HOUSE OF ASSEMBLY

Thursday, 2 August 2018

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

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

Motions

TRANSFORMING HEALTH

Adjourned debate on motion of Ms Bedford:

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.

(Continued from 26 July 2018.)

Mr PEDERICK (Hammond) (11:02): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes.....41
Noes 2
Majority 39

AYES

Basham, D.K.B.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brown, M.E.	Chapman, V.A.
Close, S.E.	Cook, N.F.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Gee, J.P.	Habib, C.
Harvey, R.M. (teller)	Hildyard, K.A.	Hughes, E.J.
Knoll, S.K.	Koutsantonis, A.	Luethen, P.
Malinauskas, P.	McBride, N.	Mullighan, S.C.
Murray, S.	Odenwalder, L.K.	Patterson, S.J.R.
Pederick, A.S.	Piccolo, A.	Picton, C.J.
Pisoni, D.G.	Rau, J.R.	Sanderson, R.
Speirs, D.J.	Stinson, J.M.	Teague, J.B.

AYES

Treloar, P.A.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.	Wortley, D.	

NOES

Bedford, F.E. (teller)	Brock, G.G.

Motion thus carried; order of the day postponed.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY 2018-19

Adjourned debate on motion of Mr Duluk:

That the first report of the committee, entitled Emergency Services Levy 2018-19, be noted.

(Continued from 5 July 2018.)

The SPEAKER: Member for Davenport, there are eight minutes remaining, sir.

Mr MURRAY (Davenport) (11:10): Thank you, Mr Speaker. I feel the need to preface my remarks, although I am sure it is not necessary, with something along the lines of, 'Last time we met.' I am talking, of course, to the recommendation from the committee regarding the setting of the emergency services levy. I sought to direct my remarks to a consideration of a similar debate in this place, which took place in November 2014.

What I was deeply interested in, by way of contrast, was that some considerable work had been done by the former member for Goyder Mr Griffiths. The then Liberal opposition, given the imposition that was going to be foisted upon the South Australian community by virtue of the removal of the emergency services remissions, sought to have the motion amended and instead have the words 'referred back to the Economic and Finance Committee for further consideration in light of the 2014-15 state budget'. So, to be very clear, what the Liberal Party sought to do, given the imposition about to be foisted onto South Australian property owners everywhere, was to have the report sent back to the committee.

As part and parcel of that attempt, as I said, the then member for Goyder provided some details as to the level of impost—the level of increase—on a council by council basis. He managed to provide figures for some 57 to 68 councils in question. For the benefit of particularly members opposite, I will flag, quoting from *Hansard*, some of those imposts.

The Charles Sturt council went up by 198 per cent. The City of Mitcham, one of the councils in the seat of Davenport, went up by 144 per cent. The City of Port Adelaide Enfield went up by about $80,000, or 155 per cent. Amongst speakers thus far, we have had the member for Playford. The member for Playford would be delighted, I am sure, to be aware of the fact that there was a 237 per cent increase in the impost on the constituents of the member for Playford.

The Leader of the Opposition was a participant in the debate last time we met. I am not particularly sure which council to refer to, so I will just refer to the Charles Sturt council. But, just in case, and mindful of some of the interjections and/or recommendations by the member for Waite, I provide notice to the house that the increased take from the City of Unley, in the event that the leader is from that area, was 179 per cent. All in all, it is an enormous range of imposts, as one would expect given the measures that were taken.

In closing discussion of what was the case back then, it is opportune to peruse the vote that was then taken. As I said, the then Liberal opposition sought to remove the emergency services levy remission. As a consequence of the impost that would cause to the poor long-suffering South Australian taxpayers, we sought to have that referred back, deferred and reversed, and we so moved.

Referring to page 2955 of *Hansard*, that particular amendment was understandably not surprisingly defeated. I note for the record that the noes included Bettison, Bignell, Close and

Mullighan, who spoke on this matter when we last met. At the very least, I find it interesting that an attempt—

Mr BIGNELL: Point of order: it is unparliamentary to use people's names. The member should be referring to members by their electorate names.

The SPEAKER: I will listen carefully. Please do that, member for Davenport.

Mr BIGNELL: I am also unsure that—

The SPEAKER: Another point of order?

Mr BIGNELL: —that reflected properly that I have spoken on this matter.

Mr MURRAY: What was the point of order?

The SPEAKER: What was the point of order, member for Mawson?

Mr BIGNELL: About the use of the electorate names rather than individuals' names, and I think I heard the member use my name to say that I had spoken on this matter.

Mr MURRAY: No.

Mr BIGNELL: Okay, thank you.

The SPEAKER: I will listen carefully. Please do refer to members by their electorate names.

Mr MURRAY: I reiterate, Mr Speaker, that I am simply quoting from *Hansard*.

The SPEAKER: Okay.

Mr MURRAY: *Hansard* listed the names so, to the extent that I have caused any offence, I am—

Mr Bignell: No, it wasn't offensive.

The SPEAKER: No problem. Let's get on with it. Thank you.

Mr MURRAY: I wish to reassure those opposite that I am very averse to causing any form of offence whatsoever. To the extent that I may have, I do apologise.

Members interjecting:

Mr MURRAY: So much love in the room, indeed. The inevitable result the last time we met is that the Labor government voted to implement those measures. I draw the attention of the house to what to me at least are amusing attempts to deflect the truth of what actually occurred. With reference to the member for Lee, there is a post on his site dated 20 April 2015 that states:

> It is a lie that ESL contributions by households will be used for purposes other than funding our State's emergency services.

The pretty clear implication is that all of that $90-odd million in extra ESL money as a result of removing the remission was obviously injected back into emergency services.

Members on this side may recall that, as part of the election campaign in March of this year, some questions were asked about our policy to reinstate the remission and 'where the money would come from'. Continuing the love in the room theme, I would like to pay some credit to the member for West Torrens, who is quoted in InDaily as giving lie to what I think the truth was, which was the fact that that $90-odd million of course did not go to the emergency services—it went primarily straight into general revenue. Surprise, surprise. To quote the member:

> What we've done is removed remissions from the Emergency Services Levy for everyone except for pensioners [and] transferred those remissions into health—that's the prudent thing to do.

When Labor made the changes it did, the record will show that the Liberal Party sought to offset and ameliorate those, unsuccessfully at the time. The Labor Party sought unsuccessfully to portray those as something other than they were, which is basically a blatant tax grab. The Liberal Party has sought election on a mandate to reinstate the remissions and, as a result, has delivered upon that. I commend the committee for its recommendation in that regard.

Mr TEAGUE (Heysen) (11:19): I rise to note the Economic and Finance Committee's first report and commend it for the very good work it is doing in this 54th parliament. The report documents for the restoration of $90 million per year to households through the restoration of the general remission on the ESL. It makes good on yet another of the Marshall Liberal government's commitments prior to the election to reduce day-to-day costs of living for families and households across the state of South Australia. We are getting on with the job of doing just that.

As a new member of this side of the house, I applaud the Marshall government for getting on with the program of doing just that—reducing day-to-day costs for families and households. That is precisely what this is all about. It is a moment to shine a light on the sorts of choices and priorities that governments need to exercise in making decisions around revenue and the extraction of the costs required for the running of government.

We all know, and we have heard most recently from the member for Davenport, about the sorry history of the removal of the remission by the previous government four years ago. So that there is no doubt at all, the previous government removed the general remission without warning, without going to the electors prior to the election that had been held in that very year, without establishing a program or an argument as to why this was a good thing to do and without seeking an electoral mandate for the extra impost. They went about imposing this substantial additional burden upon households at a moment's notice, immediately in the wake of the election, and they did so by making a choice, by determining where their priorities lay.

As the member for Davenport said just a moment ago, the former government was quite blatant in the way it went about it. Indeed, the former Treasurer admitted that the removal of the general remission was not about providing additional resources to those who provide our emergency response. It was not about funding additional equipment, it was not about making life easier for our volunteers and it was not about increasing the facilities those wonderful people provide in our community. It was not about that at all. It was about propping up the state budget in circumstances where the previous government could not manage its finances.

So what did it do? It said, 'Let's find some low-hanging fruit. Let's go and exercise priorities as we see them.' As the member for Davenport has just referred to, the Treasurer admitted at the time—and he is quoted as saying as much—that 'we [the former government] removed this remission from the ESL, and we transferred the remissions into Health'. So it could not be clearer.

In the time that I have available, I want to really focus all of us in this house, and those who follow this debate on noting this committee's report, on the sort of priority that that decision evidences and the sort of clear difference that the former government had in terms of priorities. The former government decided that if it needed to prop up its budget, it was okay to search for more money from households and families—just to go and dip into their pockets—and to do so without notice and without a mandate and to do so substantially.

I have seen the case made, in apparently sensible terms by those on the other side, for the need for governments to determine their priorities and how there are difficult choices to make. Nothing could better illustrate this than the response of our dedicated volunteers in the wake of that dramatic increase in 2014. We saw the practical result of that for those in our regional and rural areas, including in my electorate of Heysen, and what that meant.

Our volunteers respond to fire emergencies—and sometimes respond as volunteers over many decades—which may have been in their area or far-flung and a long way from their own properties, involving a significant impost on their own time and resources. Those very volunteers were in the focus when it came to extracting more revenue to prop up the former government's incompetent administration of the finances.

It was not surprising that in the wake of that, volunteers in the regions protested. They asked, 'Why should we show up to put out fires on government land? Why should we leave our own properties to burn and instead go and continue our volunteer work when we are being forced to pay, in some cases 1,000 per cent more because of landholders?' In many cases, this was many hundreds and indeed thousands of dollars more. They said, 'Why should we pay that extra money, and be told that we are part of propping up an incompetent government's incapacity to manage its

budget? We are there at the front line of propping up the government's budget and we are also expected to continue our volunteer work.'

To say, as has been said by the other side on the unhappy journey we have taken over the past four years, that there is somehow virtue in having an ESL because it takes the burden off volunteers by having substantial resources dedicated to funding their work and relieving them of the obligation to run chook raffles and so on to fund their services, misses the point. The former government's removal of the general remission forgets that those very volunteers are now having to dip further into their pockets.

I can tell you that plenty of fundraising goes on in the regions to support our volunteer services. We are very fortunate in my local area of Bridgewater to have the Bridgewater op shop, which is the envy of CFS brigades across the state. It provides substantial top-up resources for our local CFS brigade. The op shop has kept my children in bicycles, among many other things, for the past decade. It has been a regular stop-off point on the way home from school over the journey. It acts as a tremendous boost to the fundraising efforts of the local brigade.

To tell local communities that they are the first in line when it comes to propping up the resources because the state cannot fund its budget is an insult. It is a mischaracterisation of what we ought to be about in reinforcing community commitments, and it is a shame on the former government that it elected to make the decision to remove the general remission. I applaud the reintroduction of the general remission and I commend the report to the house.

Mr McBRIDE (MacKillop) (11:29): I rise today to speak in support of the motion to note the first report of the Economic and Finance Committee, a report that focuses on the emergency services levy and funding arrangements for 2018-19. Importantly, the report highlights the step the government is taking to slash emergency services levy bills by $90 million per year. A key feature of the levy arrangements includes the inclusion of concessions that will cut emergency services levy bills by $90 million per year, which will provide much-needed relief to households across the state.

Importantly, the change will not affect the current level of emergency services provided, ensuring that this reduction in cost to households does not incur a reduction in the quality of service to South Australians. This is a dramatic and welcome change for households, compared with the position of the previous government which, for the past four years, stripped an extra $90 million a year from the pockets of South Australian taxpayers. Furthermore, implementing this cut to emergency services levy bills will add strength to other measures being implemented by the Liberal government in seeking to stimulate the economy and drive down the cost of living.

In 2014, soon after the previous election the Weatherill government imposed a massive tax increase on family homes, businesses, farms, churches, community organisations, independent schools and many other groups. The impact of this emergency services levy reached right through the economy and the community. Add to that the increased price of electricity and the general cost of living in South Australia and the result was a population of people who have been struggling to afford simple amenities.

This cut will cover all eligible fixed property, regardless of the type of land use, providing relief to households, businesses, farmers and a wide range of community groups, an action that will benefit all South Australians across the state, including those in rural and regional areas. Regional South Australia will see an incredible benefit from the government's plans. The people in these regions suffered a jaw-dropping increase of 900 per cent on the emergency services levy due to the removal of the primary producers concession by the government of the time.

I touched on this point in my maiden speech and I believe that it should be addressed again today. There was never a response from Treasury to the review on this increase at the time, but the resulting changes to taxation were devastating and skewed in favour of urban areas. Quite frankly, I have been left shaking my head at the audacity of the opposition in their criticism of the concessions that the Liberal government has defined to achieve the $90 million cut for taxpayers, in particular, in light of the stealthy way they removed concessions during their time in government. When the member for Narungga spoke on this issue, he said:

…it is not surprising that it is just another example of a party addicted to higher taxes. It is breathtaking and galling to hear them criticise us for the relief we have provided to South Australian households: $90 million in total, statewide…

The member for Narungga also said:

It is absolutely breathtaking to hear the member for Lee and the member for Ramsay lecture us about not lowering bills enough after they ramped up the bills sneakily after the last election with no forewarning at all to the people of South Australia.

The emergency services levy is put aside exclusively for the Metropolitan Fire Service, the Country Fire Service, the State Emergency Service, Volunteer Marine Rescue SA, South Australian Fire and Emergency Services Commission, Surf Lifesaving SA, South Australia Police Rescue, and the South Australian State Rescue Helicopter Service. The importance of these services to the state and its community is paramount, and the activities of these services and their volunteers within the MacKillop electorate are highly valued.

Recent dangerous bushfires, including the Sherwood fire in January 2018, which resulted in significant livestock losses and the loss of more than 12,000 hectares of farming land and numerous houses, could have been much worse if not for the efforts of the SES and CFS crews and their many volunteers. The horrific conditions under which these services fought that fire and contained it will long be held in the memories of those involved, with the repercussions of the damage caused that day still being felt by landowners and the local community.

The services of local CFS and SES crews were also required to fight fires at Keilira in January this year and in the Bangham and Frances areas in February 2018. The changes to the emergency services levy will mean that the support offered to regional services such as these will be maintained, while households benefit from reduced bills.

The people of the MacKillop electorate also know the value of maintaining the role of the State Rescue Helicopter Service, with the southern extent of its range, prior to refuelling, being at the Keith township on the Dukes Highway. This is a vital service which supports saving lives in the South-East and surrounding regions. In emergency situations, time is critical, and the availability of the rescue helicopter saves lives.

I have already alluded to the value of volunteers to these services. A great many of these emergency services are made up of volunteers, and I note that public hearings related to the emergency services levy highlighted that the CFS has about 13,500 volunteers and the SES around 1,500. Maintaining and improving investment in equipment, support and coordination for these volunteers is something the emergency services levy enables.

Ensuring that there is no loss of funding for the support services through our government's direct investment in the Community Emergency Services Fund, whilst enabling $90 million to be slashed from emergency services levy bills, is a balanced approach that values the emergency services and their volunteers as well as South Australian taxpayers.

I would like to refer back to other speakers, including the member for Lee. They claimed that they spent a great deal of time looking at this tax and making sure that the government lived up to its promises. A comment like that comes because I think they were bewildered: 'Yes, we had so many promises and, yes, we're going to deliver on them.' It was highlighted by the member for Heysen, who asked why this emergency services bill was increased to such an extent in the 2014-15 period. To quote the member for Croydon, it was a result of $80 billion worth of cuts to their government at the time.

The issue is that this $80 billion may have been talked about from Canberra, it may have been a wish list, but it was never put through the due diligence of a budget. It was hypothetical. This is what was so galling about the emergency services levy being increased to such an extent: they based it on the fact that they were going to miss out on these funds, which were only ever talked about and were never actually confirmed to occur. I come back to the member for Lee, when he talked about the way the levy would be reduced and where the levy was going to be felt most.

As the member would know, when the emergency services levy was increased it was not increased evenly over the state of South Australia. Those with the highest rates, the most rates to pay, paid the largest share of the levy. He then said that we were not being responsible to our

community members by lowering it for those who are, let us say, the most vulnerable, that it was never the intention to have an uneven process. It was about unwinding what the state government implemented way back in 2014-15, bringing it back to a more level playing field.

They were also critical in saying that we are not actually giving the $90 million in full, claiming only $70 million is being given back because of CPI and the like. The promises we made way back in our election program were based on the year back then; not only that, even if they were half right, to give them any credibility, and be critical of their so-called $70 million reduction, they do not understand the implications of increasing taxes, the implications across the state, how it actually unwinds our economy and makes it difficult for business to operate here.

I am so proud to be part of a government that wants to respond to the high costs of state government, that wants to respond to a government that had been in government for 16 years prior to our coming to power and that I think had become very complacent, perhaps even lazy in their management. They had become expensive, they had become bureaucratic, they did not have the will. Perhaps they had become tired, perhaps they did not even want to see it. They actually became part of the problem, the reason our state was struggling to prosper compared with many other states in Australia.

Now that we have been in government for four or five months, it is really rewarding to see the tide turn in this state. We see there is optimism, there is confidence, and I am very proud to be part of a government that reduces taxes and helps South Australian ratepayers as much as possible.

Ms HABIB (Elder) (11:39): At the March 2018 state election, we promised South Australians that, if elected, a Marshall Liberal government would cut the emergency services levy bills by $90 million a year. We are now delivering. As with all our promises, we are delivering as promised, when promised. In saying that, this forms a suite of policies and actions that will contribute to lowering costs and not only improving the quality of life for all South Australians but also restoring faith in our government.

The events surrounding the ESL provide one of many examples of why the community would have had such little faith in the former government. Mr Speaker, you only need to cast your mind back to 2014. Soon after that election, the Labor government imposed a massive tax increase on family homes, businesses, farms, churches, community organisations, independent schools and many other groups caught up in its bulging tax net.

The impact of the emergency services levy cascades through the entire economy and community. Without any mandate, because Labor did not tell voters before the election what it was intending to do, the government withdrew a general remission on the levy. As a result, for the past four years, Labor has been taking an extra $90 million a year out of the pockets of South Australian taxpayers.

Fortunately, with the election of the Marshall Liberal government, we are now able to right this wrong and that is exactly what we have done. We reinstated the ESL remission from 1 July this year, about a month ago. This cut in the emergency services levy will cover all eligible fixed properties, regardless of the type of land use, providing relief to households, businesses, farmers and a wide range of community groups.

The savings for the owner of a home valued at approximately $450,000 are estimated to be worth $600 over the first term of a Liberal government—$600. I do not know anyone, of my friends, family, residents in the great seat of Elder, who would not want an additional $600 to spend as they please. Imagine what you can do with $600—holidays, getting ahead in life, paying off credit cards, all sorts of amazing things. Fortunately, with the Marshall Liberal government, that is what households, businesses, farmers and community groups will be able to do, because they will have, over the first term of a Liberal government, $600 worth of savings.

Mr TRELOAR (Flinders) (11:42): I rise today to speak to the first report of the new Economic and Finance Committee, entitled Emergency Services Levy 2018-2019. As many of the contributions from this side have indicated, it has been a significant issue for many of our constituents, so much so that we announced early, going into the recent election, our most significant

election promise, which was to reinstate the remission for the emergency services levy that the previous government removed in 2014 without any consultation.

It dropped like a bomb on many of our constituents. It significantly impacted homes, businesses, community organisations and farms, and it was the farmers in my area who particularly felt aggrieved by the previous government's removal of this remission. As the member for Heysen quite rightly pointed out, many of these landowners and farmers are active CFS and SES volunteers. It felt very much like there was some double-dipping going on.

Not only do these landowners and farmers contribute through the payment charged to their property through the ESL but they also give their time—often, a significant amount of time through any given year—to the emergency services in their district. This aggrieved them so much that a number of CFS brigades in my electorate took the unprecedented step of making a decision not to respond to any fire call-outs that might occur on government land.

The Greenpatch brigade springs to mind, and they certainly led the charge on this, but there were other brigades. I think either Kapinnie or Brimpton Lake and one farther to the north took a very serious position on this. In some ways, it conflicts with what encourages and drives them to become CFS volunteers. I do not know for sure whether that position was tested in the end, but certainly they made it quite clear that they would not be prepared to respond to a call-out to any emergency or fire on government land, and that included national parks.

On Eyre Peninsula, there have been many fires in national parks over the years. I recall responding to one myself. There was a fire in Lincoln National Park many years ago. I jumped on my local brigade and the Edillilie truck. I was an active member for quite some years; I am no longer, but obviously I am still a supporter. We travelled down to Port Lincoln, and my job was to load the fire bombers, amongst other things. It was the early days of firebombing, and they were targeting the fire front in Lincoln National Park. All those extracurricular activities that landowners undergo were at threat because they felt so aggrieved.

As I said, the removal of the remission was a massive impost for people throughout our community, farmers in particular. I do not want to talk about farmers specifically, but I feel that they were caught up in this in a way that others were not for reasons I have already described. ESL payments increased often and by three figures in percentage terms. I heard reports of between 200 and 800 per cent. The previous treasurer was a bit glib in response to some questions by the opposition at the time, the now government. I got the sense that he thought, 'Well, they're pretty well off. They can afford to pay for it anyway.' That is beside the point.

The real issue was that the previous government was dipping into the pockets of all South Australians. As the previous speaker indicated, that was money that could be better spent. Today, we are speaking on the emergency services levy 2018-19 and the report of the new Economic and Finance Committee, ably chaired by the member for Waite, who I am sure is enjoying his task. As a bit of background to the emergency services levy as discussed in this report, the total expenditure on emergency services was projected to be $302 million in 2017-18. Total expenditure is now budgeted to reach slightly more than that, about $900,000 more. The report continues:

> Emergency Services Levy (ESL) rate settings for 2017-18 were set to raise $291.6 million with the balance to be funded from a cash rundown of $8.5 million and $1.9 million in interest earnings and revenue from the sale of certificates showing the ESL status of individual properties.
>
> ESL receipts relating to 2017-18 rate settings are expected to be $1.7 million higher than originally estimated mainly due to higher than expected fixed property ESL revenue.

Ultimately, these levies are set against the value of properties. We all like to see the value of property increase in this state.

> Cash balances in the Community Emergency Services Fund (CESF) are forecast to be $21.9 million at 30 June 2018.

It comes back to expenditure:

> Total expenditure on emergency services is projected to be $318.4 million [this coming financial year]. This excludes the cost of election commitments which increase emergency service expenditure.

Of course, the election commitment mentioned here is the policy that we, the now government, took to the 2018 election to reinstate the ESL remission. It is a significant election commitment that amounts to some $90 million per year, or $360 million over the out-years, the four-year budget period, all of which will be returned to households, businesses and individuals here in South Australia. The report continues:

> The 2018-19 target expenditure of $318.4 million is $15.6 million higher than the 2017-18 estimated outcome…In addition to standard growth in base expenditure, additional funding has been provided for several new measures including improved aerial firefighting capabilities for the Country Fire Service…and the cost of new enterprise bargaining agreements…

I must declare an interest here with regard to my daughter's fiancé—that is a good old-fashioned word, fiancé.

The SPEAKER: Spell it. No, don't, it's okay.

Mr TRELOAR: I was going to have a go. I will check *Hansard* afterwards. I think it has a grave accent on the e; is that right? My daughter's fiancé is an ag pilot and spends a significant portion of the summer period manning the station at Port Lincoln Airport and fire bombers which are on standby for most of the time. Having experienced this firsthand, I know when attending a fire, whether it be on a farm fire unit or on the back of a CFS truck, there is nothing more comforting than to see the fire bombers appear in the sky and drop vast quantities of water very accurately right on top of the fire front.

They cycle through with just minutes between them. It is a very effective, efficient way of managing a grassfire but also scrub fires. We have seen them used to great effect in recent years for the Pinery bushfires and others closer to Adelaide, so I can only be complimentary of the work they do. They are brave young men, I know, because they cannot always see where they are flying.

The Hon. D.C. van Holst Pellekaan: Because he is marrying your daughter and he is going to be your son-in-law.

Mr TRELOAR: That is not the reason, and I am not going to be tempted on that, member for Stuart. Remissions for general property will be introduced in 2018-19, reducing the effective ESL bills paid by property owners, so that is our election commitment coming into play as of 1 July this year. In the minute remaining, I might run through where some of the expenditure goes because constituents are interested in this, particularly those who volunteer for the various services.

Without identifying specific amounts, payments are made to the SA Country Fire Service, SA Metropolitan Fire Service, SA State Emergency Service, Surf Life Saving, Volunteer Marine Rescue organisations, SA Police, Department for Environment and Water, SA Ambulance, state rescue helicopter, the Attorney-General's Department for emergency communications management, shark beach patrol, and there are, of course, a couple of million dollars for any other costs that may come out. I commend the report, I commend the work of the Economic and Finance Committee, and I also congratulate the incoming Liberal government on their election commitment.

Parliament House Matters

CHAMBER PHOTOGRAPHY

The SPEAKER (11:52): Before I call the next speaker, I would like to advise the house of the updated conditions for granting the privilege of still photographing and publishing of proceedings of the House of Assembly effective immediately:

1. Fairness of reporting with reasonable balance between both sides of the house and avoidance of undue concentration on any one member.
2. No photographing within the assembly of any events other than on the floor of the chamber without specific prior approval.
3. The use of telephoto lenses to inspect or take photographs of members' or other persons' documents, computer screens, or other electronic devices is not permitted.
4. Flash or other sources of additional light are not permitted.

5. Journalists and photographers to obey any instruction given by the Speaker or from the Speaker through the Clerk of the House of Assembly, the Serjeant-at-Arms, assembly attendants or police.

6. In the case of an unusual or important event occurring on the floor of the chamber (outside the above guidelines) the Speaker's approval must be obtained to publish photographs of that event.

7. It is a fundamental term of these conditions that any breach of any of them may result in the immediate suspension of the privilege by the Speaker.

Note that committees of the House of Assembly may have conditions for photographing or publishing their proceedings which are at variance with the above. Of course, these conditions are subject to review.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY 2018-19

Debate resumed.

Dr HARVEY (Newland) (11:54): I am very pleased to rise this morning and speak about the noting of the first report of the Economic and Finance Committee, specifically on the emergency services levy. Firstly, while on the topic of emergency services, I would like to take this opportunity to thank all those who work as part of our emergency services across the state in organisations like the Metropolitan Fire Service, South Australia Police, paramedics as part of the SA Ambulance Service, and also a lot of our volunteer organisations like the Country Fire Service, State Emergency Service and many others.

All these services are very important to my electorate. Of course, in Newland we have a metropolitan portion, but we also head up into the Adelaide Hills and include areas like Sampson Flat and Kersbrook, which have been affected by fire in recent years. There are a number of very good CFS brigades in that part of the seat, including of course the Tea Tree Gully brigade and also the Hermitage, Paracombe, Forreston and Kersbrook brigades, which all do a fantastic job and have been tested in recent years.

The Tea Tree Gully SES is also an outstanding local group that performs very well, even at the national level, and often participates in state and national competitions. They have been highly successful at the state level and have almost won a number of times at the national level. In fact, there was a recent national championship in Tasmania, I believe, where on the night they were scored as having won and went away celebrating and being very happy with the result.

At some point—I believe during the flight between Tasmania and Victoria—there had been a re-evaluation of the scores to find that they had actually come second. Their phones went berserk, as they turned them all on after they got off the plane, as they found out they had actually come second. I think they may still have the trophy, though. In any case, even second on the national stage is a fantastic result.

I would like to pay tribute to this outstanding local unit and thank all the volunteers who do so much work to keep our community safe. When so many of us would be doing everything we could to get away from harm, these are the people who go into harm's way. Of course they take all the right precautions but nevertheless take risks to protect our community.

The Economic and Finance Committee does very important work for this parliament, and I would particularly like to commend the Chair, who does a fantastic job, and of course the other members, who all make an important contribution.

Initially, the emergency services levy was introduced specifically to replace an insurance premium levy. This was a broader emergency services levy that was put in place to cover the costs of looking after our emergency services, but built into this original levy was a general remission that was going to shield the vast majority of households and businesses from the full impact of the levy.

However, as many others have made the point, shortly after the 2014 state election the former state Labor government removed this general remission, jacking up the rate by enormous

amounts for households and astronomical amounts for our farmers. I believe it was between 450 per cent and over 1,000 per cent for some farmers, which really is an outrageous breach of trust.

There was absolutely no indication before the 2014 election that this was going to happen, but of course, once back in government, the state Labor government was faced with the reality of the books they had managed and decided that the way to counter their own incompetence was to reach into the pockets of households and businesses, effectively ripping $384 million out of the state economy, with only a paltry $8 million reinvested into emergency services.

This ran counter to the claims that this was all about emergency services, when really it was just about patching up a hole in the revenue, which is quite outrageous and has a devastating impact not only on the cost of living, given that so many families are struggling with cost-of-living issues, but also given the unemployment situation in South Australia over recent years. This only served to make that situation much worse by putting a lot of pressure on local businesses. It is worth noting that in recent times, given the change of government, there has been an enormous surge in confidence by households and businesses. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Parliamentary Procedure

APPROPRIATION BILL 2018

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (12:00): I move:

That on Tuesday 4 September standing orders be so far suspended as to enable—

(a) the Premier to have leave to continue his remarks on the Appropriation Bill immediately after moving 'That this bill be read a second time';

(b) the Treasurer (Hon. R.I. Lucas) to be immediately admitted to the house for the purpose of giving a speech in relation to the Appropriation Bill; and

(c) the second reading contribution on the Appropriation Bill be resumed on motion.

This has happened four times before. I am advised that this is the form of a previous motion that enables this to happen. When the Treasurer is in the upper house, this enables him to come into the House of Assembly to give the budget speech, as is the custom in our state. I advised the manager of opposition business of this the other day, and he has not raised any issues with me. Obviously, I will let him speak for himself if there are any concerns.

All members of this house would see it as right and proper that the budget speech be delivered here and not in that red house. Therefore, to enable that to happen within the standing orders, this motion needs to be moved. The Premier will have carriage after the formal budget speech, and after he has moved the motion, 'That this bill be read a second time,' he will probably want to say a few words. It enables him to do that after the budget speech has been given, and then we are able to progress. That being the understanding, I believe that the opposition is happy for us to proceed on this basis, and I therefore I have so moved.

Motion carried.

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

That a message be sent to the Legislative Council requesting that the Treasurer be permitted to attend at the table of the house on Tuesday 4 September 2018 for the purpose of giving a speech in relation to the Appropriation Bill.

This is obviously immediately consequential upon the motion that has just been carried. The House of Assembly, having agreed to allow the Treasurer to arrive, we would now like to send a message to the Legislative Council letting them know that and requesting that he come and spend some time with us.

Motion carried.

Bills

STATUTES AMENDMENT (DRUG OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 June 2018.)

Mr ODENWALDER (Elizabeth) (12:03): I rise today to speak on the Statutes Amendment (Drug Offences) Bill, such as it stands at present. The bill makes a number of amendments to the Controlled Substances Act 1984, including limiting the number of drug diversions to two in four years, reviewing the penalties in the Controlled Substances Act, generally, and increasing the penalties—

The DEPUTY SPEAKER: Member for Elizabeth, are you the lead speaker?

Mr ODENWALDER: Yes, I am the lead speaker; I so declare.

The SPEAKER: Noted.

Mr ODENWALDER: As I said, the amendments will be increasing the penalties generally for cannabis possession. In the Minister for Education's second reading speech, on behalf of the Attorney, the minister advised that people who are found in possession of drugs must be given the opportunity currently to participate in an accredited drug diversion program (this is under the current regime), that there is no limit to the number of times an offender can participate in these programs and that some offenders use participation in these programs as a way of avoiding more serious punishment.

The bill limits the number of drug diversions a person can participate in to two in four years. It is my understanding—and perhaps the Attorney can take this on notice—that following consultation the government reduced the limit of drug diversions to two in a four-year period from two in a 10-year period, but we will await some clarification about that and perhaps some advice about why that change was made in the Attorney's second reading response and, indeed, what evidence they have that limiting drug diversions in this way will improve outcomes for drug offenders. There have been some suggestions in some quarters that this is not the case, and the Law Society in particular, who I know the Attorney has a lot of respect for, have advised on this matter, so I would be interested to hear the Attorney's views about that.

The department advises that these amendments will see approximately 1,400 fewer people receiving drug diversions. That means, of course, that they will be entering the justice system instead. It is unknown what impact this will have on the corrections system. Will we see an increase in people being incarcerated and for what kinds of offences? Again, I would ask the Attorney to perhaps address that in her second reading response.

Penalties have also been increased for a number of other offences, including trafficking, the manufacture of controlled drugs for sale, the sale and manufacture of controlled precursor, the cultivation of controlled plants for sale, the sale of controlled plants, the sale of equipment, the sale of instructions, the sale of equipment to a child for use in connection with the consumption of controlled drugs, the sale of instructions to a child, the supply or administration of a controlled drug, the manufacture of controlled drugs, the cultivation of controlled plants, the possession or consumption of a controlled drug, etc., the possession or supply of prescribed equipment, the possession or supply of instructions, the possession or supply of a prescribed quantity of controlled precursor, the international manufacture of controlled drug alternatives and promoting controlled drug alternatives.

In general, I indicate that the opposition supports these measures. There will be obviously some questions in the committee stage, and perhaps in the other place as well, but in general we are supportive of that. I come now to the more contentious part of the bill, which of course is the measures relating to cannabis. In the lead-up to the election, the government made quite a deal of the fact that they were intent on winning the war on drugs. I would be interested to know how that war is going. The election commitment was—and I quote here from the manifesto, the plan; what was it the 'strong plan', chief whip?

Mr Brown: Strong action plan.

Mr ODENWALDER: Strong action plan.

Mr Brown: 'A strong plan for real change'.

Mr ODENWALDER: 'A strong plan for real change'. I quote from that document:

A Marshall Liberal Government will firstly ensure the maximum penalties for cannabis possession are increased from the current maximum of—

Members interjecting:

Mr ODENWALDER: We will fix it up.

Mr Boyer: A real plan for strong change.

Mr ODENWALDER: A real plan for strong change. The quote continues:

$500 to $2000, which is in line with maximum penalties for drug possession offences.

So the stated intention was to increase the penalties and to indicate to the public that the government saw cannabis as as serious a drug as some of the other drugs listed in the Controlled Substances Act.

Then, out of the blue, it seemed (I think it was a Monday morning), we read about the 'War on weed' in *The Advertiser* and we read that the government was considering two-year jail penalties for simple cannabis possession. I cannot remember a bigger misstep on the part of a government in relation to these matters than that.

I understand that the Attorney is moving away from that and will lodge some amendments relating to that provision, but it raises the question of what happened in the first place and why gaol time was originally included as a penalty. I think that perhaps someone in the campaign team got a bit excited. I cannot imagine that the Attorney thinks this is a good idea. I just cannot imagine that she thinks it is a good idea. There is a theory that it was her idea and that the public outcry was so bad that she went to cabinet and she was rolled by her cabinet.

The Hon. D.C. van Holst Pellekaan: Rubbish.

Mr ODENWALDER: I agree that is probably rubbish. I have too much respect for the Attorney to believe that version of events. I believe that others thought this was a good idea but that the Attorney probably did not and that the Attorney returned to cabinet after the public outcry and said, 'I told you this was a terrible idea.' Perhaps in fact the Minister for Transport thought this might be a good idea. In any case, we will never know. These are cabinet deliberations; we will never know the truth.

The member for Waite raised my very successful survey; I assume he was referring to my Facebook survey. I took an unscientific poll of the electorate in relation to these matters, and a full 95 per cent of the 7,500 people who responded thought that sending people to gaol for cannabis possession is not a good idea. The ABC ran a similar unscientific poll which had exactly the same result. Interestingly, while these are of course unscientific polls—they are Facebook polls—they reflect exactly the statistics in the National Drug Strategy Household Survey. A full 95 per cent of the people polled across Australia in that survey do not support custodial sentences for cannabis possession.

The Hon. S.K. Knoll: You do know that the majority of the public also support the death penalty, so I'll wait for that private member's bill.

Mr ODENWALDER: I look forward to that. In any case, the Minister for Transport—I know it is unparliamentary to respond to interjections—

The Hon. D.C. van Holst Pellekaan: But it was a good one.

Mr ODENWALDER: Well, it is worthy of a response, because the Attorney was swayed by public opinion. She was swayed by the 95-odd per cent demonstrably opposed to this measure, and I am glad that she was. As I said before, I do not believe it was her idea. I cannot believe she thought

it was a good idea, and I am glad that she has removed it. It saves us from attempting to remove it in the other place.

I understand that SAPOL will retain the discretion to issue expiation notices; however, I have been advised that the amount for which a notice can be issued may also be reviewed at a later date. I will be asking the Attorney some questions about that in the committee stage because I think the expiation system in relation to cannabis is important. We need to keep that in tact as much as possible, or at least be very, very careful about amending it. As I understand it, you can amend it by regulation. I believe you could arguably reduce the expiable amount to zero by regulation without even coming into this house, but again, I will be asking the Attorney about that in the committee stage.

On a final point, I want to flag that during the committee stage I will be asking the Attorney about the impact on both medical marijuana (medical cannabis) and industrial hemp. I think there have been assurances that this legislation will not affect those particular matters. I just want to clarify that, so I just flag that at this stage. With those words, I indicate Labor's general support for these amendments. It is important that we address drugs as a law and order issue and as a health issue. I indicate our general support pending possible amendments.

Mr MURRAY (Davenport) (12:13): I rise to speak in favour of the Statutes Amendment (Drug Offences) Bill 2018. I note the contribution of the member for Elizabeth, and I would like to take the opportunity to very briefly address the points he made. There was some confusion about the plan that the Liberal Party took to the last election—

Mr Odenwalder: The real plan for strong change?

Mr MURRAY: Exactly, so I thought it might be a bit easier to refer to it as the—

Members interjecting:

Mr MURRAY: Or, alternatively, we could refer to it as the 'successful plan'. That is the one we took to the election that we won.

Mr Odenwalder: Well, the plan hasn't been successful yet; you won the election.

Mr MURRAY: From where I am standing, it was very successful. I make the point that part of that success is no doubt attributable to the fact that we listened to people before and during the campaign, and we will continue to listen. It is not just that we took a policy that was hard-wired. We will continue to consider input from other people, from health professionals, and from the law enforcement community.

In rising to speak to the bill, I do so with two loose personal connections to some of the origins of the bill. I have a nephew who personally knew, went to school with and was in fact quite close physically to young Lewis McPherson the night that he was killed, which, as you can imagine, engendered a considerable 'what if' analysis. The perpetrator was also well known to that cohort.

I think it is important to remind the house and to remember that a large number of these changes have come about because of recommendations made by the Coroner, having reviewed the very sad facts of the wholly unnecessary death of that teenager. It was on New Year's Eve that a young life was taken away in very tragic circumstances by someone who was drug addled and who had a track record. That is part of the genesis of this bill. I think the lessons that motivated the Coroner to make his recommendations, which we seek to insert into the bill, are very worthy of consideration moving forward.

In a similar vein, through extended family in the southern suburbs of Adelaide I have a family member who has plied a trade in psychiatry. The very sad facts are that a considerable number of patients who present themselves for psychiatric assistance can attribute a large part of their issues to the consumption of cannabis. I will speak on that more broadly later, but essentially the drug does not act the same way for all people. Where people are predisposed, it can be a particularly sinister drug and, as a result, is worthy of some censure, consideration and control.

The bill has five main parts and limits the drug diversions that are available and increases the maximum penalty for cannabis possession. In so doing, the bill brings the penalties for controlled substances into line with so-called community expectations. The bill also ensures that there are

specific penalties for members of organised crime and organisations involved in crimes involving controlled substances. If organised crime is involved, then the penalties escalate accordingly.

Given the circumstances, the bill enables a court, insofar as sentencing is concerned for a controlled substance related offence, to take into account situations where a child has been present. To be clear, the illegal use, the consumption, etc., of the drugs in question in the presence of a child is something that a court can take into account. For obvious reasons, that effectively amounts to an aggravation of the penalty in question.

We are doing this because many of the penalties for possession, trafficking and manufacturing of drugs have largely remained unchanged since 1984, when the current drug laws were introduced. Over this time the nature of drug crime has changed significantly, and community expectations about punishing drug offenders have also changed. Fundamentally, one of the primary reasons we are doing this is to bring the penalties from 1984, back when some of us had mullets, for example—and yes, I can see a show of hands—into 2018 and make them more current as a result.

Insofar as drug diversions are concerned, people currently found in possession of drugs must be provided with the opportunity to participate in an accredited drug diversion program. The program is not open to people who have tested positive for drugs at a roadside test, and there is no limit on the number of times an offender can participate in a program. As a consequence, some offenders have continually opted to take part as a way of avoiding more serious punishment. That is a standard assessment of where we are. We have 1984-style penalties and some fairly significant holes in the legislation.

A 10-year review of the program revealed that whilst compliance with diversions was high, it tended to decrease as the number of diversions per individual increased. So regarding the point that the member for Elizabeth made earlier about evidence, a 10-year review has indicated that compliance is good unless the number of diversions for an individual climbed when, not surprisingly, the compliance went in the opposite direction. The point needs to be made that drug diversions are an expensive exercise and allow offenders to avoid court proceedings and, therefore, more serious penalties. Again, that is hardly in keeping with community expectations.

With this bill, we are proposing that the number of drug diversions permitted, where a person commits a simple possession offence, is now limited to two in any four-year period. The amendments prevent offenders taking advantage of the system and going through a diversion program again and again, thereby avoiding any criminal penalties for their offending. So the first point in regard to the bill is that it does close that loophole; it does enable the use of diversions in a situation where it is a once-off or even a twice-off event in any four-year period, but it prevents the permanent use of the loophole for those who are minded to take advantage of it.

The bill increases the penalty for simple cannabis possession to $2,000. The push for increased cannabis penalties follows a recommendation, as I said earlier, from the Deputy Coroner, Anthony Schapel's, inquest into the murder of teenager Lewis McPherson on New Year's Eve 2012, who was shot in the chest by a drunk and drugged Liam Humbles. Last year, Mr Schapel recommended:

> The maximum monetary penalty for the offences of possession, smoking and consumption of cannabis, cannabis resin and cannabis oil be increased from $500 to a figure that reflects the deleterious effects that the consumption of those substances can have on the individual, especially the young.

Cannabis is currently the illicit drug most commonly used by secondary school students. It has a maximum penalty of just $500, a penalty which has not increased in 33 years. Further, in practice, fines imposed for cannabis possession under 25 grams are only $150, similar to the penalty for jaywalking and—I am extemporising here—probably roughly a quarter of the average speeding fine.

Insofar as cannabis and its effects are concerned, some of the research, some of the reading, makes the point that up to a quarter of people diagnosed with schizophrenia may also have a cannabis use disorder. Cannabis can cause paranoia, delusions and hallucinations in people who do not already have a mental illness and can also trigger or worsen psychotic symptoms in people living with illnesses like schizophrenia even when the illness is otherwise stable.

Cannabis can trigger a psychotic illness in susceptible people. A very important point is that it has not yet been demonstrated whether cannabis can cause a psychotic illness in someone who is not otherwise susceptible. People who are susceptible are susceptible by virtue of their genetic make-up, their mother's health during pregnancy, complications with their birth, child abuse, some kind of head injury, etc.

People who are susceptible, as a result of a whole variety of conditions, whether they are environmental or genetic, can end up with fairly severe psychotic symptoms as a result of the consumption of cannabis. It is not just dependent upon who the purchaser or consumer is. It is not just a simple matter of a temporary high; it can have very serious side effects. As I said, I have some personal knowledge of the degree to which it contributes to the mental health load, particularly in the southern suburbs, and also, I suspect, in all suburbs, including the north.

In terms of other penalties, the bill makes amendments to several of the penalties for offences contained in part 5 of the Controlled Substances Act. Again, these are a result of a review. The bill adds a new type of offence called 'serious drug offending'. A person becomes a serious drug offender and is therefore liable for higher penalties if they commit two or more part 5 drug offences in 10 years. The offence is on top of, or in addition to, the current lower penalty for simple possession and the higher penalty for aggravated offences.

Insofar as organised crime is concerned, the bill, in increasing fines for serious drug offenders, also requires increases to aggravated offences to ensure consistency. Currently, an offence is an aggravated offence if a person is linked to an organised crime organisation. The bill goes on to add 13 new offences in the aggravated category: sale of equipment to a child for use in connection with consumption of controlled drugs; the manufacture of controlled drugs; the cultivation of controlled plants; possession or supply of prescribed quantities of a controlled precursor; intentional manufacture of controlled drug alternatives; promoting controlled drug alternatives, i.e. synthetic drugs or drugs made with illegal chemicals; and manufacturing, packaging, selling or supply of a substance promoted as a controlled drug.

The intent of the act is not just to tighten up and bring a more contemporary perspective to simple cannabis cultivation and/or possession but, in addition, to aggregate the penalties for those who traffic in the drug, those who seek to profit from its use and, in some circumstances, particularly where there is a predisposition to side effects from the drug, those who profit from its consequent miseries. I commend those measures to the house.

As I described earlier, there is an additional perspective provided by the bill in circumstances where children are present. This is now a determining factor available to the court for consideration when affixing or determining a penalty. This ensures that in the case of an offence against section 33, which includes the manufacturing, cultivation, possession and sale offences, the court must consider whether a child was present at any stage when the offence occurred. Again, what we are seeking to do is break the nexus between children and the drug industry in its particularity. This was a recommendation of the former government's Ice Taskforce and, again, I commend to the house its insertion into the bill.

This bill reflects community sentiment and observes the recommendations made by professionals in the health and law and order spheres. It is specially drafted, aimed at the protection of our young and, on that basis, I commend the bill to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:28): I thank members for their contributions and the member for Elizabeth for his indication, on behalf of the opposition, of the general support to the thrust of this bill, upon noting a foreshadowed amendment, which he welcomes. May I say that, if I were to generally summarise the impetus for the reform in this legislation, it is the recognition that cannabis, amongst all our elicit drugs can no longer, in 2018, be treated as though it is something just a little bit more serious than tobacco.

I am old enough to remember a time when that was the accepted norm. Partaking in cannabis smoking was seen as a socially acceptable recreational activity. Back in those days, if you were a uni student, or at a TAFE college or a teachers' college or whatever, and this was an activity you imbibed in, then it was almost acceptable, so much so that it became quite common in the 1980s for

prime ministers and premiers to be asked, 'Did you ever inhale when you were at school, university or college?'

Mr Odenwalder: That's my first question.

The Hon. V.A. CHAPMAN: I am happy to tell the house that I did not either smoke it or inhale it. It was not something I was interested in. Nevertheless, it was treated in a very different manner. Certainly, a lot of evidence over the last 20 or 30 years has developed to question whether sustained use of this drug has a deleterious effect on the health of the user. It has become increasingly apparent that psychiatrists, and particularly other people in the mental health area, identify this as a precursor to schizophrenia and hallucinations. To summarise, the effect is most commonly to be psychotic, in addition to other behaviour.

Certainly, great concern was raised about the impact on sociably acceptable behaviour when using it or after a period of sustained use. Because this was one of the drugs of choice in the sixties and seventies, it probably took some decades to consider this, test it and identify whether it had a long-term effect. In the 2017 coronial inquest into young Lewis McPherson's fatal shooting, the Coroner had a contemporary assessment of this. Reporting in that coronial inquest, he clearly identified his grave concern about the effect of this drug on the user of the gun in that instance.

He sent out a very clear plea in his recommendations and findings that this matter was serious. The other young man who used the gun was under the influence. It was one of the features of his demeanour in the lead-up to that shooting. It had to be treated seriously. The opposition, as we were at the time, took the view that this was something that could not go unattended. We expressed some disappointment that the previous government had not acted on this—even before the coronial inquiry, it was known that this played a feature in that death—but that was not going to happen.

We then committed to the public in the lead-up to the last election that if we had the honour of office we would pursue this matter and that we would treat cannabis in a manner that is as serious as for other illicit drugs. It is one thing to say that cannabis is not really the drug of choice anymore, that it is not the really big deal and that everyone has moved on to ice. Members need to understand that, sure, drugs of choice change, but that does not mean that everyone has abandoned heroin, other methamphetamines, pills or cannabis. It means that the social movement of illicit drugs has gone into other areas that are usually cheaper, more accessible and more potent for the value for money, able to be manufactured more easily, etc.

I am told by the toxicology division of Forensic Science SA that we now have a situation in Australia where there is new drug being manufactured every week. The reason we have new drugs manufactured by the bad guys is that they want it to be undetectable either at a crime scene or in the bloodstream of the user. Our toxicology experts have to work harder again to examine the new product, identify what is in it and then work out ways of testing its presence in their work, which supports our criminal justice system and our health system.

We came to this on the basis that the McPherson coronial inquiry was a lightning bolt into an understanding of what the real situation is, and we took up that issue. In coming into office, we brought to this legislation a number of areas in relation to penalty increases, which we had committed to, and the establishment of aggravated offences, which was not uncommon for the previous government to do. However, as we identified the more serious aspects of a crime or the aspects that ought to be elevated to a higher penalty—for example, when children were used to commit an offence—then we needed to have an aggravated category, and we have a two-tier system. This is nothing new in the law, but we felt in this area it needed to be added.

If I understand the member for Elizabeth's contribution, he is not averse to that. He understands the significance of what we are trying to do there, right across to the field of manufacturing. Where there was clearly some indication in the consultation process by the Law Society, for whom we do have high regard, and others in the community, that the penalty, specifically at the very lower end—that is, for possession and personal use of cannabis—we included in the proposal, commensurate with other offences, the $500 to $2,000 penalty or the imprisonment term because that is entirely consistent with the other legislation.

As has been acknowledged, we were living in the dark ages with penalties for this: back in 1984, jaywalking resulted in a greater fine than possession of cannabis. Clearly something had to be done, but the response we had indicated that the simple possession offence should not attract a gaol term as an option. I remind members that in this proposal we have a continuation of the capacity for expiation processing of these, so there is no diminution of that, but sentencing into prison was not considered an option.

The Legal Services Commission, the Law Society, SAPOL and SA Health all gave different views. The Courts Administration Authority, Chief Justice, Chief Magistrate and Judge of the Youth Court had not identified any issues of major concern but some of the others had. What I think we ought to be mindful of, and did not weigh heavily on my mind, was that a number of those from the public who did respond to the consultation on this matter were people who were strong advocates of the decriminalisation of cannabis completely.

I want to make it absolutely clear that that is not my position, it is not the government's position and it is not the Liberal Party's position. We consider that this drug is in the Controlled Substances Act for good reason and we are not on a course of decriminalisation. I think we have the support of the opposition in that regard, but there are some people in our parliament, in the general community and many in the Greens movement, who take the view that there should be no penalty whatsoever and that it should be absolutely decriminalised. That is fine. They have their view. I do not agree with it. We on this side of the house do not agree with it.

When they contact us to say that it is outrageous that it is proposed that someone go to prison for a cannabis offence, I read that within the envelope of their complete rejection of cannabis being an illicit drug and we end at that point any recognition of that for the purposes of their objection. However, we have considered the feedback from what I would call the legitimate arguments—the stakeholders in the community for whom we have regard and whom we recognise need some modification, and that is exactly what we are doing.

I am pleased to say that we have support from the opposition on the other matters that are still extant. A number of issues were raised. By way of clarity, one was in relation to the diversion practice. As members might understand, we have a Nunga court, a domestic violence court and a drug court. We have speciality courts in South Australia and we have had for decades.

The Drug Court is one that operates as a means by which someone can come before it, have their crime acknowledged, enter a plea of guilty and commit to undertaking a course of treatment for the purposes of helping them with their possible addiction or their practice or in relation to using a drug, but also, significantly, to avoid the road of prosecution and sentencing in the normal criminal process. It has been a measure that has been around for a long time. What we have found, in the course of looking at drug reform, is that some people used the Drug Court as a means to get out of having to be prosecuted.

Repeatedly, they would put their hand up and say, 'I am guilty. I will elect to go to the Drug Court. I will go and do a six-month program. I will have a course of medication and counselling, or whatever, in relation to my drug addiction. I will submit to that, so let me off.' SAPOL were one of the agencies that brought this to our attention. They thought those people were exploiting the system, abusing the process and not really genuinely committing to do something to reform their behaviour, but in fact were just avoiding prosecution and conviction.

We felt on this side of the house that it was something we needed to do something about. Initially, in this regard, we considered that someone could have two attempts to do this in a 10-year period and then they would be disqualified from being able to use it again as a sort of diversion, essentially as a means of discipline and not letting them exploit the system. It was also to stop wasting police resources because they are the ones who arrest these people, take it through the court process, set up appointments for drug treatment that they do not turn up to and follow up on them and bring them back into custody perhaps or issue another summons.

It is a huge amount of police time, not to mention those people who sit there waiting at the drug testing clinic or at the facility that has scheduled time and professional expertise to help these people and they do not turn up, or they turn up for the first two sessions, tick that off and think nobody will notice anymore so they will not go to the last three sessions. An abuse of this process is simply

not acceptable when we have precious resources that we need to target to those who need help and are prepared to have help and not to those who just waste their time and end up back in the court system anyway. So we have more court time, wasted police time, wasted professional drug counselling time and people who just exploit the system.

When we further consulted on this, some people in the health areas, for example, raised with me that for some of our drugs there may be a number of relapses which, given the history of taking of drugs—that is, the frequency and the time over which they have taken their drugs and the nature of the drug—their capacity, as well intentioned as they might be, may be difficult, and a relapse is likely and therefore they need an extra bit of time. Excluding them for 10 years is probably a bit too far. We needed to look at two chances within four years.

That modification has been made in the preparation of this bill. I am quite open about that because I think it is important that we protect as best we can the principle that for many people drug addiction, partaking in drugs and experimenting with drugs does become a health issue. They are sufficiently into it to know that they have a problem, but they are committed to get out of it and they need health resources to do it. We want to help them do that. We do not want to exclude the opportunity for genuine people who say, 'Look, I'm ready to do this.'

As a separate issue, we are progressing legislation where appropriate to have court orders made for children to be able to have that treatment. That is another part of the arm of the war on drugs and the protection of our children that we are pursuing. If we come back to this bill specifically, we listened to how we might advance the health options and make it absolutely clear that we needed to contemporise punishment for those who were already in the criminal lists, especially at the manufacturing end, and make it harder and more difficult with higher penalties for those who might use vulnerable people, including children, to sell drugs around schoolyards and things of that nature. We are very clear about that.

In one small part of this we say that imprisonment for two years does not have wholesale support. We as a government, with the support of the opposition, are determined to do everything we can to deal with drug use and abuse and to make sure that we get these other advances and reforms through. We do not want that delayed. We will peel that off in relation to the imprisonment proposal for personal consumption.

Finally, the member raised the matter of expiation, which I think I have indicated still continues. I am happy to answer the detail on that in committee. In relation to a reduction in drug diversions and the effect that might have on the courts, what I can provide to the house—and I think it is appropriate that I do so in committee with the advice of the department—is some data in relation to the noncompliance that occurs after the first or second attempt to help people in drug diversion as an illustration of how we are time wasting at the moment, bearing in mind that this cohort of people invariably ends up in the system anyway for punishment, usually by a fine.

We do not anticipate a greater incidence necessarily of incarceration at the lower end of the scale. I hope this has the effect of ensuring that the penalties, and potentially time in gaol at the higher end of the scale are increased. I do not think there will be any change in the numbers that go in, but if they are in gaol longer because they have manufactured drugs, then we support that. It may be that they will spend some extra time there, which is another challenge for our Minister for Correctional Services, but our government has made that commitment and we are honouring it in this legislation.

The final thing was in relation to medicinal use and industrial hemp. I note two things. Firstly, in relation to industrial hemp, this is the capacity now to be able to cultivate hemp on a commercial basis. We have legislation that not only provides for that but protects against any prosecution. It does set out quite a strict regime as to who can do it and the licensing terms for doing it. That is not the subject of the Controlled Substances Act reforms that we are doing here.

I turn secondly to what is commonly called medical marijuana. I am personally a great supporter of the significant research that is being undertaken into this miracle drug, really, in relation to children who might be epileptic, for example, who appear, with cannabis oil, to have very different behavioural outcomes. It is fantastic to see. I think if I were to give members any kind of analogy here, we use prescription drugs every day that are opiate based, and they do great work. Morphine

and other painkillers are important parts of the prescription medications that help to minimise suffering of people every day. They are prescribed every day, and they are used universally.

However, we also have heroin, also an opiate, which if used without prescription is illegal because it is a controlled substance and is dangerous in terms of human consumption. Again we will have people in the community who argue, 'Heroin should be legalised. It is unsafe for us to continue to keep it in our criminal code because you are not going to stop it. Prohibition has never worked. Just look at the 1930s in the United States. We should legalise it, and then we can manage the industries that create it, and it can be sold and administered as though it is any other product.'

Personally I do not support that, and certainly on this side of the house we are not about to rush in and legalise heroin, but I use it as an example of where under prescription, under medical supervision, it provides an important part of the support for our medical treatment, but it cannot be under our current law made available as some kind of recreational drug. So, too, I say with the use of cannabis oil for medicinal use of marijuana, as they call it. That process has had considerable attention at the federal level.

There is currently an approved process that enables someone who has a child or family member—or it could be for themselves—to get a prescription from a medical practitioner and then go to a pharmacy outlet to purchase cannabis oil for that purpose. As I understand it, I think it is a bit of an interim process for those who are currently converts to this, who say, 'We desperately need it for our children,' etc. The federal government has announced that that is a process available to them.

Some people who use cannabis oil for medical reasons do not want to go down that course. I have met some of them in the course of consultation. They say, 'I get a supply on the internet. I buy it locally, and there is risk of me being prosecuted or the provider of the cannabis oil being prosecuted.' That is a choice they make. They say they do not want to have the risk of going to a doctor and the doctor saying, 'No, you or your child do not need this,' and therefore not getting the prescription. That is what they tell me.

In any event, it is a developing area of reform, licensing and protection through the federal system. There is an interim measure to ensure that, for those who strongly rely on it and feel it has merit, who want to access it and feel they need to access it, they are able to continue to do so. I expect that will develop into clearer access in due course. I would say to those who are buying it from people who are growing and preparing it illegally, or are buying it on the internet, it does concern me not just as the Attorney-General but also as the Minister for Consumer and Business Affairs.

As a consumer, people place themselves at risk by purchasing medication which has not gone through an approved process. It may or may not be pure, it may or may not be laced with something more dangerous, and it may or may not be effective or value for money. You are vulnerable if you purchase offline, so to speak—or in this case, online. You are not protected by the prescription process and the standards in relation to drug manufacture for pharmacy products.

I hope that makes it clear to the member for Elizabeth. This is not intended in any way, nor does it have any impact or impinge on, the legitimate development of medicinal marijuana use under the current federal process. Nor will it affect the commercial Indian hemp cultivation which we have progressed under the blessing of statute.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr ODENWALDER: I thank the Attorney for that comprehensive second reading response. It did answer a lot of the questions. I will not trouble the house for very long, although I suspect we will run up against lunch shortly. I have some questions regarding some consultations if you can spare the time. The Attorney spoke about consultation with the Law Society.

I have the Law Society's initial response to the bill dated 14 June. Unless I am not reading it correctly, they do not appear to mention the custodial sentences issue. In the Attorney's second reading moments ago, she indicated that the Law Society expressed some concerns about the

custodial sentences for cannabis. I just wonder if there is a further submission or if it was an oral submission of some sort.

The Hon. V.A. CHAPMAN: As the member may have noted in the commentary on this matter, the President of the Law Society has actually made public comment on this and certainly members of the society have spoken to me. I have of course taken into account some of the publications (for example, the opinion piece by the President of the Law Society), and that issue has been made clear. I would have to look through the Law Society submission from 14 June, which is the one I have, as I cannot recall offhand. I just remind the member that the Law Society publishes its submissions online, so if there is another one that I have missed, I expect the opinion piece will also be there.

Just before we break, there is one matter I wish to be clear on in relation to the drug courts. I am advised—I thank my adviser for making sure—that when I say that a drug court gives a chance for people who are charged with drug offences to have drug diversions, in fact a drug court is there for people who claim to be under the influence of drugs when they commit other offences. I am sorry if I misled the house in any way; I wanted that to be clear.

We have another diversion system, and we also have a new catch-and-release system and other things. The diversion system is one where some assessment is done before prosecution to enable that to occur and there is no charge. Sometimes it is very helpful to give that option, especially where there is a known problem and known circumstance, such as relapse. That keeps the person out of the system, and it will continue.

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:00.

STATUTES AMENDMENT (MINERAL RESOURCES) BILL

Message from Governor

His Excellency the Governor, by message, recommends to the House of Assembly the appropriation of such amounts of money as may be required for the purposes mentioned in the Statutes Amendment (Mineral Resources) Bill 2018.

Petitions

NEWSTART ALLOWANCE

Ms BEDFORD (Florey): Presented a petition signed by 29 residents of South Australia requesting the house to urge the federal government to provide an immediate boost to the Newstart allowance and undertake a wideranging review to ensure the social safety net can never again fall low enough to place people below the poverty line.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Premier (Hon. S.S. Marshall)—

Public Sector Act 2009—Section 71 Report

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

Ports Access and Pricing Review—Final Report September 2017
Regulations made under the following Acts—
Heavy Vehicle National Law (South Australia)—
Heavy Vehicle National Law—Amendments

Heavy Vehicle National Law—Registration

Ministerial Statement

RESIDENTIAL CARE FACILITY VISITS

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R. SANDERSON: I rise to correct a series of inaccurate statements that have been made in the media today regarding a visit I undertook to a residential care facility for children in state care in my capacity as the Minister for Child Protection. This morning, the member for Badcoe told ABC radio:

> Various sources have told me that the minister was repeatedly advised that it wasn't a good idea to go into this residential care facility.

I can inform the house that I did not receive any advice from my department that I should not visit this facility.

Members interjecting:

The SPEAKER: This is not an invitation to interject.

The Hon. R. SANDERSON: Or, for that matter, any other child protection facility. This has been confirmed by the chief executive of the child protection department, Cathy Taylor, in her statement. To the contrary, I was accompanied by the chief executive of the department to this—

Members interjecting:

The SPEAKER: Order!

The Hon. R. SANDERSON: —and other residential care facilities.

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

The Hon. R. SANDERSON: These visits were planned in advance and supported by the department. This morning, Nev Kitchin, the general secretary to the Public Service Association, told FIVEaa, and I quote:

> I can't substantiate anything that's published in the paper today and anything of course that…has been discussed this morning.

In fact, he went on to say:

> Our members are always pleased to see Ministers who would attend and go to the areas where they work.

The house should also be aware of the fact that, in opposition, I had previously visited another residential care house in the company of the then minister for child protection, the member for Port Adelaide. Children were present—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. R. SANDERSON: —and we both engaged in conversations with children and staff. I note the member for Port Adelaide, the deputy leader of the Labor Party, has been totally silent on this issue. The member for Badcoe stated on ABC radio, and I again quote:

> These are very serious allegations and I certainly wouldn't have made these allegations without thoroughly researching.

Members interjecting:

The SPEAKER: Order!

The Hon. R. SANDERSON: Given the member for Badcoe's claims that I had visited this residential care facility against departmental advice, I ask her to table her evidence. The member for

Badcoe also made a series of claims concerning my interaction with one of the residents. I won't be going into the details regarding that individual—

Members interjecting:

The SPEAKER: Order! The minister has leave.

The Hon. R. SANDERSON: —as it would be inappropriate to do so, but I can inform the house that the member for Badcoe's claims are incorrect. She should know it is completely inappropriate to discuss—

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. R. SANDERSON: —individual cases. That includes children, young people, carers or families. I would like to make it clear that the wellbeing of the most vulnerable children of South Australia is my utmost priority. I will not be lectured by members opposite. The Liberal government was elected to clean up Labor's mess.

This is why I will continue to meet with children under my guardianship, including visiting both government and non-government residential care facilities, as well as meeting with foster and kinship carers, as part of the state government's efforts to improve the South Australian child protection system. The member for Badcoe needs to reflect on the fact that she has seriously misled the people of South Australia on a matter relating to our most vulnerable children.

Members interjecting:

The SPEAKER: Order! Minister, please be seated. I am not finished yet; I have to intervene. I call to order the following members for interjections when the minister had leave: the Minister for Primary Industries, the Leader of the Opposition, the member for Badcoe, the Premier, the member for Hammond—

Mr Pederick: Thank you, sir.

The SPEAKER: I might chuck him out if he keeps going that way—the Deputy Premier and the member for Waite.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today some very distinguished guests. We have with us the Rt Hon. the Lord Maude of Horsham, member of the House of Lords in the UK and former chairman of the Conservative Party with over 40 years' experience in politics. Welcome to you, sir. We also have the Hon. Robert Brokenshire—

Members interjecting:

The SPEAKER: Order! That is not an invitation for members to interject. We also have with us today several year 12 legal studies students from Concordia College, guests of the Hon. David Pisoni MP, the member for Unley and Minister for Industry and Skills. Welcome to you, students.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Mr CREGAN (Kavel) (14:09): I bring up the second report of the committee, entitled 'New Murray Bridge wastewater treatment plant project'.

Report received and ordered to be published.

Mr CREGAN: I bring up the third report of the committee, entitled 'Northern Detention Basin (stage 2) Edinburgh Parks project'.

Report received and ordered to be published.

Mr CREGAN: I bring up the fourth report of the committee, entitled 'Old Royal Adelaide Hospital Site: demolition, infrastructure and refurbishment of retained state heritage buildings project'.

Report received and ordered to be published.

Parliamentary Procedure

VISITORS

The SPEAKER: I also welcome today students from Wirreanda High School in Morphett Vale, guests of the member for Hurtle Vale. Welcome to you students.

Question Time

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:11): Unsurprisingly, my question is to the Minister for Child Protection. Has the minister inquired—

Members interjecting:

The SPEAKER: Order!

Ms STINSON: Do you want to hear the question?

Members interjecting:

The SPEAKER: Order! Let's hear the question.

Members interjecting:

The SPEAKER: Order! The member for Badcoe has the call.

Members interjecting:

The SPEAKER: I cannot hear the question.

Members interjecting:

The SPEAKER: Members on my right! The member for Badcoe has the call. She will be heard in silence. The member for Badcoe, please ask the question.

Ms STINSON: Thank you, Mr Speaker. My question is to the Minister for Child Protection. Has the minister inquired about the welfare of the teenager who absconded and went on a crime spree after the minister's visit to his residential care home in mid April?

The Hon. J.A.W. GARDNER: Point of order, sir: standing order 97. The member presupposes a lot in her question, and she is not entitled to do so.

The SPEAKER: I will allow the question in this instance. Would the Minister for Child Protection like to have a go at that? The Minister for Child Protection will be heard in silence or members will be departing today. The Minister for Child Protection has the call.

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:12): As the member knows, it is completely inappropriate to discuss individual cases, and I won't be at this time.

The SPEAKER: Member for Badcoe.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:12): Thank you, Mr Speaker. My question is to the Minister for Child Protection. Has the minister inquired about the welfare of staff at the residential care facility following her visit in mid-April?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:12): It is inappropriate for me to be discussing individuals. What I can say is that I am concerned about every child—

Members interjecting:

The SPEAKER: Order!

The Hon. R. SANDERSON: —in my care, every staff member who works in the department, and that is why we have been seeking to fully employ the 270 vacancies left by the former Labor government that have left our staff completely stressed, overworked and unable to cope with their stress loads. I am visiting the staff and the children to hear how I can assist them better and what I can do to make their lives better.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:13): My question is to the Minister for Child Protection. Will the minister cooperate with the police investigation now underway into the circumstances around the teenager's offending?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:13): If requested, of course I would participate in anything concerning the police or any investigation.

STATE GOVERNMENT AGENDA

Mr MURRAY (Davenport) (14:13): My question is to the Premier. Will the Premier update the house on what action the government is taking to deliver more jobs, lower costs and better services for South Australians?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:13): It is a great pleasure to rise on this, the last day before we go to the winter break, and update the house on the progress that the new government has been making against the promises, the commitments, that we made to the people of South Australia in the election that was conducted on 17 March. At that election the people of South Australia decided to change the government. They were sick to death of the poor performance of our state under the previous regime, which left us with the highest cost energy in the country and the least reliable grid.

We had a stagnant economy. We had the highest youth unemployment rate in the nation and people giving up hope in this state, but the good news for all those people in this state is that there was a change in government. We took a strong plan for real change to the election: more jobs, lower costs and better services. This government has been working every single day to deliver exactly and precisely what we said we would: a focus on more jobs and, in particular, a focus on increased exports out of our state, selling more goods and services interstate and overseas and bringing more money into South Australia.

One of the things that the new government is doing is looking very carefully at reopening many of the trade offices that the previous government had closed. We are working now to open an office in Shanghai, in Tokyo, in Kuala Lumpur, in the Middle East, in the US and, quite frankly, anywhere we think we will be able to assist business to sell more goods and services to grow the size of our economy.

Lower costs was a big issue that we took to the last election, and that's why so far we have already acted to reduce the cost of living on the people of South Australia by returning $90 million in emergency services levies that those opposite imposed upon the people of South Australia without warning—every household, every single business. What we are doing is putting $360 million back into the economy because we want to lower the cost of living for people in our state.

Of course, the other issue that we took to the election was improved services. I am very proud of the fact that we are starting to unwind some of the failures of those opposite. In particular, I commend the Minister for Child Protection. This government is taking the area of child protection extraordinarily seriously. Under the previous regime, nobody wanted to take responsibility. In fact, at one stage, I think we had three separate ministers who were all putting up their hands, saying that they were responsible. What we know from reading the Nyland royal commission report—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —is that that sector was in complete and utter chaos after 16 years of Labor maladministration in the area of child protection, looking after our most vulnerable.

We have a renewed focus on looking after those people who need our support. Child protection and looking after our older citizens in South Australia—these are important areas that we will focus on. More than that—more than more jobs, lower costs, better services. We are engaging in a new relationship with the federal government.

Those opposite had created a toxic relationship between Canberra and the administration here in South Australia. We have worked very hard, and I am very proud to lead a government that is engaging with the federal government and making sure that we can get the very best deal for the people of South Australia. We have already conducted much of the GST negotiation. We heard nothing whatsoever from those opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: When their federal leader was saying, 'Rip the money out of South Australia. Send it to Western Australia,' what was the Leader of the Opposition doing? Sitting on his hands, doing absolutely nothing, not standing up for the taxpayers of South Australia. We are very proud of our working relationship—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —which will deliver positive results for our state, while those opposite sit over there, making up allegations about this government—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —and the fine work that we are doing today.

The SPEAKER: Before I call the member for Badcoe, I call the following members to order: the member for Lee, the Leader of the Opposition, the member for Playford, the Minister for Education and the member for Morphett. The member for Badcoe has the call.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:18): My question is to the Minister for Child Protection. Was the minister advised by her department not to engage with vulnerable young people in care before she visited the residential care facility on the afternoon of 12 April?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:18): I refer the member to my ministerial statement. It's completely—

Members interjecting:

The SPEAKER: Order! Members on my left and right will cease interjecting. The question has been asked, and the minister has answered the question.

Ms Cook interjecting:

The SPEAKER: Order! The member for Hurtle Vale is called to order.

The Hon. V.A. Chapman interjecting:

The SPEAKER: The Deputy Premier is warned. Member for Badcoe.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:18): Thank you, Mr Speaker. My question is to the Minister for Child Protection. Has the minister or anyone in her office played any role in formulating the statement issued by her chief executive a short time ago?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:19): I have no involvement in what my CE puts out. She is an individual and can say whatever she likes, and she stands by me in that statement that you should have read by now.

Members interjecting:

The SPEAKER: Order!

Dr Close interjecting:

The SPEAKER: The deputy leader is called to order.

The Hon. V.A. Chapman interjecting:

The SPEAKER: The Deputy Premier will cease interjecting. The member for Badcoe.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:19): My question is to the Minister for Child Protection. Can the minister detail the conversation she had with the teenager in a residential care facility who, after her visit, became highly agitated—

Members interjecting:

The SPEAKER: Members of my right will cease interjecting.

Ms STINSON: —absconded and went on a crime spree?

Members interjecting:

The SPEAKER: Member for Badcoe, please be seated.

Members interjecting:

The SPEAKER: Order, members on my right!

Members interjecting:

The SPEAKER: Members on my right, order! The Premier is warned.

Mr Mullighan: Chris never told you to do this?

The SPEAKER: The member for Lee is called to order and warned for a first time.

Mr Duluk: Talked about how rubbish you guys were.

The SPEAKER: The member for Waite is warned.

Mr Mullighan interjecting:

The SPEAKER: The member for Lee is called to order for a second and final time. I will not listen to comments about the opposition not getting enough questions when the member for Badcoe cannot even ask a question in silence. She deserves that respect, as does every other member in this place. The member for Badcoe has the call.

Ms STINSON: Would you like me to repeat the question, sir?

The SPEAKER: Thank you.

Ms STINSON: My question is to the Minister for Child Protection. Can the minister detail the conversation she had with a teenager at the residential care facility who, after her visit, became highly agitated, absconded and went on a crime spree?

The SPEAKER: Deputy Premier.

Members interjecting:

The SPEAKER: Order, members on my left!

Members interjecting:

The SPEAKER: The member for Kaurna is called to order. The member for Hurtle Vale is on one warning.

Ms Cook interjecting:

The SPEAKER: The member for Hurtle Vale is warned for a second and final time. The Deputy Premier has the call.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:21): The member for Badcoe knows, or ought to know, that it is entirely inappropriate that there should be the disclosure of any conversation in relation to a child under the guardianship of the minister. Secondly—

Mr MULLIGHAN: Point of order, Mr Speaker.

The SPEAKER: There is a point of order, Deputy Premier. One moment. Deputy Premier, could you please—

Members interjecting:

The SPEAKER: Order! Deputy Premier, please be seated for one moment. I will hear the point of order in silence.

Members interjecting:

The SPEAKER: But there was a point of order, so I will listen to the point of order if that's okay.

Members interjecting:

The SPEAKER: Members on my right! Point of order.

Mr MULLIGHAN: Debate.

The SPEAKER: I will listen carefully. I think at this stage it is not.

Members interjecting:

The SPEAKER: Order! The Deputy Premier has the call. She is answering the question, but I will be listening attentively. The Deputy Premier has the call.

The Hon. D.C. van Holst Pellekaan: The Attorney-General is going to give you a lesson.

The SPEAKER: The Minister for Energy and Mining is called to order.

The Hon. S.K. Knoll interjecting:

The SPEAKER: The Minister for Transport is called to order.

The Hon. V.A. CHAPMAN: Furthermore, to disclose a conversation with a child under the guardianship of the Crown that in any way would identify that child, again, is a concern.

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: Well, just excuse me. Mr Speaker, if I may explain to the parliament in relation to this?

The SPEAKER: Please do.

The Hon. V.A. CHAPMAN: So there is no capacity to ensure protection of the identity of the child, or in fact especially if there was conversation identifying other members of family, which may identify the child. What has historically happened in this house, in the 16 years I have been here, is that myriad ministers who have covered child protection in the former government have invited members to have a briefing on a confidential basis in relation to children who are a specific concern.

From time to time, this is raised in correspondence by local members to the minister to ascertain. They may have a concerned relative or the like, and a private briefing is given. They are usually given on a strictly confidential basis so that they may provide advice to their constituent. I would ask the member for Badcoe, if she hasn't already made herself familiar with that process, that she does so and that she forward correspondence to the relevant minister to seek such a briefing.

HOMESTART FINANCE

Mr COWDREY (Colton) (14:24): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on how HomeStart is supporting the construction of new dwellings and creating jobs here in South Australia?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:24): I thank the member for Colton for his question, knowing his deep understanding of our economy and what is needed to help grow and stimulate South Australia. I rise to spruik the good work of HomeStart Finance, an august statutory organisation that reports to the Minister for Housing and Urban Development, of all things. Very soon upon coming to office and understanding the length and breadth of this portfolio, I was very excited to meet and greet with the head honchos down at HomeStart Finance and to understand the great work that they have been doing and continue to do.

Excitedly—and that is I suppose a perspective term when talking about banking—HomeStart was recently recognised by the World Bank as a leading global innovator in the field of affordable housing finance. The World Bank runs a global housing finance conference biannually and this year undertook a call for papers. HomeStart's submission about its Graduate Loan was awarded first prize by the World Bank, and the organisation's Head of Strategic Development, Andrew Mills, was invited to Washington DC to present on the subject to an audience from over 50 countries during May and June.

HomeStart's Graduate Loan enables customers with a certificate III qualification or higher to purchase a home with a much lower deposit than is otherwise possible and is a unique achievement for South Australia in the field of affordable housing. Over 4,000 households have taken advantage of HomeStart's Graduate Loan to purchase a home in the last 15 years, worth around $1.2 billion of lending. The vast majority would not have otherwise been able to purchase a home.

Importantly, more than 15 years of credit risk data shows the Graduate Loan to be performing at least as well as prime residential mortgages, as measured by Standard and Poor's. This is thought to be due to the inclusion of educational qualifications within the credit criteria, thus the product represents genuine innovation and global thought leadership in the field of affordable housing finance.

It's a credit to South Australia that it's regarded as a leader in this field. Can I extemporise by saying that this Graduate Loan helps those who are seeking to invest in their knowledge and their skills to give them the opportunity to also invest in their own home and invest earlier in home ownership.

It is a fantastic way for us to be able to get the young people—the very people who have been leaving South Australia in droves over the last 16 years—and to try to tie them and keep them in South Australia by giving them an opportunity to take advantage of the fact that they are studying to better themselves and to be able to invest that knowledge in getting credit access to build their first home and own their first home.

At the same time, HomeStart CEO, John Oliver, was invited to the World Bank to share the organisation's experience with shared equity. HomeStart Finance recently redesigned its longstanding shared equity product and in April released a new shared equity option, which means that low and middle income earners in South Australia now have access to more affordable housing options.

With more than a decade of experience, HomeStart is regarded as one of Australia's most experienced shared equity operators and is regularly sought out by others interstate and overseas for advice on how to succeed in this area. The shared equity option is something that we discussed in opposition a lot and the whole shadow cabinet, as well as being led in opposition by the Hon. Michelle Lensink in another place, was really excited to explore this option as a way to unlock credit to be able to help people to get into their own home.

We know that we have a problem in South Australia. We have a housing organisation which has been pillaged over the last 16 years, which is now being reformed under a new housing authority,

and this access to a shared equity loan will only help to further affordable housing in South Australia so that we can help those to get into their own home sooner and quicker.

The SPEAKER: The minister's time has expired. The member for Badcoe.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:28): My question is to the Minister for Child Protection. Has the minister's office played any role in formulating and distributing the statement issued by her chief executive a short time ago?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:28): No.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:28): My question is to the Minister for Child Protection. What advice was the minister given about engaging with children, in relation to her visit on 12 April?

Members interjecting:

The SPEAKER: The Minister for Child Protection has the call.

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:28): I refer the member—

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is warned.

Members interjecting:

The SPEAKER: Minister, be seated. The Minister for Primary Industries is warned.

Mr Malinauskas: Coach.

The SPEAKER: The leader is warned.

The Hon. D.C. van Holst Pellekaan: It's in the statement.

The SPEAKER: The Minister for Energy is warned.

The Hon. S.K. Knoll interjecting:

The SPEAKER: The Minister for Transport and Infrastructure is warned for a first time.

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is warned for a second and final time. Minister.

The Hon. R. SANDERSON: I refer the member to my statement.

Members interjecting:

The SPEAKER: Order!

An honourable member: Weak.

The SPEAKER: Order! Who is weak? Member for Wright, you are called to order. The member for Badcoe.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:29): My question is to the Minister for Child Protection. Does the minister deny receiving any advice about how to conduct herself at the visit on 12 April?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:29): As I have said before, I categorically reject any of the false and outrageous claims that the member for Badcoe is making. I have never been advised, recommended, informed, suggested by my department or any of my staff to not visit any residential care facility or—

Members interjecting:

The SPEAKER: Order!

The Hon. R. SANDERSON: —to engage with any children under my care.

Mr KOUTSANTONIS: Point of order: relevance, sir. No-one is asking her if she was advised to visit. It's about whether she was advised to engage and how to engage, sir.

The SPEAKER: I have the point of order.

Mr KOUTSANTONIS: It's a simple question.

The SPEAKER: I believe the minister is giving some preamble to the question. However, she is being severely interjected by members on the left and the right of me. I ask that to cease so I can hear her answer clearly. Minister.

The Hon. R. SANDERSON: If the member wasn't interjecting, he would have had my answer. I have never been instructed on how to approach children or what to say. I have been given briefing notes by the department on the children in the homes and the staff. Every visit I have ever had has been booked in and endorsed by the department, and the CE or a leader in the department has accompanied me to every visit.

NATIONAL PARK RANGERS

Ms LUETHEN (King) (14:31): My question is to the Minister for Environment and Water. Can the minister—

Members interjecting:

The SPEAKER: Order! Members on my left and my right will be departing shortly, unfortunately.

Members interjecting:

The SPEAKER: Order! The leader will not be provoked by the Minister for Primary Industries. Member for King, could you please repeat the question.

Ms LUETHEN: Thank you, Mr Speaker. My question is to the Minister for Environment and Water. Can the minister update the house on the recent annual migration of rangers event, held to celebrate World Ranger Day, and progress on the new government's commitment to restore ranger numbers across the state of South Australia?

The SPEAKER: The Minister for Environment and Water.

Members interjecting:

The SPEAKER: He will be heard in silence, won't he? Order! The minister has the call.

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:32): I thank the member for King for her question. It is an excellent question which shows her—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —dedication to the natural environment. She particularly often raises with me the value of Para Wirra Conservation Park within her electorate, which I know she and her family enjoy regularly. It is such an important site for our city's environment, found within the boundaries of her electorate.

It was a great pleasure on Monday night to be able to attend the annual rangers' migration dinner, which sees rangers from across the state come together annually at an event hosted by the South Australian Ranger Association. That is an acknowledgement of World Ranger Day, which was the following day, on 31 July. Some 70 people, many of them rangers, gathered at Woodhouse recreation centre at Piccadilly in the Adelaide Hills for that event, and we were entertained by Sean Willmore, Managing Director of the Thin Green Line Foundation, which looks at the welfare and support of rangers across the world, particularly in developing countries.

It was great to be able to share with the rangers who were present our government's very clear commitment—and members would know about our government's very clear commitment—to rebuilding our shattered ranger workforce in this state. When the Liberal government left office in 2002, there were some 300 rangers in our state; that fell as low as 88 in 2016 and had risen slightly to 93 last year. That is a decimated workforce, and of course we are committed to rebuilding that workforce.

We know that rangers are synonymous with protecting and enhancing our natural environment, looking after threatened species. Who would have thought that rangers would have become threatened species themselves under the cruel reign of the Labor government for 16 years? In fact, it was almost as hard to find a ranger in this state under the Labor government as it was to find a competent minister.

Members interjecting:

The SPEAKER: Minister, please return to the substance of the question.

The Hon. D.J. SPEIRS: I'm sorry, Mr Speaker. The reduction in rangers has caused significant problems for our natural environment. That's why we are committed to an increase of around 25 per cent in the coming years of that ranger workforce at the front line.

It was interesting to look at where rangers had been lost across the state under the Labor government. I noted with some dismay the loss of a ranger at Mount Remarkable conservation park. We know that the poor member for Cheltenham had his terrible accident in Mount Remarkable conservation park, and if only there had been more rangers there they might have caught him before he hit the ground; who knows?

It was with great interest that I listened to a grievance speech by the member for Wright last week where he talked about the great service that rangers contributed to the Cobbler Creek conservation park. Well, if only the Friends of Cobbler Creek conservation park were aware that the member for Wright was part of a party which hates rangers, which decimated their population across the state. I look forward to sending a copy of this contribution to the Friends of the Cobbler Creek conservation park so that they are aware of the party which is very strongly committed to rebuilding the ranger workforce.

Mr Boyer interjecting:

The Hon. D.J. SPEIRS: We know they play an iconic role in the preservation of our natural landscape in this state and build partnerships with the community, local government, friends groups and many people across our state in the maximisation of the preservation of our natural landscape.

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

Mr Koutsantonis interjecting:

The SPEAKER: Is the member for West Torrens okay?

Mr Koutsantonis: Yes, sir.

The SPEAKER: The member for Badcoe has the call.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:36): My question is to the Minister for Child Protection. Did the minister's intervention in the accommodation of the teenager undermine the staff who were responsible for his care?

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

The SPEAKER: I'm going to allow this question. It's on the edge.

The Hon. J.A.W. GARDNER: It has argument, it presumes facts and there was no leave sought to explain.

The SPEAKER: I'm going to allow this question. The Minister for Child Protection, would you please like to have a go at answering that question?

The Hon. R. Sanderson: Can you repeat the question?

The SPEAKER: Can you please repeat the question?

Ms STINSON: My question is to the Minister for Child Protection. Did the minister's intervention in the accommodation of the teenager undermine the staff who were responsible for his care?

The Hon. J.A.W. GARDNER: Point of order, sir: the question has been asked again, and I would ask the Speaker to rule on whether the assumption—the presumption that a set of facts as outlined, allegedly, by the member for Badcoe—be taken as read.

The SPEAKER: Minister for Education, I have taken it into consideration. It is on the edge. I am going to allow this question. The Minister for Child Protection.

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:37): I won't be discussing individual children under my care or any interests that I have. I am interested in all children under my care, and I will advocate for anything that I think is in their best interests.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:37): My question is to the Minister for Child Protection. What qualifications does the minister have for counselling vulnerable young children in residential care?

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

The SPEAKER: Point of order. Qualifications? Yes?

The Hon. V.A. CHAPMAN: The question assumes that there has been counselling administered by the minister. That is a presumption of a fact that has not been either alleged or admitted in this forum.

The SPEAKER: Could you please repeat the question, member for Badcoe?

Ms STINSON: I can, Mr Speaker. What qualifications does the minister have for counselling vulnerable young people in residential care?

The SPEAKER: The Minister for Child Protection has the call.

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:38): As the Minister for Child Protection, I believe it is my role to visit and listen to the voices of the children who are under my care. Along with the staff, I have been meeting department staff, residential care staff, foster carers, kinship carers and children. I will continue to listen to the voices who, under the former Labor government, were never heard. We have a mess of a child protection system, and I will do everything I can to fix it.

The Hon. V.A. Chapman interjecting:

The SPEAKER: The Deputy Premier is warned.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:38): My question is to the Minister for Child Protection. When was the minister first made aware that the teenager she had spoken to had absconded from the facility, stolen a car, stolen petrol, broken into a home, led police on a dangerous pursuit all the way to the South Australian-Victorian border?

The Hon. J.A.W. GARDNER: Point of order, sir: standing order 97 doesn't allow a question anything like that.

The SPEAKER: On what basis? The Minister for Education, which part of the question are you taking—

The Hon. J.A.W. GARDNER: There was a series of allegations made in that question that were not substantiated, nor was leave sought to make an explanation. Frankly, the entire question was out of order.

The SPEAKER: Argument and opinion; I uphold that point of order. I will move to the government. If the member for Badcoe would like to rephrase, I will give her another go. The member for Narungga.

YORKE PENINSULA ECOTOURISM

Mr ELLIS (Narungga) (14:39): My question is to the Minister for Environment and Water. Can the minister update the house on his recent visit to Innes National Park and some of the ecotourism opportunities identified during that visit?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:39): I thank the member for Narungga for that question. I know he is an incredibly passionate advocate for his region and it was great to be hosted by him a few weeks ago when I travelled to Yorke Peninsula. I headed over there on a weekend, went up on the Friday night and was able to attend the Yorke Peninsula Tourism Awards, which was an excellent entree to the rest of the weekend.

We had the opportunity to see a showcase of the many tourism opportunities that are available in that unique part of South Australia. It benefits from such dramatic coastal landscape and draws tourists from across our state and also further afield, both nationally and internationally. It was great to be able to spend some time with local tourism operators on the Friday night and have a chat to them about the challenges and opportunities that their industry faces on Yorke Peninsula, and the support that they would like to receive from our new government when it comes to developing the industry that contributes so much to our regional economy.

The main part of my trip, following the tourism awards on the Friday night, was to head down onto the main body of the peninsula, visiting Ardrossan and the artificial oyster reef which has been established off the coast of Ardrossan. The member for Narungga and I went out there with the Nature Conservancy, which has been a not-for-government partner, along with the state government and the federal government, to deliver that artificial reef off the coast of Ardrossan. That's not only an environmental asset but of course an important tourism asset as well.

Then we headed down to Innes National Park, which really is one of the great jewels in the crown of our reserve system here in South Australia—a stunning national park at the foot of Yorke Peninsula, which has the most incredible coastal landscape and a wild coastline. It's an incredibly important coastline for nature, whether it be white-bellied sea eagles or ospreys, and a variety of other natural fauna to be found in that area. It was a great place to visit.

Building on the work of the previous government, the new government is looking to develop more nature-based tourism opportunities, particularly within our regional communities. There has been a market process going on to develop those ideas at around 18 sites across the state. Those sites include the already developed footprint down in Innes National park. That national park has a history of mining and has a number of degraded spots which could be developed without a significant impact on the existing precious natural environment.

It was good, when I was down in Innes National Park, to inspect the sites where these nature-based tourism opportunities are, particularly when it comes to the provision of high-end tourism and accommodation options. We know that regional South Australia does need more high-end accommodation options and this is exactly the sort of thing that this government would like to partner with the private sector to develop in Innes National Park.

We have gone through a market-based process and that closed on 31 July. We are now looking forward to going through a more rigorous commercial process with those businesses which have put forward their proposals. As I say, one of those is for Innes National Park. It is an incredible part of our state. It has the opportunity to provide a very significant drawcard to regional South Australia and to stimulate the economy on Yorke Peninsula. I look forward to updating and working alongside the member for Narungga and other members of this house as we provide more information on those opportunities.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:43): My question is to the Minister for Child Protection. When was the minister first made aware that the teenager she had spoken to on 12 April had absconded from the facility?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:44): I won't be discussing individual cases.

Members interjecting:

The SPEAKER: The member for Kaurna is warned and the Deputy Premier is on two warnings. Member for Badcoe.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:44): My question is to the Minister for Child Protection. Does the minister accept any responsibility for the role she played in the teenager absconding from the residential care facility and going on a crime spree?

Members interjecting:

The SPEAKER: Point of order?

The Hon. J.A.W. GARDNER: Point of order: the member accuses a minister of playing a role in an activity—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —that is utterly inappropriate and outside the standing orders.

The SPEAKER: Playing a role being an inference or imputation?

The Hon. J.A.W. GARDNER: Absolutely, but it is also outside standing order 97. I assume that the imputation and inference would also make it against the standing orders.

The SPEAKER: I have the point of order. Would the member for Badcoe like to rephrase?

The Hon. J.A.W. Gardner: The member for Florey has a question.

The SPEAKER: She does, and I will be coming to her.

Mr Duluk: Jonny G, you should be on that front bench.

The SPEAKER: The member for Waite can leave for half an hour under 137A.

The honourable member for Waite having withdrawn from the chamber:

Members interjecting:

The SPEAKER: And he will be taking coffee orders for members on my left shortly, if they keep going at this rate. Member for Badcoe.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:45): My question is to the Minister for Child Protection. Does the minister deny having a conversation with a 17-year-old boy at a residential care facility on 12 April?

The Hon. J.A.W. GARDNER: Point of order, sir: she has already asked that question.

Members interjecting:

The SPEAKER: Order! I do not recall the exact question. The Minister for Child Protection has the call. She will be heard in silence.

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:45): Thank you, Mr Speaker. I have visited many and multiple residential care facilities, both government and non-government, and I have many conversations with children who want to speak to me. If they are not wanting to speak to me, they would stay in their room. They welcome the conversation. I hear their concerns, their hopes for their future and I will advocate and I will listen to their voice and I will continue to do so regardless of what the opposition has to say.

NEWSTART ALLOWANCE

Ms BEDFORD (Florey) (14:46): My question is to the Premier. Will the Premier add his voice on behalf of his government to the calls of the Local Government Association, the Business Council of Australia and former prime minister John Howard for the federal government to increase Newstart benefits?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:46): No, I won't be entering into that debate because that is a federal debate.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: And to be quite honest, it's not an issue that I have been following in recent weeks in the media.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I am not for one minute suggesting that I don't share the member's concerns, but I just haven't looked at it closely enough. It is not an issue in which the state government has a role to play. I think the people of South Australia have elected me to undertake my current role and that's the role that I will be very much focused on. We will be doing everything we can to help people who find themselves in a circumstance where they don't—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —have employment. Those opposite obviously don't want to hear it, but the reality is that we were elected to try to do everything we can to increase employment in South Australia. We, of course, are not happy with anybody who cannot find work when they are seeking work in South Australia. That is why we are going to be working very diligently, as hard as we possibly can, to grow the size of employment in this state.

I must say that, since the election in March this year, there has been an uptick in terms of employment in South Australia. That is welcomed by the new government. I would say there is still a long, long way to go. That is why we are putting in place things which will ease cost-of-living pressure on people who find themselves unemployed—as well as other South Australians—as well as focusing on doing everything we can to grow employment for people who are looking for work.

One of the practical things that we are doing is to focus on growing the number of apprentices and trainees in South Australia. Under the previous government, we saw a massive freefall in terms of the number of people who were commencing apprenticeships and traineeships in South Australia. We found that completely and utterly inappropriate.

That is why I am very pleased to be working with my colleague the Minister for Industry and Skills with a very substantial investment in creating more than 20,000 new apprenticeships and traineeships in South Australia, because so many young people find themselves in a situation where they don't have employment. They look for the Newstart allowance, but what they would really prefer is a job.

We don't accept that we should have the highest youth unemployment rate in the nation. Unlike those opposite, who want to talk about increasing benefits to people who can't find a job, one of the fundamental things that we want to do is to try to find them a job because we know that's the very best thing that we can do for those young people.

We weep when we look at some of the statistics in terms of the number of young people who gave up hope for their future here in South Australia under the previous government. So many of our young people finished school, finished university, got a good-quality qualification but unfortunately couldn't find work here or, if they could, only for a few hours per week in a job that wasn't at the level that they had studied for.

That's why we will work every single day in this parliament, in the privileged role that we have as the government of South Australia, to grow the economy and also to focus on reducing cost-of-living pressures on people who find themselves unemployed. Under the previous government, utilities, fees, fines and charges all spiralled out of control. That won't happen under this government. We will have a focus on reducing energy costs in South Australia, reducing emergency services levies in South Australia, and doing everything we can to ease those cost-of-living pressures on our most vulnerable.

The SPEAKER: Before I call the member for Florey, I call the following members to order: the member for Reynell, the member for Light. The member for Kaurna is warned, and the member for Lee is on two warnings, I remind him. Member for Florey, a supplementary.

NEWSTART ALLOWANCE

Ms BEDFORD (Florey) (14:50): In the meantime, though, Premier, is there a faster, more direct way to assist jobseekers, particularly those supporting children, living on Centrelink benefits and living below the poverty line?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:51): Well, as I was saying in my previous answer, we are very sympathetic to people who find themselves unemployed in South Australia at the moment. We will do everything we can to create more jobs in South Australia and we are heartened by the early results.

We will also do everything we can to make sure that we can ease that cost-of-living pressure. One of the things that we want to do is, of course, not only focus on easing cost-of-living pressures through the emergency services levy and through energy costs but of course through council rates. There are very large council rate increases in some areas, which we find unacceptable on this side of the house. In fact, most people in South Australia find them unacceptable, and that's why they elected us to implement our plan to put a cap on any council rate increases that existed.

The other thing that the people of South Australia asked us to do was to grow more employment, especially for younger people and especially related to shop trading hours in South Australia. I think we are all quite aware that the vast majority of South Australians, and certainly everybody on this side—

Mr Malinauskas: Bring it on for a vote.

The Hon. S.S. MARSHALL: —or almost every person on this side of the house—

Members interjecting:

The Hon. S.S. MARSHALL: —would like to see an easing of the restrictions that—

Members interjecting:

The Hon. S.S. MARSHALL: It's hard to hear myself. They're all getting excited about the winter break. Of course, the Leader of the Opposition has been on strike today. He hasn't asked any questions. I don't know whether—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —he hasn't got any questions to ask or—

The SPEAKER: The Premier will be seated. There is a point of order.

Mr KOUTSANTONIS: Personal reflections on members, sir.

The SPEAKER: Yes. Premier, could you please return to the substance of the question or conclude your answer, thank you.

The Hon. S.S. MARSHALL: Thank you, sir. I was talking about the deregulation of shop trading hours, which I know would create more employment.

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. S.S. MARSHALL: As I was saying to you, sir, there are a lot of interjections from those opposite. I'm not responding to any of them—

The SPEAKER: Good.

The Hon. S.S. MARSHALL: —but I just make the comment to the house that there are a lot. Some people who don't get put on the list to ask questions think that they can just add those sorts of syllables to the *Hansard* by shouting across the chamber.

The SPEAKER: Please do not respond to interjections, Premier.

The Hon. S.S. MARSHALL: We won't be responding because we are focused on the important things for the people of South Australia and, in particular, the commitments that we took to the election. One of those principle commitments that we took was to deregulate shop trading hours, and we do this on the advice of the people of South Australia. Various surveys show that more than 70 per cent of people in South Australia want to see more hours available. We already know that we have deregulated shop trading hours right across regional South Australia. Those opposite want to tell us that we have this—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —situation where, for example, Mount Barker is completely deregulated.

Members interjecting:

The SPEAKER: Order! The member for Reynell is warned.

The Hon. S.S. MARSHALL: They think that we should basically have one set of regulations in metropolitan Adelaide, one set of regulations in country SA—

Ms Bettison interjecting:

The SPEAKER: The member for Ramsay is called to order!

The Hon. S.S. MARSHALL: —and the arguments they put forward don't make a lot of sense to me.

Mr Picton: Don't talk.

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

The Hon. S.S. MARSHALL: We are all about creating more jobs, we are all about creating more consumer choice—

Members interjecting:

The Hon. S.S. MARSHALL: —and those opposite, as the Leader of the Opposition has just said, they're not. They're not about creating jobs. He just shouted, 'We're not.'

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: He says, 'We're not,' and he's right. They are not about creating more jobs, and they are not about creating—

Mr Malinauskas interjecting:

The SPEAKER: The leader will cease interjecting.

The Hon. S.S. MARSHALL: —more choice for consumers. Well, we are. We take our responsibilities in government very seriously. We would like to grow the size of our economy. We would like to grow the number of hours that young people in particular can work in South Australia, and we would like to give consumers greater choice.

The SPEAKER: The member for Badcoe has the call.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:55): My question is to the Minister for Child Protection. Has the minister received and read the department's incident report into this matter?

An honourable member: What matter?

The SPEAKER: Yes, which matter, member for Badcoe?

Members interjecting:

The SPEAKER: Member for Badcoe, could you just clarify? Members on my right, be quiet!

Ms STINSON: I can clarify. In case the minister doesn't know what is being talked about—

The SPEAKER: No, no. Please clarify—

Ms STINSON: I can clarify.

Members interjecting:

The SPEAKER: Order! Could you just please clarify for my sake, please?

Ms STINSON: I can, Mr Speaker.

The SPEAKER: Thank you.

Ms STINSON: My question is to the Minister for Child Protection. Has the minister received and read the department's incident report into the matter from 12 to 14 April this year?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:55): I have not received any incident matters, reports, of any kind.

The SPEAKER: Thank you, minister. The member for Badcoe.

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (14:56): My question is to the Minister for Child Protection. Has the minister read the department's residential care practice guidelines?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:56): No.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition.

RESIDENTIAL CARE FACILITY VISITS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:56): My question—

Members interjecting:

The SPEAKER: Order, members on my right!

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. van Holst Pellekaan: Tom said it was okay, did he?

The SPEAKER: The Minister for Energy is on two warnings.

Mr Pederick: Kouts gave permission.

The SPEAKER: The member for Hammond is warned.

Mr MALINAUSKAS: Mr Speaker, my question is to the Premier. Will the Premier initiate an immediate independent investigation into the incident that has taken place at a residential care facility following the Minister for Child Protection's visit in April this year?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:57): I am very happy to answer this, because can I just say that I have a great deal of confidence in the chief executives who work within the Public Service, and let me tell you—

Members interjecting:

The SPEAKER: The Premier will be seated for one moment. The member for Kaurna and the member for Lee can leave for half an hour, please, under 137A. They can leave for half an hour under 137A. They have had enormous latitude today. There are 14 minutes left. I would like to give members more questions. Thank you.

The honourable members for Kaurna and Lee having withdrawn from the chamber:

Mr Pederick interjecting:

The SPEAKER: And the member for Hammond will be joining them shortly at this rate. The Premier has the call.

The Hon. S.S. MARSHALL: Thank you, sir. I've got enormous confidence in each and every one of the chief executives who work—

Ms Hildyard: What about your minister?

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

The Hon. S.S. MARSHALL: I have absolute confidence in every one of the chief executives who work in our Public Service, and it was—

Members interjecting:

The SPEAKER: The Premier will be heard in silence. While there are interjections, the Premier will not continue.

The Hon. S.S. MARSHALL: If the chief executive thinks that an independent inquiry should be put in place, then I am sure it will be put in place. But the simple fact of the matter is the chief executive—

Members interjecting:

The SPEAKER: Order!

Mr Koutsantonis: Don't blame him; he just works there.

The SPEAKER: Order! Premier.

The Hon. S.S. MARSHALL: And, of course, the chief executive is on the record today repudiating some of the outrageous suggestions—

Ms Stinson: Very, very particular words that's she's used there.

The SPEAKER: The member for Badcoe is warned.

Ms Stinson: Very particular.

The Hon. S.S. MARSHALL: It must be humiliating for the member for Badcoe.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: She has elbowed her way on to the front bench with a great—

The SPEAKER: Yes, personal reflection. I ask the Premier to please withdraw 'elbowing her way to the front bench'. It's not that easy.

The Hon. S.S. MARSHALL: I withdraw, sir.

The SPEAKER: It's really not that easy.

The Hon. S.S. MARSHALL: I withdraw, sir.

The SPEAKER: Thank you.

The Hon. S.S. MARSHALL: But she has certainly made her way—

The SPEAKER: Please keep to the substance of the question.

The Hon. S.S. MARSHALL: —to the front bench with alacrity, and, sir, what a mess she has made of it recently. What a complete and utter mess that she has made of it recently.

The SPEAKER: Please return to the substance, Premier.

The Hon. S.S. MARSHALL: And the thing about this—

Members interjecting:

The SPEAKER: Order! I want to listen to the answer.

The Hon. S.S. MARSHALL: —shadow minister, who is in such a rush to get to the front of the queue, is that she doesn't understand the complexity—

Dr Close interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —of a very, very—

Dr Close interjecting:

The SPEAKER: Order! The deputy leader will not interject.

The Hon. S.S. MARSHALL: —difficult portfolio that exists, and that is the area of child protection.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: She doesn't understand it because, if she did, she wouldn't be asking the types of questions that she's asking in parliament.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: The previous government left child protection, like so many areas, in a complete and utter state of crisis.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: The fact that the opposition—

Dr Close interjecting:

The SPEAKER: Deputy leader, please cease interjecting.

Mr KOUTSANTONIS: Point of order, sir: relevance. The question was about an independent inquiry.

The SPEAKER: With all respect to the member for West Torrens, the Premier is being continually interjected by members opposite and behind him. I ask them to please cease or further members will be departing in the last 12 minutes. Premier, please stick to the substance of the question.

The Hon. S.S. MARSHALL: Yes—which was about an inquiry into the area of child protection. There were multiple inquiries into the area of child protection unfortunately ignored by those opposite. In fact, inquiry after inquiry after inquiry would have the same recommendations to the former government—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —regarding their hopeless performance in terms of child protection, all ignored—the same recommendations ignored for years. The fact that the opposition has actually elected the member for Port Adelaide as the deputy leader shows that—

Mr KOUTSANTONIS: Point of order.

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

Mr KOUTSANTONIS: This is now debate, sir.

The SPEAKER: Debate, 98. Premier, I again ask you—I will not ask you again—please stick to the substance of the question or wrap up your answer, please.

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

Mr Malinauskas interjecting:

The SPEAKER: The leader will not interject. You are now on two warnings.

The Hon. S.S. MARSHALL: The question is about whether or not I should call for an inquiry into a matter that has occurred within the Department for Child Protection. I make the point that I am very satisfied with the performance—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —of this department under the new, dedicated leadership of the child protection minister. For the very first time in South Australia, we are arresting the very casual attitude that the former government had to this most critical of portfolios. Many people have said that you can judge a government by the way it treats the most vulnerable. Well, let me tell you, those opposite should hang their heads in shame for the way that—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —they treated our most vulnerable. Whether it be in child protection or whether it be at Oakden, those opposite should hang their heads in shame. By contrast, we now have a dedicated Minister for Child Protection with no other responsibilities, focused on working methodically through improving the lot that we were left by those opposite. So I will not take any lectures from those opposite and I will not be establishing an independent inquiry.

The SPEAKER: The Premier's time has expired. The member for Flinders.

ENERGY MADE EASY WEBSITE

Mr TRELOAR (Flinders) (15:02): My question is to the Minister for Energy and Mining. Can the minister update the house on the Australian Energy Regulator's Energy Made Easy website?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:02): Thank you, member for Flinders—another important question, another Liberal member of parliament focused on what's important to his electorate and the rest of the state: trying to get electricity prices down. He asks about the AER's Energy Made Easy website and, yes, I can update the house with some information about that. The AER maintains the Energy Made Easy website. It is very much about trying to improve competition in our state.

All members would be aware of the ACCC's report looking into competition at the retailer and the generator level—a very important and useful report. The Energy Made Easy site is about trying to give retail consumers some extra access to information and transparency and to provide a platform for retailers to compete on that is transparent and widely available. The COAG Energy Council has recently made improving this platform a high priority. Members here will or should know that the Liberal government took to the last election, as part of our energy policy, a policy to make electricity bills far more transparent.

I would say that electricity bills, much like mobile phone bills, are very hard to interrogate. If you can figure out exactly what you're getting for your money, then it's still incredibly difficult to compare one bill against another to see which is offering you better prices, which is offering you better service and which is offering you a package that's better for your needs and for your consumption. We are determined to improve this. We are determined to remove the capacity for retailers to charge exit fees on standing electricity bills so that consumers can swap easily. The Energy Made Easy site is going to be improved. In fact, there is information on it which I would be pleased to share with the house. Since 1 July 2018—

Mr KOUTSANTONIS: Point of order.

The SPEAKER: Point of order from the member for West Torrens.

Mr KOUTSANTONIS: The minister is now quoting from a website that is publicly available.

The SPEAKER: If the minister could remind the house of the website, I will get it on my device and I will watch that he is not quoting word for word. What is the website, please?

The Hon. D.C. VAN HOLST PELLEKAAN: Well, energymadeeasy.gov.au

The SPEAKER: Please also add to information on that website, or it will be out of order. Thank you.

The Hon. D.C. VAN HOLST PELLEKAAN: Unfortunately for the member for West Torrens, I am not quoting from any website; I am sharing some useful information that is available on it.

The SPEAKER: Please continue.

The Hon. D.C. VAN HOLST PELLEKAAN: Since 1 July 2018, changes have started to emerge. For example, one small retailer has decreased their best electricity market offer by over 10 per cent or $248 per year for the typical household using 5,000 kilowatt hours per year. I am also advised that as of 31 July 2018 a household using 5,000 kilowatt hours a year pays on average $2,412 on one of the most common standing offers. If that household were to switch to the lowest market offer, which currently is around $2,017 per year, that household would save just under $400 per year.

It is not enough to tell households to shop around as the previous government used to do; we are actually trying to make it easy for households to shop around. They need the tools, they need the capacity and they need the ability to easily access and compare this important information so that they can look at what is best for them and they can make changes. We need more transparency, and we need more competition in our electricity market in South Australia, all the way from the generator market bringing price timings down from 30 minutes to five minutes, all the way through retailing and all the way through to the household. South Australian households and employers deserve more affordable, more reliable electricity and we will deliver it for them.

PRIVATE EMAIL ACCOUNTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:07): My question is to the Premier. Does the Premier stand by his remarks to the house that he is not aware of any member of his government or cabinet using a private email account for government business?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:07): When you say am I not aware of any member of the government using their private email for private business—

Mr Malinauskas: No, for government business.

The Hon. S.S. MARSHALL: Alright, so for government business. No, I am not aware of any member who has used—as we have already discussed in this house, there was some correspondence sent to minister Wade because the person who was sending the information thought that it was a private matter, I presume, but there were multiple email addresses that could be used. I don't think it is appropriate for ministers to be using ministerial or parliamentary email addresses routinely for private matters. Things happen—you want to book a trip overseas—and sometimes that does sneak into the wrong email address—

Mr Koutsantonis: That's alright, we understand that. That's different.

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I am just clearing up that issue. I think that we should use a private email address where possible for private email correspondence. Sometimes that will move over into the wrong email address. I think the issue here, though, is that we don't want to see a continuation of what occurred under the previous government, and that was that there was a situation which was identified by the Independent Commissioner Against Corruption, if I am correct, where he identified that private emails were being routinely used for government business to keep it outside what could be accessed as a state record.

I am quite clear about what a state record is, and our obligations as a government under the State Records Act. It does permit the use of a private email, but it doesn't actually mean that if government business is transacted accidentally or otherwise on a private email address that it isn't still captured by the State Records Act. I am quite clear on this matter and I am not aware of any breach from any member of the cabinet.

If those opposite have a specific allegation to make, I suggest that they make it, but I am not aware of anything. Certainly, I would expect every single member of the cabinet to understand their obligations under the State Records Act. We do not want to be repeating what was identified by the Independent Commissioner Against Corruption about the previous government's misuse—continued and chronic misuse—of private email addresses to try to circumvent the obligations of that government under the State Records Act.

As was pointed out, and as I have pointed out again here today, there is no ability to essentially circumvent that because, whether they are transacted on a private email, a ministerial email or a parliamentary email, they still have different levels of requirement under the State Records Act.

PRIVATE EMAIL ACCOUNTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:10): My question is to the Premier. Given the Premier's response, can the Premier explain to the house why he and his staff are using a private email, media@stevenmarshall.com.au, to conduct government business?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:11): I don't know whether you were listening. I have just been through it for 3½ minutes. Some would say I was trying to pad it out to get to four minutes.

The SPEAKER: No-one said that.

The Hon. S.S. MARSHALL: There wasn't actually a lot of content, but I will go over it again anyway.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: Regardless of what email—

Members interjecting:

The SPEAKER: The Premier will be heard in silence.

The Hon. S.S. MARSHALL: Regardless of what email address is used—

Mr Koutsantonis: That's not what Bruce Lander says.

The SPEAKER: Member for West Torrens, let's hear the answer.

The Hon. S.S. MARSHALL: See, this is the problem.

Members interjecting:

The SPEAKER: Let's hear the answer.

Members interjecting:

The Hon. S.S. MARSHALL: This is the problem with the previous government.

The SPEAKER: Premier, please do not respond to interjections. I would like to hear the answer.

The Hon. S.S. MARSHALL: This is one of the problems with the former government, sir. They didn't understand complex, or often simple, issues. This is reasonably straightforward. We have the State Records Act; we can provide those opposite with a copy. Clearly, they didn't read it while they were in government. This was pointed out by the Independent Commissioner Against Corruption. It's pretty clear. If it's government business, it's captured by the State Records Act, regardless of what the email address actually is. I went through that for four minutes. I am happy to go through it—

An honourable member: Nearly.

The Hon. S.S. MARSHALL: Okay, nearly, almost. Three minutes 45, I think it was. I am happy to go through it again or I am just happy to provide a copy to the leader's office. He can get a briefing on the State Records Act—the obligations of all members of parliament under that act. We can have a briefing, sir. The crime and public integrity committee might like to invite the Independent Commissioner Against Corruption to explain it to the crime and public integrity committee and put out a broader invitation to members of parliament so that they understand their obligations because it's quite clear that, despite the commissioner being extraordinarily clear on this issue, publishing information on this issue, those opposite still don't understand it.

Ministerial Statement

ELECTRICITY COSTS

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:13): I table a copy of a ministerial statement relating to massive cost increases under the Labor government electricity deal made earlier today in another place by my colleague the Treasurer.

Grievance Debate

RESIDENTIAL CARE FACILITY VISITS

Ms STINSON (Badcoe) (15:13): I rise to speak about the pretty extraordinary responses that we saw in question time from the Minister for Child Protection. What is really notable is what was said as well as what was not said, the very careful words that were used, the very careful answering of questions, the very careful construction of a ministerial statement and the very, very careful construction of a statement from the chief executive, Cathy Taylor. We have had explained to us on this side of the house by very reliable whistleblowers that, on 12 April—

Members interjecting:

The SPEAKER: Order!

Ms STINSON: —the minister visited a residential care facility. We understand there was some planning that came before that. There were some discussions that went on about what was going to happen at the residential care facility, and we know that the minister insisted that she be able to speak with children who were in state care, and there is no problem with that. There is no problem with the minister visiting residential care facilities. Our former ministers certainly have informed themselves of what goes on in those residential care facilities, and there is absolutely no problem with this minister also going and informing herself about this very complex portfolio.

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

The SPEAKER: The Minister for Education will not interject or he will be departing the chamber.

Ms STINSON: What is a problem is when the department provides advice that it is not wise to interact with children, and there are good reasons for that. For example, children in these facilities are vulnerable. They have complex backgrounds and complex psychological issues that they are dealing with. There are reasons why authority figures going into a residential care facility—their home—would disrupt them and cause them great stress and that that stress could result in things like verbal altercations. It could result in violent behaviour. It could even result in absconding.

We assert, and the whistleblowers who have come to us assert, that that information, that advice, was given to this minister, yet this minister—the Minister for Child Protection—ignored that advice and decided to proceed anyway. She decided that she knows better than the experts in her department. We understand that she proceeded with this meeting. In fact, she does not deny that she attended this facility on 12 April in the afternoon.

She talked to a young man, a 17 year old, and he expressed that he felt he should have been in a larger room, a bigger bedroom. The minister, I am sure with best intentions, took on his cause and advocated for him to get a bigger bedroom. Unfortunately, she did not take the time to ask staff why that young man was in the bedroom he was in, about the security concerns, the welfare reasons or why he might have a particular room and other children might have different rooms.

What ensued was that the child became very upset when his hopes of a new bedroom were not realised and could not be realised by the minister. We understand from whistleblowers who have come to us that he became verbally abusive, swearing at staff, and had to be removed to another room, and the minister had to be separated from him. This caused him to then lash out and violently beat his fists against a door. He went from having a civil conversation to being highly agitated in the short period of time in which he was having a conversation with the Minister for Child Protection.

Of course, it gets worse. The minister left the facility. Pretty soon after that, the minister was informed that this individual, this child, had absconded from the facility and had met up with other children from state care facilities. He had gone to Brahma Lodge and allegedly robbed a house—these are charges in front of the court at the moment—had stolen a car, and not just once but twice had stolen petrol. The police caught up with him and others across the Victorian border after a police chase.

Time expired.

MEMBER FOR MAWSON

Mr BASHAM (Finniss) (15:18): The member for Mawson yesterday exemplified the bullying of Georgina Downer, which was an outstanding feature of the recent Mayo by-election.

Members interjecting:

The SPEAKER: Order!

Mr BASHAM: Voters in the newly shaped seat of Mawson are regretfully starting to learn just what a terrible representative they have. I am receiving increasing complaints as more and more of his new constituents turn to my office for assistance knowing that they are getting no help from him. There is no wonder why. As the former minister for primary industries, he oversaw and executed Labor's numerous direct attacks on farmers and agriculture.

Mr KOUTSANTONIS: Point of order: standing order 127, sir. A member may not impute improper motives on any other member or make personal reflections on any other member.

The SPEAKER: What is the improper motive or personal reflection?

Mr KOUTSANTONIS: He is reflecting on the member for Mawson being a bully, sir, intimidating—

The SPEAKER: Does the member for Mawson—

Mr Koutsantonis: Any member can raise an objection, sir.

The SPEAKER: Does the member for Mawson take offence?

Mr BIGNELL: I absolutely take offence at this.

The SPEAKER: Thank you. I ask the member for Finniss to withdraw that last comment.

Mr BASHAM: I withdraw, sir.

The SPEAKER: Thank you. Please continue.

Members interjecting:

The SPEAKER: Order!

Mr Koutsantonis interjecting:

The Hon. J.A.W. Gardner: How many warnings does this guy need?

The SPEAKER: Yes, that is a very good point. The member for West Torrens, could you please depart for half an hour, under 137A. The member for Finniss has the call.

The honourable member for West Torrens having withdrawn from the chamber:

Mr BASHAM: As the former minister for regional development, he oversaw Labor's profound and deliberate neglect of rural and regional South Australia. Our farmers and our regions are enormously relieved he is gone from that position, but sadly his own constituents must still suffer his existence. Yesterday he boasted about his letter to Ms Downer. He saw virtue in making statements against her. He acted no better than the worst social media trolls who abused Ms Downer, too. In this disgusting letter he called his own constituent selfish, a liar and a racist. What is wrong with him, Mr Speaker?

Mr Bignell: She's moved out already. She's moved out.

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

Mr BASHAM: He says in this letter, and I quote:

> ...it doesn't matter who your father, grandfather and great grandfather were. We follow a democracy, not a hereditary monarchy.

And yet Georgina Downer followed all the rules of our democracy. Rebekha Sharkie did not follow our country's rules. If she had, there would be no by-election in the first place.

Members interjecting:

The SPEAKER: Order, Members on my left!

Mr BASHAM: The member for Mawson also needs a history lesson about democracy.

Members interjecting:

The SPEAKER: Order! The member for Finniss has the call.

Mr BASHAM: Ms Downer's father, grandfather and great-grandfather were all elected democratically—all of them, many times.

Mr Malinauskas: All nation builders. Just ask them.

The SPEAKER: The leader is on two warnings.

Mr BASHAM: They followed the rules, too. It does matter who they were: Georgina's grandfather Alick Downer served in Malaya during the Second World War and was a prisoner at Changi. Georgina's great-grandfather John Downer was one of the architects of the Australian Constitution, the founding document of the Commonwealth of Australia. Yet Georgina Downer mentioned none of this during her campaign. She had no need. She has stellar credentials earned on her own merits as a lawyer, a diplomat and a developer of public policy. She has been focused on a secure and prosperous future for Mayo.

Members interjecting:

The SPEAKER: Order!

Mr BASHAM: No, it was the member for Mawson and his fellow arguers against her who were obsessed with the past and the Downer family legacy. No-one who campaigned as hard and as long as Georgina Downer could possibly have any sense of entitlement. To suggest she does is the worst kind of intellectual dishonesty, and to suggest Georgina Downer is not a local, when she grew up in Mayo and you did not, is the height of hypocrisy.

The member for Mawson obviously has no understanding of this, and you always fear what you do not understand. The people of Mawson deserve much better than a representative who

attacks his female constituents out of fear. The people of Mawson deserve much better than a representative who thinks such behaviour is a virtue to boast about. The people of Mawson deserve a representative who accords people respect, not scorn. The people of Mawson deserve a representative who holds them in regard, not contempt.

This raises a much broader issue about civility in society. That a member of this parliament has seen virtue and obvious delight in attacking a woman and in insulting the memory of soldiers who suffered as prisoners of war in Changi sadly reflects on the decline of civility in our society. In this place, we need to set a higher standard. To this end the member for Mawson must apologise to Georgina Downer and to the other members of this parliament for his appalling behaviour.

ROAD AND RAIL SAFETY

The Hon. A. PICCOLO (Light) (15:24): Today, I would like to add some commentary about safety in the workplace. Last week, we spoke in this place about Farm Safety Week, and quite appropriately we discussed safety in the workplace—in that instance, the workplace being the farm. Today, I would like to talk about the road, which is a workplace for many people. Accordingly, road safety is an important issue not only for people who work on the roads—and by that, I do not just mean roadworks; I also mean truck drivers and others—but for every member of our community who rides on our roads.

To ensure that our roads are safe, we need to ensure that heavy vehicles use our roads in a safe manner. It is a sad fact that in the 10-year period to 2014, more than 2,500 people were killed in truck crashes across our nation. Part of the road safety solution is achieved through compliance with heavy vehicle regulatory standards. Another part of the solution is achieved through ensuring that truck drivers are paid a fair day's pay for a fair day's work. Truck drivers deliver the goods that our community relies upon. Truck drivers deliver our food and groceries, and they deliver most of the consumables we enjoy.

To do this, truck drivers sacrifice significant amounts of family time, as well as time away from their communities. Like the rest of us, truck drivers deserve fair pay, and they deserve to be paid at a level that ensures that our roads remain safe. If truck drivers are forced to drive excessively long shifts and do not get sufficient rest between these shifts, their fatigue may cause an otherwise preventable crash.

Multiple judicial and coronial reports, academic studies and government-commissioned inquiries have produced evidence which shows that low rates of pay for truck drivers cause unsafe practices in the road transport industry. The Transport Workers Union's Safe Rates campaign has been designed to reduce the incidence of fatigue-related crashes. It tackles low rates of pay at the top of the transport supply chain.

I commend the actions of the Transport Workers Union for obtaining fair pay and conditions for truck drivers throughout national enterprise agreements with Toll, Linfox and TNT. Safe Rates committees, made up of workers and TWU delegates, have also been established to make sure that outside hire workers also get the rates, standards and conditions they deserve. I commend the actions of the Transport Workers Union and their secretary in this state, Ian Smith, for supporting road safety through upholding the pay and conditions of truck drivers.

I would like to also briefly speak about the safety of people on our trains. I have actually been a regular train user since 1978. Unfortunately, I was not able to use the train today because the line was not working, due to a very sad incident which occurred this morning. However, I am very proud to be a regular train user. I am very proud of our public transport system, and I am very proud of the investment into public transport made by the previous state government. One of the biggest public transport investments they made was in the Adelaide-Gawler line.

The previous government invested 100 per cent to electrify to Salisbury, and the previous government made a commitment of 50 per cent to go from Salisbury to Gawler central. Belatedly, the federal government has come on board. The people of Gawler have had to wait at the train station for a little longer because the federal government would not come on board sooner. I would also like to commend the people who work on our trains. They are there every day, working on our trains, to make sure that all commuters are safe.

It is important that we have a good public transport system for two reasons. Firstly, it is an equity issue. It is important for those people who, for whatever reason either cannot afford or cannot drive a car, to have access to public transport. Secondly, it is good for road safety because we have fewer cars on our roads. On Wednesday 25 July, I had gone home on the 7.20 train. One of the passenger service assistants and security officers, who work after 6pm, had the task of removing someone who was a bit intoxicated and whose behaviour was not their best, in order to make sure that the rest of us were safe.

She did an extraordinary job. I would like to publicly commend the way she diffused the situation and not only safely removed the person who was behaving inappropriately from the train but kept the rest of us safe as well. I think it is important that this happens; she is trained. I would also like to commend the Rail, Tram and Bus Union, who work with their members and other staff to keep not only their members safe, but all public transport users.

EBSARY, MR E.

Mr ELLIS (Narungga) (15:29): I rise today to speak about an incredible man. I was fortunate enough to visit the Bute RSL on Sunday and witness Ed Ebsary being awarded a meritorious service medal from the Returned and Services League. Ed, who is 99 years of age, received the highest award the RSL can offer, over and above life membership.

After enlisting in July 1940 with the infantry, Ed served our country valiantly in Egypt, Palestine, Lebanon and Papua New Guinea, and served until 1945. He was wounded a couple of times but always returned to conflict. At the RSL, he related a story of a time when he had pulled out a grenade and was preparing to pull the pin when he was shot in the hand and lost a portion of his finger, but he was quite grateful that the bullet did not hit the grenade itself.

After briefly flirting with remaining in the Army after the war, Ed returned to his family farm on Yorke Peninsula, between Bute and Port Broughton, and began his long involvement with the local community. He joined the Port Broughton RSL in 1946 and then transferred to the Bute RSL in 1948. He has been a member of the Bute RSL for 70 years, which is an absolutely incredible effort. He first served as president of Bute RSL in 1953 and was secretary in 2005—an incredible longstanding effort towards serving his RSL. During that time, he did eight years as president, five years as vice president and many years as treasurer and secretary as well. He was awarded life membership of the RSL in 1990.

Ed has long been committed to the region in terms of sport. He is a life member of three different places: he was made a life member of the Broughton Football League in 1997, a life member of the Mundoora/Wokurna Football Club in 1988 and, in the same year, a life member of the Broughton Mundoora Football Club. He has also been heavily involved in tennis, basketball and lawn bowls.

Ed has also been committed to agriculture in the area and was made a life member of the Bute Ag Bureau in 1957. He had served the required 20 years on the ag bureau to justify life membership. He also served on the committee that was formulated to arrange the celebrations for the centenary of the ag bureau and took responsibility for compiling a history from the records and minute books. He reported that past secretaries had scarcely been legible handwriters, particularly the former local doctor, who served as secretary for a time and wrote his minutes in the same manner in which he filled out his scripts.

Ed was active on the Bute Hospital board, where he was a board member for 20 years and a chairperson for 14 years, and he fought valiantly to keep the hospital as an ongoing concern. He also served the SES in numerous capacities and was awarded the National Medal in 1989. His further contributions to the community are too many to mention, but they include the masonic lodge, Rural Youth, the Uniting Church and so on and so on. This extraordinary total of contributions was recognised in 1990, when he was Bute's Citizen of the Year, and in 1991, when his name appeared on the Queen's Birthday List of Honours and he was proud to receive an Order of Australia Medal for his services to the community. That medal was presented to him by Governor Dame Roma Mitchell later that year.

Ed is an absolute titan of the Yorke Peninsula community, and we thank Ed for his service to the country first and foremost, for the sacrifices he made in conflict and for his service to our community over many, many years. Finally, I offer my congratulations on his most recent accolade. It is well earned and well deserved.

I would encourage all members, if they are ever in Bute, to visit the Bute RSL, which is a fascinating place. The walls are adorned with past service men and women who served in conflicts, both those who came home and those who were not so fortunate and did not. The weekly eight-ball tournament is an absolute joy to attend and brings in all different kinds of people. So, if you are ever in Bute, make sure that you visit the RSL. Ed informed all of us in the RSL that day that he had plenty of years left, and we are looking forward to seeing the contribution he makes to our community going forward. In conclusion, I would like to summarise the awards that Ed has won:

- Life member of the Bute Ag Bureau;
- Life member of the Broughton Football League;
- Life member of the Mundoora/Wokurna Football Club;
- Life member of the Broughton Mundoora Football Club;
- National Medal for services to the State Emergency Service between 1963 and1971;
- Life membership of the RSL;
- Bute Citizen of the Year; and
- the Medal of the Order of Australia for his services to the community.

Thank you, Ed, for your service and we look forward to seeing what you can do going forward.

Matter of Privilege

RESIDENTIAL CARE FACILITY VISITS

Mr PICTON (Kaurna) (15:34): Sir, I raise a matter of privilege. Today, in question time the member for Badcoe asked the Minister for Child Protection, quote:

> Has the minister's office played any role in formulating and distributing the statement issued by her chief executive a short time ago?

The minister replied to the house, 'No'. I am advised that the Minister for Child Protection has misled the House of Assembly. I am advised that her staff were seen distributing the chief executive's statement at the minister's press conference shortly before question time. I ask that you give consideration to a matter of privilege and rule if a motion to establish a privileges committee should be given precedence over other business in the House of Assembly.

The SPEAKER: Thank you, member for Kaurna. I understand the matter raised by the honourable member. I will defer my decision at this stage. What I will do is ask the member to please provide me with any relevant material and I will come back to the house on whether I consider the matter to be, prima facie, a matter of privilege. Thank you.

Ms Stinson: You're getting very experienced at this.

The SPEAKER: I am getting very well experienced at this. The member for Torrens has the call.

Grievance Debate

HAMPSTEAD REHABILITATION CENTRE

Ms WORTLEY (Torrens) (15:35): I rise to speak about a very important issue in my electorate of Torrens and also for South Australia: the inconsistent opening hours of the Hampstead Rehabilitation Centre hydrotherapy pool.

Not only is there an increasing lack of access to the pool for user groups, but at least one significant user, Elite Swim School, which has among its clients around 100 participants with autism spectrum disorder, has had its fees increased, from around $8,500 to more than $30,000, without

explanation. The director, Jayne, has been at the centre for more than 25 years, and she offers her services at a discounted rate to make it more affordable for families.

The Hampstead Rehabilitation Centre hydrotherapy swimming pool is used by the centre's inpatients, other members of the community for rehabilitation therapy, people with a disability, those on the autism spectrum and for general swimming instruction and recreation. I have had a number of residents contact my office regarding the recent ongoing temporary closures of the pool, sometimes with only a few hours' notice.

Early this week, a mother travelled with her child nearly 30 kilometres only to get to the centre and find out that, on that particular day, it had again been closed. One resident wrote about the Hampstead pool, saying:

> We have used the pool for hydrotherapy and also the gym. Our doctor referred us to enable management of health conditions and to maintain optimal levels of functioning. We and others believe it is beneficial to our health and well-being. We have been advised the pool is closed for repairs.
>
> This has been going on for a number of weeks and we are told they do not know when it will be fixed. We get notification on the day of our session or the night prior. We share the concerns of others about the prolonged closure and believe it requires investigation.

Another resident I spoke to said:

> For over a month now, the hospital management have been opening and closing the pool constantly. First for the odd day, then for two weeks and now almost every other day. My kids have missed multiple lessons with no end in sight.
>
> The small business trying to run a fantastic local community swim school is slowly being brought to its knees and it's now testing the loyalty of the users to their limits, through no fault of their own. I'm sure they are having to pay staff as closure time sometimes only occur hours before classes.

Another local resident said:

> Seven members of our family have used this facility for approximately 15 years and, in that time, we have not seen such disruption and lack of direction towards a maintenance solution—not ever. For a period no less than 6 weeks, the pool has been closed for repairs and/or maintenance repeatedly, most often at short notice and for protracted periods.
>
> It's quite clear that those who are managing this situation, and I am not referring to the pool manager, are contributing to the prolonged closure through inaction. Subsequently, this is also contributing to the frustration of the user groups and creating a flow-on effect for many others.

The letter continues:

> I also shudder to think of the damage this has already done and will continue to cause the patients and the families of the Hampstead Rehabilitation Centre who rely on this facility to regain health, mobility and life skills if something is not done immediately.

I have raised the issues surrounding the Hampstead Rehabilitation Centre pool with the Minister for Health, and I have highlighted the importance of this issue being investigated immediately so that the facility can be promptly returned for use by members of our community at an affordable rate to those who rely on it on a regular basis.

I also want to raise today the unexpected notification to community user groups that the Strathmont pool, also a hydrotherapy pool, is to be closed in January 2019. The community was shocked by this news given the very full seven-day-a-week timetable use of the pool. There is a notice at the centre that says, 'The pool is fully booked. No extra time available.' This facility serves the local community well and has done so for many years. It is appalling that the Marshall Liberal government is moving to close down the pool without any proper consultation with the community groups that rely on it for rehabilitation therapy, to assist with sensory therapy, water safety schools and exercise, without plans to replace it.

Time expired.

NEWSTART ALLOWANCE

Ms BEDFORD (Florey) (15:41): The word is growing in the community—Newstart is no start at all and should increase. The Business Council of Australia and even former prime minister Howard agree.

Through the work of the Anti-Poverty Network SA, I have had the opportunity to meet amazing people from all sorts of backgrounds and all walks of life—single people and those with families, all battling to survive and raise awareness. Their numbers are rising and things have to change. I have listened and had the privilege to hear testimonials from people trying to survive on a weekly benefit of $273—a staggering $160 below the poverty line and well below the minimum wage of $672. Michelle tells us:

The buying power of those on Newstart is very low when over 50% goes on rent and [then] 20% on bills, that leaves very little money for food and all the extras. Cuts to welfare and the low rates of Newstart, including family payments—putting women and single parents with children on the dole—means people are more vulnerable to reduced nutritional status, health dysfunction and increased financial hardship, especially with programs and ideas like the cashless welfare card and drug trials. The rate of Newstart is not adequate to house, feed and water those out of work trying to find a job in a time of zero job creation, aside from mining.

Michael is a counsellor who offers a free service to vulnerable people in country NSW, South Australia, Tasmania and Victoria. He said:

In my experience most cannot even afford rent or the basic necessities of life. In country areas it's worse than metropolitan areas. Suicide and ideation of suicide is up to two or three times worse, largely due to their lack of income and the constant rejection when they apply for jobs. Money paid out as unemployment benefits is spent quickly and for the most part locally! An increase in Newstart would provide a direct, significant boost to small commercial and other businesses in depressed areas.

Claudia said:

Newstart was last raised in the year I was born. I've seen the cost of living rise every year. I've endured the low rate of Youth Allowance. I am scared of ever enduring the low rate and added demoralising process of Newstart. My friends and loved ones on welfare deserve better. We all do.

And I had a note from Alayne. It reads:

Dear Frances, can you please look into the very low rate of Youth Allowance and Newstart Allowance and the shortage of housing—plus help bring back adequate SA Public Housing Trust properties. The situation is dire and urgent.

Tammy said:

It is not a matter of how to get people to contribute, people want to. It's a matter of empowering people to do so. All people deserve to have access to the basics needed to survive. We all deserve enriched communities where all people are encouraged to and are supported in being fully able to participate. The matter is not how we can afford this. It is obvious we simply cannot afford to continue to impoverish not just those on Newstart Allowance, but ultimately whole communities and all of Australia.

Dave B said:

Almost 70 years ago, after two world wars and hundreds of millions dead, Australia and the world signed the Universal Declaration of Human Rights. Not an aspiration—a declaration; a commitment to fulfil and protect the basic human needs and dignity of every living person. Today in Australia, the dismantling of public institutions and social safety nets combined with the artificial scarcity created in our housing and labour 'markets' mean that the denial of human rights is guaranteed and entrenched—not by accident but by design. We need to protect housing as a human right, not an investment opportunity, and we need to make our safety net safe for everyone, because until they are, they will never be safe.

Josh wants to tell us:

My work as a community and rehabilitation support worker in the Elizabeth region gives me an insight into poverty and its dire effects on those who find themselves in it. Their reality is brutal and inhuman. This is because living in poverty does not really allow for psycho-social rehabilitation and inroads toward recovery.

If 'a society is judged by how its vulnerable are treated' well, our society needs to begin making amends—we can raise Newstart as far as possible towards the poverty line. Every one of us is diminished when any one of us is in poverty.

Alicia Burns asked me to say:

Newstart Allowance has not been raised in real terms since before I was born. Youth Allowance is even lower than Newstart. Being on Youth Allowance, my budget leaves me with thirty cents to spare each month, but only if I skip meals and don't pay rent or bills. It's not good enough. These payments need to rise!

Lastly, from Catherine:

I work as a solicitor and assess claims for victims of crime compensation. Crime affects all social and economic sectors of the public, it is clear crime, particularly crimes of violence, including domestic violence, dis-proportionately affect those in receipt of welfare payments or those in poverty. Increasing Newstart payments would in my view allow those that are victims of crime to escape violent and abusive situations.

An increase to Newstart will improve the lives of all Australians and ultimately reduce the money required to be spent on rehabilitative and correctional services. It will help break a worsening problem of domestic violence in Australia. Please support the Anti-Poverty Network.

These testimonials are from the heart. They are lived experiences and speak for themselves. Newstart does not give people the opportunity to move into paid work, considering that at least eight people are after every job. Poverty is not a choice, especially where children are involved. State parliament needs to get behind local government and support calls to the federal government for an increase in Newstart.

Personal Explanation

MEMBER FOR ELDER

Ms HABIB (Elder) (15:46): I seek leave to make a personal explanation.

Leave granted.

Ms HABIB: I wish to inform the house that I have recently taken my husband's surname. Last year, just months before the election, I married Brad Power, who I first met when I was 16 years old. Brad has held a strong place at my side throughout the election and as I have taken up the role as the member for Elder. For so many people, being married is about a partnership and being a team that comes with much joy, and that is no different for me. Now that I am able to do so without causing too much confusion, I have changed my surname. I have been advised that I am the only South Australian parliamentarian to change their surname due to marriage in 182 years.

As no doubt all in this house can appreciate, changing my surname is not a decision to be taken lightly. I have worked hard over the years to earn professional recognition and awareness in the community, just as every member in this house has done. We have all just been voted into this place with campaigns run on the recognition of our names. For me personally, given my maiden surname, Habib, has also been widely talked about due to Labor's racist campaign during the 2014 state election—

Members interjecting:

The SPEAKER: Order!

Ms HABIB: —this decision came with additional considerations.

Members interjecting:

The SPEAKER: Order! The member for Elder will be seated. A personal explanation, per standing order 108, is not a subject of debate. Please continue.

Ms HABIB: As mentioned, Brad and I were married just prior to the election, so the timing of when to change my surname also became a decision in itself. I decided to wait until after the election for a number of reasons, including not wanting to be wasteful with campaign materials already printed and produced with my maiden surname, and also in part because I wanted to send a clear message to the Labor Party and the former member for Elder, Annabel Digance, and her husband. That message was—

The Hon. A. PICCOLO: Mr Speaker, you just ruled that a personal explanation is not a time for debate.

Members interjecting:

The SPEAKER: Order! The member for Light will be seated.

Members interjecting:

The SPEAKER: Order! Member for Light, please be seated.

The Hon. A. PICCOLO: And the member will keep to her personal explanation.

The SPEAKER: Order! Member for Light, please be seated. By leave of the house, a member may make a personal explanation even if there is no question before the house. The subject matter of the explanation may not be debated. Member for Elder.

Ms HABIB: I wanted to send a clear message to the former member for Elder, Annabel Digance, and her husband, and that message was that I would not be bullied and intimidated by her racist campaign.

Members interjecting:

The SPEAKER: Order!

Ms HABIB: I would not be shamed because my surname came from overseas and we in South Australia, as leaders and a community, must always stand up, speak out and not shy away from those who attempt to incite fear in our community with racist tactics.

Members interjecting:

The SPEAKER: Order!

Ms HABIB: No matter what my name is, I will take with me—

The SPEAKER: Is leave withdrawn?

Mr Malinauskas: Not yet.

The SPEAKER: Leave is not withdrawn. Please continue. You have three minutes.

Ms HABIB: I will take with me into the future that experience; that does not disappear when I change my name. This is the first time I have spoken out about it publicly, and I think that has shown a certain level of respect for quite some time now, a number of years. I understand how it feels to be judged on your name and ethnicity alone, and I will continue to fight for equality for all Australians so that individuals are judged on who they are, not what their names are.

My name is a part of who I am, but it is not all that I am. I am now part of a team and I want to reflect that part of my life and how important it is to me. Brad is my equal and my partner in absolutely every way and, as many would know, it is special to be part of a team like this and I wanted to recognise it publicly.

Members interjecting:

The SPEAKER: Order!

Ms HABIB: In doing so, I would also like to acknowledge all the incredible women and men who went before me to fight for equality for women. Because of their efforts, women have the right to vote, the right to stand for parliament, and all of us, men and women, can choose to live our lives how we wish within the confines of the law. I chose to marry Brad Power and I am now choosing to take his surname. Thank you.

Parliamentary Committees

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:50): By leave, I move:

That Mr Cregan be appointed to the committee in place of Mr McBride (resigned).

Motion carried.

Bills

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (BINDING RATE OF RETURN INSTRUMENT) BILL

Introduction and First Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:52): Obtained leave and introduced a bill for an act to amend the National Electricity (South Australia) Act 1996 and the National Gas (South Australia) Act 2008. Read a first time.

Second Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:53): I move:

That this bill be now read a second time.

I seek leave to have the second reading and explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

On 14 July 2017, the COAG Energy Council agreed to implement a binding rate of return instrument for the rate of return components of the Australian Energy Regulator's and the Western Australian Economic Regulation Authority's regulatory determinations.

Accordingly, the South Australian Government is amending the national energy laws to introduce a binding rate of return instrument into the process for setting the revenue of regulated electricity and gas businesses. This amendment will provide greater certainty and reduce the regulatory burden for network businesses and consumer groups by establishing a single rate of return instrument that will apply across all determinations made by the regulator.

The *Statutes Amendment (National Energy Laws) Binding Rate of Return Instrument Bill 2018* will amend the National Electricity Law and National Gas Law to require the AER to make an instrument that is binding on the AER and regulated electricity and gas network businesses.

The AER regulates the revenue network businesses can earn which determines the prices they can charge during a regulatory period. It does this by making distribution and transmission determinations that apply over a five year period. This Bill does not change this. It allows the AER to establish the methodology it will use to determine the rate of return in the regulatory determinations for all businesses once every four years. The AER will no longer use a different approach for each business.

Energy Ministers consider this an important step in stabilising energy prices over time. This is because the rate of return makes up the largest revenue component, accounting for up to two thirds of network businesses' regulated revenue.

The Bill's intention is to provide a rate of return that will allow the regulated businesses to recover their efficient financing costs. It will also support investment in the long term interest of consumers, as required by the National Electricity Objective and National Gas Objective. In developing the instrument, the AER must also have regard to the Revenue and Pricing Principles set out in the national energy laws. Businesses will be able to seek judicial review if the AER fails to have regard to the National Electricity Objective and National Gas Objective and the Revenue and Pricing Principles.

The approach retains incentive-based regulation while providing flexibility for regulatory innovation. Reasserting the primacy of the Revenue and Pricing Principles will ensure network businesses continue to have an incentive to make efficient investment decisions. The key concept of a weighted average of an allowed return on debt and an allowed return on equity has been included to provide greater guidance to the AER. The AER will also be required to explain its decision-making processes and conclusions in the explanatory information it must publish with the instrument.

The Bill will make the AER's decision making process more transparent through improved consultation requirements. It will provide stakeholders with the opportunity to contribute evidence and advice about appropriate methods and relevant market data to underpin the content of the instrument.

A consumer reference group will be established to advise the AER on implementing the consumer consultation process and facilitate consumer input into the design of the instrument.

An independent expert panel will also be established to review the draft instrument, ensuring that the AER's decision is based on sound reasoning.

The Bill will require the AER to review and replace the instrument every four years.

The Bill will provide that once initial Rules have been made by the South Australian Minister on the subjects provided for in the Bill, the Minister will have no power to make any further Rules regarding regulated networks' rate of return.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Electricity Law*

4—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure.

5—Amendment of section 15—Functions and powers of AER

The functions and powers of AER are amended to reflect the new Division relating to the rate of return instrument.

6—Insertion of Part 3 Division 1B

New Division 1B is inserted into Part 3. In general terms, new Division 1B will require the Australian Energy Regulator (AER) to make an instrument that specifies the way to calculate the rate of return on capital and the value of imputation credits or the way to calculate that value.

Procedural requirements relating to the making of the instrument are set out, such as that the AER must engage a consumer reference group, seek submissions on the making of the instrument, seek concurrent evidence from experts, release a draft instrument, seek submissions on the draft, and engage an independent panel to assess and provide a report on the draft.

The rate of return instrument will commence on the day after it is published on the AER's website, and remains in force until replaced. It must be replaced every four years (i.e. on the day that is the fourth anniversary date of its publication).

The instrument will apply to all economic regulatory determinations made under the *National Electricity Law* after it commences:

Division 1B—Rate of return instrument

Subdivision 1—Preliminary

18F—Definitions

18G—Rate of return instrument has force of law

18H—Rate of return instrument is binding on AER and network service providers

Subdivision 2—Requirement to make rate of return instrument

18I—AER to make rate of return instrument

18J—Content of rate of return instrument

Subdivision 3—Consultation requirements

18K—Process for making rate of return instrument

18L—Other matters AER must have regard to in making instrument

18M—Requirements before publishing draft instrument

18N—Consumer reference group

18O—Publication of draft instrument and other information

18P—Report about draft instrument by independent panel

18Q—Publication of explanatory information

18R—Failure to comply does not affect validity

Subdivision 4—Publication, review and other matters

18S—Publication of rate of return instrument

18T—Commencement and duration of instrument

18U—Review and replacement of instrument

18V—Application of instrument

18W—Rate of return instrument may apply for this Law and the National Gas Law

Subdivision 5—Confidentiality of information

18X—Confidentiality

18Y—Disclosure of information given in confidence

7—Amendment of section 28J—Opportunity to be heard before regulatory information notice is served

8—Amendment of section 28Q—Assumptions where there is non-compliance with regulatory information instrument

These amendments are consequential.

9—Insertion of section 90BA

A new rule making power is inserted.

90BA—South Australian Minister may make consequential Rules relating to rate of return instrument

The South Australian Minister will be empowered to make consequential Rules relating to the rate of return instrument. This is in connection with the insertion of the rate of return framework into the *National Electricity Law* (and its removal from the Rules).

10—Amendment of Schedule 1—Subject matter for the National Electricity Rules

11—Amendment of Schedule 2—Miscellaneous provisions relating to interpretation

These amendments are consequential.

12—Amendment of Schedule 3—Savings and transitional

Transitional provisions are inserted for the purposes of the measure. In particular, special arrangements are set out for the first rate of return instrument on account of a review being undertaken by the AER on an existing guideline. Another transitional provision relates to the application of the amendments effected by the measure to particular decisions:

Part 15—Transitional provisions for rate of return instrument

28—Definitions

29—Making first rate of return instrument if review not completed before commencement

30—Making first rate of return instrument if review completed before commencement

31—Application of this Law to particular decisions

Part 3—Amendment of *National Gas Law*

13—Amendment of section 2—Definitions

The amendments to the *National Gas Law* set out in the measure are substantially the same as the amendments to the *National Electricity Law* under the measure (with modifications where necessary in the context of the *National Gas Law*).

14—Amendment of section 27—Functions and powers of the AER

15—Insertion of Chapter 2 Part 1 Division 1A

Division 1A—Rate of return instrument

Subdivision 1—Preliminary

30A—Definitions

30B—Rate of return instrument has force of law

30C—Rate of return instrument is binding on AER and covered pipeline service providers

Subdivision 2—Requirement to make rate of return instrument

30D—AER to make rate of return instrument

30E—Content of rate of return instrument

Subdivision 3—Consultation requirements

30F—Process for making rate of return instrument

30G—Other matters AER must have regard to in making instrument

30H—Requirements before publishing draft instrument

30I—Consumer reference group

30J—Publication of draft instrument and other information

30K—Report about draft instrument by independent panel

30L—Publication of explanatory information

30M—Failure to comply does not affect validity

Subdivision 4—Publication, review and other matters

30N—Publication of rate of return instrument

30O—Commencement and duration of instrument

30P—Review and replacement of instrument

30Q—Application of instrument

30R—Rate of return instrument may apply for this Law and the National Electricity Law

Subdivision 5—Confidentiality of information

30S—Confidentiality

30T—Disclosure of information given in confidence

16—Amendment of section 52—Opportunity to be heard before regulatory information notice is served

17—Amendment of section 59—Assumptions where there is non-compliance with regulatory information instrument

18—Insertion of section 294CA 294CA—South Australian Minister may make consequential Rules relating to rate of return instrument

19—Amendment of Schedule 1—Subject matter for the National Gas Rules

20—Amendment of Schedule 2—Miscellaneous provisions relating to interpretation

21—Amendment of Schedule 3—Savings and transitional

Part 15—Transitional provisions for rate of return instrument

90—Definitions

91—Making first rate of return instrument if review not completed before commencement

92—Making first rate of return instrument if review completed before commencement

93—Application of this Law to particular decisions

Debate adjourned on motion of Mr Brown.

NATIONAL GAS (SOUTH AUSTRALIA) (CAPACITY TRADING AND AUCTIONS) AMENDMENT BILL

Introduction and First Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:53): Obtained leave and introduced a bill for an act to the National Gas (South Australia) Act 2008. Read a first time.

Second Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:54): I move:

That this bill be now read a second time.

I seek leave to have the second reading and explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Over the last five years, the east coast gas market has undergone a significant transformation, with a number of structural changes occurring on both the demand and supply sides of the market. The most significant of these changes has been the development of the Liquefied Natural Gas export industry in Queensland, which has resulted in unprecedented shifts in supply and demand and changes in the pattern of gas flows and use of transportation infrastructure across the east coast.

In response to these changes, the COAG Energy Council asked the Australian Energy Market Commission in 2015 to conduct a review of the design, function and role of the facilitated gas markets and gas transportation arrangements in the east coast. At the same time, the Australian Competition and Consumer Commission was asked to review the state of competition in the east coast market. These two reviews were completed in the first half of 2016 and recommended a range of reforms across the gas supply chain.

In August 2015, the COAG Energy Council responded to these recommendations by agreeing to implement 15 reform measures across four priority areas being gas supply, market operation, gas transportation and market transparency. The Energy Council also established the Gas Market Reform Group, led by Independent Chair, Dr Michael Vertigan AC, and accorded it responsibility for progressing a number of the reforms, including the design and implementation of the capacity trading reform package.

This package of reforms is intended to foster the development of a more liquid secondary market for transportation capacity and, in so doing, improve the efficiency with which capacity is allocated and used on gas transportation facilities operating under the contract carriage model. The reforms are expected to achieve this objective by improving the incentive transportation users have to sell any spare capacity they may have and limiting the ability of transportation service providers to price short-term capacity products above the levels that would prevail in a workably competitive market. The reforms will also reduce search and transaction costs and the information asymmetries faced by market participants.

Greater liquidity in the secondary transportation capacity market is expected to facilitate more trade in gas and support the development of a more robust reference price for gas. This will, in turn, provide better signals for gas use and investments in exploration, production, transportation and storage facilities, which is in the long-term interests of consumers.

The Gas Market Reform Group's work on this package of reforms was carried out in 2017 and the first half of 2018. This work culminated in the development of the legislative and regulatory instruments required to give effect to the capacity trading reforms, which the COAG Energy Council agreed to implement on 29 June 2018. It is intended that the capacity trading platform and day ahead auction will commence on 1 March 2019 and the harmonised gas day times will commence on 1 October 2019.

The regulatory package included an Amendment Bill, changes to the National Gas (South Australia) Regulations, an initial set of National Gas Rules and the initial Operational Transportation Services Code.

The COAG Energy Council has agreed that the reform package will initially apply in the Australian Capital Territory, New South Wales, Queensland, South Australia, Tasmania and Victoria (outside the Declared Transmission System).

The COAG Energy Council has also agreed, at the request of the Northern Territory Government, to implement a derogation in the Regulations that will delay the application of the day-ahead auction to transportation facilities located wholly or partly in the Northern Territory. Further, all other aspects of the capacity trading reform package in the Northern Territory will apply once the Northern Gas Pipeline is commissioned.

In keeping with the COAG Energy Council's decision, the *National Gas (South Australia) (Capacity Trading and Auctions) Amendment Bill 2018* will amend the National Gas Law, set out in the schedule to the *National Gas (South Australia) Act 2008*.

The Amendment Bill provides for the South Australian Minister to make the initial National Gas Rules that will implement these reforms and to make the initial Operational Transportation Service Code. Once the initial National Gas Rules and Operational Transportation Service Code have been made, the Minister will have no power to make any further Rules or Code.

The Bill provides for the Australian Energy Market Operator to be responsible for operating and administering the functions of the capacity auction. The Australian Energy Market Operator will make the Capacity Transfer and Auction Procedures.

The Australian Energy Market Commission's scope of its rule making functions will be expanded to include facilitating capacity trades, the capacity auction and the standard market timetable.

The Australian Energy Regulator will have its monitoring and enforcement roles under the National Gas Law, National Gas Rules and procedures and to also be responsible for making and amending the Operational

Transportation Service Code. The Australian Energy Regulator will also be tasked with considering and then subsequently granting exemptions from obligations including to register transportation facilities.

The Bill provides for a reporting framework for secondary capacity trades and other transparency measures designed to facilitate capacity trades and the auction.

The Australian Energy Market Operator will be required to publish information on the secondary trades entered into through the exchange on the Natural Gas Services Bulletin Board. Transportation users that enter into trades outside the exchange will also be required to publish information on their trades on the Bulletin Board. The publication of this information will provide greater transparency in the market and aid the price discovery process.

It is intended that the initial set of National Gas Rules will provide for a capacity trading platform that will form part of the Gas Supply Hub trading exchange and provide an anonymous exchange mechanism that transportation users can use to trade commonly sought transportation products and a listing service for other more bespoke transportation products. The platform is expected to facilitate more secondary capacity trading by making capacity products more fungible, reducing search and transaction costs and making it easier for transportation users to value and compare offers.

The auction product will be a less firm product than the capacity sold on the capacity trading platform as it will need to allow for nominations and adjustments by firm capacity holders that occur after the auction is conducted. The platform and auction will allow transportation users to coordinate trades across one or more pipelines or compressors and procure gas and other gas services.

The auction is intended to provide transportation users with an incentive to sell any spare capacity they may have prior to nomination cut-off time, by allowing transportation service providers to retain the auction proceeds and negating any competitive advantage that may otherwise arise if users hoard capacity. The auction is also intended to limit the ability of transportation service providers to price short-term capacity products above the levels that would prevail in a workably competitive market, by setting the reserve price at zero. The auction is therefore a key element of the reform package.

The Operational Transportation Service Code will govern the development of standard operational transportation service agreements. These agreements will establish the standard contract between transportation service providers and transportation users for capacity procured through the platform and auction.

Under the initial set of National Gas Rules, it is intended that the Operational Transportation Service Code will be subject to a hybrid governance model. Under this governance model, an Industry Panel, which will be chaired by the Australian Energy Market Operator will consider amendments to the Code and provide recommendations to the Australian Energy Regulator. Amendments recommended by the Industry Panel will only take effect if approved by the Australian Energy Regulator

It is intended that the initial set of National Gas Rules will provide that the Australian Energy Market Operator will be required by the National Gas Rules to publish a range of information on the auction on the Natural Gas Services Bulletin Board as well as secondary trades entered into through the exchange on the Natural Gas Services Bulletin Board. The publication of this information will provide greater transparency in the market and aid the price discovery process.

It is intended that the initial set of National Gas Rules will provide for the day ahead auction of contracted but un-nominated transportation capacity to occur on a daily basis on non-exempt transportation facilities shortly after nomination cut off time. The auction will have a reserve price of zero and the proceeds of the auction will be retained by the transportation service provider.

It is intended that the initial set of National Gas Rules will specify the standard market timetable will provide for a common gas day start time, nomination cut off time and auction service nomination cut off time across the east coast.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Gas Law*

4—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure.

5—Insertion of section 8AA

Section 8AA is inserted:

8AA—Meaning of transportation service provider

Section 8AA provides that if AEMO controls or operates (without at the same time owning) a compression service facility or another facility of a type prescribed by the Regulations for the purposes of paragraph (b) of the definition of transportation facility in section 2 of the *National Gas Law*, AEMO is not for that reason to be taken to be a transportation service provider for the purposes of the Law

6—Amendment of section 10—Things done by 1 service provider to be treated as being done by all of service provider group

Section 10 sets out where things done by 1 service provider are to be treated as being done by all of a service provider group. The section is amended for the purposes of the measure.

7—Amendment of section 27—Functions and powers of the AER

The functions and powers of AER are amended to reflect the AER's functions and powers under the measure.

8—Amendment of section 74—Subject matter for National Gas Rules

The list of matters that may be the subject of Rules is expanded for the purposes of the measure.

9—Insertion of sections 83B to 83D

New sections 83B to 83D are inserted:

83B—Standard market timetable

The Rules may provide for a standard market timetable.

83C—Use of the standard market timetable

A person required by the Rules to use the standard market timetable must do so in accordance with the Rules.

83D—False or misleading statements

Certain persons must not make a false or misleading representation concerning the effect of a requirement for the person to use the standard market timetable on the price for the supply of goods or services.

10—Amendment of section 91A—AEMO's statutory functions

The statutory functions of AEMO are amended to reflect the AEMO's functions under the measure.

11—Insertion of Chapter 2 Part 6 Divisions 2C to 2E

Chapter 2 Part 6 Divisions 2C to 2E are inserted:

Division 2C—Capacity auctions for transportation services

91BRM—AEMO's capacity auction functions

AEMO's capacity auction functions are provided for, namely, functions of establishing, operating and administering 1 or more capacity auctions, making and administering capacity auction agreements and Procedures governing the operation and administration of a capacity auction.

91BRN—Capacity auctions not to constitute a regulated gas market

A capacity auction is not a regulated gas market.

Division 2D—Capacity Transfer and Auction Procedures

91BRO—Making of Capacity Transfer and Auction Procedures

AEMO may make Capacity Transfer and Auction Procedures (in accordance with the Rules).

91BRP—Nature of Capacity Transfer and Auction Procedures

This section provides that Capacity Transfer and Auction Procedures are a form of statutory instrument and sets out the nature and scope of Capacity Transfer and Auction Procedures.

91BRQ—Compliance with Capacity Transfer and Auction Procedures

AEMO and certain (specified) persons are required to comply with Capacity Transfer and Auction Procedures.

Division 2E—Registration in relation to transportation facility

91BRR—Registration obligation

A transportation service provider for a transportation facility must register the transportation facility as a transportation service provider for that transportation facility.

91BRS—Exemptions from obligation to register

AER is authorised to exempt a transportation service provider from the obligation to register.

91BRT—Certificates of registration and exemption from registration

The CEO of AEMO (in relation to registration) and the AER (in relation to exemption) are authorised to issue certificates of registration and exemption from registration for evidentiary purposes.

12—Insertion of Chapter 2 Part 6 Division 6 Subdivisions 3 and 4

Chapter 2 Part 6 Division 6 Subdivisions 3 and 4 are inserted:

Subdivision 3—Capacity auction information

91FEE—Obligation to give information to AEMO

This section provides that the Capacity Transfer and Auction Procedures or the Rules may require a person who has information that relates to and is necessary for the operation and administration of a capacity auction by AEMO or the performance of any other capacity auction function of AEMO to give AEMO the information for use by AEMO for the operation and administration of a capacity auction or performance of that other function.

91FEF—Person cannot rely on duty of confidence to avoid compliance with obligation

A person must not refuse to comply with the requirement to give information to AEMO on the ground of any duty of confidence.

91FEG—Giving to AEMO false and misleading information

A person must not give capacity auction information to AEMO that the person knows is false or misleading in a material particular.

91FEH—Immunity of persons giving information to AEMO

Provision is made limiting the civil monetary liability of persons giving information to AEMO. Certain aspects of the liability of such persons may be prescribed by the regulations.

Subdivision 4—Information used for a capacity auction

91FEI—Giving false and misleading information used for capacity auctions

A person must not give to a transportation service provider information that relates to and is necessary for the operation and administration of a capacity auction by AEMO or the performance of any other capacity auction function of AEMO that the person knows is false or misleading in a material particular.

13—Amendment of section 91GG—Disclosure of protected information for safety, proper operation of the market etc

This amendment is consequential.

14—Amendment of section 91H—Obligations under Rules or Procedures to make payments

The amendment to the definition of *Registered participant* is consequential.

15—Amendment of section 218—AEMO's obligation to maintain Bulletin Board

16—Amendment of section 219—AEMO's other functions as operator of Natural Gas Services Bulletin Board

17—Amendment of section 223—Obligation to give information to AEMO about natural gas and natural gas services

These amendments are consequential.

18—Insertion of section 223A

Section 223A is inserted:

223A—Obligation to give information to AEMO about secondary capacity transactions

Certain (specified) persons who have information in relation to secondary capacity transactions must give AEMO the information if the person is required to do so under the Rules.

19—Amendment of section 224—Person cannot rely on duty of confidence to avoid compliance with obligation

This amendment is consequential.

20—Insertion of Chapter 7A

Chapter 7A is inserted:

Chapter 7A—Access to operational transportation services

Part 1—Standard terms for operational transportation services

228B—Transportation service provider to publish standard OTSA

Requirements relating to the publication of a standard OTSA by a transportation service provider for a transportation facility are provided for.

228C—Formation of contracts on standard terms

Provision is made in relation to the standard OTSA governing the formation of contracts between a transportation service provider for a transportation facility and another person on request of the person.

228D—Exemptions from obligations under section 228B or 228C

The AER may exempt a transportation service provider for a transportation facility from the obligations in the preceding provisions.

228E—Requirements relating to standard OTSA

The Rules may make provision setting out requirements relating to a standard OTSA.

228F—Service provider may enter into agreements different from a standard OTSA

The measure does not prevent a transportation service provider from entering into an operational transportation service agreement with a transportation facility user or a prospective transportation facility user that is different to a standard OTSA.

Part 2—Operational Transportation Service Code

228G—Operational Transportation Service Code

The AER is responsible for amending the Operational Transportation Service Code from time to time (the initial Operational Transportation Service Code is made by the South Australian Minister and is then amended by the AER under this section).

228H—Nature of the Operational Transportation Service Code

The provision sets out the nature and scope of the Operational Transportation Service Code. In general terms, the Code is made under the Rules and specifies the content of, or requirements for the content of, a standard OTSA, including the transportation services that may be provided under a standard OTSA and the terms and conditions applicable to the use of those transportation services.

Part 3—Other matters relating to access to operational transportation services

228I—Service requirements may be specified in the Rules

The Rules may provide for service requirements relating to access to operational transportation services.

228J—When operational transfer must be offered

A requirement is imposed for a transportation facility user to provide reasons for any difference between terms on which the user offers to grant to another person a right to use transportation capacity (without arranging for its transfer to the other person) and terms on which the user will arrange for a transfer of the transportation capacity to the person for use under an operational transportation service agreement.

228K—Preventing or hindering access to operational transportation services

Provision is made in relation to preventing or hindering access to operational transportation services.

228L—Transportation service provider providing operational transportation services must not price discriminate

A transportation service provider must not engage in price discrimination when providing operational transportation services.

21—Insertion of section 294DA

Section 294DA is inserted:

294DA—South Australian Minister to make initial Rules relating to the capacity reforms

The South Australian Minister may make initial Rules and an initial Operational Transportation Service Code for the purposes of the measure.

22—Amendment of section 322—Service provider may enter into agreement for access different from applicable access arrangement

This amendment is consequential.

23—Amendment of Schedule 1—Subject matter for the National Gas Rules

The subject matter for the National Gas Rules is amended for the purposes of the measure.

24—Amendment of Schedule 3—Savings and transitionals

Transitional provisions are inserted for the purposes of the measure:

Part 15—Transitional provisions relating to capacity trading and auctions and harmonisation amendments

90—Immunity from liability—implementation or use of standard market timetable

91—Immunity from liability—supply of capacity through capacity auctions

92—Immunity for giving effect to the auction priority principles

93—Transitional regulations

Debate adjourned on motion of Mr Brown.

STATUTES AMENDMENT (MINERAL RESOURCES) BILL

Introduction and First Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:54): Obtained leave and introduced a bill for an act to amend the Mining Act 1971, the Mines and Works Inspection Act 1920 and the Opal Mining Act 1995. Read a first time.

Second Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:55): I move:

That this bill be now read a second time.

I seek leave to have the second reading and explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

South Australia has mineral resources of national and global importance and our state has always prospered from the wealth of its natural resources. Over the last 180 years the diversity of our regional assets has supported regional communities and people through good times and also hard times caused by drought, volatile commodity prices and economic transitions.

The mining and the agriculture sectors are both primary industries. They both share an important relationship with the land and both generate commodities and value-added products for consumers here and abroad. Both industries require continuous investment, operational skill, technological innovation, hard work and a degree of luck to be successful. Both sectors are strong allies on key issues facing them such as the need for adequate roads, railways, ports, power, water and other infrastructure.

The higher rainfall areas of our state with productive soils have supported the growth of vitally important industries based on the production of wheat, barley, oil seeds, legumes, sheep (meat and wool), cattle (beef and dairy) and wine grapes, among many others. Our lower rainfall northern region is also a significant contributor through our pastoral grazing industry. Right from the earliest decades of the South Australian colony, we have been an agricultural powerhouse. Our agriculture, food, wine and forestry industries are our largest export sector and a major employer. In 2016-17, they generated about $22.5 billion in revenue and accounted for 57% of the state's merchandise exports, and these enterprises must be supported to flourish and grow for the next one hundred years and more.

Our entire state, including the higher rainfall areas, is also home to globally significant mining projects. The historic Burra 'Monster Mine' supplied 5%-10% of the world's total copper consumption for decades, and complemented by mines and Kapunda, Moonta, Wallaroo and the Adelaide Hills. In in the modern era the multi-mineral ore body at Olympic Dam contains the fourth-largest copper and the fifth-largest gold deposits in the world.

Significant new mineral discoveries continue to be made and as new mining projects commence they must be underpinned by best practice environmentally and socially responsible regulation. We are home to projects extracting copper and gold at Prominent Hill and Carrapateena, zircon at Jacinth-Ambrosia, copper at Kanmantoo, iron ore at Cairn Hill, Peculiar Knob and in the Middleback Ranges amongst others, and this is in addition to our competitive quarrying sector. Other companies seek to develop projects, waiting for the right market conditions to

evolve. In 2017, our mineral and petroleum sectors employed over 26,000 people, delivered $5.2 billion in production, $3.8 billion in exports and $214 million in royalties to South Australians.

Historically, the expansion of both agriculture and copper mining on the Yorke and Eyre Peninsulas and in the Mid North drove the development of regional centres and rural towns and also our rail, road and coastal infrastructure.

Now, as then, agriculture and mining are critical foundations of South Australia's success, fuelling the prosperity and well-being of communities across this state. Our diversity remains our strength, now and into the future. Neither mining without agriculture nor agriculture without mining can contribute to our state's communities and prosperity as well as the two operating successfully and responsibly together.

This is a critical and exciting time for the mineral resources industry globally and South Australia stands ready to capitalise on significant new opportunities, without damaging exiting ones. Increasing global demand for minerals derived from responsible jurisdictions and strong interest in establishing supply chains in jurisdictions with strong regulatory frameworks and low sovereign risk are opportunities which our government must pursue.

We must continue to enhance the global reputation of the South Australian mineral resources sector to support the growth and diversity of our economy, and the same is true for agriculture. While South Australia is already internationally recognised as a low risk world-class mineral investment destination, our mining regulation system must keep evolving and innovating to deliver efficiency and certainty for all stakeholders. This will attract investment from only the most environmentally and socially responsible explorers and miners, who will seek to work collaboratively with landholders, communities and government to deliver sustainable benefits for all South Australians.

Mining is a key enabler in the transition to energy solutions and reduced pollution. Critical minerals that will form the foundation of Australia's future economy, such copper, cobalt, graphite, nickel and rare earths, are found in significant quantities in our state. We will continue to position South Australia at the forefront of future technological changes, working to capture emerging industries by connecting developers with product value chains, from research and development, mining operations and mineral refinement, through to downstream manufacturing opportunities. And we must do this with agriculture and other landholder interests clearly in mind. Mining and agriculture must grow together, as neither one on its own is sufficient for our state.

This Bill to amend the *Mining Act 1971*, the *Mines and Works Inspection Act 1920* and the *Opal Mining Act 1995* is just the beginning of this process.

I acknowledge the research, analysis and consultation undertaken by the previous government and the spirit of bipartisan cooperation that supported the development of this Bill. While our government has some different views regarding its response, it must be acknowledged that everyone who wanted to had ample opportunity to make submissions and have their opinions known to the previous administration.

Responsible debate is crucial to finding good outcomes, to enable the right balance between competing interests and opinions and, more importantly, identifying where co-operative opportunities exist. That's why we committed before the election in March to further analyse stakeholders' submissions and to reintroduce this Bill with appropriate amendments to address concerns—concerns raised by my colleagues on behalf of their electorates as well as by peak bodies and individuals directly.

The broad intention of the Bill, as introduced in late 2017, remains a responsible compromise between stakeholder's interests, balancing a very wide spectrum of social, environmental and economic matters. It is important to say again, this bill is the first in a series of steps toward improving mining regulation and especially with regard to landholder engagement and fair treatment as exploration and mining companies seek to access resources below agricultural land. We will improve the processes for both the mining and the agriculture sectors. Both sectors deserve ongoing development of clarity, efficiency and fairness.

I would also like to highlight that I was strongly advised by leaders of both the mining and agriculture sectors that it would be far better to accept the compromise position already achieved than to start the process again.

This Bill increases protections and assistance for communities, simplifies processes and improves market mechanisms to drive investment. It improves the compliance and enforcement scheme and delivers further alignment with the *Environment Protection and Biodiversity Conservation Act 1999*. The Bill significantly increases transparency and procedural fairness, reduces uncertainty and supports genuine and quality interactions between all affected parties.

This Government is committed to supporting responsible and productive ways for mining and agriculture to coexist for the benefit of every South Australian. The Bill will increase land access protections and assistance for individual landholders.

Protection zones around rural residences will be increased while nation leading transparency requirements will ensure resource companies provide earlier notice and more information to landholders on their proposed activities. Landholder rights to object have also been strengthened and expanded, for the first time, to cover pastoral lessees. These rights are accompanied by measures to improve access to legal redress including increased industry funded legal advisory assistance and expanded access to the court system to resolve disputes.

The Bill also strengthens the Government's enforcement powers in relation to land access with substantially increased financial penalties for non compliance and a new power for the Government to recover unpaid rent due to landholders by resource companies.

This Government supports best practice engagement as the preferred method to negotiate outcomes between landholders and resources companies and wants to see the courts used as an avenue of last resort.

To support this engagement, the Government will establish an independent advisory service for landholders that provides frank and informed advice regarding their rights and other points of referral. This service will be in addition to the Government's election commitment to provide additional resources to the Small Business Commissioner to provide dispute resolution services between landholders and resource companies, if it is needed.

This Bill proposes a number of measures to improve environmental protection. The Bill will modernise investigatory powers to assist evidence gathering for environmental prosecutions under the Act. It will deliver a new power to reinstate expired tenements through full use of compliance and enforcement tools under the Act. There will be a new test for the grant of leases and miscellaneous purposes licences, so that the Minister must not grant one unless satisfied that appropriate environmental outcomes can be achieved. There will also be an expanded scope for compliance directions.

The *Mines and Works Inspection Act 1920* is now largely outdated and obsolete, so this Bill proposes to limit the operation of this Act to the Leigh Creek coal mine, Olympic Dam and the Liberty OneSteel Whyalla Steelworks. The *Work Health and Safety Regulations 2012* will be amended to include specific requirements for the competence of mine managers to ensure these important provisions remain in force for South Australian mine sites.

The Bill also improves processes under the *Opal Mining Act 1995* to support the needs of our opal mining industry, which supplies around 40 per cent of the world's opal and has significant linkages to our tourism sector.

As previously mentioned, the Government has also made some targeted amendments to the version of the Bill considered by the Parliament in late 2017.

We have listened to feedback from landholders and, as requested, have reinstated the term 'exempt land', removing the proposed change in terminology to 'restricted land'. This will provide landowners with certainty that their rights are not being eroded by this Bill.

The 2017 Bill contained amendments that sought to reinforce the preclusion of scientific investigations from designated Wilderness Areas. These amendments have been removed to ensure the Act does not unnecessarily preclude future scientific geological, investigations in these areas by the Geological Survey of South Australia. This science is of value for its contribution to geological, soil and environmental knowledge and understanding. It is noted these scientific investigations are permitted in the *Arkaroola Protection Act 2012* where they have made an important contribution in support of the Flinders Ranges' pending nomination as a World Heritage site. This does not in any way undermine protections of the declared Wilderness Areas in South Australia.

This Bill retains 'Part 11B – Private mines' with some key updates. Part 11B recognises the unique history and mineral rights of private mines in South Australia. The key updates ensure the Minister has the ability to regulate private mines to an appropriate standard commensurate with the rest of the state's mining sector.

With further consideration of the interaction between this Bill and 'Part 9B – Native Title' and the *Native Title Act 1993* (Cth), a number of administrative amendments have been made to ensure the rights of native title holders are protected and they receive the same rehabilitation protections as any other landowners.

Finally, a number of minor typographical errors and omissions identified through our review have been rectified for proper operation of the Acts.

Very importantly, this is not the end of the conversation. We do not intend to wait too long before examining these Mining Acts again. A regular process of review will be established to ensure the Mining Acts reflect community expectations and remain at the forefront of international trends and practices in mining regulation. South Australia should aim to be the best in the world. To that end, we propose further significant review of the legislative and policy frameworks surrounding this invaluable part of our State's economic future. We intend that South Australia resources sector remains a globally competitive producer, a leader in regulation with regard to the safety of people and the environment and a major employment provider, particularly in regional areas. This will be done in partnership with landholders, other important industries, particularly agriculture and our resources sector.

New Mining Regulations will be developed in consultation with industry, landowners, traditional owner groups, communities and all other interested parties. The principles that will underpin the development of the Regulations are the same principles that have driven the review of these Acts – transparency, certainty, efficiency, fairness, best practice and compromise. Key stakeholder representative groups will be consulted on these regulations.

We look forward to working cooperatively with all members of Parliament to secure passage for this important Bill.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 6—Interpretation

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

5—Amendment of section 7—Application of Act

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

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

The amendments in subclauses (1) and (2) are consequential. Subclause (3) inserts a new subsection (7) which provides for the circumstances in which a proclamation made under the section before 29 June 1972 will be taken to have limited or affected the exercise of the power to make a proclamation under the section on or after that date.

7—Amendment of section 8A—Opal development areas

This amendment is consequential.

8—Amendment of section 9—Exempt land

The clause amends section 9 to declare land of the following kinds to be exempt land:

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

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

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

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

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

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

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

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

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

10—Amendment of section 9A—Special declared areas

The amendments in this clause are of a consequential nature.

11—Repeal of section 10A

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

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

The clause amends section 10B to provide that the Minister must, in acting in the administration of the *Mining Act 1971* take account of codes of management under the *Wilderness Protection Act 1992*.

13—Amendment of section 12—Delegation

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

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

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

15—Amendment of section 14B—Authorised investigations

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

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

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

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

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

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

18—Amendment of section 14E—Production of records

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

19—Insertion of sections 14G and 14H

This clause inserts new sections as follows:

14G—Power to issue expiation notices

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

14H—Provisions relating to things seized

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

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

The amendments in this clause make a number of consequential amendments.

21—Repeal of section 15A

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

22—Insertion of Part 2A

This clause inserts a new Part as follows:

Part 2A—Mining register and information

Division 1—Mining register

15AA—The register

The proposed section provides that there is to be a mining register kept by the Mining Registrar, sets out the matters that are to be registered on the register, the circumstances in which matters must be registered and the form and manner in which the register must be kept. It is an offence with a maximum penalty of $5,000 for a tenement holder or other person to fail to meet registration requirements.

15AB—Dealings with mineral tenements

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

Division 2—Mortgages

15AC—Mortgages

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

15AD—Application to court to challenge aspects of mortgages

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

Division 3—Caveats

15AE—Caveats

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

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

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

Division 4—Other dealings

15AG—Other dealings

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

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

Division 5—Protection from liability

15AH—Protection from liability

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

Division 6—Information

15AI—Interpretation

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

15AJ—Compilation, keeping and provision of material

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

15AK—Tests

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

15AL—Release of material

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

23—Amendment of section 17—Royalty

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

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

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

This clause makes consequential amendments.

25—Insertion of sections 17AB and 17AC

This clause re-enacts sections 73E and 73EA of the current Act (which deal with royalty for private mines) and relocates them into this Part.

26—Substitution of section 17B

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

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

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

27—Insertion of section 17CA

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

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

The amendments made by this clause are consequential.

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

The amendments made by this clause are consequential.

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

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

31—Substitution of section 18

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

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

This clause makes a consequential amendment.

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

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

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

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

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

This amendment is of a technical nature.

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

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

37—Substitution of sections 28 and 29

This clause substitutes sections 28 and 29 as follows:

28—Preliminary

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

29—Nature of exploration licence

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

29A—Application for exploration licence

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

29B—Grant of exploration licence

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

38—Amendment of section 30—Incidents of licence

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

39—Insertion of section 30AAA

This clause inserts a new section as follows:

30AAA—Expenditure

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

The tenement holder must furnish a statement to the Minister in a manner and form, and including such information or evidence, as determined by the Minister and the requirements of the proposed section

and the regulations, outlining the exploration operations to be carried out under the licence and declaring the amount of expenditure incurred and estimated to be incurred in carrying out such operations.

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

40—Amendment of section 30AA—Area of licence

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

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

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

42—Substitution of section 30AB

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

30AB—Excise of land for public purposes

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

43—Amendment of section 31—Fee

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

44—Repeal of sections 32 and 33

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

45—Insertion of section 33B

This clause inserts a new section as follows:

33B—Retention status

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

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

46—Substitution of sections 34 to 37

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

34—Preliminary

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

35—Nature of mining lease

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

36—Application for mining lease

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

37—Approval of application and registration

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

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

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

48—Repeal of sections 39 to 41

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

49—Substitution of Parts 6A and 8

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

Part 7—Retention leases

42—Preliminary

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

43—Nature of retention lease

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

44—Application for retention lease

The proposed section sets out the requirements for a person applying for a retention lease.

45—Approval of application and registration

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

46—Term and renewal of retention lease

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

Part 8—Miscellaneous purposes licences

47—Preliminary

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

48—Nature of miscellaneous purposes licence

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

49—Application for miscellaneous purposes licence

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

50—Approval of application and registration

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

51—Term and renewal of miscellaneous purposes licence

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

50—Substitution of section 56B

This clause substitutes section 56B as follows:

56B—Special mining enterprises

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

56BA—Concept phase

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

56BB—Application phase

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

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

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

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

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

52—Amendment of section 56D—Existing tenements

This clause makes a technical amendment.

53—Insertion of Part 8B

This clause inserts a new Part as follows:

Part 8B—Common provisions

Division 1—Identifying areas and considering applications

56E—Identification of areas

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

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

56F—Related environmental legislation

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

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

56G—Specially protected areas

The proposed section provides for applications to which the section applies relating to an area within or adjacent to a specially protected area to be referred by the Minister to the relevant Minister for consideration. If the Minister and the relevant Minister cannot agree, the matter is referred to the Governor for determination. The section applies to the following:

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

Division 2—Notice

56H—Notice

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

Division 3—Terms and conditions

56I—Matters to be considered

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

56J—Alteration of terms and conditions

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

56K—Special term or condition relating to extractive minerals

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

56L—Offence to contravene term or condition

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

Division 4—Rental

56M—Rental

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

56N—Debt payable to Crown

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

Division 5—Rectification of boundaries

56O—Rectification of boundaries

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

Division 6—Amalgamation of areas

56P—Amalgamation of areas

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

Division 7—Change in operations

56Q—Preliminary

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

56R—Application

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

56S—Consultation

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

56T—Consideration of proposal

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

56U—Terms and conditions

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

56V—Registration

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

Division 8—Cancellation, suspension and surrender

56W—Cancellation and suspension—action by Minister

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

56X—Surrender on application

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

Division 9—Extension of term or reinstatement of tenement

56Y—Extension of term of tenement

The proposed section provides for the circumstances in which the Minister may, in circumstances set out in the section, extend the term of certain mineral tenements.

56Z—Reinstatement of tenement

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

Division 10—Assessment reports

56ZA—Assessment reports

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

54—Amendment of section 57—Entry on land

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

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

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

56—Substitution of section 58A

The clause substitutes section 58A as follows:

58A—Notice requirements

The proposed section recasts the current section 58A which provides for the manner and circumstances in which a person intending to prospect for minerals under section 20 or the holder of an exploration licence or a mineral claim must give notice to the owner of land before entering the land to carry out authorised operations. The proposed section further provides for the circumstances in which an owner of land may object to the entry on the land by the person or to the use of the land for authorised operations.

57—Repeal of section 59

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

58—Amendment of section 61—Compensation

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

59—Amendment of section 62—Bond and security

Subclauses (1) to (5) make a number of amendments consequential on other changes in the measure. Subclause (6) recasts the current subsections (4), (5) and (6) to update the provisions, increases the maximum penalties from $120,000 to $150,000 under subsection (3) and adds a further provision to clarify that liability to pay an amount of bond paid under the section is a debt due to the Crown.

60—Insertion of section 62AA

This clause inserts a new section as follows:

62AA—Mining Rehabilitation Fund

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

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

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

This clause makes amendments of a consequential nature.

62—Amendment of section 63—Extractive Areas Rehabilitation Fund

This clause makes amendments of a consequential nature.

63—Repeal of Part 9A

This clause repeals Part 9A.

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

This clause makes amendments of a consequential nature.

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

This clause makes amendments of a consequential nature.

66—Amendment of section 63L—Negotiation of agreements

This clause makes amendments of a consequential nature.

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

This clause makes an amendment of a consequential nature.

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

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

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

This clause makes amendments of a consequential nature.

70—Amendment of section 63S—Application for determination

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

71—Amendment of section 63V—Effect of determination

This clause makes an amendment of a consequential nature.

72—Amendment of section 63ZB—Review of compensation

This clause makes an amendment of a consequential nature.

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

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

74—Substitution of heading to Part 10

This clause substitutes the heading to Part 10 as follows:

Part 10—Warden's Court—general provisions

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

This clause inserts a new subsection (1a) which provides that the jurisdiction of the Warden's Court will be such jurisdiction as conferred by or under the *Mining Act 1971* or any other Act or contemplated by those Acts.

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

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

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

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

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

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

79—Repeal of section 69

This clause deletes section 69.

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

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

81—Amendment of heading to Part 10A

This clause amends the section to include the term 'operating approval'.

82—Amendment of section 70A—Object of Part

This clause amends the heading to Part 10A to include the term 'operating approval' and makes other amendments of a consequential nature.

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

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

84—Amendment of section 70C—Review of programs

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

85—Substitution of section 70D

This section substitutes section 70D and inserts new sections as follows:

70D—Notice of certain programs

Programs where authorised operations proposed to be carried out constitute a controlled action within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth which is not to be assessed under Part 8 of that Act but under a bilateral agreement in accordance with that Act are to be notified in the manner outlined in the proposed section.

70DA—Audit of program

The proposed section requires a tenement holder to carry out tests, environmental monitoring or other investigations (a *program audit*) in relation to authorised operations carried out under the relevant mineral tenement. The tenement holder must comply with the requirements or outcomes as determined by the program audit to the satisfaction of the Minister. The section allows the Minister to provide directions regarding a program audit, which must be carried out in accordance with the provisions of the proposed section.

70DB—Publication of program

The proposed section provides that the Minister may publish a program or part of a program in such manner as the Minister thinks fit.

70DC—Offences

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

86—Substitution of heading to Part 10B

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

Part 10B—Compliance and enforcement

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

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

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

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

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

This clause inserts new sections as follows:

70FA—Compliance directions

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

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

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

70FB—Emergency directions

The proposed section provides for the circumstances in which an authorised officer may issue a direction (an *emergency direction)* to a person involved in undertaking authorised operations. Such circumstances include if, in the opinion of the authorised officer, it is urgently necessary to take action as

authorised operations are being carried out in a way that results in, or that is reasonably likely to result in undue damage to the environment, a breach of an environmental outcome under a Part 10A program or a breach of a term or condition of a mineral tenement.

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

70FC—Contravention of Act

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

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

The clause makes amendments consequential on the insertion of the sections proposed in clause 89.

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

The clause makes amendments consequential on the insertion of the sections proposed in clause 89.

92—Insertion of sections 70HA and 70HB

This clause inserts new sections as follows:

70HA—Restriction of claims

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

70HB—Self-incrimination

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

93—Insertion of Part 10C

This clause inserts a new Part as follows:

Part 10C—Offences and penalties

70HC—Penalty for illegal mining

The proposed section sets out the offence of illegal mining.

70HD—Obstruction of person authorised to mine etc

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

70HE—Civil penalties

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

70HF—Additional orders on conviction

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

70HG—Continuing offences

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

70HH—Offences by bodies corporate

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

70HI—Time limits

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

70HJ—Summary offences

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

70HK—Evidentiary provisions

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

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

This clause makes a consequential amendment.

95—Amendment of section 72—Research and investigations

This clause makes a consequential amendment.

96—Repeal of Part 11A

This clause repeals Part 11A

97—Amendment of section 73C—Interpretation

The clause amends several definitions to support other amendments to Part 11B in the measure.

98—Amendment of section 73D—Application of Act

Subclauses (1) and (2) make amendments of a consequential nature. Subclause (3) inserts a new subsection (3) setting out which sections of the Act apply to or in relation to a private mine or a person carrying out operations in relation to a private mine.

99—Repeal of sections 73E, 73EA and 73F

The clause repeals sections that are to be re-enacted and relocated elsewhere in the Act.

100—Amendment of section 73G—Mine operations plans

The clause inserts a new subsection (12a) which provides that the Minister may publish a mine operations plan in such manner, and to such extent, as the Minister thinks fit.

101—Amendment of section 73H—General duty to avoid undue environmental damage

This amendment is consequential.

102—Amendment of section 73I—Compliance orders

This clause increases the penalty provision in subsection (4) from a maximum penalty of $120,000 to a maximum penalty of $250,000.

103—Amendment of section 73J—Rectification orders

This clause increases the penalty provision in subsection (4) from a maximum penalty of $120,000 to a maximum penalty of $250,000.

104—Insertion of sections 73KA and 73KB

The clause inserts new sections as follows:

73KA—Emergency order

The proposed section sets out the manner and circumstances in which an authorised officer may issue a notice (an *emergency order*) to a person undertaking mining operations in order to address operations that may constitute a breach of an objective under a mine operations plan or undue damage to the environment.

73KB—Contravention of Act

The proposed section provides that the Minister or an authorised officer incur no liability for acts or omissions they may order under Part 11B.

105—Amendment of section 73L—Application for review of direction

The clause makes a consequential amendment.

106—Substitution of sections 73M to 73Q

The clause deletes and substitutes sections as follows:

73M—Action if non-compliance occurs

The proposed section provides for the circumstances in which the Minister or Director may take action required by an order under Part 11B.

73N—Revocation of private mine

The proposed section provides power for the Governor, by proclamation and on recommendation of the Minister, to vary or revoke the declaration of an area as a private mine made under the Act, and the actions the Minister must take before giving such a recommendation.

73O—Evidentiary provisions

The proposed section provides evidentiary provisions for the purposes of Part 11B.

107—Substitution of sections 74 and 74AA

This clause substitutes sections 74 and 74AA as follows:

74—Civil remedies

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

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

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

74AA—Enforceable voluntary undertakings

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

108—Amendment of section 74A—Compliance orders

This clause makes a consequential amendment.

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

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

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

This clause makes technical amendments.

111—Repeal of sections 76 to 77D

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

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

This clause makes consequential amendments.

113—Amendment of section 79—Minister may grant exemptions

This clause makes consequential amendments.

114—Substitution of section 79A

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

79A—False or misleading information

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

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

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

116—Substitution of sections 81, 82 and 83

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

81—Additional provisions relating to liability

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

82—Deemed consent or agreement

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

117—Repeal of sections 84 and 84A

This clause repeals obsolete sections.

118—Substitution of sections 85 and 86

This clause substitutes sections 85 and 86 as follows:

85—Charge on property if debt due to Crown

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

86—Removal of machinery etc

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

119—Substitution of sections 88 and 89

This clause substitutes sections 88 and 89 as follows:

88—Hindering authorised officers

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

120—Insertion of section 89B

The clause inserts a new section as follows:

89B—Penalties and expiation fees payable into fund

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

121—Substitution of section 90

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

90—Reports and verification of information

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

122—Amendment of section 91—Administrative penalties

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

123—Repeal of section 91A

This clause repeals section 91A which is proposed to be re-enacted in Part 11B as section 73N.

124—Amendment of section 92—Regulations

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

125—Amendment of Schedule

This amendment is consequential.

126—Renumbering

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

Part 3—Amendment of *Mines and Works Inspection Act 1920*

127—Amendment of section 4—Interpretation

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

128—Substitution of section 5

This clause substitutes section 5 as follows:

5—Application of Act

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

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

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

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

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

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

131—Amendment of section 12—Miners' inspectors

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

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

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

133—Substitution of section 16

This clause substitutes section 16 as follows:

16—Notice

The proposed section updates the current notice provision in the Act.

134—Amendment of section 20—Imprisonment for wilful neglect

This amendment is consequential on removal of references to 'manager' in the measure.

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

This amendment is consequential on removal of references to 'manager' in the measure.

136—Amendment of Schedule—Subject matter of regulations

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

Part 4—Amendment of *Opal Mining Act 1995*

137—Amendment of section 3—Interpretation

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

138—Amendment of section 6—Exempt land

The clause makes a number of amendments to ensure consistency with amendments made to the *Mining Act 1971* in the measure, and makes other consequential amendments.

139—Amendment of section 7—Application for permit

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

140—Amendment of section 8—Nature of permit

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

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

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

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

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

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

The clause makes a number of amendments consequential on the amendments in clause 142 and further consequential amendments related to the change of reference from 'mining registrar' to 'opal mining registrar'.

144—Amendment of section 11—Qualifications to permits

Subclause (1) inserts a new subsection that provides that a precious stones prospecting permit does not authorise the pegging out of an area that is not either wholly within, or wholly outside, a precious stones field. The clause also makes a number of amendments consequential on the change of reference from 'Mining Registrar' to 'Opal Mining Registrar'.

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

This amendment is consequential on the amendment in clause 144.

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

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

147—Substitution of section 18

This clause substitutes section 18 as follows:

18—Contravention of Part

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

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

The clause makes amendments consequential on the amendments in clause 142.

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

This clause makes amendments of a consequential and technical nature.

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

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

151—Amendment of section 20—Registration of tenement

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

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

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

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

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

154—Amendment of section 25—Unlawful entry on tenement

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

155—Substitution of section 26

This clause substitutes section 26 as follows:

26—Caveats

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

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

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

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

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

157—Insertion of section 27A

This clause inserts a new section 27A:

27A—Cancellation and suspension

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

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

This clause makes a number of consequential amendments related to the change of reference from 'Mining Registrar' to 'Opal Mining Registrar' and on the amendments in clause 144.

159—Substitution of section 29

This clause substitutes section 29 as follows:

29—Removal of machinery

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

160—Amendment of section 30—Maintenance of posts

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

161—Amendment of section 32—Notice of entry

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

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

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

163—Amendment of section 34—Use of declared equipment

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

164—Amendment of section 35—Rehabilitation of land

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

165—Insertion of sections 35A and 35B

This clause inserts new sections 35A and 35B:

35A—Compliance directions

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

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

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

35B—Contravention of Act

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

166—Amendment of section 36—Bonds

The clause makes consequential amendments updating references from 'Mining Registrar' to 'Opal Mining Registrar', updates penalty provisions and makes another amendment consequential on the amendment in clause 144.

167—Amendment of section 37—Application of bonds

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

168—Amendment of section 43—Registration of agreement

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

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

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

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

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

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

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

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

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

173—Amendment of section 51—Applications for tenements

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

174—Amendment of section 59—Agreement

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

175—Amendment of section 64—Effect of determination

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

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

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

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

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

178—Insertion of section 75A

This clause inserts section 75A:

75A—Opal Mining Registrar

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

179—Amendment of section 76—Opal Mining Register

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

180—Amendment of section 77—Appointment of authorised persons

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

181—Amendment of section 79—Exemptions

The clause substitutes subsection (1) to provide for the circumstances in which the Minister, if satisfied that it is justifiable to do so, may exempt the holder of a tenement from the obligation to comply with a term or condition of the tenement or a provision of the Act (except Part 7). The clause also updates the penalty provision in section 79(5).

182—Amendment of section 82—Offences

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

183—Amendment of section 84—Prohibition orders

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

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

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

185—Amendment of section 87—Evidentiary provision

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

186—Amendment of section 89—Disposal of waste

The clause updates the penalty provisions in the section.

187—Repeal of section 91

The clause repeals an obsolete section.

188—Amendment of section 93—Interaction with Mining Act

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

189—Insertion of sections 98A and 98B

This clause inserts a new section:

98A—Administrative penalties

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

98B—Penalties payable into Mining Rehabilitation Fund

The proposed section provides for penalties including administrative penalties paid under the Act to be paid into the Mining Rehabilitation Fund established under the *Mining Act 1971*.

190—Amendment of section 99—Regulations

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

Schedule 1—Transitional provisions

Part 1—Transitional provisions—*Mining Act 1971*

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

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

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

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

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

Debate adjourned on motion of Mr Brown.

EVIDENCE (JOURNALISTS) AMENDMENT BILL

Final Stages

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

No. 1. Clause 3, page 3, lines 5 to 7 [clause 3, inserted section 72(2)]—Delete subsection (2)

No. 2. Page 3, clause 3, line 35 [clause 3, inserted section 72B(2)]—After 'or' insert:

(subject to subsection (2a))

No. 3. Page 3, clause 3, after line 38 [clause 3, inserted section 72B]—After subsection (2) insert:

(2a) The court may only make orders on its own motion if—

(a) all parties to the proceedings before the court are not legally represented; or

(b) the court is of a kind that does not make orders on application by parties.

No. 4. Clause 3, page 4, after line 9—Insert:

72C—Review of Part

(1) The Minister must cause a review of the operation of this Part to be conducted and a report on the review to be prepared and submitted to the Minister.

(2) The review and the report must be completed after the third but before the fourth anniversary of the commencement of this Part.

(3) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

Consideration in committee.

The Hon. V.A. CHAPMAN: I move:

That the Legislative Council's amendments Nos 1 to 4 be agreed to.

The Legislative Council has presented to us four amendments to the Evidence (Journalists) Amendment Bill 2018. I indicate that the government accepts the amendments and, in doing so, I thank those in the other place for their consideration of this bill, their approval of it and their contribution through amendments, which are relatively minor but do provide for a review of the legislation.

Although the government has taken the view that this is not new law around the country—in fact, we were one of the last of the jurisdictions to actually adopt shield laws, as this type of legislation is called, around the country—we will accept the review process. I again place on record my appreciation to those who have given this matter careful consideration, with the ultimate support of the opposition in respect of this legislation. It has been a long time coming. I think this is the third bill of this nature that we have put up in the time that I have been in the parliament. It is a great day for journalists and it is an even greater day for members of the public.

Motion carried.

STATUTES AMENDMENT (DRUG OFFENCES) BILL

Committee Stage

In committee (resumed on motion).

Clause 1.

Mr ODENWALDER: We talked about the consultation with the Law Society and SAPOL. I know that you mentioned it in your second reading contribution, but can you detail in a more comprehensive way all the written consultation you received before the introduction of the bill and whether those submissions will be publicly available, or available to the opposition or the house?

The Hon. V.A. CHAPMAN: So that we are clear about the whole process in relation to submissions, perhaps I will outline this at present. It might be helpful to the member for Elizabeth for future bills that we deal with.

Sometimes a new piece of legislation has been thoroughly discussed in the community and therefore may not need to have further calls for a lot of submissions. But almost universally, in relation to legal bills, there is consultation within the relevant agencies within government. Frequently, that requires consultation with sometimes other arms of the Attorney-General's office, the South Australian police, Correctional Services and like agencies. It might be Forensic Science SA or the Public Trustee. There are a number of agencies in that regard. As I understand it, in relation to bills

that might cover issues such as health or welfare matters, other departments will have an opportunity to make a contribution.

There is a second phase of stakeholders, and they may be invited to make a submission. Generally, the way I understand the previous government operated was that those submissions were generally prefaced with being confidential, unless otherwise that information was released. However, a number of what I would call the usual suspects in relation to consultation on legal matters—such as the Law Society, the Bar Association, the Aboriginal Legal Rights Movement, the Police Association and sometimes the Public Sector Association (PSA)—may have a significant contribution. Another significant area of reform relates to consumer law, apart from the Consumer and Business Services Division under the leadership of Mr Soulio, and a number of different agencies that have industries serviced in licensing and regulation under that portfolio.

In that regard, I start from the premise—and I think this was the position of the former government—that that would be confidential unless otherwise disclosed. What I think is a practice which is reasonable and which is one I frequently used to ask for was: 'Can the government provide us with a list of those entities that have been consulted?' When in opposition, I would get that list and I would then make inquiry of those that I thought were relevant. With some, of course, I would just look at the website and see whether they had made submission or not. Then it is up to the opposition who they want to consult with on the bill or otherwise.

Let us progress on the basis—and I hope this will be acceptable to the member, who I accept will have a principal role in considering the opposition's presentation on these—that at the briefings that will be offered on bills, should the opposition wish to have particulars of who has been consulted, as a general course that will be made available. I think it is then incumbent on you, with or without the advice of your party, to make a decision about whom you wish to consult. Generally, I would email a copy of the bill and the second reading statement to those whose advice on the matter I thought I would value. I would check on the websites of some of them whether they had published anything.

It is fair to say that government agencies, as best I know, do not publish written responses or submissions, nor would I expect them to. If SAPOL sends a submission to us in government in relation to a bill or in relation to amendments they recommend, I would treat that as confidential unless they wished to provide copies. On the other hand, the South Australian Police Association might take the view that they want the opposition or other parties to see their submission. Perhaps we will proceed on that basis.

In relation to this bill, I will just quickly get instructions on who we consulted and see if that can easily be dealt with. I am going to quickly read these, and perhaps for the future you might just ask at the briefings: the South Australian police; Crown Solicitor; Director of Public Prosecutions; SA Health; Department of Correctional Services; Courts Administration Authority; the heads of jurisdiction, including the Youth Court, which in this case, as I said, had nothing specific to raise; the Law Society; the Bar Association; Aboriginal Legal Rights; and the Legal Services Commission. I should just add that, in relation to SA Health, because I think it is an important agency, Drug and Alcohol Services SA (DASSA) understandably had the priority attention to this.

Mr ODENWALDER: You did not say Corrections then.

The Hon. V.A. CHAPMAN: Yes I did.

Mr ODENWALDER: You did say Corrections. Okay, thank you. I appreciate your advice, Attorney, and your mentoring—and I mean that sincerely; I do. I appreciate it. Have either SAPOL and/or Corrections asked for any additional resources during any conversations you have had with them regarding this bill?

The Hon. V.A. CHAPMAN: Not to me—

Mr ODENWALDER: Sorry, if I could rephrase that: have they suggested that there may be a need for any extra resources?

The Hon. V.A. CHAPMAN: Not to me, but I will just check whether it has come to the department. I am advised they have not. Any issue in relation to that, of course, would be ultimately a matter for cabinet to make any decision. But I indicate in relation to this that it has not been raised.

In fact, I think, as I outlined in the second reading response or rebuttal, or whatever we call it in here, the South Australian police have explained to us the extraordinary extra amount of manpower involved in trying to deal with people who really abuse or exploit the system of having the privilege of being able to have an alternative course in the Drug Court. That really has to stop because the police resources in having to prosecute matters, attend at court, or refer the matter off for treatment is exploited by non-attendance or refusing to complete and/or failing, because they continue to use drugs and then you have to come back to court in any event. So they are looking for some relief in the cases where clearly there is no real, genuine attempt to rehabilitate.

Mr ODENWALDER: Perhaps this is the time to ask questions about the expiation notice system, if that is okay. It does not seem to be referred to in any specific way in the rest of the bill, but I think it is potentially affected by the bill. In my second reading speech, I alluded to the expiation notice scheme and what I believe is its importance in dealing with cannabis offences. Is there any plan by the government to alter, by regulation or any other means, the amount of cannabis that is currently expiable, or the dollar amounts of those expiation notices?

The Hon. V.A. CHAPMAN: The regulations have not been settled at this point, but there is no intention to change the general approach. The fine, by virtue of its increment in the bill, is likely to have a change.

Mr ODENWALDER: But not the expiable amount of cannabis?

The Hon. V.A. CHAPMAN: Not in the amount of cannabis, no; I thought you meant the fine. The amount of cannabis stays the same. The expiable process—the on-the-spot fine—is still there and available, as is the caution. I think the member is familiar, through his prior profession, with what they are.

Clause passed.

Clause 2.

Mr ODENWALDER: When does the Attorney intend for this regime to commence?

The Hon. V.A. CHAPMAN: My advice is that it will be in the usual process by proclamation. This one has had some considerable consultation: people know it is coming; it was an election commitment, etc. Nevertheless, if any agency feels they need more time to prepare for a matter, then we will take that into account. One example I remember, as I am sure will the member for Enfield, was when the government of the day decided they needed around two years to prepare and train SAPOL to deal with having a role in intervention orders in family violence matters. As such, there was a very long lead-up until the actual act was proclaimed for the purposes of commencement. In this instance, we are expecting this will probably happen before the end of the year.

Clause passed.

Clause 3 passed.

Clause 4.

Mr ODENWALDER: This may be my lack of understanding of the Controlled Substances Act, but can you please assure me that the definition of 'serious drug offender' can never include anyone convicted of any simple possession offence?

The Hon. V.A. CHAPMAN: That is correct.

Clause passed.

Clause 5.

Mr ODENWALDER: Again, it is only with the same caveat as the last question on clause 4. This comes up time and time again in the act, but what constitutes a 'commercial quantity' of drugs, and is that definition consistent throughout the legislation?

The Hon. V.A. CHAPMAN: The quantities are identified in the national regulation, and that is obviously consistent across the country. It is in the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014.

Clause passed.

Clause 6.

Mr ODENWALDER: Thank you—again, the same caveat. Does 'controlled drugs' in this section ever include cannabis?

The Hon. V.A. CHAPMAN: The answer is no. I will foreshadow that clause 8 deals with cultivation.

Clause passed.

Clauses 7 to 15 passed.

Clause 16.

Mr ODENWALDER: Attorney, can you clarify the regime around prescribed plants? How many can be grown before it is deemed a commercial quantity or deemed not for personal use? Is growing one plant, for instance, now under the new regime, punishable by two years rather than six months in prison?

The Hon. V.A. CHAPMAN: While I am seeking the specifics in relation to that, one of the things that changed the dynamics in relation to cannabis growing—not that I am an expert, but because of the helpful advice I have from SAPOL in relation to briefings on this matter and the consequential hydroponics act that we passed in South Australia—is that the development of the cultivation of this drug has been significantly enhanced by the capacity to be able to grow not just a little plant but almost a tree-size in one bucket of water. I do not want to advocate in any way that people move from doing little plants to hydroponics. The hydroponics legislation was introduced to try to shut down operations that were using legitimate vegetable gardens as a forum to advance the development of tree-high or ceiling-high cannabis plants for cultivation.

After briefings on this matter and consenting to the legislation going through this parliament, I vividly recall that we were advised by SAPOL that, when it came to the new compulsory regime of having to be regulated, having to be licensed under the regulation of SAPOL to operate a hydroponics enterprise—so it was up there with firearms—there was a huge exodus of the number of people who were suddenly in this industry. It seemed to have the effect, on the face of it, of encouraging people to undertake another different enterprise, rather than growing cannabis in glasshouses.

That was encouraging in itself. It changed the dynamics about what could be grown out of just one plant and provided a huge output in the crop production. But in answer to the specific question—

Mr ODENWALDER: While we are on that, in response to that, I think the current act differentiates between a hydroponically grown plant and a naturally grown plant in the bedroom or in the backyard. I do not have one in my bedroom.

The Hon. V.A. CHAPMAN: The prescribed number for cannabis under section 33K as set out in the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014 is five plants, but to get an expiation notice, you only need to have one. Otherwise, you could be charged. It is a whole new enterprise that the member for Elizabeth is going to embark on.

Mr ODENWALDER: I am compiling my business plan. Just to clarify: one plant is expiable, but any more than one naturally grown plant is not expiable.

The Hon. V.A. CHAPMAN: That is correct.

Mr ODENWALDER: So growing more than one plant is now punishable by two years in prison rather than six months?

The Hon. V.A. CHAPMAN: Yes, if there are less than five plants, then the maximum is two years.

Clause passed.

Clause 17.

The Hon. V.A. CHAPMAN: I move:

Amendment No 1 [AG–1]—

Page 9, line 16 [clause 17, inserted penalty provision]—Delete 'or imprisonment for 2 years, or both'

I think, for reasons I have already made clear, consultation has identified this as being more than acceptable. We have responded to that and accordingly this amendment is presented.

Mr ODENWALDER: The opposition welcomes this, as I said in my second reading speech. We think this is the right thing to do. The Attorney says, and I have no reason to doubt her, that this is the result of consultation. However, in regard to the community mood, at least on imprisonment—even without the unscientific polls that I talked about and the national drug household survey, or whatever it was called, indicating that 95 per cent of the population think that imprisoning people for simple cannabis offences is a step too far—I would have thought that simply talking to community members would have given that hint to the Attorney and the cabinet. Having said that, I wholeheartedly agree with this amendment.

Amendment carried; clause as amended passed.

Clause 18.

Mr ODENWALDER: If the clause has been amended, do I then get to ask questions on the clause?

The ACTING CHAIR (Mr Duluk): Technically, we have just put and agreed to the clause. Perhaps you could roll it into clause 18 somehow.

Mr ODENWALDER: I could twist it a little. Perhaps I will just ask a question.

The ACTING CHAIR (Mr Duluk): Perhaps just ask a question. The Attorney is in a generous mood today.

Mr ODENWALDER: Yes, we are all friends. Notwithstanding what the Attorney said before about consultation and the complexities around that, and I thank her again for her advice, I wonder if SAPOL were consulted in any way about this particular amendment, the Attorney's amendment. Were they consulted about whether it was necessary or were there any conversations with SAPOL about this particular amendment or the measures that were previously in the bill?

The Hon. V.A. CHAPMAN: I am advised by my adviser, from the department's point of view, no. I do not recall any specific proposal from them on this matter. They already had the bill, which included the imprisonment term in it. I do not recall them contacting us in any way to say this could be a problem or it is going to be difficult.

I am not taking from that that there is ringing endorsement of it. I just make the point that they are not necessarily going to be making comment in relation to what they clearly know is a policy initiative. However, nevertheless, no, I have not had any indication from them that I can recall that was raised on this aspect. I think it is fair to say that, on the occasions I have dealt with SAPOL in relation to sentencing, they have usually had a view that is quite strict in relation to the application of severe penalties where appropriate, so I suppose it is not unusual that I would not have received something from them.

I think it is fair to say that, although the member refers to these snap polls and so on, these surveys that are done, I think they are flooded with a number of people who are very strong supporters of the decriminalisation of cannabis as a controlled drug. The other thing that I should make clear is that there were a number of people who contacted us upon the announcement of this initiative and then the media surrounding the introduction of this legislation.

In fact, when it became a public issue to the extent of whether or not there should be imprisonment, they said to us, 'Please, we appreciate what you are doing. We are very unhappy with what has happened.' They have had a child who has died or been in a situation where they have

been in a compromised position as a result of drugs and lost their job, family, and life, really, in lots of ways.

What should not be underestimated is the significance in the community of the heartbreak in families, in the workplace, in marriages and in parental relationships as a result of insidious addiction, and cannabis is not excluded from that. We can talk about the modern drugs or drugs of choice of the moment, but the reality is that there have been a number of people hurt by the imbibing of drugs, as they have been with other addictions—alcohol and prescription drugs, and so on—but generally the public statements surrounding this type of legislation do result in people emailing me, ringing me or sending me letters to say, 'Thank you. We think you need to be strong.'

One chap who is in the fishing industry published a congratulations and then went on to say, 'I don't think you are being tough enough.' There will always be people who have different views. I think we have listened, though, to what is both appropriate and achievable, and I hope that we have achieved a sensible compromise.

Mr ODENWALDER: This is a follow-up from that previous statement. The reason I ask about consultation with SAPOL in relation to this and about Corrections, too, I guess—and I understand that we have amended it now, or we are about to amend it—is that introducing a custodial sentence for an offence that never previously had a custodial sentence presumably sends a message both to the courts and to the police that it is a much more serious offence and they would allocate more resources to it as a matter of course. The courts would need to because the police would as a matter of course, and so that is why I asked those questions.

The Hon. V.A. CHAPMAN: I think that is a question and I think it is relevant but, as I say, they have not come back to us to say, 'We are going to be just swamped with this responsibility. We can't afford it. We need resources.' None of that has come forward. However, bear in mind that the courts, I think, have been helpful in providing data to us to deal with the flipside of this, and that is dealing with the issue of court time and resources of police in dealing with Drug Court trajectories of cases where there has been exploitation of the system to avoid penalty for principal offences. So perhaps they just say that it is a bit of a trade-off, I do not know.

However, I will provide, perhaps, in this opportunity some data that has kindly been provided by the department as to the non-attendance of people who are not complying with their commitment in relation to that option. This is in relation to the restriction that we are placing on two drug diversions. Can I just give you this data from page 25 of 'Ten years of the South Australian police drug diversion initiative':

> Compliance rates were also found to be related to whether it was an individual's first or subsequent diversion. Individuals were more likely to comply with their first diversion (83% compliance), than with second or subsequent diversions. In fact, compliance rates appear to continue to decrease as number of diversions increases, with rates of 73% for second diversions, 67% for third diversions, 66% for fourth diversions, and 63% for fifth and subsequent diversions.
>
> This finding is suggestive that the more diversions an individual receives, the less successful the initiative is in engaging that individual in a health assessment…

In relation to the level of recidivism, the reference here is:

> Over the ten years that the PDDI has been in operation, 24%…of the 13,627 individuals diverted have been diverted more than once. The maximum number of diversions one person has received is 32.

We have listened to the advice of the police. They were a very good source for us of the fact that there were people exploiting the system. We have acted on it. I think they appreciate it, and perhaps they see any increase in obligation from them as being offset by it. As I said at the second reading—and the minister for corrections will be familiar with this—if we are right and this bill passes, for those apprehended and convicted the new penalties for manufacturing and cultivation at the commercial level are likely to attract a greater term of imprisonment and/or financial sum.

The other thing is that these serious drug offences are also the subject of our confiscation laws, including the prescribed drug offenders amendments that were made last year for the confiscation of assets. To some degree, the minister for corrections does not get any of that money. That goes to the Victims of Crime Fund, or a special hypothecated fund now that was settled upon

by the former attorney-general and me. It is called the Justice Rehabilitation Fund. It is an excellent fund, except it still does not have any money in it.

Of course, with the progress of the confiscation of assets amendments that are now in another place and, I hope, receiving consideration as we speak (I am speaking of them glowingly; it is not in any way a reflection on their vote up there), police will actually be able to activate that and confiscate assets. They will not have to take the toothbrush and the worn-out motorbike but can actually take the good assets and fill that fund flush with money to ensure that we assist in drug rehabilitation.

Clause passed.

Clauses 19 and 20 passed.

Clause 21.

Mr ODENWALDER: Attorney, you will be pleased to know that this is my last question. In relation to these three amendments, you talked a bit in your second reading contribution about controlled drug alternatives. I am wondering if you are aware of any convictions that have ever been brought under these sections. Is that a question you can answer now?

The Hon. V.A. CHAPMAN: I am informed that, on the information from OCSAR, which is our statistical unit, there have not been any.

Clause passed.

Remaining clauses (22 to 27) and title passed.

Bill reported with amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:34): I move:

That the bill be now read a third time.

Bill read a third time and passed.

Parliamentary Procedure

APPROPRIATION BILL 2018

The Legislative Council granted leave to the Treasurer (Hon. R.I. Lucas) to attend in the House of Assembly on Tuesday 4 September 2018 for the purpose of giving a speech in relation the Appropriation Bill, if he thinks fit.

Bills

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Second Reading

(Second reading debate adjourned on 21 June 2018.)

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The ACTING CHAIR (Mr Duluk): There are six clauses before us. Can we begin with clause 1.

Mr PICTON: Thank you Mr Acting Chairman. Can I say how good it is to see you at the table. I think it befits you very well.

The ACTING CHAIR (Mr Duluk): Thank you for calling me Chairman.

Mr PICTON: Can I firstly ask the Deputy Premier whether she can confirm that there was not any consultation that the government undertook in the preparation of this bill, if not, why not? If there was, can she outline what consultation occurred?

The Hon. V.A. CHAPMAN: Essentially, the Electoral Commissioner, Corrections department and, after the bill was prepared, the Law Society of South Australia.

Mr PICTON: Is she able to provide the comments that were received by those bodies as part of the consultation?

The Hon. V.A. CHAPMAN: In respect of the two former, we consulted with them and liaised with them in respect of development of the bill. They did not provide any written submissions. In relation to the Law Society, as I advised the member for Elizabeth, they publish on their own website, if they see fit, any submissions they present in relation to any bills.

Generally, for your benefit, in case you were not listening intently to the preceding debate, we would offer to provide if you seek a list of those who have been consulted, and I am happy to discuss that at the briefing that is provided. Otherwise, it is then a matter for the opposition to make inquiries, check on the website for those who publish them. In relation to departmental discussions, they are usually oral anyway, but they are obviously not made available. I hope that will assist with future bills.

Mr PICTON: I am wondering if the Deputy Speaker can go through the statistics in regard to prisoner and prisoner voting—

The ACTING CHAIR (Mr Duluk): The Deputy Premier not the Deputy Speaker.

Mr PICTON: Sorry, if the Deputy Premier—I am sure she would do a good job as the Deputy Speaker as well—could go through the statistics in terms of prisoners, the number of prisoners who have voted in different institutions, including both the number of prisoners that voted by, as I understand it, a pre-poll type of arrangement that was taking place in a number of prison sites, as well as some prisons where only postal voting was allowed due to the high security for those prisoners. Out of that, how many would potentially be affected by the provisions of this bill, in terms of limiting the voting to people serving a certain sentence?

The Hon. V.A. CHAPMAN: I could not find on what page exactly I had previously provided this data, but I am happy to provide it again. It may have been in a slightly different form. As at 1 April this year, the bill would have impacted the voting rights of approximately 1,400 of the total prison population. This information is provided largely by the department for corrections in looking at the assessment of the definition proposed in this bill.

Mr Picton: Out of how many prisoners?

The Hon. V.A. CHAPMAN: At the time, 3,250—not a very proud number, I would have to say, but, nevertheless, that is what we inherited. How many prisoners voted in person at the last election? There is a breakdown of those. There were 518 in person at the six different facilities, so not many obviously. Of the 141 postal vote applications received, 40 were returned, 26 were rejected and 14 were accepted. So we are talking about still fairly small numbers.

My recollection is that, once questions of invalidity are considered, that is, informal votes, we are down to only a few hundred who would have been affected by this legislation if they had voted. It was an estimate that was given. The difficulty in being precise about this is that, if we are able to identify the numbers that would qualify under this, that is, the number of years' imprisonment, etc., they would be removed, but we do not know how many of those would have given a formal vote or an informal vote.

I think the real gist of the question is that even if they, for whatever reason, do not cast a valid vote, how many would have attempted to exercise that right to vote? On the face of it, I suppose we are really talking about an attempt of about 500 plus 140-odd. As you can see, there is quite a large cull of the numbers that ultimately translate into valid votes, for reasons I do not know. It could be that they have not read the instructions properly. Perhaps they did not have a suitable how-to-vote card. I am not sure exactly why. I think how-to-vote cards are provided in prison. I will have to check that with the Electoral Commission.

Mr Picton: I don't think they are.

The Hon. V.A. CHAPMAN: Aren't they? As I recall, they used to be in the booth in state elections, but, in any event, if they are not available in the mobile booths, then perhaps that is something we should look into. As to pre-polls, of course, they do not actually get a chance to leave prison and go out and line up for a pre-poll. If they did, they would have had to wait for a long time, especially at some of our pre-polls.

Mr Picton interjecting:

The Hon. V.A. CHAPMAN: A mobile booth? Yes, alright. Perhaps we will not go there any further. We did fight pretty hard to have pre-polls kept and we have won that argument.

Mr PICTON: Can the Deputy Premier outline what statistics she has in regard to how Aboriginal people would be affected by this provision, both in terms of how they would be affected as part of the broader population of prisoners and also any stats of Aboriginal prisoners who have voted?

The Hon. V.A. CHAPMAN: It is not going to be crystal clear from the data that we have, but of the total prison and home detention figure of 3,250, as I have indicated, the number that identifies Aboriginal or Torres Strait Islanders is 716. That is 22 per cent. The number within the scope of the bill is 1,400. The number within the scope of the bill who identify as Aboriginal or Torres Strait Islanders, that is, prisoners who would have been disqualified from voting under the bill, is 218. That does not necessarily mean that they would have voted anyway, if I can put it as broadly as that.

Mr Picton: Do you have any stats on Aboriginal voting?

The Hon. V.A. CHAPMAN: Not specifically, no, and I do not think we actually disclose. You could ask the Electoral Commission to go back and check the electoral roll for who had registered and whether they disclosed whether they were of Aboriginal or Torres Strait Islander descent. But I do not think they do that for the purposes of the electoral roll. I may be wrong; they may have that data, but the prison system does and that is what we are relying on.

Clause passed.

Clause 2.

Mr PICTON: I have a couple more general questions. Can the Attorney outline what assistance the government provides for prisoners to vote either through the Corrections department or through the Electoral Commission? What assistance do they provide for the enrolment of prisoners to vote? What preparation do they provide for voting after they leave the corrections facility?

The Hon. V.A. CHAPMAN: I understand the member raised in the briefing the question of what work is done by the Department for Correctional Services in terms of preparing prisoners to vote. They assist in their own facilities by distributing postal vote applications to prisoners at facilities where prisoners are able to vote by post—being the Adelaide Remand Centre, the Yatala Labour Prison and the Port Augusta Prison—and facilitating the attendance of electoral visitors at other prisons for prisoner voting.

If the member is referring to initiatives such as 'Have you turned 18? Have you enrolled to vote? Do you know that you are able to vote? Have you registered your change of address?'—all the information that is sometimes done by quite extensive campaigns of the Electoral Commission—Corrections do not follow that up. They obviously see that as a responsibility of the Electoral Commission. I do not know the answer to what they might do specifically. Obviously, prisoners have access to some facilities but obviously not all the time because there are restrictions on access to the internet and the like.

Nothing has been put to me to suggest that there is any impediment to any assistance in someone getting on to enrol to vote, and I think that has been confirmed by Corrections, and to have access to postal votes, should they wish to do so. I do not know of any specific programs that the political parties undertake in providing information to prisoners. I cannot ever remember being party to a program where the Liberal Party has sent out how-to-vote cards to the Remand Centre, Yatala or the Adelaide Women's Prison or the like. I do not have any in the seat of Bragg.

Probably a person who would be valuable in answering that might be the member for Hammond—he has a significant, secure facility—or of course the Minister for Correctional Services, who would probably immediately have this information available to him. In 40 years of campaigning, I have not ever had occasion either to visit a prison during an election campaign or hand out how-to-vote cards or forward them to a prisoner.

I have made sure that how-to-vote information and applications to register have been made available to constituents who wished to have their address kept anonymous. Sometimes they are being pursued by a spouse who is unhappy in that relationship, or they have been a victim of a criminal offence and their partner or the assailant is now in custody.

I have certainly worked with the Electoral Commission to assist those people to keep their address confidential and to remain protected through the election process. The member might be more familiar with what the ALP do. I cannot help you in that regard. Ask Michael Brown.

Mr PICTON: I am wondering if the Attorney can also outline, in terms of the statistics, if she has these available, of the 3,250 I believe it was, prisoners and people in home detention in South Australia as of 1 April, how many of those are on the electoral roll? I would imagine that it would be possible for the Electoral Commissioner to be able to provide advice to the government on how many were enrolled and how many were not enrolled.

The Hon. V.A. CHAPMAN: I am advised that there is not a matching of those on the electoral roll with the prison population at any one time, so we do not have that data for you.

Mr PICTON: I refer the Deputy Premier to Dr Victoria Shineman from the University of Pittsburgh, who I believe was visiting South Australia this week and who gave a talk in terms of this bill and the impact seen in the United States of disenfranchising prisoners, the impact it has later had on the prospects of rehabilitation for those prisoners. I ask the Deputy Premier whether she has seen the work that Dr Shineman presented in South Australia and whether the South Australian government has had consideration as to whether there would be detrimental impacts on reducing reoffending rates in South Australia because of this legislation.

The Hon. V.A. CHAPMAN: I start by saying I have not met Dr Shineman, nor have I read of her work. I think there was one other academic who I either read in the media or who made some comment—it might have been a radio transcript—suggesting something similar; that is, this was a human right of prisoners and they ought not be deprived of their right to vote even though their right to freedom of movement had been impeded by their incarceration.

That is not a view the government shares. It is not a view we have had people present to us in the lead-up to the announcement of this policy. To the best of my knowledge there was no commentary by Dr Shineman.

She may not have known about it. She might not have been watching the state election from Pittsburgh to draw her attention to this, but the view of the government that underpins this legislation is that people who have committed serious offences—that is, with a period of incarceration of three years or more—do not deserve to have a say.

Whilst some people may have a different view, that is the view of the government. For whatever reason, it has been the view of Liberal and Labor governments for a very long time. It underpins the commonwealth law which prohibits prisoners from voting in federal elections. I have not investigated this in detail, but I do not recall prime minister Rudd or prime minister Gillard rushing to amend the law to allow for serious offenders who are in custody to suddenly be able to have a restoration of their right to vote. Perhaps they had read Professor Shineman's treatise on this and were not persuaded with it either.

Clause passed.

Clause 3 passed.

Clause 4.

Mr PICTON: I was wondering if the Attorney can outline the purpose of this amendment, and why it seems to have been drafted in such a broad way in terms of the information that could be provided.

The Hon. V.A. CHAPMAN: The provision of information to the commonwealth Electoral Commissioner is obviously to ensure that, for the purposes of joint rolls, they are responsible for that. Legally, the process is to go to the commonwealth, they update both rolls and then that information is utilised for the purposes of state and federal elections.

I am advised that apparently there is a proposal to consider, that the Department for Correctional Services provides directly to the South Australian Electoral Commissioner the names of prisoners who should be disqualified from voting. I am also advised they can provide it directly to the state. This is really just for the purposes of identifying it on the roll. The keeper of the data is the Department for Correctional Services, so at some stage it needs to be transferred across.

Clause passed.

Clause 5.

Mr PICTON: In relation to clause 5 and the certified list of electors, I was wondering if the Attorney could also explain why this clause is necessary. It seeks to tinker with the electoral roll in its amendment of section 68(1) by changing to 'electors enrolled in relation to'. Is that essentially because Electoral Commissioner will no longer the be using the electoral roll but instead is using this construct of the electoral roll minus these prisoners to conduct the election, and hence this is the workaround to make that happen?

The Hon. V.A. CHAPMAN: Section 68 relates to the certified list of electors, that is, the list of electors in each electoral district used for elections. They are referred to as the 'roll extracts'. This is different from the whole electoral roll. The amendments in this clause have the effect that the name of the prisoner who is disqualified from voting will not appear on the certified list. Their name will still be on the roll. They are on the roll, but within the districts of wherever they live and most of them, although some will be on home detention, will be within the precincts of the electorate of wherever the prison is situated.

Clause passed.

Clause 6.

Mr PICTON: I was wondering why the Attorney and the government have picked three years as the cut-off date for voting eligibility under this section, rather than specifying particular offence types they might be concerned about. Can the Attorney also clarify that the three years applies to the whole sentence. For instance, if somebody were in prison serving a three-year sentence and it was the last day before they were released—so they only had one more day to go—would they still be captured by these provisions and not be able to vote?

The Hon. V.A. CHAPMAN: Three years as a cut-off time has been selected because it is consistent with the commonwealth and no other jurisdiction does it by offence type. I think it is fair to say that seriousness can be measured by the period of imprisonment, irrespective of the nature of the specific offence. In answer to the second question, they get into the last day, yes, they would still be caught.

Mr PICTON: Can the Attorney also outline why the government has made a decision in regard to two categories of prisoners. Firstly, in terms of home detention, I understand that home detention is not covered by the commonwealth model, which you said you have based this on, so that is an extension to that; and, secondly, in terms of people on parole, people who have not been sentenced for anything, to clarify, are they covered by this legislation or not?

The Hon. V.A. CHAPMAN: Home detention is included because it is a form of imprisonment, detention, whatever. It is not a luxury hotel time. Persons are to have their movement restricted within the confines of a home rather than in a prison. No doubt it is more lenient, in that sometimes they can leave to go to medical appointments, training programs, employment and the like, but it is still restricted. It is something we gave considerable thought to, but we say that if the

prison term exceeds the three years, as we have discussed, whether they are serving it at home or in a prison forum, it should apply.

Parole does not apply. Parole is something that is earned as a result of usually being a good prisoner, being compliant with rehabilitation programs, in the undertaking of them and learning from them. If they have earned the right to be released into the community, whilst they might be under some conditions that are specified as to their conduct, they have earned the right to resume having the right to vote.

Mr PICTON: I want to ask a question in relation to the new subsection (5)(b)(iv)(B), where the Attorney is inserting a power to allow regulations to be prescribed in terms of other people who could be detained. This is a bit concerning to us, in regard to the scope of those people who could be added by regulation and be excluded under this bill from voting.

Essentially, we want to know: is this something that the government wanted to be included? Who asked for it to be included? What could it be used for? I would have thought at least one category of people who would be concerning for the parliament, if it were to be used, would be people on a mental health detention, for instance, or the like, and who could be added under this regulation-making power. Why is this happening? Do any other jurisdictions have a provision like this? From what I could see, this is not something that the equivalent commonwealth legislation has. Why do we need this?

The Hon. V.A. CHAPMAN: In relation to the question of the prescription being added there, can I firstly say that, because the whole of the definition requires that there has to have been a person in custody who committed an offence and has been imprisoned for the purpose of the offence, someone caught under the mental health circumstances is not in that category. They have not committed an offence.

In relation to the question of what else it could then relate to, to allow some flexibility in what type of corrections facility we might allow, let me give you an example. The previous government passed laws in relation to sentencing that allowed for intensive corrections orders. At the moment, they are available for 12 months. That may change and they may be available in other circumstances, which would overlap with the same penalty regime that attracts a disqualification from being able to vote.

If we allow the flexibility to cover that, then we can bring those into account. I think the member should be reassured, as others would be, that we are still only dealing with people who have been convicted of an offence and given a penalty of three or more years' imprisonment. We are still talking about people who, in that specific category, are not those who end up in our prison for different reasons. For example, being detained or covered under the Mental Health Act. I see that as an entirely different matter because they are not qualifying in the first step of having to be convicted of a serious offence.

Mr MULLIGHAN: I thank the Deputy Premier for answering the questions from the opposition in such detail. She might recall that, when we discussed a previous bill around those offenders who had been convicted and sentenced to a term of imprisonment and who were to be considered for particular types of release on licence, we looked at the arrangements around how they may or, more to the point, may not be released on licence. Without drawing the Deputy Premier's attention to a particular line here, could she perhaps explain for my benefit how these provisions would apply to someone who has served a sentence and would be able to be released on licence?

The Hon. V.A. CHAPMAN: I thank the member for raising this. It has been considered and hence forms part of amendment No. 1—which I am about to move—to deal with that very issue to make it abundantly clear that we are not intending to capture those.

Mr MULLIGHAN: Would the Deputy Premier prefer me, perhaps, to withhold my further questions on that matter until we consider the amendment. I am happy to do that if that makes the discussion we have on the amendment a little more complete. Unfortunately, I walked in part way through the committee stage of this bill. I did have a question related to young offenders. Has that been canvassed in the bill and, if so, how, if I could frame the question like that?

The Hon. V.A. CHAPMAN: People under the age of 18 years are not entitled to vote yet, thank goodness. They are entitled to provisional enrolment. This will not change. Where a person turns 18 and is detained in respect of offences committed as a youth, they will be ineligible to vote if the length of their sentence exceeds three years. This is unlikely to be a frequent occurrence for young people, where the maximum sentence of detention is three years. A young person would have to have been sentenced as an adult to receive a sentence long enough to disqualify them from voting.

Mr MULLIGHAN: I appreciate that because I think that, on the face of it, it might have seemed like a strange question, that somebody who is a young offender, that is, under the age of 18, would not, of course, be entitled to vote, not meeting the minimum age criterion. However, in the subsequent part of the Deputy Premier's answer she did get to the nub, I think, of the circumstance, or type of circumstance, that I was more interested in. That is where an offender has been convicted of a crime and they are under the age at the time of conviction.

They would, under the guise of this bill of course, have to be sentenced for a term of imprisonment of more than three years, and that three-year period might extend beyond their turning 18. That, of course, then raises a subsequent series of considerations, not the least of which is: can somebody who is incarcerated as a young offender, albeit with a sentence longer than the three-year qualification period for the terms of this bill (or disqualification period if I am, perhaps, speaking a little more accurately), are they able to enrol to vote in any event from their place of incarceration, so that from the age of 18 if they were otherwise able to vote or otherwise released from imprisonment that would entitle them to vote?

I realise I may be asking a question that goes beyond the realms of not just this bill and the act it seeks to amend and perhaps looks at provisions of, I am guessing, the Electoral Act as to whether somebody is able to enrol in the circumstance which I have outlined, but do the provisions of the bill and the explanation that the Deputy Premier gave earlier cover off in that situation as well?

The Hon. V.A. CHAPMAN: Correct. There is no impediment by virtue of this bill to the current law under the Electoral Act, which enables a person to apply to enrol from 16. There are certain other qualifications that are set out in section 29 of the Electoral Act to qualify, and things such as 'no person is entitled to be at the same time enrolled for more than one subdivision', etc. There are special rules there. There is another area at the other end, if I can talk about the grey nomads. They are affected by this enrolment strategy as well.

For example, if they leave South Australia—where they might have lived all their lives—buy the caravan, drive off into the sunset and have no fixed address even if they have a postal address at their child's home here or in another state, they are off the roll. I think that is remiss. I think they ought to be able to register, especially if they are able to identify some connection with the state. I think that needs to be dealt with. Whilst there is some provision for itinerant persons, it is very difficult for us to deal comprehensively with the grey nomads. But at the children's end—whether they are in prison, in a playground, in a school or anywhere—if they are 16 and they are South Australian, they can enrol.

Mr MULLIGHAN: I had not contemplated the conundrum facing grey nomads, although some might argue that they are entering another form of imprisonment in pursuing that type of recreation.

The CHAIR: Don't be unkind, member for Lee.

Mr MULLIGHAN: I guess it depends who they are travelling with and how well they take to confined spaces with one another. I want to move back from that diversion. I appreciate the Deputy Premier's explanation about those who are to be released on licence. The Deputy Premier has an extraordinary, impeccable and somewhat intimidating memory for these matters, so she might be able to assist me with this. When we were contemplating the previous legislative changes surrounding those people to be released on licence, my recollection was that it was around certain types of offenders only.

The court would consider the appropriateness or otherwise of those people being released on licence, given their histories, offending and impecuniousness, I think was a term that was used in this place. Are there other categories of people who are not those types of offenders to whom this bill would apply? Perhaps they are not the types of offenders we dealt with in that bill, but they might

be eligible to be released on licence. I have almost confused myself in asking that question. Did it make sense to you, and would you like me to have another and better go?

The Hon. V.A. CHAPMAN: I am not quite sure what the question is, but can I just be clear about this: if you are on home detention and the three years apply, you cannot vote. If you are on parole, you can vote. If you are in indeterminate detention—that is, an order has been made for a continued detention—you cannot vote with the three-year rule. If you are released on licence, you can vote.

The principle to the sum degree is in relation to parole and release on licence; that is, there is a threshold, whatever the offence and whatever the circumstances, where either the Parole Board or a judge is making a determination that you are fit to go back into the community generally. There might be other restrictions—you cannot drink alcohol, you cannot talk to certain people, all those things—but, under this bill, in those categories you are restored the opportunity to vote if you wish.

Mr MULLIGHAN: With parole, can you just—

The Hon. V.A. CHAPMAN: We covered parole earlier, but just to be clear: if you are in prison or on home detention or if you are on extended detention, you cannot vote. If you are on parole or on licence, you can vote. To be clear on the licence, we are adding in an amendment just to make it abundantly clear.

Mr BROWN: Can I say how pleased I am to ask a question of the Deputy Premier on this bill. Can the Deputy Premier outline to us what other jurisdictions nationwide are doing with regard to prohibiting people who are on home detention from voting?

The Hon. V.A. CHAPMAN: We are not aware of any other jurisdictions that specifically refer to it.

Mr BROWN: Can the Deputy Premier outline to us what other jurisdictions are doing to prohibit young offenders from voting?

The Hon. V.A. CHAPMAN: As I indicated, perhaps the member was not quite listening attentively at the time, but young offenders really are not going to be caught in this situation because it requires a three-year period, and young offenders by definition are under 18 and cannot vote.

Mr PICTON: Does anyone else have a similar provision to what you are proposing?

The Hon. V.A. CHAPMAN: We will check between the houses but we are uncertain as to whether the other jurisdictions have gone into it in such detail. Of course, in the commonwealth this has been operating for a very long time, so I am sure if there were any problems the Electoral Commissioner would have alerted us to them.

We have tried to cover off and deal with some of the peculiarities we have in South Australia, because not everybody has extended supervision orders or indefinite detention. They are pretty novel, introduced by the previous government to this parliament. I suppose we have seen a few flaws in relation to that but, for the purpose of this exercise, we are not here to debate that. We make the point that we have those four different categories that prisoners can be in, and we have tried to do the best we can to make sure they are protected.

The CHAIR: Attorney, there are four amendments standing in the name of the Minister for Education. Would you like to move those?

The Hon. V.A. CHAPMAN: I will.

The CHAIR: Are you moving them en bloc?

The Hon. V.A. CHAPMAN: I am happy to if it helps. I move:

Amendment No 1 [Education–1]—

Page 3, lines 13 to 18 [clause 6(2), inserted subsection (5)(a)(i) and (ii)]—

Delete subparagraphs (i) and (ii) and substitute:

(i) —

(A) the person is in custody serving 1 or more sentences of imprisonment or detention for 1 or more offences against a law of this State, the Commonwealth or another State or Territory; and

(B) the total period of imprisonment or detention liable to be served is 3 years or more; or

(ii) the person is subject to an order for detention under section 57 of the *Sentencing Act 2017* or section 23 of the *Criminal Law (Sentencing) Act 1988* (other than a person released on licence under section 59 of the *Sentencing Act 2017* or section 24 of the *Criminal Law (Sentencing) Act 1988*); or

(iii) the person is subject to a continuing detention order under section 18 of the *Criminal Law (High Risk Offenders) Act 2015*; and

Amendment No 2 [Education–1]—

Page 3, lines 21 and 22 [clause 6(2), inserted subsection (5)(b)(i)]—Delete subparagraph (i)

Amendment No 3 [Education–1]—

Page 3, line 23 [clause 6(2), inserted subsection 5(b)(ii)]—Delete 'prisoner' and substitute 'person'

Amendment No 4 [Education–1]—

Page 3, line 26 [clause 6(2), inserted subsection 5(b)(ii)]—After '*2017*' insert:

or Part 3 Division 3A of the *Criminal Law (Sentencing) Act 1988*

It might be quicker if I run through them. Amendment No. 1 standing in the name of the Minister for Education seeks clarity, as I have indicated, as to the categories of detainees. The bill will apply to a person who is in custody serving one or more sentences of imprisonment or one or more offences against the law of a state or the commonwealth or other state or territory. The total period of imprisonment or detention is served is three years or more. This is consistent with the language that appeared in the bill as it was introduced.

Amendment No. 1 goes on to provide that the bill also applies to an offender who is incapable of controlling or unwilling to control their sexual instincts and is subject to an order for detention under section 57 of the Sentencing Act, the predecessor to the provision under the Criminal Law (Sentencing) Act; and a person who is subject to an order for detention under the Criminal Law (High Risk Offenders) Act 2015.

These are types of ongoing detention orders that can apply only when a person has already served a period of imprisonment for serious offending. It is considered that a person on one of these ongoing detention orders should not be able to vote.

That is a replication of what I have said in bits in the last lot of questions. I trust that is clear. If amendment No.1 is supported, then amendments Nos 2 and 3 are consequential. Amendment No. 4 ensures that this bill applies to people sentenced for three years or more imprisonment to be served on home detention irrespective of whether they are sentenced under the new home detention provisions of the Sentencing Act 2017, or the predecessor provisions of the Criminal Law (Sentencing Act) 1988. This means that anyone who has been sentenced to serve a sentence of imprisonment of three years or more, or home detention, will be prevented from voting.

Mr PICTON: So the amendments are all being moved en bloc. Does that mean I have only three questions for all four of them?

The CHAIR: It does. We checked the standing orders a moment ago.

Mr PICTON: And I have no ability to object to them being moved en bloc?

The CHAIR: No.

Mr PICTON: That is disappointing. I will try to ration my three questions as best I can.

The CHAIR: You have support amongst your colleagues, I am sure.

Mr PICTON: That is true, but they might have different questions.

The CHAIR: Let's see how we go. At this stage, I would prefer to see three questions only from each member on the amendments that have been moved en bloc.

Mr PICTON: In relation to the amendments that have been moved en bloc, can the Attorney essentially guarantee for the house that this is now going to cover anybody who has been detained without licence under those provisions that we have long debated in the last couple of months in relation to people who are unable to control their sexual instincts? Why were those provisions not considered as part of the original legislation?

The Hon. V.A. CHAPMAN: It is a bit of a moving feast, I would have to say. We have changed the Sentencing Act and that is why there is some clarity being sought here to try to manage the old correctional laws in relation to sentencing and the new Sentencing Act, which was a wholesale rewrite. I think it is fair to say that, in South Australia now, we have more sophisticated sentencing options in respect of persons in custody. We have two new categories that relate to those who are unwilling or unable to control their sexual instincts and then we have another category of high-risk offenders, which can include people who are very violent.

I think it is fair to say that we have a bit more of a sophisticated sentencing regime. Other states do not have that to the same degree. Ours has been a bit of a moving feast. We have tried to make sure that we are following it, and so some of that did not apply when we introduced this under the Minister for Energy when he was just the member for Stuart.

Mr Picton interjecting:

The Hon. V.A. CHAPMAN: I understand, but what I am saying is that, since the previous legislation, things have changed and we have also progressed a bill and changed things again. The member might remember the Humphrys legislation, for example. So we are trying the best we can to keep up with other substantive amendments and to make sure that it is clear who is in and who is out.

Mr PICTON: In relation to amendment No. 2, from what I can read, this seeks to delete subparagraph (i) of (5)(b)(i) in relation to deleting a prisoner within the meaning of the Correctional Services Act 1982, which seems odd to me in that I would have thought that that is the key thing that we are trying to include. If I am correct and that is what is being deleted, why is that being deleted? Is that because you have received advice that that was incorrectly drafted in the original place as well and hence does not need to be defined under (5)(b)?

The Hon. V.A. CHAPMAN: Clause 6(2) of the bill proposes a new section 69(5)(b) of the Electoral Act. It contains a list of categories of people who are included within the scope of the phrase 'in custody serving 1 or more sentences of imprisonment or detention'. The Electoral (Prisoner Voting) Amendment Bill, as it was introduced, included in this list a reference to a prisoner within the meaning of the Correctional Services Act. That reference is no longer considered necessary, having regard to the specific categories of detainees that are referred to in the text inserted by amendment No. 1. In going into the specifics in amendment No. 1 and by making it clear, we do not need this anymore.

Mr PICTON: In relation to amendment No. 4—adding 'Part 3 Division 3A of the Criminal Law (Sentencing) Act'—I was wondering if the Attorney can outline who are the people who would be covered by that section of the Sentencing Act, and why did the government in its original bill not think to include those people within that section?

The Hon. V.A. CHAPMAN: I am advised that this was to capture the people who were sentenced to home detention under the old act, that is, the Criminal Law (Sentencing) Act 1988. It was there in the middle, so it was to capture them; otherwise, they would escape and be out there voting.

Amendments carried.

Mr PICTON: I move:

Page 3, lines 29 to 33 [Clause 6]

Delete subparagraph (iv)

My amendment deletes the regulation-making power under new section 69(5)(b)(iv). Originally, it was just to delete subparagraph (iv)(B), but I am advised by our learned friends at parliamentary

counsel that we really should delete all of subparagraph (iv) because, in legal drafting terms, the rest of it would not be 'doing any work'.

It is important that the government only have regulation-making powers where we are talking about depriving people of their rights where there is a clear and necessary reason for that to happen. I do not think that the Attorney has outlined in her explanation what the reason for doing this would be. I do not think it is necessarily a power that is in place in other acts that we see around the country in this regard.

Hence, I recommend to the parliament that we do not give the government the ability to add additional people whom the parliament has not specifically prescribed, as this should be applying without some parliamentary consideration of the matter in legislation, rather than in regulation. Hence, I propose that we delete this section and, if the government later decides that it wants to come back with other proposals for other people who should be subject to this, that should be something that the parliament should consider on its merits and not by regulation.

The Hon. V.A. CHAPMAN: I accept the amendment.

Amendment carried; clause as amended passed.

Title passed.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Personal Explanation

MINISTER FOR CHILD PROTECTION

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (17:34): I seek leave to make a personal explanation.

Mr MULLIGHAN: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Leave granted.

The Hon. R. SANDERSON: During question time today I was asked, 'Has the minister's office played any role in formulating and distributing the statement issued by her chief executive a short time ago?'. I responded, 'No.' I can confirm that neither I nor my office were involved in formulating the chief executive's statement. However, since question time I have been advised that following the CE's statement being distributed by the department electronically to media outlets a copy was sent to a staff member in the Premier's office by my office.

Members interjecting:

The DEPUTY SPEAKER: Order!

Bills

SUMMARY OFFENCES (DISRESPECTFUL CONDUCT IN COURT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2018.)

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (17:36): I am very pleased to be able to speak on the Summary Offences (Disrespectful Conduct in Court) Amendment Bill. This is, of course, a piece of legislation that the Attorney-General brought to this house having previously raised a number of matters that are contained in the bill in the House of Assembly in previous years—I believe a couple of years ago as a private member's bill. It has come back to the

house in relation to a range of matters, some of which have been brought forward in the public consciousness with respect to matters that have happened in other jurisdictions and some of which, indeed, are matters that have been particularly pertinent in South Australia.

In relation to the offence of disrespectful conduct in court, the offence proposed is to apply to a person who is a party to proceedings before the court—so that is defining who is described here. It would not apply to witnesses who might be called to give evidence; it is not that group. It is not relevant to members of the public who may be present in the gallery of the courtrooms or indeed to people who are within the jurisdiction of the Youth Court. It is a specific group of people, they being parties to the proceedings. This is actually quite an important matter—that it be limited to parties to the proceedings.

There are, of course, a range of measures currently available to judges and magistrates in relation to this matter, if they have issues relating to conduct in court. The judge or the magistrate can of course remove a person from the courtroom for a period of time, they can mute a video link, they can make a note of the behaviour in the court file or they can provide a caution. However, where those measures are used in relation to the behaviour of a witness or a party to proceedings, they can be insufficient to address the disrespectful conduct, whereas the other measures available might be seen as too heavy-handed.

I believe that this bill has the benefit of being able to strike a balance so that penalties are in place that are appropriate for this sort of behaviour, where there is a gap between disrespectful conduct that might be best dealt with through those minor approaches—muting the video link, removing the person from a courtroom for a period of time—and conduct that would fall short of the strict response required, where contempt of court would be the approach. So this is to address the gap in the middle and has appropriate penalties therefor.

We apply a different principle to young people if we are looking at a matter that might restrain the freedom of a young person. That is why I believe the senior judge of the Youth Court has made representation that youths should not be captured by this. Indeed, that is not the government's intent; nor is it captured within the gamut of the bill.

Questions have been raised as to whether the offence would apply to people with disabilities, for example, or other people who might not intentionally demonstrate disrespectful conduct to the court. The Attorney-General has made it very clear that there is no intent for this to capture any person with a physical or mental incapacity who involuntarily engages in conduct which might potentially be viewed as disrespectful according to the usual conventions of the court. That is not conduct that is intended to cause offence and will therefore not be captured by the offence proposed in this bill.

The most obvious example—and it almost goes without saying, but to be extremely clear—is that somebody in a wheelchair is not required to stand. That is an obvious example, but there are many more that have been raised by people who have asked questions. For clarity, we offer advice that any involuntary conduct that would not usually meet the standards of a court would not be captured. People who have raised those questions need have no fear.

We have discussed the existence of contempt laws. We think it is important that the dignity of the courts be preserved, even when some aspects of disrespect that are offered might not meet the standard to justify a finding of contempt. How prevalent is disrespectful conduct or contempt in the court?

The government is advised that the Courts Administration Authority does not maintain formal records on the number or charges or convictions for contempt committed in the face of court. However, obviously there are examples that practitioners have encountered, some of which have had some level of media attention.

There was an example of New South Wales legislation which was described previously, where a similar offence of disrespectful behaviour was introduced in 2015. That legislation was developed in relation to a specific incident involving a Muslim man who refused to stand. It has been asked whether this offence is specifically designed with that religious group in mind. I advise the house that it is not.

The offence applies very broadly to capture any conduct which, in accordance with the general expectations of the community, could be regarded as disrespectful to a court, including refusing to stand up after being requested to do so by the court, using offensive or threatening language and interfering or undermining the authority, dignity or performance of the court.

This is an important and useful piece of legislation that will assist in maintaining the dignity and decorum of our courts so that they can go about their business and discharge their duties for the people of South Australia and the jurisdiction which they serve with all those things upheld. I therefore commend the bill to the house.

Debate adjourned on motion of Mr Picton.

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL

Final Stages

The Legislative Council insisted on its amendments Nos 2, 3, 7, 8 to 16 and 18 to which the House of Assembly has disagreed and agreed not to insist on its amendments Nos 5 and 6 and agreed to the alternative amendments Nos 1 to 3 made by the House of Assembly without any amendment.

Consideration in committee.

The Hon. V.A. CHAPMAN: I note the Legislative Council's insistence in relation to the message returned on the South Australian Productivity Commission Bill, and accordingly, for the reasons set out by the Premier, pursuant to section 294(3) I move:

That the bill be laid aside.

Mr MULLIGHAN: I will speak briefly on this to say that I understand the Deputy Premier's comments. The Premier foreshadowed that it may come to this last night. Indeed, before that, on Tuesday in the other place, the Treasurer, the Hon. Mr Lucas, also foreshadowed that may be case. That threat was reiterated to the other place during the course of the consideration of the bill again today.

Can I say briefly—which I am not given to normally—that it is extraordinary that the government would choose to set the bill aside merely because it has not had its way, in an unfettered sense, with legislation that it has taken before the house of review of this state's parliament. The opposition, but more particularly the crossbench MPs in the other place, have a role, indeed a right, to consider and review and make amendments to legislation to improve it. In this case, the opposition as well as all crossbench MPs repeatedly made it clear to the government that what they were seeking in the consideration of this Productivity Commission Bill was not to knock the bill off and not to oppose it. I think all members of parliament, in both places, are supportive of the concept of a productivity commission.

The issue was how transparent the work of the commission would be, who the chair and the commissioners comprising the commission would be and its relationship with the parliament. As to the amendments that the opposition moved, extensive in number, and the crossbench MPs moved, smaller in number, both the opposition and all crossbench parties have given way very significantly to the government in an effort to reach a compromise so that we had the most workable and most transparent productivity commission as a result.

Now, in a petulant huff, we hear this government saying, 'We haven't got what we wanted. We cannot bring ourselves to listen to the legitimate wishes of the crossbench MPs of the other place and so we are not going to proceed with this bill.' The threat, the sword of Damocles that the Treasurer in the other place tried to hang above members of parliament was, 'We will set this bill aside.

We will establish this commission in an executive form, perhaps as an attached office, or in some other mechanism of an administrative unit, and then you won't see anything. You won't have any idea what goes on with this productivity commission.' That is absolutely outrageous.

But the good news is that it is a hollow threat because the bill that the government placed before this place, as well as the other place, provided no greater transparency than the arrangement that has been threatened by both the Premier and the Treasurer.

Indeed, the resort that members of parliament are having to go to with this new government—to resort to the Budget and Finance Committee, to freedom of information requests, to questions placed on notice and, of course, to the estimates process, which is coming upon us—will actually provide a greater level of transparency than the bill in the original form that was moved by the government.

That is the irony of this situation. Despite repeated warnings from the opposition and, more particularly, from each of the crossbench parties in the other place, the Treasurer in that place and now the Premier down here, represented by the Deputy Premier, thumb their noses at those crossbench MPs and basically tell them that their concerns are illegitimate, that they should not be listened to and that the matters they raise are not important.

I think that is outrageous. Let's hope that this government does not continue to treat the crossbench MPs and the opposition with the same level of contempt as we have seen in the other place today and we are now seeing in this place with the setting aside of the bill.

The committee divided on the motion:

Ayes 22
Noes 16
Majority 6

AYES

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.	Sanderson, R.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	van Holst Pellekaan, D.C.
Whetstone, T.J.		

NOES

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

PAIRS

Pisoni, D.G.	Gee, J.P.	Wingard, C.L.
Weatherill, J.W.		

Motion thus carried; bill laid aside.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (RULES) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

Matter of Privilege

RESIDENTIAL CARE FACILITY VISITS

The SPEAKER (17:57): I advise the house that I rise in response to the matter of privilege regarding the Minister for Child Protection. I make the following statement with regard to the matter of privilege raised by the member for Kaurna in this house earlier today; however, before addressing that matter, I wish to outline the significance of privilege as it relates to the house and its members.

As we have heard before, privilege is not a device by which members or any other person can seek to pursue matters that can be addressed by a debate or settled by the vote of the house on a substantive motion. McGee in *Parliamentary Practice in New Zealand* in my view makes the best test for whether or not a matter is a matter of privilege by defining it as a matter that can 'genuinely be regarded as tending to impede obstruct the House in the discharge of its duties'.

Generally speaking, any act or omission that obstructs or impedes the house in the performance of its functions, or that obstructs or impedes any member or officer of such house in the discharge of his duty, or that has a tendency, directly or indirectly, to produce such a result, may be treated as a contempt and therefore be considered a matter of privilege even though there is no precedent for the offence.

I refer to the matter raised by the member for Kaurna in relation to an answer given by the Minister for Child Protection to a question in the house earlier today, more specifically, in response to the question asked by the member for Badcoe at 2.28pm:

> Has the minister's office played any role in formulating and distributing the statement issued by her chief executive a short time ago?

The minister replies by saying no. The member for Kaurna advised the house that he had been advised that her staff were seen distributing the chief executive's statement at the minister's press conference shortly before question time. The member for Kaurna alleges that the Minister for Child Protection has misled the house as her answer to a question allegedly contradicts information brought to the attention of the member, namely:

> …her staff were seen distributing the chief executive's statement at the minister's press conference shortly before question time.

I refer to an earlier question asked by the member for Badcoe to the Minister for Child Protection at 2.18pm:

> My question is to the Minister for Child Protection. Has the minister or anyone in her office played any role in formulating the statement issued by her chief executive a short time ago?

The minister answered by saying:

> I have no involvement in what my CE puts out. She is an individual and can say whatever she likes, and she stands by me in that statement that you should have read by now.

In my opinion, what is at issue is the disparity between the minister's answer and information brought to the attention of the member for Kaurna concerning the distribution of the statement. I have subsequently had the benefit of hearing the Minister for Child Protection's personal explanation and, while the minister has acknowledged an involvement of her staff in the distribution of the statement, she was not aware of it at the time.

The minister has further affirmed that the minister's office played no part in formulating the statement.

Part of my role in considering this matter is also to consider the relative seriousness of the matter that has been raised. In essence, the conduct complained of must be genuinely regarded as tending to impede or obstruct the house in the discharge of its duties in order for the conduct to raise a question of privilege.

Therefore, in the Chair's opinion, this is not a matter of privilege for the reasons I stated above. In the Chair's opinion, the matter could not genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties. Therefore, I also decline to give the matter the precedence that would allow the member for Kaurna to immediately pursue the matter; however, of course, my opinion does not prevent any member from pursuing the matter by way of substantive motion.

At 18:00 the house adjourned until Tuesday 4 September 2018 at 11:00.

Answers to Questions

MENINGOCOCCAL B STRAIN VACCINATION

213 Mr PICTON (Kaurna) (25 July 2018). On what date did the minister's office first receive a copy of the Expert Working Group's recommendations into a meningococcal-B vaccination program?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

22 June 2018.

MENINGOCOCCAL B STRAIN VACCINATION

214 Mr PICTON (Kaurna) (25 July 2018). On what date did the Department of Health and Wellbeing first receive a copy of the Expert Working Group's recommendations into a meningococcal-B vaccination program?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The paper developed by the Expert Working Group within the department on the best options for a meningococcal B program in South Australia was sent to the Minister for Health and Wellbeing for his consideration on 22 June 2018.

SA HEALTH

215 Mr PICTON (Kaurna) (25 July 2018). On what date did the minister's office first receive a draft of the 2018 SA Health winter demand management plan?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

A draft of SA Health's publication Winter Demand Management Plan 2018 was first received on 14 June 2018.

Implementation of strategies started weeks earlier, including those summarised in the Central Adelaide Local Health Network update of 5 June 2018.

MINISTERIAL STAFF

216 Mr PICTON (Kaurna) (25 July 2018). What are the names of each ministerial staff appointee to the office of the Minister for Health and Wellbeing from 18 March to 3 July 2018?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has advised:

Jonathan Nicholls, Narelle Hards and Greg Westenberg.

MODBURY HOSPITAL

217 Mr PICTON (Kaurna) (25 July 2018). On what dates has the minister received written briefings by the department or NALHN about the establishment of a High Dependency Unit at Modbury Hospital?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

12 April 2018 and 23 April 2018.

This does not include incoming government briefings

LYELL MCEWIN HOSPITAL

218 Mr PICTON (Kaurna) (25 July 2018). When will the Lyell McEwin Hospital Short Stay Mental Health Unit come online?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The new LMH Short Stay Mental Health Unit will be integrated and delivered as part of the $58.0 million LMH Emergency Department (ED) Redevelopment project. This project is currently in concept design with construction anticipated to commence in mid-2019.

In the interim, the Northern Adelaide Local Health Network are working with clinical staff and the department to consider suitable options to allow the re-establishment of a temporary short stay mental health unit to deliver these services until the permanent unit is delivered as part of the LMH ED redevelopment.

EMERGENCY SERVICES

219 Mr PICTON (Kaurna) (25 July 2018). When will rapid respiratory testing across all metropolitan emergency departments come into effect as part of the winter demand management plan? What is the cost?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

From 9 July 2018, Rapid Respiratory Testing is available at all SA Health metropolitan emergency departments.

The Rapid Respiratory Testing analysers are leased by SA Health at a total cost of $48,000 for a 12-month period.

TRANSFER COORDINATION SERVICE

220 Mr PICTON (Kaurna) (25 July 2018). By what date will the Transfer Coordination Service be in place as part of the winter demand management plan? What is the cost?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The Transfer Coordination Service commenced on 9 July 2018 as part of the Winter Demand Management Plan. There is no additional cost for the service.

HOSPITALS, WINTER DEMAND

221 Mr PICTON (Kaurna) (25 July 2018). By what date will the government purchase and rollout a mobile x-ray device as part of the Winter Demand Management Plan? What is the cost?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

SA Health is currently scoping the requirements for a mobile X-ray service in South Australia. SA Health is working with key stakeholders to develop the service model and determine the costs of the service.

HOSPITALS, WINTER DEMAND

222 Mr PICTON (Kaurna) (25 July 2018). By what date will the government achieve 24/7 imaging services across all metropolitan public hospitals as part of the Winter Demand Management Plan? What is the cost?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

From 2 July 2018, 24/7 Computed Tomography (CT) imaging services were available at the Royal Adelaide Hospital, Flinders Medical Centre and Lyell McEwin Hospital.

At other metropolitan hospitals there are 24/7 on-call CT imaging services.

WOMEN'S AND CHILDREN'S HOSPITAL

223 Mr PICTON (Kaurna) (25 July 2018). What is the annual remuneration for the chair of the Women's and Children's Hospital Taskforce?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

Costs for the independent chair will be for direct hours based on $2,600 per day (excluding GST), and any travel expenses as required. It is expected that the cost will be managed within a budget of $50,000 (excluding GST).

SA HEALTH

224 Mr PICTON (Kaurna) (25 July 2018). In regard to stakeholders for the Minister for Health and Wellbeing:

1. Has the minister met with the Australian Nursing College since 17 March 2018? If so, when?

2. Has the minister met with the Health and Community Services Complaints Commissioner since 17 March 2018? If so, when?

3. Has the minister met with the Aboriginal Drug and Alcohol Council of SA? If so, when?

4. Has the minister met with the SA Mental Health Commissioner since 17 March 2018? If so, when?

5. Has the minister met with Diamond House since 17 March 2018? If so, when?

6. Has the minister met with the Public Health Association since 17 March 2018? If so, when?

7. Has the minister met with the Royal Australasian College of General Practitioners since 17 March 2018? If so, when?

8. Has the minister met with St John Ambulance Service since 17 March 2018? If so, when?

9. Has the minister met with the Heart Foundation since 17 March 2018? If so, when?

10. Has the minister met with DonateLife since 17 March 2018? If so, when?

11. Has the minister met with the Health Services Union since 17 March 2018? If so, When?

12. Has the minister met with Professionals Australia since 17 March 2018? If so, when?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

1. Yes. The minister met with the Australian College of Nursing on 27 June 2018.

2. Yes. 14 June 2018.

3. No.

4. Yes. 9 April 2018 and 30 May 2018.

5. Yes. 25 May 2018.

6. No.

7. No.

8. No.

9. No.

10. No.

11. No.

12. Yes. 6 April 2018.

MOUNT GAMBIER HOSPITAL

225 Mr PICTON (Kaurna) (25 July 2018). Has the government commenced an upgrade of the renal unit at Mount Gambier Hospital? If so, when and what is the budget and expected completion date?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The design consultant tender call and tender evaluation phase is complete and the Department of Planning, Transport and Infrastructure is currently in the process of formally appointing the consultants.

The design works are commencing in July 2018. The upgrade is expected to cost $2.13 million and works are estimated to be completed by mid-2019.

DRUG SECURITY PROJECT

226 Mr PICTON (Kaurna) (25 July 2018). What preparations are underway for a community-based drug addiction rehabilitation pilot in the Riverland? What is the budget and the expected completion date? What is the scope of the project?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The Matrix Program Pilot open tender was publicly released on 15 June 2018 and closed on 17 July 2018. Procurement is expected to be completed in October 2018.

The service cost for the provision of the Matrix Program Pilot for the two year period is approximately $600,000 and will be fixed for the term of the Standard Goods and Services Agreement.

The anticipated completion date for the Matrix Program Pilot is 31 December 2020.

The pilot will provide an intensive outpatient treatment service that includes individual and group counselling sessions that focus on social skills, positive decision making, cognitive behavioural therapy and relapse prevention.

REPATRIATION GENERAL HOSPITAL

227 Mr PICTON (Kaurna) (25 July 2018). What will be the capital cost of converting Ward 18 at the Repat for use as an older person's mental health facility? When will work commence?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

To facilitate the reactivation of the Repat site, a staged stakeholder consultation and engagement process involving consultation with clinical and health services leaders, health consumer groups, NGO's, external stakeholders and the local community is being undertaken.

Discussions regarding the repurposing Ward 18 at the Repat for use as an older person's mental health facility have been included in this process.

SA Health will soon be commencing a design process which will inform the timing and capital costs to efficiently and effectively repurpose Ward 18 at the Repat.

MODBURY HOSPITAL

228 Mr PICTON (Kaurna) (25 July 2018). How many training places are currently at Modbury Hospital? What is the expected increase?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

There are 36 FTE current medical training positions at Modbury Hospital.

Furthermore, there are 69 'training positions' at Modbury Hospital of varying vocations and seniority, including in the Women's and Children's Division, Surgical Sub Specialities, medicine, aged care, rehabilitation and palliative care, mental health and critical care.

At this stage, Northern Adelaide Local Health Network is unable to provide details of medical training positions for forward years as medical training positions are dependent upon activity and service configurations.

There are 40 nursing training positions at Modbury Hospital for 2018 and plans for 41 in 2019.

MODBURY HOSPITAL

229 Mr PICTON (Kaurna) (25 July 2018). What percentage of low to medium complexity surgery is currently operated at Modbury Hospital of the NALHN region? What is the expected growth in this percentage?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

40 per cent of Northern Adelaide Local Health Network's lower complexity elective surgery is performed at Modbury Hospital. The government has committed to review the surgical services across the Northern Adelaide Local Health Network. The expected growth will be better estimated after that has occurred.

PALLIATIVE CARE SERVICES

230 Mr PICTON (Kaurna) (25 July 2018). When will community outreach palliative care services reach a 24/7 service?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

SA Health has commenced planning for the expansion of the three adult metropolitan based Specialist Palliative Care Services (SPCS) community teams at Central Adelaide Local Health Network, Northern Adelaide Local Health Network, and Southern Adelaide Local Health Network to a seven-day service model.

The timing of implementation will be dependent on budget processes, the outcome of the preparatory work and recruitment of clinical staff.

CHEMOTHERAPY

231 Mr PICTON (Kaurna) (25 July 2018). How much chemotherapy currently takes place across regional SA? When will this figure be doubled?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

In the 2017-18 financial year there were 4,258 episodes of chemotherapy provided across 15 country chemotherapy units.

The government's aim is to double chemotherapy services in country South Australia relates in current parliamentary term.

GP ONCOLOGIST ROLE

232 Mr PICTON (Kaurna) (25 July 2018). When will the GP oncologist role be started?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The GP oncologist role pilot is being developed within the expansion of rural generalist training in country South Australia.

Collaboration with rural GPs and relevant medical colleges will be imperative in the development of a GP oncology model.

NOARLUNGA HOSPITAL

233 Mr PICTON (Kaurna) (25 July 2018). When will the Noarlunga Hospital 12 bed acute medical ward open?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

Planning is underway to consider future service locations across the southern region, in particular, in the context of the activation of the Repat site. This planning will identify options for the accommodation of the Acute Medical Ward at Noarlunga Hospital. The planning process will be resolved by the end of 2018.

NOARLUNGA HOSPITAL

234 Mr PICTON (Kaurna) (25 July 2018). When will the Women's and Children's Health Hub at Noarlunga Hospital be opened? What services will be included in the hub?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The Southern Adelaide Local Health Network (SALHN) is currently looking into opportunities to expand women's and children's services at Noarlunga Hospital. This includes the establishment of a Women's and Children's Health Hub located within the Noarlunga Hospital precinct.

SALHN is currently reviewing current and future population demographics as part of its clinical services planning process to inform the types of services that will be required for the new Health Hub.

NOARLUNGA HOSPITAL

235 Mr PICTON (Kaurna) (25 July 2018). When will the southern community midwifery service commence at Noarlunga Hospital?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The Southern Adelaide Local Health Network (SALHN) is assessing the feasibility of basing a community midwifery service for the south at Noarlunga Hospital.

NOARLUNGA HOSPITAL

236 Mr PICTON (Kaurna) (25 July 2018). Will the government re-establish a private hospital at Noarlunga?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

While there are currently no plans to re-establish a private ward at Noarlunga Hospital, the government will examine the viability of re-establishing a private hospital at Noarlunga and the value of using fee-for-service models.

ROYAL ADELAIDE HOSPITAL CAR PARK

237 Mr PICTON (Kaurna) (25 July 2018). When will the new patient and carer parking scheme commence?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The government's commitment to reduce the weekly car park charge at the Royal Adelaide Hospital for relatives of long-stay patients, from $65 per week to $38 per week, commenced on 16 April 2018.

People making regular, lengthy visits to family or friends can purchase a weekly ticket for $38.00 from the pay stations, across all metropolitan hospitals.

Car parking at country hospitals is free.

MURRAY BRIDGE SOLDIER'S MEMORIAL HOSPITAL

238 Mr PICTON (Kaurna) (25 July 2018). When will the Murray Bridge Soldier's Memorial Hospital redevelopment commence?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

SA Health has begun working through the concept development for the project.

The timing of the funding and implementation of the project is part of the budget processes.

REAL-TIME PRESCRIPTION MONITORING

239 Mr PICTON (Kaurna) (25 July 2018). When will real time prescription monitoring service commence?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

Project planning for real time prescription monitoring is underway and the project will commence in line with the national implementation of this important initiative.

COLONOSCOPY WAITING LIST

240 Mr PICTON (Kaurna) (25 July 2018). How many people are currently on the waiting list for a colonoscopy? When will these numbers be published regularly?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

As at 30 June 2018, there were 6,372 patients on an SA Health public colonoscopy waiting list.

SA Health is developing options for regular reporting.

MEDICAL INTERNS

241 Mr PICTON (Kaurna) (25 July 2018). How many medical interns are currently in the country? When will this number be doubled?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

There are currently five medical interns spending their full year in country South Australia.

The government will achieve the doubling of intern numbers from January 2019.

COUNTRY AMBULANCE SERVICES

242 Mr PICTON (Kaurna) (25 July 2018). When will the review commence into the sustainability of country ambulance services? What will the review cover? Who will undertake the review?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

During the state election in March 2018, the Liberal Party committed to undertake a review into the sustainability of country ambulance services and look in particular at ensuring SA Ambulance Service (SAAS) strives to accommodate the changing employment and volunteering patterns in rural and regional areas.

The SAAS Strategic Working Group (SSWG) is looking at the sustainability of ambulance services and workforce Statewide. The SAAS Volunteer Advisory Council is part of the working group.

Further work on the sustainability of country ambulance services will flow from this work.

PAEDIATRIC EATING DISORDER SERVICE

243 Mr PICTON (Kaurna) (25 July 2018). When will the dedicated paediatric eating disorder service commence?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The government has promised $1 million a year to establish a paediatric-focused eating disorder service.

Funding will be allocated as part of budget processes.

BORDERLINE PERSONALITY DISORDER

244 Mr PICTON (Kaurna) (25 July 2018). When will the specialist BPD service commence?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

During 2018, work will be undertaken to develop the model of care and to tender and select an organisation to develop clinical guidelines and a training program.

In addition, a recruitment process will be completed to select a service clinical lead and staff.

NATIONAL DISABILITY INSURANCE SCHEME

245 Mr PICTON (Kaurna) (25 July 2018). On what dates has the minister made representations to the Commonwealth Government regarding the cuts to mental health services as part of the transfer to the NDIS?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has advised:

He has made a number of representations to the commonwealth government in relation to the impact of the transition to the NDIS for mental health clients, most significantly by putting it on the agenda for the Council of Australian Governments (COAG) Health Council on 2 August 2018.

COUNTRY HOSPITALS

246 Mr PICTON (Kaurna) (25 July 2018). What additional funds have been committed since 17 March to urgently address high risk repairs and maintenance at country hospitals?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

Since March 2018, extensive planning has occurred to identify the projects and hospital sites where works are to be undertaken to address the highest risk issues in country hospitals.

Allocation of additional funds will be addressed through the budget process.

PUKATJA DIALYSIS SERVICE

247 Mr PICTON (Kaurna) (25 July 2018). When will the Pukatja dialysis service be established permanently?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The permanent dialysis unit for the Pukatja community is expected to open in early 2019. The unit is being built and staffed by Western Desert Dialysis, more commonly referred to as The Purple House.

BORDERLINE PERSONALITY DISORDER

248 Mr PICTON (Kaurna) (25 July 2018). What program will be established to support young people at risk of developing BPD? When will it commence? What funding will be committed?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

The Marshall Liberal Government is committed to establishing a Borderline Personality Disorder (BPD) service.

The service will include a young people program that will support young people at risk of developing BPD, or with early signs of BPD (including self-harming behaviour) through dedicated, ongoing inpatient, outpatient and therapeutic resources.

During 2018, work will be undertaken to develop the model of care and to tender and select an organisation to develop clinical guidelines and a training program.

In addition, a recruitment process will be completed to select a service clinical lead and staff. Funding will be allocated as part of budget processes.

OUTPATIENT APPOINTMENTS

249 Mr PICTON (Kaurna) (25 July 2018). What is the total number of patients who have had to wait 16 years for an outpatient appointment?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

SA Health commenced quarterly public reporting of outpatient waiting times on 1 July 2018.

The first report as at 31 March 2018 identified a total of three outpatient referrals with a maximum waiting time of 16 years or greater.

WOMEN'S AND CHILDREN'S HOSPITAL

250 Mr PICTON (Kaurna) (25 July 2018). Who is conducting the review on the power blackout at the Women's and Children's Hospital on 3 July 2018?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

Lucid Consulting Engineers have been engaged to undertake the review.

OUTPATIENT APPOINTMENTS

251 Mr PICTON (Kaurna) (25 July 2018). How many outpatient appointments were provided in: a. 2016 b. 2017?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Minister for Health and Wellbeing has been advised:

SA Health provided a total of 2,237,321 outpatient appointments in 2015-16, and a total of 2,035,897 in 2016-17.

These are reported nationally in financial years rather than calendar years.