South Australian history, particularly the role that women performed in the educational and political life of this state, remains unchallenged. It is one of my dearest wishes that next year we will see her work celebrated and perhaps enhanced by way of an addendum of additional information.

I am told Helen's son, Philip, advised friends that she retained her gentle spirit and optimism about life right until the end. Her funeral was on 19 July, and our sincere condolences go to her family, her friends and many colleagues, admirers and acquaintances. Helen Jones and her work will always be remembered.

#### *Resolutions*

### **INDEPENDENT COMMISSIONER AGAINST CORRUPTION (INVESTIGATION POWERS) AMENDMENT BILL**

The Legislative Council passed the following resolution to which it desires the concurrence of the House of Assembly:

That it be an instruction to the Crime and Public Integrity Policy Committee to report on its inquiry into the Independent Commission Against Corruption (Investigation Powers) Amendment Bill no later than Tuesday 4 September 2018.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:17):** I move:

That this house concurs with the resolution of the Legislative Council contained in message No. 21, that it be an instruction to the Crime and Public Integrity Policy Committee to report on its inquiry into the Independent Commission Against Corruption (Investigation Powers) Amendment Bill no later than Tuesday 4 September 2018.

Whilst it is disappointing that the progress of the relevant bill has not advanced through the Legislative Council to provide for open ICAC hearings, we note that this instruction will require the committee to report before parliament resumes after the winter break, which will give us an opportunity to progress this matter.

We may lose five, six or eight weeks in advancing this matter. Whilst our position has been on the table for about four years, we are disappointed that this matter has not been advanced. We move this concurrence motion in the hope that it might be quickly advanced and not have any fate of loss.

Motion carried.

#### *Bills*

### **FARM DEBT MEDIATION BILL**

#### *Final Stages*

The Legislative Council agreed to the bill without any amendment.

#### *Ministerial Statement*

### **RETURN TO WORK ACT REVIEW**

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:19):** I table a copy of a ministerial statement relating to the independent review of the Return to Work Act 2014 made earlier today in another place by my colleague the Treasurer.

#### *Bills*

### **CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL**

#### *Committee Stage*

In committee (resumed on motion).

Clause 1.

**Mr ODENWALDER:** Attorney, I note in the conclusion of the second reading debate you noted some consultation with SAPOL. Is this new consultation? You are not basing it on advice the previous government received?

**The Hon. V.A. CHAPMAN:** No, the consultation I referred to related to the amendment that we moved to delete the search powers. That was the consultation I specifically referred to. I think I also mentioned in the final contribution I made that, since we have been in government, to the best of my knowledge I have not had any people from SAPOL knocking on our door to advance that issue, which of course is not the subject of this bill. I was hoping to at least outline, given your question in your contribution, what the current government's attitude may be in relation to that part of last year's bill that died, so to speak.

In relation to this one, my recollection is that in relation to these amendments—because there was only one tiny amendment to it—upon the new government being sworn in, presentations have been made to us in relation to some outstanding matters that either had lapsed in the parliament or had not received some support. I had another one today where the former government had put up a bill, we had amended it but it did not go anywhere and it was left in deadlock: 'What you want to do with it?' That is the type of list of things that came to us as a new government.

We considered, on this matter, that it was still an outstanding issue. It had been agreed before and therefore we should exercise it. My recollection is that when things of this nature occur, there is some internal consultation, which I assume would include SAPOL.

**Mr ODENWALDER:** So there has been new consultation between your office and SAPOL this year around this bill.

**The Hon. V.A. CHAPMAN:** Yes.

**Mr ODENWALDER:** What other consultation was there with other agencies?

**The Hon. V.A. CHAPMAN:** I will just check that, because I know that it was internal. It was with the DPP, the Crown Solicitor's Office and SAPOL.

**The CHAIR:** This is your fourth question on clause 1, which I will allow.

**Mr ODENWALDER:** I am new on this side.

**The SPEAKER:** We are all new, apart from the Attorney, an experienced hand.

**Mr ODENWALDER:** One more question on this clause and it is a simple question: will you furnish the opposition or the house with copies of these submissions? Will they be made public?

**The Hon. V.A. CHAPMAN:** To the best of my knowledge, they did not put submissions, but I will check that. It is just internal legal advice between those agencies. We might just check between the houses as to whether anything in writing came from SAPOL, but I do not believe so.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

**Mr ODENWALDER:** I may have missed some of the debate on this bill, so I apologise to the Attorney and I apologise to the house if some of these things have been covered in the debate. I need to go over some of them. I know you made mention of this in your last contribution but could you clarify what constitutes not being in the financial interests of the Crown? You said things that are of a meaningless value and that sort of thing. Could you clarify what constitutes not being in the financial interests of the Crown and will there be regulations around this and specific things excluded, or will it be on a case-by-case basis?

**The Hon. V.A. CHAPMAN:** My understanding is that no regulations are going to be proposed in relation to this. The process will be on application of the DPP, ultimately to the court, to identify the property that they want to take into possession and dispose of. When something is contrary to the financial interests of the Crown, that means it would not be likely to recover sufficient



moneys to outweigh the cost of storage, sale, etc. When something is of minimal value, or it might be very difficult to sell or to find a buyer, that would be the classic situation of not being in the interests of the Crown.

In the consultation I have had on this matter, the issue of motor vehicles has frequently been raised. As the member might appreciate, being the shadow minister, when we deal with hoon driving, for example, this is quite often another dilemma where someone might be taken into custody, in the offence scenario, and that vehicle sent off to be crushed and the cost of crushing is more than the value of the vehicle. Then, of course, there is an issue of whether there is any chattel liability over it; that is, there is some debt and there is some security over the item.

The other provision is when it is not in the public interest for the property to be forfeited. I cannot immediately imagine an example of that, but I will inquire. One has just sprung to mind where public interest may be considered, namely, that there would be sufficient asset base to take from other assets and, therefore, it may not need to apply. For example, where there is a jointly owned property—for example, a home—and the wife and children are left. She offers to purchase the offender's interest in the property. That circumstance may well be a situation where they say, 'No, we are not going to force the sale of this property. We will accept the money,' and obviously that can go towards confiscation.

Flexibility is the key here—not to have to take assets they do not want, that are not going to be worth anything—then, subsequently, in the provisions, to be able to settle on a monetary payment in lieu of that, and, thirdly, to be able to take just the ones that are worth something. Commonly in this area you will find if there is cash or money that is easily garnisheed or removed from a bank account, obviously that is a lot easier than selling some broken down motorcycle.

**Mr ODENWALDER:** I am sorry if I am going over this particular point, but will there be specific regulations or policies that govern the communication with third parties in those instances? The family, or banks, or any third-party ownership?

**The Hon. V.A. CHAPMAN:** The arrangements will be at the discretion of the DPP, who will be making this application, as to what they seek to be made available—or the other way of putting it is what they will be relieved of. Then, if the court is satisfied, they will exclude certain things that they do not have to take, and that will be managed by the DPP. There will not be regulations to deal with it.

Clause passed.

Clause 6.

**Mr ODENWALDER:** A very quick question, Attorney: can you clarify whether this is the same as the provision in the former government's bill?

**The Hon. V.A. CHAPMAN:** Yes, it is.

Clause passed.

Clause 7 passed.

Clause 8.

**Mr ODENWALDER:** Attorney, can you confirm that this is the same as the provision in the former bill?

**The Hon. V.A. CHAPMAN:** Yes, it is.

**Mr ODENWALDER:** Is there a specified period of time that the government will hold seized and forfeited assets before disposing of them and, if so, how long?

**The Hon. V.A. CHAPMAN:** This clause actually relates to costs and exemplary or punitive damages, not the time frame on the act, but we will just find that for you. I am happy to find that answer. This relates to not being able to have punitive or exemplary damages. We are on clause 8—Cost orders. This clause is about not awarding certain cost orders in relation to damages, but in any event, I am happy to get that information for you if I can.

**The CHAIR:** Are you looking for that information now, Attorney?

**The Hon. V.A. CHAPMAN:** No, I'm happy to go on.

**Mr ODENWALDER:** I appreciate your indulgence; I am nearly finished. I have no further questions on clause 8 other than the pending one.

**The CHAIR:** Okay, we will wait for that response.

Clause passed.

Clause 9.

**Mr ODENWALDER:** Again, Attorney, can you just confirm whether this is or is not the same as the provision in the former bill?

**The Hon. V.A. CHAPMAN:** That is exactly the same as what was previously presented, which is just the regulation-making power amendments.

**Mr ODENWALDER:** Attorney, if you are in a position to do so, could you tell the house what regulations are currently being considered?

**The Hon. V.A. CHAPMAN:** None have been drafted. My understanding with these matters is that once the legislation is passed then action will be taken to prepare those. There are some occasions—and I can recall this from the former attorney—advising that draft regulations might have been on the way to being prepared, especially where there is existing legislation. This law currently has regulations but these amendments do not. So whatever amendments are likely to be made to the current regulations under the Criminal Confiscation of Assets Act I expect are those which will be amended. The regulatory regime that sits below this, if required, then will be to those regulations.

Clause passed.

**The Hon. V.A. CHAPMAN:** If I might just assist the committee by reporting that section 74(1)(a), (b) and (c) set out the rules that apply to the time limits. There are some qualifications there, but essentially it is six months.

**Mr ODENWALDER:** In the bill?

**The Hon. V.A. CHAPMAN:** In the act.

Title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:35):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

*Second Reading*

Adjourned debate on second reading.

(Continued from 21 June 2018.)

**Mr TEAGUE (Heysen) (16:35):** I rise to speak in support of the bill. The bill is yet another step in the early days of the Marshall government to go about ensuring that we legislate in a way so as to make steady and practical reform in the interests of those who are charged with the responsibility to implement enforcement measures, whether they be those who serve the Crown, the Office of the Director of Public Prosecutions, our courts or, as is the case of the subject of the Terrorism (Police Powers) (Use of Force) Amendment Bill 2018, those who serve in the South Australian police force.

We take the opportunity, as we should do in this place on a regular basis, to recognise the great, dedicated and sustained work in the interests of our South Australian community that those

who serve in the South Australian police do for all of us in terms of maintaining a strong and healthy community.

The bill fulfils yet another of the Marshall government's election commitments, and that is the commitment to ensure that we provide greater certainty for police in those circumstances in which police are engaged in the use of lethal force. The government is moving, in terms of the reform, the subject of the bill, in order to ensure that a broad suite of measures is in place to ensure that our community is kept safe from the threat of terrorism. In the environment that we face as a community, regrettably the threat of terrorism is one of those modern phenomena.

It is one that, if we as a community are to remain confident that we can go about our business in a normal and confident and orderly way, then we must also think of those who are charged with the responsibility for ensuring that there is an effective response to incidents in the nature of terrorism events in the event—and God forbid—that such events would occur. We know that this is more than just a theoretical construct, and we know, so sadly, that it is more than just a threat that we see by reference to events overseas.

For a long time, we have looked at global security events and we look on from a distance in Australia and we count ourselves fortunate in this country to be away from strife and away from violence and these sorts of events. Sadly, we in Australia are not immune to these sorts of events. We all know very well that in New South Wales in particular in 2014 the events around the siege that took place at the Lindt cafe in Martin Place in Sydney bring very close to home indeed the threat of terrorism and remind us that it is a threat that can reach us very much at home and very locally.

For me, in reflecting on the events surrounding the Lindt cafe siege, I reflect personally on how close these events come to us. Tragically, Katrina Dawson was among those who died. I never had the pleasure to meet Ms Dawson, but I worked with and counted amongst my friends Katrina's brother Sandy. In watching those terrible events unfold, I spent much time in the aftermath reflecting on what a terrible disaster it is to be affected directly by these terrorist events. They are not events that occur somewhere else: they are events that so tragically affect us here in Australia and they affect us locally and, indeed, they affect those who are near and dear to all of us.

We must ensure that we do all we can to ensure that those who are responding to these events have at their disposal the necessary power and the necessary certainty, as the bill provides, to act as is appropriate in response to those events. These amendments are very much informed by the approach that was taken by the New South Wales state coroner's investigation into the Lindt cafe siege and in so doing are informed by real experience.

The Terrorism (Police Powers) (Use of Force) Amendment Bill 2018 will ensure that if police find themselves in this situation, they have a clearly defined right to use lethal force when responding to terrorist incidents in a manner that is most likely to minimise the risk to members of the public. The Commissioner of Police or, as the case may be, the deputy commissioner, if the commissioner is unavailable and the situation is urgent—as we know, in an event such as this it may well conceivably be—is to issue a declaration that an incident constitutes a terrorist act.

A requirement in the bill is that the declaration be made in writing. In urgent situations, the declaration can be made verbally, followed by a written confirmation. The bill therefore anticipates that circumstances may evolve with such urgency that it is necessary to act immediately and provide that confirmatory step subsequently.

Once a declaration is issued, any police officer who uses force, including lethal force, will be protected from criminal liability, unless the relevant police officer acted in contravention of orders issued by the police officer in charge. The chain of command is preserved: the declaration is required by the responsible officer, the form of that declaration is prescribed, and circumstances of urgency are contemplated and dealt with by the process that contemplates a verbal order followed by a written order if the circumstances of urgency are such that that is necessary and warranted.

The bill will further provide for measures to ensure that the identity of officers involved in the use of force in this way are protected and that an individual officer's identity is protected, as may be requested by South Australia Police. I note in this regard that the question of having provision for the

protection of the identity of individual officers is further directly responsive to the circumstances of an incident that occurred recently in this state, at Taillem Bend.

To return to my remarks at the outset, in relation to the nature of the threat that is posed, and that it is indeed a threat that hits home locally, I note that the provisions in this bill are very much responsive to the outcome of the coroner's inquiry in New South Wales and also informed by events that have occurred in this state. It perhaps serves on this occasion to remind ourselves of the circumstances that police face and the context in which police conduct their activities and exercise their judgements prior to the introduction of the provisions of the bill.

Police presently operate in an environment where, in making a decision and exercising lethal force in circumstances justifying the use of force, as was the case in New South Wales, police rely on the defence of self-defence and thereby need to rely on a regime in which their actions are judged against circumstances of a criminal defence, as opposed to a positive regime providing for the use of lethal force in prescribed circumstances.

This bill endeavours to address and redress the situation where there may be reluctance or a sense of uncertainty in the mind of an officer engaged in the sort of terrible circumstances we have seen to ensure that, when deployed, when acting and faced with circumstances in which an imminent decision must be made, there is a prescribed regime in which those decisions can be made, as opposed to the knowledge that in the aftermath the officer will need to think in terms of a relevant defence rather than a series of steps in the chain of command. The bill requires the exercise of force, if it comes to that, in accordance with the chain of command, in accordance with a declaration provided by the commissioner or the relevant officer, at all times exercised in good faith.

To return to where I started, it is hoped that in this country and indeed around the world we never again see circumstances analogous to those we witnessed, and far too many of us in this country experienced directly, during those awful hours as the Lindt cafe siege progressed. It is hoped that we never ever see anything of the like again. To my friend and former colleague Sandy Dawson, to all the Dawson family and to all those others who I do not know personally but who, through our Australian community, are touched directly, this is one of those occasions for me to express my personal heartfelt sadness at their loss and my personal grief in appreciating to some extent the tragedy of the loss of a family member, as happened at the Lindt cafe.

We as legislators can do no more than all we can to ensure that we have adequately equipped police and others who are in responding roles, to thank them for their dedicated service in all of our interest and in legislating as we can in this place to take steps to reform our laws so as to provide them with the greatest certainty with which to discharge their responsibilities. I commend this bill to the house.

**Mr ODENWALDER (Elizabeth) (16:56):** I rise to make a brief contribution to this bill. I declare that I am the lead speaker on this bill. I indicate immediately my support and the support of the opposition for the Terrorism (Police Powers) (Use of Force) Amendment Bill. I think it is important that in these matters, if nothing else, we need to strike as far as possible a bipartisan approach, so this is one of those times where the government has the opposition's full support in this bill so far as it goes.

I listened with great interest to the member for Heysen's contribution. I do not have that connection to the Lindt cafe siege, but I was in Sydney very close to Martin Place very shortly after that and saw the outpouring of emotion there on Martin Place. I saw the flowers and the wreaths and the tributes in Martin Place. I have never seen anything like it before or since in Australia. It drives home how important these matters are and how we need to, as the member for Heysen has said, give our police all the powers they need to deal with situations like this.

Before the last election, I know there was argy-bargy between the parties about what form this legislation should take, but before the last election both parties were supportive of similar legislation. Ours was a little different. The legislation we were pursuing was broader. The policy positions we were taking were broader, but essentially on the matters confined within this bill I think we are pretty unified.

This is an important issue. It is important because it is about providing certainty. It is about providing protection to people who have to make what is an unimaginably difficult decision, and they

have to make these decisions every day, and that is whether or not to take another person's life in order to preserve their own or to preserve an innocent person's life. This is a terrible responsibility to put on someone and it is a responsibility that police officers face every day. They have to face every day situations where they do not know what to expect. They have a matrix of responses to situations and to threats ranging from do nothing to shoot someone in the stomach to stop them from attacking someone and everything in between.

They have to make those decisions every day. Thankfully, mostly they make decisions on the lower end of the scale but occasionally—and the member for Heysen outlined the legal parameters of these things—they have to make decisions on the extreme end of the scale. It is there that they need adequate protection. I understand there are political imperatives, but labelling the legislation 'shoot to kill', perhaps that was a media invention, I am not sure, but it is a little misleading. Police already have the power to kill, if you want to put it in those terms. They have the power to self-defend, as we all do, but they have the authority to preserve other people's lives when they see it at risk.

What we are arguing about is at what point can they make that decision and at what point will they be properly protected when they do make that decision. As I said, they do have a matrix at the moment. When every individual police officer is faced with any situation of a threatening nature, they have to decide at what point they are going to land on that continuum from do nothing to shoot someone and, in the process of shooting them, perhaps killing them or perhaps not. The intention is not to kill them but to stop the threat.

In effect, this legislation broadens the power to stop a threat to themselves or to other people but goes a little further, as the member for Heysen alluded to, than the self-defence provisions. In declared and narrowly defined situations, it includes threats that are not technically immediate but by any reasonable assessment they are imminent. Obviously, the police commissioner or the deputy commissioner, whoever it is, makes an assessment that this indeed may happen and declares it a terrorist attack.

As I said, the intent of the legislation is not to allow police to kill people per se. Importantly, it provides them with two things. It provides them with protection from criminal liability when they are required to use force. Also importantly, it provides them with anonymity in court proceedings and in the media around those court proceedings. These are key to this legislation. The opposition would not support this legislation without those two key components, and I am glad that they are front and centre in that regard.

There are of course police officers and the Police Association, in particular, who would like to see the anonymity provisions broadened out. They point to a case this year where the commissioner had to take something to the courts to overturn a coroner's decision to name STAR Force officers. I am not intimately familiar with the details of the case, but something we should all consider later on is whether police officers involved in terrorist investigations, or other investigations of a very sensitive nature, should be afforded some sort of automatic anonymity, as this bill provides, unless the Supreme Court considers it in the public interest or, indeed, if the officer decides to waive that right.

As I said, these two provisions are key to the opposition's support for this bill. Providing that these provisions are robust enough is something we looked at very closely. In the end, we were satisfied, and that is why we landed on a position where we support this bill. There is of course an argument, that I understand police advice hinted at last year, that these particular provisions should be broadened out to include incidents other than terrorist incidents. What springs to mind immediately are some of the horrific domestic violence sieges we have seen. There was an incident in New South Wales last week where someone took the life of his two children.

Domestic violence situations can end up in awful sieges where it is arguable that a death or serious injury is imminent or likely. There is a pretty good argument that police should be given powers similar to the powers in this bill, although not exactly the same, in order to deal with situations like that, but that is something we will come to. I will talk about that more at the committee stage, but I hope these are things that the Attorney has considered and will continue to consider as time goes

on. Giving police these extra protections is certainly something that we are discussing on our side of politics. We will also be looking more closely at the anonymity provisions.

As I said at the beginning, and as the member for Heysen has outlined, these provisions were based on the New South Wales legislation, which in itself is based on the findings of the New South Wales coroner's inquiry into the Lindt cafe siege. It is worth reading a little bit about the coroner's conclusions in that case without going over the particulars of the case, with which we are all fairly familiar with. The coroner said:

The snipers and the police commanders [in the incident] believed that police did not have lawful authority to shoot Monis because he did not pose an imminent or immediate danger to the hostages. That belief was an unduly restrictive view of their powers. This interpretation of the circumstances failed to have sufficient regard to Monis' possession of a shotgun and suspected IED, his threats, his claimed allegiance to Islamic State, his unwillingness to negotiate, and his continuing to unlawfully deprive the hostages of their liberty.

The coroner goes on:

Nonetheless, I can readily appreciate why individual officers might be inclined to take a cautious approach to interpreting their powers. Their careers and even their own liberty could hinge on the later concurrence by others in the criminal justice system that their resort to deadly force was justified. I make no finding critical of the snipers who concluded they were not lawfully justified in shooting Monis before Tori Johnson was killed.

The coroner goes on to say:

It may be that the special powers available to police responding to terrorist incidents should include a more clearly defined right to use force.

The coroner then goes on to recommend:

...that the Minister for Police consider whether the provisions of the—

New South Wales act—

should be amended to ensure that police officers have sufficient legal protection to respond to terrorist incidents in a manner most likely to minimise the risk to members of the public.

As I said at the outset, this legislation is not about giving police powers to kill people. This is about protecting police officers who make reasonable decisions under very, very difficult circumstances, all within a framework where a situation has been declared of a particular nature by the commissioner or the deputy commissioner. I look forward to exploring this more in the committee stage, and I look forward to exploring in this house provisions where we can further protect the police in terms of criminal liability and also in terms of anonymity in other cases. I commend the bill to the house.

**Mr BASHAM (Finniss) (17:06):** I also rise to support this bill. Terrorist violence is an unfortunate reality in our lives. It comes in many forms, but there are two almost universal features of such incidents: innocent lives are at risk and there is a need for action by police to protect those innocent lives.

During my informative years at school, I certainly remember many times seeing the news and reading the stories from England of the IRA attacks and the horrific violence and death that used to occur many miles from us here in Australia and thinking, 'That could never come here.' Unfortunately, the world has changed, and those sorts of threats have become much more common right across the world, and we have seen significant threats starting to appear here in Australia. Australia is a very peaceful country for the most part, but we are seeing, sadly, these violent terrorist incidents occur.

One of the first such incidents to occur in Australia actually goes back to the time of World War I. It happened on New Year's Day in 1915 in Broken Hill. Three people were killed by foreign nationals firing on a train. Three others were killed and seven wounded, including two children, in the aftermath. The foreign nationals were then killed by what was effectively an unlawful lynch mob. Police and military at the time were inept and slow to respond. One fortunate thing in our society these days is that that is not the case. We have fantastic police and military forces who are well-trained and well equipped to deal with such incidents.

We as lawmakers also need to play our role, ensuring that there are laws sufficient to deal with the terrorist violence. The Terrorism (Police Powers) (Use of Force) Amendment Bill 2018 is a considerable, positive step in this direction. The drafting of this bill has been informed by the findings

from and responses to the New South Wales coroner's investigation into the Lindt cafe siege. Like the member for Lee, I also was in Sydney in the days just after the Lindt cafe siege. Like him, I was very much taken aback by the outpouring of grief, the difficulty in moving around the city and the reluctance of taxidriviers even to go through the city when we were trying to get down to Circular Quay from the airport. It was very confronting and also moving to see so close at hand how that community had been affected and hurt by what had occurred.

The bill will ensure that police officers, when responding to terrorist incidents, have a clear and defined right to use lethal force in a manner most likely to minimise the risk to members of the public. The Commissioner of Police, or the deputy commissioner if the commissioner is unavailable and the situation is urgent, is to issue a declaration that an incident constitutes a terrorist act. The declaration must be made in writing. In urgent situations, the declaration can be made verbally with written confirmation to follow as soon as practicable.

Once a declaration has been issued, police officers who use force, including lethal force, will be protected from criminal liability unless they act in contravention of orders issued by the police officer in charge. As requested by SAPOL, the bill will contain a provision to protect the identities of officers involved in the use of force. This is a direct response to the incident that occurred recently at Taillem Bend. Currently, the police rely on the defence of self-defence when justifying the use of force. This was also the case in New South Wales.

The bill seeks to address the reluctance of police officers to use lethal force and to protect police officers from the risk of criminal liability when they are acting in good faith. To protect us in such incidents, police officers often need to make immediate, decisive decisions and actions. In a moment, a life might be lost forever. Police officers need to be able to make those decisions to protect innocent lives so those innocent lives are not lost. We also need to protect those police officers who take those decisive actions so they do not second-guess themselves when taking the force necessary.

I am very grateful for the work of the South Australian police force in protecting us as a society. They do a great job keeping the community safe and secure. Rarely, but sometimes, actions beyond the norm have to be taken to protect us. In those instances, police officers should be protected. Police officers go to work every day knowing this could be the day they are asked to make that instant decision to protect a life. That must be very challenging for the people who do that job. I admire them for their efforts and their ability to work every day under those circumstances.

I hope with all my heart that this legislation never, ever has to be used. I hope that we never see here the acts we see elsewhere in the world and that are becoming more and more common across the world. Terrorism is a very sad reality in today's world. The effect on our community is enormous.

I reflect back to shortly after the September 11 attack in America when my wife and I were on our honeymoon. I remember having breakfast on the cruise ship out of Los Angeles, and a lady from Washington joined us for breakfast. This was probably around two years after the act of terrorism in New York, but this lady was so scared, she was still unable to fly. She had bused her way to the cruise ship from Washington to Los Angeles, which is a bit like going from Sydney to Perth to board a cruise ship. She would have loved to come to Australia, but she could no longer get here because the length of the cruise she would have to take to get to Australia was well beyond her budget. She could not see how she could ever fly again.

Acts of terrorism have very long-lasting effects on people. It is not just the instant loss of life; it is very much an ongoing effect on our community. I very much support this bill and commend it to the house.

**Mr RAU (Enfield) (17:16):** I will be very brief. I do not want to repeat anything that has already been said. Obviously, I endorse all the remarks of the shadow minister in relation to this matter. I will just raise something for the consideration of the Attorney, and those who advise her, between here and somewhere else. If you look at the legislation that is being put before us presently, the key element of the legislation is the definition of 'a terrorist act', which appears in proposed new section 27A.

If you try to work out what that means, you are referred back to the primary legislation, which in turn refers you back to the Commonwealth Criminal Code, which itself is fairly elaborate; I would describe it as something like a maze. My point is this: in the past five minutes I have not been able to ascertain exactly what it means because the Commonwealth Criminal Code is a riddle inside of an enigma, but let us not go down that path. The point is that there is a jurisdictional uncertainty in this bill, not because the Attorney has deliberately made a mistake, and not because the shadow minister is not interested in solving this problem. It is because I am concerned that this is not clear enough.

The reason I am concerned is that in the event of this thing being triggered, and the police going off and doing a whole bunch of things in good faith, if it goes badly for whatever reason and if it turns out *ex post facto* that there has not been the jurisdictional threshold of a 'terrorist act' met, then whatever protections this is supposed to be offering them vanish. I realise that this is like a one in a million, needle in a haystack-type proposition, but if we are trying to ensure that police are protected in doing the duty they have to do for all of us, it is worth considering the fundamental jurisdictional weakness attached to this and asking ourselves whether or not we can do something to pull that up by its bootstraps.

I emphasise that I am not criticising the legislation the Attorney is bringing forward. I think the shadow minister has made it clear that we are supporting it. However, I just point out that, as far as I can determine, there is an ambiguity at the centre of this. I am damned if I can work out how any police officer, operational or otherwise, is supposed to wrap their head around that in the heat of the moment. If they get it wrong, it is possible—and I am not saying likely, but it is possible—that there could be litigation which is enabled by the gap between what they think they are doing and what this law actually lets them do.

**Mr PEDERICK (Hammond) (17:19):** I rise to support the Terrorism (Police Powers) (Use of Force) Amendment Bill 2018. Very sad terrorism activities have taken place in the world for a very long time. The member for Finnis reflected on the World War I terrorist attack on a train near Broken Hill. I read that story a couple of years ago and it intrigued me that that was a terrorist act on Australian soil where three people lost their lives to international terrorists. We have seen so many acts over time and, obviously, in recent times on the international stage through the acts of ISIS or ISIL that have torn communities apart. Thankfully, they have been basically pretty well destroyed.

This legislation was based mainly around the Lindt cafe siege, which took place in Martin Place on 15 December 2014 and lasted for some 17 hours. People were just going about their business and going into a cafe for a cup of coffee or a cup of tea or perhaps just going to catch up with a friend and have something to eat and then all hell breaks loose. It is just terrifying to think about the situation and what could possibly have been going through those people's minds during that siege.

During that siege a total of 18 hostages were confirmed—eight staff and 10 customers of the cafe. Tragically, we had two deaths—Tori Johnson died after being shot by Monis and Katrina Dawson was killed during the police raid. We have had some comments from the member for Heysen about his relationship with the Dawson family. I apologise if I get the pronunciation of some of these names wrong. Marcia Mikhael, Robin Hope and Louisa Hope were also injured during the siege. Other hostages included: Paolo Vassallo, John O'Brien, Stefan Balafoutis, Elly Chen, Jieun Bae, Harriette Denny, Viswakanth Ankireddy, Joel Herat, Fiona Ma, Jarrod Hoffman, Puspendu Ghosh, Selina Win Pe and Julie Taylor.

I remember the vision from the cafe scene and the people who at different times managed to get out of the cafe and escape into the waiting arms of the police and other emergency services people. But it also was confusing when you could see that, from where Channel 7 were, there was a clear line of sight for what you could call the kill shot. A lot of this debate has come about because there was a clear line of sight, but it is all about whether police have the right to use lethal force. That has been debated long and hard since the siege and, obviously, there was a coronial inquest report.

I must salute those brave police officers who just charged in when the gunshot went off just before the siege ended, because at that time they had no choice but to act because there was obviously a threat to human life. They charged in at risk to their own lives and took control of the situation. For the training that these people have to do in the police force and the decisions they have



to make under pressure, you must absolutely commend them. When there is an incident, it is not always a terrorism incident like this. It can be an incident involving the STAR Force with a domestic situation.

I know there was one on Hindley Street a little while ago now where someone held a child hostage, and I believe it was a STAR Force officer who rolled across the bonnet, shot the perpetrator and saved the child. What would have happened, in my understanding, if that police officer had killed the perpetrator of the hostage situation, is there would have been a coronial inquest and they would have been suspended on full pay. This always hangs in the back of their mind.

I know that there is some reflection, and it was not a terrorism act as such, on what happened at Tailem Bend. It was at Elwomple, just down the road from Tailem Bend, where STAR Force police and other police were involved in a siege and tragically had to use lethal force to end that siege, but they know their rights and responsibilities. Under obviously imminent threat they have to make that hard decision. They are trained to kill. Let's not muck around, they are trained to kill and that is how to end these scenes. They had to make that hard decision to take those shots.

I am going to read an extract taken from the coronial inquest report into the Lindt cafe siege, and it is from the conclusion of the authority to use deadly force. It states:

The snipers and the police commanders believed that police did not have lawful authority to shoot Monis because he did not pose imminent or immediate danger to the hostages. That belief was an unduly restrictive view of their powers. This interpretation of the circumstances failed to have sufficient regard to Monis' possession of a shotgun and suspected [improvised explosive device], his threats, his claimed allegiance to Islamic State, his unwillingness to negotiate, and his continuing to unlawfully deprive hostages of their liberty.

Nonetheless, I can readily appreciate why individual officers might be inclined to take a cautious approach to interpreting their powers. Their careers and even their own liberty could hinge on the later concurrence by others in the criminal justice system that their resort to deadly force was justified. I make no finding critical of the snipers who concluded they were not lawfully justified in shooting Monis before Tori Johnson was killed.

It may be that the special powers available to police responding to terrorist incidents should include a more clearly defined right to use force.

In recommendation 24 of that coronial inquest report was the use of force in terrorist incidents. It states:

I recommend that the Minister for Police consider whether the provisions of the Terrorism (Police Powers) Act 2002 should be amended to ensure that police officers have sufficient legal protection to respond to terrorist incidents in a manner most likely to minimise the risk to members of the public.

We on this side are introducing the Terrorism (Police Powers) (Use of Force) Amendment Bill 2018 because it fulfils another Marshall Liberal government election commitment to provide that greater certainty for police in the use of lethal force. Through our government, we will ensure that a broad suite of measures is in place to keep the community safe from the threat of terrorism. As I indicated, these amendments are well and truly informed by the approach taken in New South Wales in 2017 in response to the New South Wales state coroner's investigation into the Lindt cafe siege.

This bill will ensure that police officers have a clearly defined right to use lethal force when responding to terrorist incidents in a manner most likely to minimise the risk to members of the public. The Commissioner of Police, or the deputy commissioner if the commissioner is unavailable and the situation is urgent, is to issue a declaration that an incident constitutes a terrorist act.

The declaration must be made in writing but, obviously, in these situations there can be an urgent situation where that cannot happen straightaway. In that case, the declaration can be made verbally with written confirmation to follow as soon as practicable. Once a declaration has been issued, police officers who use force, including lethal force, will be protected from criminal liability unless they acted in contravention of orders issued by the police officer in charge. The bill will also contain a provision to protect the identity of officers involved in the use of force, as requested by SAPOL.

Even though it was not a so-called terrorist act but a siege situation, this is a direct response to the incident that occurred recently in my electorate at Elwomple, near Tailem Bend. Currently, police rely on the defence of self-defence when justifying the use of force, as was the case in New

South Wales. What this bill seeks to do is address the reluctance to use lethal force and protect police officers from the risk of criminal liability when they are acting in good faith.

I certainly note the comments by the members for Enfield and Elizabeth and other members on my side of the house in regard to how far you can go with authorising lethal force. With this bill, it is to do with terrorism and police powers. Perhaps this is the start of a process of making sure we have the right balance between community safety and protecting those police officers who do, quite frankly, lay their life on the line. Sadly, some people pay the ultimate price in protecting our community. I certainly salute them.

I think of what happened with Derrick McManus all that time ago on 3 May 1994. Derrick McManus was going around to present a warrant to Tony Grosser and was shot 14 times during a 41-hour siege. He could not be rescued for three hours, but his colleagues bravely went in and got him. Dr Bill Griggs, who is quite a famous retrieval doctor on the medical retrieval team, says:

He is one of the sickest patients I've ever had to treat that has actually survived...I actually don't know how he survived, he's an incredible human being.

The story of Derrick's preparation, survival and eventual triumph is a universal message of what can be achieved through sheer guts, determination, setting achievable goals and a never say die attitude. I had the pleasure of being at a forum in Meningie where Derrick McManus spoke. He is an inspiration who paid a high price.

Apart from the physical price he paid that day, I believe he paid a very high personal price with disruption to his family and his very near-death experience. I know this is not directly related as a terrorist incident, but it just shows the extent of what our forces and brave people like Officer McManus go to to protect our community. It also shows the extent of what his fellow police officers and people in the medical fraternity, like Dr Bill Griggs, did to keep him alive when they could not get to him immediately because they were in Tony Grosser's direct line of fire.

We need to make sure we get the right outcomes. We need to make sure we have the right protections. We need to make sure we have community safety. In this world, we have seen terrible incidents overseas such as in Manchester, the Bataclan in Paris and so many other sites where people are resorting to different weapons of a terrorist nature. People use vehicles on the road, whether it be a car, a small van or a truck.

We see what communities have to do just to protect themselves, using bollards and other devices to stop people using these everyday things for conducting our lives, like vehicles, as weapons with deadly effect. I look forward to the continuation of the debate over time. I know several other members want to continue the debate, and I will certainly be interested in the committee process. I commend the bill.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:37):** I would like to commence by thanking all speakers who have contributed to the debate on the Terrorism (Police Powers) (Use of Force) Amendment Bill 2018. A number of matters were raised by the shadow minister, which I will endeavour to clarify as quickly as possible, but perhaps I will first address the member for Enfield's contribution, for which I thank him. Unfortunately, this issue had not been resolved under the previous government.

The previous minister had taken the view that this was not necessary and that we do not need the provisions in this bill, so I particularly welcome the shadow minister's indication that, under the new shadow ministry in opposition, they have seen the light on this and are supporting the same. There are a number of reasons for this. It is a longstanding Liberal Party commitment to clarify in the statutes the protection of police officers in respect of criminal liability.

We have undertaken that commitment in this legislation and, in addition to that, we have made provision for an extra matter raised by SAPOL, and that was the protection of anonymity of police officers who are involved in a siege situation in a terrorist scenario. Just to be clear, the police already have special provision in respect of sieges. The McManus situation has been outlined and the tragic circumstances of police officer Derrick McManus's injury. Special forces are sent in to try to deal with those circumstances. Members of these special squads are not named in the general press for good reason.

The Commissioner of Police put to us, via submissions by the Police Association and directly, that in a terrorist situation if officers work in a circumstance where there has been a declaration, a special force is sent in to deal with the terrorist situation and they too need to have this protection. It could not be in a situation where their names would be disclosed and therefore may be vulnerable to some repercussions from those who might be party to or sympathetic with the conduct of terrorist activity.

We listened to that, so this is a new initiative we have added into this bill which not only accommodates that which we think is worthy of consideration and important that it be in the statute, other than protection in circumstances where investigative officers have some protection of anonymity in the serious and organised crime arena which again is a circumstance where police officers need to be protected. So, we have these circumstances where outside of the normal rules there needs to be protection and then, individually, circumstances where a police officer may seek to have their anonymity protected.

The most recent I can think of was when the Coroner was investigating a matter in which Mr Clavell was in a siege situation here in the city in which he died. During the siege, I think he had three women allegedly in a siege situation. In any event, his death was investigated by the Coroner and recommendations were made. There was much discussion in the course of the hearing of that matter, and then ultimately in the determination, of whether police officers' names should be suppressed—in other words, kept confidential—to ensure that there was no potential repercussion to them and I suppose quite possibly also their family. Ultimately, that protection was upheld and prior commentary made in the course of that case I think was quashed to ensure the protection of police officers.

We provide for that in a number of circumstances. In this instance, we consider the request of SAPOL to be meritorious. We have recognised that and included it in the bill. The matter, though, which I started to recount and respond to which I interrupted myself on was that of the member for Enfield's contribution. He raised the question of definition of what is a terrorist act, and he quite rightly pointed out that the bill before us identifies the terrorist act declaration to be referenced in clause 3 to refer one to section 27A of the primary act, that is, the Terrorism (Police Powers) Act 2005. When you get there, you then find that you are referred to commonwealth regulation that sets out what a terrorist act declaration is as part of the terrorist act definitions.

I agree. It is really irritating to say the least and sometimes difficult to quickly traverse the transfer from pieces of legislation. Some would say you would go online and look at the electronic version and you would cross-reference to each of the bills as they might be referred to, but the reality is that sometimes it is not clear when you get to the end. I will undertake to provide to the house, and certainly to the opposition, a copy of the commonwealth definition which applies just so that it is absolutely clear for those who are following this debate, or indeed to the police commissioner if he has any confusion about what it actually is defined as.

Although I appreciate the member for Enfield raising this matter, he was the previous Attorney-General who made amendments to the Terrorist (Police Powers) Act 2005. He attended a number of national meetings with attorneys-general from around the country, and for a period that also included police ministers, during which time there were joint meetings over the last few years dealing with terrorist acts. There is no question that everyone's attention to this was heightened after the Lindt cafe siege and the subsequent coronial inquiry and other inquiries that took place subsequent to that event.

I am just a little puzzled that he is a bit confused as to what it might mean. After all those years of his making decisions about bills and making submissions at national meetings, he is a bit confused as to what a terrorist act is. I am not quite sure how his contribution would have been effective at those national meetings. Nevertheless, he has had a lightbulb moment as to what needs to be clarified. I am happy to try to assist him in that regard to ensure that we have some clear understanding of what is being described. Let me explain.

As I am advised, the reason we have reference to the commonwealth regulation in this regard and their definitions is that there has been the development of a number of laws relating to terrorism in detention and criminal sanctions, etc. As much as possible, states have tried to work with the

commonwealth to have some uniformity in relation to definition and application. To do that, we need to agree what is to be a terrorist act so that when states like ours come into our parliament and say, 'We want to be able to provide either powers or protections to our own state police force who are and, we anticipate, continue to be the first responders to these incidents and are likely to be probably the only responders to many of them,' they are the people who are called in.

The police commissioner in South Australia is the one who will be asked to make a terrorist act declaration, so we need to pass legislation that will arm them with that and protect them with the exemption from criminal liability, as we are doing this act. Therefore, we need to have a clear understanding of what that definition is. We can still refer to it. We can make provision for members to know what it is, but the reason we are not putting it in stone in our piece of legislation is because of the general agreement to try to keep consistency around the country. If there is going to be a change in that definition, the logical extension of that is that we would ask the commonwealth to change that. We would then have a consequential application in each of our jurisdictions.

I hope that covers the matter from the point of view of identifying why that is the way it is prescribed. I thank members for their contribution. This is a very difficult matter. It is a serious issue. We have committed to it and we have delivered on it, and I, like other members, hope that we do not have to deal with this in the future. I do not want to be in the situation of putting on the Channel 7 news again as I did when viewing Sydney then 24/7 during the Lindt cafe siege, knowing that my son worked in the Channel 7 building at the time, fearing what on earth was going on and wondering whether he was at work. Had he gone and got a cup of coffee at the Lindt cafe across the road before he went to work?

This touches everybody. Everyone, somewhere, knows someone who is vulnerable in that situation, or, for example, as the member for Heysen has identified, is very good friends with the brother of one of those who was tragically killed. This ripples through the whole community, and even if you did not know somebody directly who was vulnerable in those circumstances it sends a shiver up everyone's spine to think that this may happen again in the future and people we love may be in the firing line. With that, I thank members for their contribution and propose that we move to committee, clause 1, and then I think we have other matters to deal with.

Bill read a second time.

*Committee Stage*

Clause 1.

Progress reported; committee to sit again.

**HEALTH CARE (GOVERNANCE) AMENDMENT BILL**

*Final Stages*

The Legislative Council agreed to amendments Nos 3 and 5 to 10 made by the House of Assembly, disagreed to amendments Nos 1 and 2 for the reason indicated in the following schedule and disagreed to amendment No. 4 but made an alternative amendment in lieu thereof:

*[Schedule of the amendments made by the House of Assembly and disagreed to by the Legislative Council.]*

No. 1. Clause 11, page 6, lines 36 to 38 [clause 11, inserted section 33B(2)(g)]—Delete inserted paragraph (g) and substitute:

- (g) Aboriginal health or other fields that, in the opinion of the Minister, will enable the effective performance of the board's functions.

No. 2. Clause 11, page 7 lines 1 to 2 [clause 11, inserted section 33B(4)]—Delete inserted subsection (4)

No. 4. Clause 14, page 9, line 25 to page 10, line 5 [clause 14, inserted section 102]—Delete inserted section 102 and substitute:

102—Review of Act

- (1) The Minister must, as soon as practicable after 1 July 2022, appoint an independent person to conduct a review of, and prepare a report on—
  - (a) the operation of this Act, including the extent to which—
    - (i) the objects of this Act have been attained; and

- (ii) the principles of this Act have been applied; and
  - (b) any other matters determined by the Minister to be relevant to a review of this Act.
- (2) A person appointed to conduct a review and prepare a report under this section must have expertise in health care administration or health service delivery.
- (3) A review and report by a person appointed under this section must be completed within 6 months of the person's appointment.
- (4) The Minister must, within 12 sitting days after receipt of a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

The following reason for disagreement was adopted:

Because the Legislative Council prefers its original position and other enhancements.

*[Schedule of the alternative amendment made by the Legislative Council in lieu of amendment no. 4 of the House of Assembly.]*

Clause 14, page 9, line 25 to page 10, line 5 [clause 14, inserted section 102]—Delete inserted section 102 and substitute:

102—Review of Act

- (1) The Minister must, on or before 1 July 2021, appoint an independent person to conduct a review of, and prepare a report on—
  - (a) the operation of this Act, including the extent to which—
    - (i) the objects of this Act have been attained; and
    - (ii) the principles of this Act have been applied; and
  - (b) any other matters determined by the Minister to be relevant to a review of this Act.
- (2) A person appointed to conduct a review and prepare a report under this section must have expertise in health care administration or health service delivery.
- (3) A review and report by a person appointed under this section must be completed within 6 months of the person's appointment and that the report be published as soon as practicable.
- (4) The Minister must, within 12 sitting days after receipt of a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

Consideration in committee.

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

That amendments Nos 1 and 2 be not insisted on and amendment No. 4 be not insisted on and the alternative amendment be agreed to.

In essence, sir, and for those watching at home, we thank the Legislative Council for their deliberations, we accept the changes they have made and, as the Minister for Education, on behalf of the government, I thank every member who has made a useful contribution to this debate.

Motion carried.

At 17:55 the house adjourned until Tuesday 31 July 2018 at 11:00.