

## HOUSE OF ASSEMBLY

### Wednesday, 5 September 2018

The **SPEAKER (Hon. V.A. Tarzia)** took the chair at 10:30 and read prayers.

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

#### *Bills*

### **PETROLEUM AND GEOTHERMAL ENERGY (BAN ON HYDRAULIC FRACTURING) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 4 July 2018.)

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (10:31):** I rise to speak on this bill from the Independent member for Mount Gambier. This is a topic that has been with this parliament, this state, the people of the South-East and the petroleum industry for many years now—in fact, from prior to the 2014 election. The government—the then opposition, the now government—took to the last election a commitment to introduce a moratorium against unconventional gas projects in the South-East of our state, and we have delivered on that commitment. That moratorium went in place approximately a week after the election. It was part of our 100-day plan. It was a commitment that we took to the election solemnly and a commitment that we delivered on immediately.

The member for Mount Gambier has put a bill to this chamber to seek to have that commitment enshrined in legislation. Let me just say that enshrining it in legislation actually has no practical impact upon what may happen with regard to petroleum exploration or production in the South-East, but it does clearly have an important impact for the people of the South-East. We developed our policy with regard to a moratorium because overwhelmingly that is what the people of the South-East wanted and that is why we delivered it. Overwhelmingly, the people of the South-East want that commitment enshrined in legislation and, while it will not have any direct impact on operations in the South-East, the government will support the member's position on this bill.

Let me say that it is not only the member for Mount Gambier who supported this. Our first term member for MacKillop has also been a very strong supporter of this position, representing the overwhelming majority of the South-East, in addition to the city electorate, if you like, of Mount Gambier. He has been a strong advocate of this. With regard to impacts, let me say that the Liberal opposition, and now the Liberal government, was very clear for a long time that the moratorium position that we took and delivered on would not be extended to conventional gas in the South-East and it would not be extended beyond the South-East, and that is still very clearly our policy.

As I have said before, we have engaged with an enormous number of people on this issue. This includes every industry company and every industry representative body, as well as local communities, local governments and many others. It is clear to me that while this is our government's position—and we will deliver on this, as we did with regard to the moratorium—this position is not without risks. But guess what? Very few positions are without risks. Legislating this moratorium does have some risks attached to it that I will not go into at this point in time. However, let me say very clearly: our government has determined to support this private member's bill.

**Mr PEDERICK (Hammond) (10:35):** I rise to speak to the Petroleum and Geothermal Energy (Ban on Hydraulic Fracturing) Amendment Bill introduced by the member for Mount Gambier. I note that the state Liberal team went to the election in March with a policy to ban unconventional

fracking in the Limestone Coast region of the South-East for 10 years. We did deliver on this commitment immediately after the election and we imposed the 10-year moratorium, which will expire in 2028. No petroleum exploration or production project proposal for the South-East that includes unconventional fracking will be evaluated by our government for 10 years. That is an important position, and we stand by that position, as the minister has indicated.

I have mentioned my history in fracking and mining many times in this place. I worked for Gearhart Australia from March 1983 to March 1984; it was only 12 months, but it is the desert. I had previously worked in earthmoving in the Cooper Basin and Alice Springs region for 12 months. I also operated fracking several wells in East Mereenie. As to vertical fracking and conventional fracking, I have plenty of experience in loading chargers, monitoring the load and making sure I did what I could to assist the engineers.

Minerals and mining are of huge benefit to this state and add billions of dollars to the economy. I note that in the budget delivered yesterday our Regional Roads and Infrastructure Fund provides 30 per cent of mining royalties and at least \$76 million per year to go into the regions, yet we see a region that obviously does not want that money.

I also want to talk about mining, drilling and water bores. I think we need to be careful where we go to. There would be thousands of water bores, including many hundreds in the South-East, where the well integrity would be terrible, and there would be leakage between saline aquifers and freshwater aquifers. I just want to make that point. In the speech by the Hon. Mark Parnell in the other place regarding his bill to amend the Petroleum and Geothermal Energy Act 2000, he stated:

...the bill does not affect the activities of geothermal energy, a form of renewable energy, with very different impacts to that of exploring for and extracting hydrocarbons.

Yes, the different impacts are that you have to fracture a lot heavier than oil and gas wells, and it has not been able to be managed, but it is interesting how even the Greens leave that bit out. I do not believe this needs to be legislated, but I do acknowledge the party's position.

I toured the United States with the member for Mount Gambier and several other members from 19 to 29 June 2015, trying to get my head around unconventional fracking. According to FracTracker, and based on data from 2014-15, 34 states in the US saw drilling activity amounting to approximately 1.2 million facilities across the United States, from active production wells to natural gas compressor stations and processing plants. Basically, they had made themselves almost exclusively reliant upon their own supplies.

Farm owner Darlene Barni has a farm in typical farm country—like the country at Mount Barker—in Pennsylvania. She explained the positive aspect that hydraulic fracturing has had on her life and on the community she lives in. Drilling operations have taken place on her property, and she has no issue with this, with six wells operating at the back of her property. She had not been subject to or known of any issues or adverse effects on people's lives as a result of close proximity drilling.

Frank Puskarich is a business owner of Hog Fathers. Our discussion with Frank was relevant to the oil and gas industry on the basis of his business's economic growth since the development of an oil and gas industry in the area. Mr Puskarich went from having one restaurant to now having six. It was also noted that the community is very pleased with the implementation of hydraulic fracturing and unconventional gas. Frank is also a farmer and, along with many other farmers in the region, he is satisfied to coexist with fracturing on his property. Mr Puskarich is 100 per cent convinced that there are no problems with the hydraulic fracturing industry.

One of the recommendations of the Natural Resource Committee's report into fracking states:

While the specific process of hydraulic fracturing or 'fracking' in deep shale, properly managed and regulated, is unlikely to pose significant risks to groundwater, other processes associated with unconventional gas extraction, including mid to long-term well integrity and surface spills, present risks that need to be properly considered and managed.

I arranged for Jeff Heller, President of Steuben County Landowners Association, to present to the Natural Resources Committee. Myself and some present met with Jeff while in New York state. Jeff

represents over 1,700 farmers, equating to over 225,000 acres of land. At the time we were meeting with Jeff in New York there was a moratorium in place, which turned into a ban.

Jeff, on behalf of the farmers he represents, negotiated a 150 per cent increase for those allowing oil and gas pipelines on their properties. Mr Heller is also concerned for the other farmers he represents as they cannot access up to 25 per cent royalties, in comparison with their neighbours in Pennsylvania. Jeff advised that many of the farmers coexisting with fracking on their properties would not have the financial capability they now have. It was noted to have saved many people's farms and also that most of those farms are reliant on groundwater underneath their properties.

When reporting to the Natural Resources Committee, Jeff reflected on several terms of reference, and I quote:

The issue in Dimock is really shallow methane migration, if it's valid. That is an issue that has been here in the Northern Tier, Pennsylvania, the Southern Tier, New York. We have shallow methane gas that the water well drillers have had to put up with. It has just always been here; it has been here for hundreds of years, the Indians write about it.

So if that was an issue, between the state and the industry—and here we get into legislation and regulations—they came up with a system for casing the wells. That was the big issue. Originally there were no regulations on that whatsoever, so that standard practice was one annulus: that is, one layer of steel [one casing], one layer of cement. Today, in Pennsylvania, the DEP requires three annuluses, and most of the industry drillers have gone to five or six annuluses.

All have cement in between. He continued:

They have improved the cementing, they have improved the methods of monitoring the cementing, so even shallow methane migration in any form has not been an issue, in Dimock specifically, but in the whole area since about 2008 or 2009 at the latest.

Jeff also highlighted the economic benefits of fracking:

The number of jobs created, according to the Pennsylvania Department of Labor, is over 200,000. That includes the ancillary jobs, not just the guys on the pads or the pipelines. Here in New York we have a tax regulation—it's called Title 5 of the New York tax code—that awards a percentage of the production of the well. It's an advalorem tax on the gas production of a well, and lots of states would kill to have this.

That was his quote. All that revenue stays local. A percentage goes to the county, to the town—which you would call a township, or at least most of our states would call a township—and then to the schools. The schools get the lion's share of it, I am sure. This is his quote:

It is just a guaranteed revenue source for the local people. Pennsylvania has an impact tax, which is a form of severance tax, and the severance tax would be a way for your state and your federal regulators. Again, you could study what some of these other states have done.

They have some states where the landowners do not have the mineral rights. Obviously, landowners do not have mineral rights in this state, but they do like to use fuel, minerals and gas right throughout the state. I certainly do not believe that we need to put the legislation in place. We fully support the moratorium that we instigated. The moratorium is in place and will have that effect without the legislative impost.

**The Hon. A. KOUTSANTONIS (West Torrens) (10:45):** I understand the passion of the member for Mount Gambier. I also congratulate the leader of the Greens, the Hon. Mark Parnell. These two people have credibility on this issue because they have been of this opinion for a long time. I think it is fair to say that the mining sector is sick and tired of the surprises they are getting out of a conservative government that they believed would be on their side and that they believed would consult with them on changes affecting their industry.

The worst thing a mining minister can do to a resources industry is surprise them. That is exactly what this minister has done, and the reason he has surprised them is because he has almost no say within the cabinet. After taking to the election a policy of legislating a 10-year moratorium on unconventional gas, the first thing he does on becoming sworn in as minister is say it will not be legislated.

He will not introduce legislation to do it; it will simply be a moratorium by administration. I think he put out a press release saying that. The member for Mount Gambier, who got elected on an

independent platform to ban fracture stimulation in certain parts of this state, then took it to the parliament, and today we have seen a backflip.

Imagine you are Santos. Imagine you are Beach. Imagine you are OZ Minerals. Imagine you are BHP, and you have just seen the resources minister, without any consultation with APPEA or SACOME, stand up in the parliament, through a leak to *The Advertiser*, and say, 'By the way, we are going to legislate to ban mining in some parts of South Australia.' There is a term for that: sovereign risk.

Members opposite, who claim to be pro-business and who claim to be pro-resources, are just going to ban an industry altogether without any consultation. You have just changed your platform completely within five minutes. I have just heard that the member for Mount Gambier had an hour's notice. How much notice did the resources industry get on this? None.

Let's forget the reckless way that the government are treating the resources sector by increasing their taxes without consultation, by cutting the agency without consultation, by removing royalty discounts without consultation and now banning an entire operation without consultation. Let's talk about the merits of the bill.

The merits of the bill are this: despite independent regulation, despite scientific evidence, despite all the evidence on the basis of a regulatory approach to mining—that is, only an independent regulator on the basis of scientific evidence can say yea or nay to mining activity on the basis of doing no harm—we are going to come in over the top and say no anyway. Based on what? Based on science or based on votes? Congratulations to the community who fought so hard for this. Congratulations to them, but it is not based on science and it is not based on facts.

What other industry in South Australia is next to be unpopular? What other industry is going to be arbitrarily banned by a Liberal government because they want votes? What does that say for investment in South Australia? What does that say for growing the economy? What does that say for growing jobs? I will tell you what it says: South Australia is not open for business. It says that this government will not stand up for anything. It will stand up to anything but pressure.

It is ridiculous that the mining minister has not even called Beach Energy, has not even called Santos. These companies are headquartered here. We are the largest producer of onshore oil in Australia, and the Liberal Party is banning their activities. The Otway Basin is the place we went to first for oil and gas, yet the Liberal Party is banning it. I feel very sorry for the independent regulators, the scientists, the geologists, the people who devote their life to the growing of our state safely, who use their expertise and the knowledge they have gained through years of education, through years of practice, to regulate our industries fairly and independently.

Yesterday, the government announced that the days of picking winners were over, that they do not pick winners anymore. Well, what is this? This is picking winners, this is saying that this industry cannot go ahead—not on the basis of science, as I said earlier, not on the basis of proving up a resource, but because they want to win a seat, they want to win a seat in parliament. That is all it is.

What is the intellectual argument for banning fracture stimulation in the South-East but not in the rest of South Australia? If it is not safe in Mount Gambier why is it safe in the Cooper Basin? What is the difference? If it is not safe there, what about anywhere else? Is that the message the Liberal Party want to send out to the people of this state, that Beach and Santos do things unsafely? What does that say to their investment portfolio? What does that say to the investors in South Australia? What does it say to the thousands of people employed in the Cooper Basin about what the Liberal Party think of them? They do not have a minister who stands up for them anymore: they have a minister who is a rubber stamp for the people in the Liberal Party who are just populist, who stand for nothing and have no core convictions and no core beliefs.

I completely understand local members of parliament having these views because they are representing their communities, but leadership is not about being liked. Leadership is not about doing what is popular: it is about doing what is right, and you do what is right on the basis of independent expert advice, what the scientists say. If the scientists tell us it is not safe, you do not do it. If they tell us it is safe, you do it. That is the difference between evidence-based regulation and emotion-based

regulation, which is what the government is giving us today. The investment signals here are absolutely appalling. So much for no surprises.

Importantly, gas is a transition fuel, a transition fuel to a carbon-free future. I believe passionately in renewable energy; I know members opposite do not, but I do. I think it is the transition, and one of the reasons that electricity prices are high is that gas is that transition. The transition is fuelled by gas. However, the Liberal Party tell us, despite not having an energy policy anymore, despite the NEG being dead, that they are going to lower power prices and ban gas. So they will ban gas, have less gas in the system, but somehow, miraculously, by the power of their personalities they are going to lower power prices.

What do the members say to the workers at Kimberly-Clark who rely on gas to operate that factory? What do they say to the people in those jobs? Are those jobs not as important as the votes the Liberal Party want to receive in the South-East? Is that what it is?

I have to say that if the Liberal Party really believed that fracture stimulation was dangerous and could not be done safely, then they would ban it in the entire state. This is just about politics, which is what makes it so appalling. At least the Hon. Mark Parnell has intellectual honesty behind his argument: he believes in an abrupt transition to renewable energy. He does not want any more fossil fuels. He thinks fracture stimulation is unsafe—and he believes it. I disagree, but he has always held the same position. It is intellectually honest.

Members opposite cannot claim to be intellectually honest about this because the same members who are going to vote for this ban are the same ones who are going to say privately in their fundraisers and privately to the mining industry, 'Of course we support the gas industry. Of course we support the mining industry, of course we do.'

I have heard you do it. I think it is appalling for the minister not to have the honesty and the integrity to stand up and fight for an industry and to cave in. Why not just simply have implemented your election pledge at the very beginning? Why be shamed into it by an Independent? Had Troy Bell not won this seat in Mount Gambier, this would not be occurring today. He has shamed you into it, and the damage it does to industry is irreparable because 24 hours ago you had a different policy of an administrative ban. Now it is a legislative one, and it has sent shockwaves through the mining industry in South Australia and the investment community. Everyone expected this from the member for Mount Gambier; they did not expect it from the government, and it is appalling.

*Matter of Privilege*

#### **MEMBER FOR WEST TORRENS**

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining)** (10:55): Mr Speaker, I rise on a matter of privilege.

**The SPEAKER:** The Minister for Energy on a matter of privilege.

**The Hon. D.C. VAN HOLST PELLEKAAN:** The member for West Torrens has misled the house. The member for West Torrens said very clearly that I had not been in contact with the resources industry before coming into this place on this debate, and he is absolutely incorrect.

*The Hon. A. Koutsantonis interjecting:*

**The Hon. D.C. VAN HOLST PELLEKAAN:** I haven't finished—sit down.

**The SPEAKER:** One moment.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Before debate commenced here, I spoke with Mr Matt Kay from Beach Energy, I spoke with Mr Matt Sherwell from Santos, I spoke with Mr Ian Davies from Senex, I spoke with Mr David Maxwell from Cooper Energy, I spoke with Mr Greg Hall from SACOME, and I spoke with Mr Matt Doman from APPEA. I spoke personally, one on one, with all six of those very important industry representatives before debate on this matter commenced.

**The SPEAKER:** Thank you, minister. Would the member for West Torrens like to rise to make a personal explanation?

**The Hon. A. KOUTSANTONIS:** I will withdraw and apologise, sir.

**The SPEAKER:** The member for West Torrens has withdrawn and apologised for those comments. Minister, do you accept those comments?

**The Hon. D.C. VAN HOLST PELLEKAAN:** Can the member for West Torrens assure us that there was nothing else in his speech that was incorrect?

**The SPEAKER:** We are going a little bit far here. The member for West Torrens has withdrawn and apologised for those comments. Minister?

**The Hon. D.C. VAN HOLST PELLEKAAN:** Yes, I accept that apology.

**The SPEAKER:** Thank you minister.

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

**The SPEAKER:** The Deputy Premier, can you please cease interjecting.

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

**The SPEAKER:** And the Minister for Industry. The member for MacKillop has been waiting patiently and has the call.

#### *Bills*

### **PETROLEUM AND GEOTHERMAL ENERGY (BAN ON HYDRAULIC FRACTURING) AMENDMENT BILL**

#### *Second Reading*

Debate resumed.

**Mr McBRIDE (MacKillop) (10:57):** I rise to speak in support of the Petroleum and Geothermal Energy (Ban on Hydraulic Fracturing) Amendment Bill 2018. My support for this bill is a reflection of the expectations of the people of the MacKillop electorate and the broader Limestone Coast, who have shown a strong desire to see a moratorium on hydraulic fracking legislated.

I am proud to be part of a team that has listened to the community and, in doing so, made an election promise to introduce a 10-year moratorium on fracking for the region. My position in relation to this matter to support taking a further step to legislate this moratorium is based on acting in good faith with the community of the South-East, who have an expectation that a moratorium will be legislated.

Liberal members and branches have come out in support of this moratorium being legislated. I have been working in the party room to seek my fellow government colleagues' support for this bill proposed by the member for Mount Gambier. It has been a pleasure to work alongside the member for Mount Gambier and take his wise counsel in seeking to legislate this 10-year moratorium. As the member for Mount Gambier would fully appreciate, we both belong to the Limestone Coast region, and working in parallel has certainly created a cohesive approach for the region that will benefit both the MacKillop and Mount Gambier electorates.

A range of measures can be implemented to safeguard against risks for the community and resources. The people of the MacKillop and Mount Gambier electorates see that the most strong and robust way to manage this risk of the consequences of fracking is through the introduction of a legislated approach. The importance of a legislated moratorium on fracking has been well highlighted by a great many landowners, businesses, residents and the region. A significant number of regional and statewide industry groups have also signalled their support for this bill.

The community wants to have confidence that the significant groundwater resources of the region and associated quality farming land are protected against risks associated with hydraulic fracking. At this point in time the community does not support the use of this technology. The views of the broader Limestone Coast community and the wider state have been made abundantly clear through the 2016 Natural Resources Committee of parliament inquiring into fracking in the South-East, which concluded that there is no social licence for undertaking the practice of fracking in the region. This situation remains today.

There is a lot at stake, as the member for West Torrens has highlighted. The Limestone Coast region is underlaid by significant volumes of good quality, accessible groundwater resources, on which a great many farming enterprises, businesses and communities rely. The volume of water allocated is significant. More than 1,300 gigalitres of water is allocated, which is more than half of all the water allocated across the whole of South Australia. This water supports important primary production industries, including grazing enterprises; irrigated cropping, including small seed production; a significant and world-class viticultural industry; horticulture; forestry; and a concentrated dairy industry.

We know that more than 88 per cent of the valuable land is used for primary production. I have heard from the community that the introduction of a legislated approach is one that provides a strong foundation upon which the South-East can maintain its reputation for high-quality and clean, green agricultural production enterprises.

There is a balance to be struck with the mining industry on this matter. Contrary to what has just been mentioned on the other side of the chamber, it is important to note that a legislative ban on fracking in no way interferes with conventional gas exploration, which has been an ongoing industry within the MacKillop electorate. It is my understanding that, at present, the mining sector has no immediate plans to use hydraulic fracking methods to access resources in the South-East.

Before I sum up, I want to comment on some of the remarks that were made across the chamber, as though we were anti-business, anti-jobs and anti-development because of this moratorium and having it legislated—if it is successful in being legislated. You could say that our position is actually contrary to all of that, unlike what the member for West Torrens has just highlighted. If you want to talk about science, we know there have been certain risks. We know that there are risks in the world that we all take every day, but my electorate, and the member for Mount Gambier's electorate, does not want to be walking this tightrope of the risk that is involved in fracking.

To suggest that we are going to close the mining industry down for all extraction is absolutely wrong. I know that there is a new well called Haselgrove-3 in MacKillop—with the potential to provide nearly 25 gigajoules of gas per day, one of the highest flow rates in this state's history—down in my region that will prop up business and industry and perhaps may even serve to keep the power prices down, something which the member for West Torrens's government caused to skyrocket out of control. That did more damage to the state than any moratorium or legislative requirement we are talking about here today.

That is what is forgotten in the member for West Torrens's argument. He has lost sight of the fact that he was in government for 16 years. As a government, they did a lot of damage to businesses right across our region. This moratorium is for 10 years on a part of mining, not all mining as the member highlighted—only a part. The industry is actually willing to wear it. The argument has changed on the eastern seaboard in Queensland and New South Wales, where fracking was seen as a terrible curse on the landscape—perhaps through mistakes. Perhaps it was not done as correctly as it could have been, but we know that technology changes. We know science changes and we know community sentiment can change.

This 10 years that could be legislated here this morning can allow for a change of attitude and a change of social licence and can actually bring the community that I and the member for Mount Gambier belong to—with the support of our federal member, Tony Pasin, in Barker—into supporting it. When the argument of the day is won, we will have the community on board and the social licence, and the technology stands little risk of damaging what I have explained to you already about the region's importance. It may go ahead. Fracking may go ahead down in our region. I do not know.

Ten years buys us time to get around all the issues that my constituents are concerned about. To suggest that this is all about vote buying is absolutely wrong. It is not about vote buying. It is absolutely representing our region—80 per cent of our region. What is really ironic is that we know we have a member from the upper house going around and opening offices in Millicent, spruiking that Labor are listening to the constituents of my region, hearing all the concerns of my region, yet we have the member for West Torrens, who is part of her team, undermining anything she stands

for. To think that she is part of a team that would go into my region and listen to concerns is unfounded.

However, the changes that we are putting may change in the future as technology improves and preference for locations to access resources shifts as resources are exhausted. My expectation for this bill will be that it will last for 10 years. In this time, demand and technology will change, and the Limestone Coast region will have a choice about the moratorium and will determine whether it continues. If the mining industry should choose to look at fracture stimulation for gas extraction, they will need to bring the community on board and seek a social licence. This will involve making sure that there is good communication and that the risks associated with such practice are kept to a very low level and are backed by the latest science and technology. I commend the bill to the house.

**Mr BELL (Mount Gambier) (11:05):** I will keep my closing comments brief, because we still have a bit to get through. I would like to thank all members who have made a contribution to this bill in this house. I would particularly like to thank the Limestone Coast Protection Alliance and all those community members who have travelled up for the second time to see this bill become law.

Chairperson Angus Ralton has put in countless hours of hard work organising this campaign and organising letters of support from industry peak bodies, all whilst running a small business. He is a determined advocate for this cause, as is Kalangadoo fifth generation farmer David Smith. David put over \$100,000 of his own money towards producing a documentary that highlights the impacts of fracking upon farmland, which I think is a good indicator of how passionately this issue is felt in the Limestone Coast.

I want to thank Nick McBride, my parliamentary colleague and neighbouring seat, for his lobbying and support on this very important issue, and for listening to his community and his constituents. I want to thank the 4,000 people who signed a petition at very short notice to bring this into law. I will table that before question time today.

Just picking up on a few comments, we are elected to this place to represent the people of our electorates, and that is exactly what the member for MacKillop and I are attempting to do. To correct the record, it is not a ban on all gas: it is a ban on a form of extraction for 10 years in a very isolated format in a region. With those comments, I commend the bill to the house.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 and 2 passed.

Clause 3.

**The CHAIR:** The Clerk informs me that there is a clerical error in clause 3. It is printed under division 1A as 7A. It should read 11A. Pursuant to standing order 283, clerical and typographical errors may be corrected in any bill by the Chairman of Committees at any time during its progress through the house. I am advising the house that that is what I will be doing, changing 7A to 11A. Questions on clause 3?

**The Hon. A. KOUTSANTONIS:** That is reassuring, sir, that the bill to ban an entire industry has typographical errors in it. But that is not the member for Mount Gambier's fault. That is someone else's fault.

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

**The Hon. A. KOUTSANTONIS:** If I wanted advice on compensating murderers, I would speak to you, but I am not. Now, my question is on—

**The Hon. V.A. CHAPMAN:** Point of order, Chair: that is the most offensive statement, and I will use the precedent of his own breach of that before and the Speaker requiring him to apologise.

**The CHAIR:** Attorney, what in particular did you take offence to?

**The Hon. V.A. CHAPMAN:** The allegation about taking advice from those who give funds to a convicted murderer.



**The CHAIR:** Member for West Torrens, are you—

**The Hon. A. KOUTSANTONIS:** Sir, I withdraw the word 'convicted'.

**The Hon. V.A. CHAPMAN:** I ask that the member withdraw and apologise completely the allegation that he has previously been asked by this house to do so, and he did last time. Now he is just perpetuating this. I ask you, Chair, to require him to withdraw and—

*The Hon. A. Koutsantonis interjecting:*

**The CHAIR:** Member for West Torrens, you have apologised. Are you prepared to withdraw the statement as well?

**The Hon. A. KOUTSANTONIS:** I withdraw it, sir. My question is to the member for Mount Gambier. From reading his bill, it says that no compensation is payable on behalf of the Crown, the minister or any other person in connection with the operation of this section, even if a licence or condition that purports to authorise the carrying out of hydraulic fracture stimulation has been issued. Why shouldn't an oil and gas company, which has a productive well which could be improved by hydraulic fracture stimulation but is now being legislatively banned from doing so, be compensated for loss of revenue?

**Mr BELL:** Because they would have drilled that well bore under the provisions within the act, so they have not applied for it to be fracture stimulated; therefore, its intent is not to be fracture stimulated. The advice that I have received from Beach Energy is that they have no plans to fracture stimulate; therefore, there will be no compensation.

**The Hon. A. KOUTSANTONIS:** My understanding of the provisions of the act is that all activity is prohibited unless approved by an agency. So the provision to drill is prohibited unless authorised. The provision to subsequently fracture stimulate a well, after successfully drilling it, is yet another approval process that must be gone through. I point out to the house that it is common practice for conventional wells to be fracture stimulated; in effect, denying the ability to fracture stimulate is the bill's intent, and I do not quarrel with that. Why not compensate a company because, if they had drilled this anywhere else and followed the appropriate processes, they would have been able to fracture stimulate a well and gain revenue? They have been denied economic activity by a bill arbitrarily. Should they not be compensated?

**Mr BELL:** No, I do not believe they should be. As I said before, it was the intent of the mining companies in the South-East, where the bill applies to specifically, to drill conventional well bores and there is nothing in the bill that detracts from that original intent. That is why there should not be any compensation allocated or indicated in the bill.

**Mr PEDERICK:** Member for Mount Gambier, I just want to qualify the definition of 'hydraulic fracturing' and I will read it as it is in the clause:

hydraulic fracturing means the high-pressure injection of a substance or a combination of substances into a wellbore so as to create, or that is likely to create, fractures in rocks or rock formations;

That is exactly what I did with conventional fracking in the Cooper Basin back in the eighties and it has been going on up there for 50-odd years, plus they are doing unconventional fracturing in the Cooper Basin now.

*The Hon. A. Koutsantonis interjecting:*

**Mr PEDERICK:** Yes, they are doing both, I understand. To me, because I am aware of the high pressures to pump down the—apart from what I used to do, which was to shoot the formation with explosive shells that would go through 22 inches, in the old language, of solid steel, and then it was fractured with fracture sand pumped under pressure with many Detroit motors, some of which were V8, some were V12 and some V16, and there were banks of these motors. So there was significant pressure, and I know this from what I did all those years ago. My concern is that you talk about conventional drilling, but will the conventional drilling be allowed to have conventional fracking?

**Mr BELL:** I think it is pretty clear in the definition there of what hydraulic fracturing is and the intent being around that high-pressure injection. I am only taking your word on what you used to

do in the eighties. In terms of a definition, I think the bill very simply and very cleanly highlights the aspects that it is trying to achieve in banning unconventional gas in those situations.

**The Hon. D.C. VAN HOLST PELLEKAAN:** This is an important issue. Member for Mount Gambier, would you just clarify beyond all doubt that it is your intention that if the bill passes this place, that it will only apply to what industry refers to as unconventional gas and will not apply to what industry refers to as conventional gas?

**Mr BELL:** That is the intent of the bill, yes.

**The Hon. A. KOUTSANTONIS:** We cannot know that because we do not have the agency here to give us advice on the impact of the bill. The prudent thing to have done, if the government was going to accept this legislation, was make it a government bill, do it in government time and have the agency here to answer the questions of parliamentarians so the house could be advised authoritatively whether or not the actual outcome of what is proposed is done. I would hate to see—

**Mr BELL:** Point of order: is this a question or a statement?

**The CHAIR:** I take your point of order. Member for West Torrens, this is not the opportunity to make a speech; it is an opportunity to question the member.

**The Hon. A. KOUTSANTONIS:** Will the member undertake to come back to the house with a piece of advice from the agency that the bill does nothing to inhibit conventional gas?

**Mr BELL:** I will take advice on that. Of course, the passage of the bill in this house is only one part of the process, so there are opportunities in the Legislative Council for that to be addressed. What I will commit to is for that advice to be in the Legislative Council before their debate.

**The CHAIR:** Member for Mount Gambier, I understand you have an amendment in your name. Are you planning to move that or are you going to withdraw it?

**Mr BELL:** No, I plan to withdraw that amendment in my name.

**The CHAIR:** You are not proceeding with that amendment?

**Mr BELL:** I am not proceeding.

**The Hon. A. KOUTSANTONIS:** Regarding clause 3—Insertion of Part 3 Division 1A, does that include subsection (5) or is it a separate clause? Is it all one clause?

**The CHAIR:** It is one clause.

**The Hon. A. KOUTSANTONIS:** May I indulge by asking a further question of the member for Mount Gambier on that clause?

**The CHAIR:** You can have one last question, member for West Torrens, given that it is a long clause.

**The Hon. A. KOUTSANTONIS:** Regarding the designated area, you have stated, I think, seven council areas. Has the member consulted with all of those council areas and have resolutions been passed at all of those councils supporting the bill?

**Mr BELL:** I thank the member for West Torrens. Through the LCLGA (Limestone Coast Local Government Association) there has been a resolution to support the Liberal Party policy. I would have to check as to the exact wording of that, but the consultation has been done through the LCLGA.

Clause passed.

Title passed.

Bill reported without amendment.

*Third Reading*

**Mr BELL (Mount Gambier) (11:21):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Parliamentary Procedure*

**VISITORS**

**The DEPUTY SPEAKER:** Before I call the member for Hammond, I might just quickly welcome to the gallery today the athletes and families of Special Olympics South Australia, as well as the 2018 Special Olympics National Games board members. Welcome to parliament today. I hope you enjoy your visit.

*Bills*

**ROYAL COMMISSIONS (EXTRATERRITORIAL APPLICATION) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 20 June 2018.)

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:23):** I rise to speak on the Royal Commissions (Extraterritorial Application) Amendment Bill 2018. The government will not be supporting the bill. This is a bill presented by the opposition seeking to insert a new section 3A into the Royal Commissions Act 1917 to state:

This Act applies outside South Australia to the full extent of the extraterritorial legislative power of the Parliament.

It also makes this section retrospective to apply to any commission established before the commencement of the bill. The bill was introduced in an attempt to deal with, then, a foreshadowed issue that was proposed to be before the High Court relating to the Murray-Darling Basin Royal Commission established by the former government. The bill is politically opportunistic, practically unhelpful and legally misguided. However, before I outline why the government will not be supporting the bill, it is useful to remind members opposite of what they did and did not do when they were in office.

By way of background, the Murray-Darling Basin Royal Commission was established in January 2018 by the then premier to investigate the operations and effectiveness of the Murray-Darling Basin system. In November 2017, the chest-beating former premier said:

We have to hold these governments and those irrigators who are alleged to be stealing billions of litres of water to account for their actions, and only a royal commission can do that. Only a Royal Commission will have the power to compel witnesses to give evidence and to get the basin [back] on track to ensure it is delivered on time and in full.

Labor went on to establish the commission, determine the terms of reference and appoint the commissioner, Mr Bret Walker SC. Labor had the opportunity to amend the Royal Commissions Act at the time, and some members might recall that a bill actually had been prepared. The opposition, as we were then, were supportive of amending the act should it have been required. The former Labor bill was ultimately tabled in the parliament but did not deal with the retrospective matters.

On 17 March, the Marshall Liberal government was elected. Upon coming into office, I personally met with commissioner Walker, together with my colleague minister Speirs, the Minister for Environment, to discuss the nature of consultation he would undertake, the terms of reference and related matters. Members may recall that I made a ministerial statement to the house on 8 May in which I said that, following discussions with Mr Walker, the government:

...determined that an amendment to the Royal Commission Act 1917 to clarify the extraterritorial reach of the royal commission will not be progressed...

Should the commissioner raise with me concerns that he cannot properly fulfil the terms of reference without legislative change, I will expeditiously return to parliament with an appropriate action to ensure any deficiencies can be rectified.

The commissioner issued an explanatory memorandum on 14 May this year in relation to extraterritorial powers. In it, he confirmed his earlier advice to me, namely, that:

...to amend the Royal Commissions Act for the purpose of clarifying its extraterritorial reach is not regarded as necessary by the Royal [Commission]...

Hence, on the basis of the advice of the commissioner, no changes to the Royal Commissions Act have been made. In June this year, the commonwealth and the Murray-Darling Basin Authority filed proceedings in the High Court, naming the Murray-Darling Basin Royal Commission and the State of South Australia as defendants, to challenge summonses served on both current and ex-employees of the commonwealth government to provide evidence to the MDBRC. At that time, the High Court proceedings were expected to be heard in September-October.

The issues to be determined were wideranging and important. I will say this, and I hope it is very clear: they are issues that go beyond extraterritorial issues and therefore beyond this bill. The High Court was then asked to rule on whether a royal commission established by a state can compel witnesses and documents from the commonwealth. Put simply, if we cannot investigate the Murray-Darling Basin Plan, a plan that we are a part of, and if we do not have the capacity to enforce it, then it raises the question as to whether it is viable for this state, and indeed others, to be part of it in terms of dealing with water issues in the future.

The constitutional issues that I have indicated are of very great interest to lawyers like me and to governments, one of which I am part, around the country for obvious reasons, subject to far-reaching ramifications as to the operability of intergovernmental agreements generally. I for one am personally disappointed that these bigger picture issues are not ultimately going to be debated and considered by the High Court at—

*Dr Close interjecting:*

**The Hon. V.A. CHAPMAN:** The member is interjecting about—

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

**The Hon. V.A. CHAPMAN:** Perhaps she should just hold her powder for the moment.

**The SPEAKER:** The Deputy Premier will be heard in silence. Thank you.

**The Hon. V.A. CHAPMAN:** Thank you. In fact, those issues are much bigger than this bill, even if it were appropriately drafted, would actually resolve. They do not resolve the problem, so it is just political opportunism that they raise it. Specifically, the High Court was then going to be asked to consider section 11 of the Royal Commissions Act insofar as it purported to expose the commonwealth or its agencies, instrumentalities, employees or former employees to criminal penalties constituting—I hope she is listening—an impermissible conferral of judicial power on the commissioner in respect of the matters arising under sections 75 and 76 of the constitution. If the member for Port Adelaide does not understand the significance of these matters, then I would ask her to get advice before she comes in with these disingenuous proposals.

*Dr Close interjecting:*

**The SPEAKER:** I call to order the member for Port Adelaide.

**The Hon. V.A. CHAPMAN:** Further, it would have considered the commonwealth being impliedly immune from the exercise of powers conferred on sections 10 and 11. I seek leave to continue my remarks.

Leave granted; debate adjourned.

#### *Motions*

#### **R U OK? DAY**

**Mr DULUK (Waite) (11:30):** I move:

That this house—

- (a) recognises that 10 September 2018 is World Suicide Prevention Day and 13 September 2018 is R U OK? Day;
- (b) recognises the importance of both these days in raising awareness and understanding about suicide and its prevention among the community; and

- (c) acknowledges all the workplaces, community groups and schools organising R U OK? Day events to encourage conversations among their peers.

I rise today to touch upon the importance of mental health, the horrible impact of suicide and the R U OK? campaign that actively works to reduce the stigma surrounding mental health and to provide options for people contemplating suicide. As leaders voted in by our community to advocate on their behalf, it is important that we continue to shed light on topics, events and actions that will have a positive impact on the community, even if they are difficult subjects. Many people know someone with a mental illness, or they themselves might be living with a mental illness or have experienced these issues.

R U OK? is an organisation and a movement that aims to prevent suicide by empowering community members to have regular meaningful conversations with those around them, starting off with the first question: are you okay? I am sure that many of you sitting in the chamber today have heard about all the hard work of the organisation and probably worked with them in some way over the years.

When asking someone if they are okay, we need to remember that we are asking this question without judgement and that we will be listening without judgement. We need to listen and encourage the person to take positive action, such as seeking professional help. We need to note that asking this question is not just a one-time check-in. If someone you know is struggling, regular check-ins and meaningful conversations are incredibly important. We must follow up with that person, be there by their side and be there when they are having a bad day, need a shoulder to cry on or a sympathetic listening ear.

There has been a significant focus on suicide prevention and mental health in recent years, and rightly so. It has only been in recent years that society has become better at encouraging people to seek help if they are struggling with mental health issues. It is fantastic that there are organisations across the state, the nation and around the world advocating that we care for our minds as much as we care for our bodies.

R U OK? Day is the national day of action held in Australia each year to remind every individual of the importance of supporting and connecting with people around us, especially those who may be experiencing mental health issues. The campaign was first launched in 2009, and this year R U OK? Day is on 13 September. We are reminded to ask family, friends and colleagues the question, 'Are you okay?' and to have a meaningful and regular conversation about how people are going.

Quite simply, it encourages people to reach out to their loved ones. It can be too easy in this day and age to let connections with family and friends slip by without realising it. We are all negligent of that. Everyone is busy, everyone is rushed and it can be hard to find the time to talk to loved ones who may be going through a rough time or experiencing mental health issues. The R U OK? campaign not only encourages people to reach out to those around them but encourages people who are struggling to reach out to others about their problems and to seek professional help. If you are feeling distressed, it can be helpful to discuss this with someone you trust.

Acknowledging and discussing feelings can include talking to peers about what you are going through and keeping in contact with loved ones. The emphasis of the campaign is on reaching out and connecting with people who are struggling. Actions, even simple ones, are vital to making sure people feel loved, supported and cared for.

R U OK? Day comes around once a year. However, this does not mean we should not be more sympathetic and more caring each and every day of the year. It is especially important to follow up when someone has said that they are not okay and to know what options are available to you and to them to support that person. When you know someone who is behaving differently from their normal behaviour or is having a difficult time, maybe at school, at work or at home, be there for them to let them know that support is available.

I encourage everyone to check with friends, family and the people in our communities, to listen and to make sure that everyone is okay. If this speech reminds you of someone you know who needs help, please go and connect with them. Reach out to someone who is having a hard time and assure them that there is no shame in asking for help. R U OK? is an organisation that works towards

promoting greater awareness around mental health, discussion around suicide and mental health issues. They are committed to increasing awareness of suicide prevention services and breaking down mental health stigma. This is an important action in society. We need to reduce stigma and to encourage people to seek help without feeling any shame. One suicide in our community is one too many. Many of us have been touched in some way by the death of someone who has taken their own life.

Suicide is an absolutely tragic act. Suicide rates in this country are increasing and we need to take care of our communities and ensure that everyone is mentally healthy. World Suicide Prevention Day is on 10 September, and the theme for this year is Working Together to Prevent Suicide. The theme works with the efforts of the R U OK? Day campaign. Both days and both themes highlight the importance of taking notice of what is happening in our families, with our friends, our colleagues and our communities, and raising awareness of the increased availability of the support that needs to be undertaken.

Both World Suicide Prevention Day and R U OK? Day encourage the seeking out of the necessary knowledge to be able to help yourself and to help others. Many families' lives are affected by suicide. In 2016, 2,866 Australians took their own lives. Research has also revealed that around 65,000 people attempt suicide each year, impacting many people in a tragic way. For every suicide tragedy, there is an affected family and there are affected friends and a community who experience the long-lasting and devastating effects of suicide.

Yesterday, the new Marshall Liberal government handed down its budget. I would like to touch on some of the fantastic initiatives in the budget around suicide, mental health and those people who need our assistance. In the 2018-19 budget, \$2.5 million has been allocated to expand suicide prevention networks and other services working in suicide prevention to increase support and to break down stigma associated with mental illness and suicide.

This is \$2.5 million that is going to go directly to grassroots groups to help with the fantastic advocacy work that they do. I know that in my community the Mitcham suicide prevention network does some absolutely fantastic work. Chaired by Rob O'Sullivan, they meet at the Blackwood Community Centre opposite my office. Their work in my community is very important. I would like to put on the record their great work.

An additional ministerial adviser has been allocated to the Minister for Health and Wellbeing's office to provide advice on suicide prevention and related issues to assist the work of the Premier's Council on Suicide Prevention, and \$10 million has been allocated over four years for a new specialist borderline personality disorder service. This is a really important area and one that governments of all persuasions have not had the inclination to support or fund for many, many years, so it is a very much welcomed initiative by this new Liberal government. I know that it will certainly receive bipartisan support because of the very important work that it does.

A target for 2018-19 is to develop the South Australian suicide registry, which is a way to monitor those issues. There will be improved services for paediatric eating disorders, with \$3.3 million over four years committed to establish a dedicated paediatric eating disorder service. We realise how important it is to fund these services, and that is exactly what we are doing. The government realises that funding for mental health services is a serious task. It needs more than just words; it needs actions, and our commitment to funding these services is reflected in this year's state budget.

The campaign emphasises how important it is to reach out to people who may be experiencing mental health problems and to really connect. That is the aim of our policy positions. These actions can seem small, but they often remind people that they are loved, supported and cared for. It is so important that government policy reflects the desires and needs of those who are so important.

Another important thing that the government has recently undertaken is the formation of the Premier's Council on Suicide Prevention, and I am proud to be a member of that council. It shows a commitment to community wellbeing and has a strong focus on building a healthy connected community. The council will be led by the Hon. John Dawkins MLC, from the other place, and will be tasked with delivering improvements in policy and services to reduce the impact of suicide in our

metropolitan areas, and to play an important part in our rural communities. Thirteen South Australians have agreed to serve on this council, and I admire their dedication in stepping up to the plate to help tackle this important issue.

The 13 people on the council are: Jill Chapman, founder and Chairperson of Minimisation of Suicide Harm Australia; Janet Kuys, founder and co-ordinator of Silent Ripples; Peter May, founder of the Treasuring Life South East Aboriginal and Torres Strait Islander Suicide Prevention Network; Tracey Wanganeen, coordinator of Country SA South for StandBy Support after Suicide; Chez Curnow, Assistant Manager of Suicide Prevention and Low Intensity Strategies for Country SA Primary Health Network; Kelly Vincent, a former member of the other place and advocate for rights of people with disabilities; Chad McLaren, who has a background in the Army Reserve, the Royal Australian Navy and the Australian Defence Force; Simon Schrapel AM, CEO of Uniting Communities, which does wonderful work with Lifeline; Rev Peter Sandeman, CEO of Anglicare SA; Dr Kate Fennell, Visiting Research Fellow in the School of Psychology at the University of Adelaide and Research Fellow at the Sansom Institute for Health Research at the University of South Australia; Dr Peter Tyllis, former chief psychiatrist for South Australia; Dr Seema Jain, a general practitioner who has run a private practice in Elizabeth Vale for many years; and Lee Martinez, a lecturer in mental health at the UniSA Department of Rural Health.

As leaders in our community, we can all help raise awareness and give a voice to all these important campaigns. As I have said, suicide is extremely tragic and we must do everything we can to ensure people know they have options available to help them. As members of parliament, we need to take care of our communities, and that is why the Premier's special Council on Suicide Prevention is so important. In addition to the new measures in the budget, all the fantastic work of community groups such as Lifeline and *beyondblue*, the importance of motions such as this and initiatives such R U OK? Day, we can all play our part to ensure that our community is safe and healthy; it is so vital.

**Mr PICTON (Kurna) (11:43):** I rise to support the motion by the member for Waite supporting World Suicide Prevention Day and R U OK? Day—two very important days in which we focus our efforts in this state and across the country in terms of trying to improve mental health and reduce suicide rates.

To begin, I want to take the opportunity to recognise the really important efforts made by our mental health workers across South Australia. Our medical professionals, GPs, nurses, psychologists and all those who work in community support and care across South Australia play a vital role. It is a tough job but it is integral to our society. I and everyone in this place sincerely thank you for all your efforts.

It is too often that we see the tragic impact of suicide on our communities. Unfortunately, approximately four South Australians take their lives every week. These statistics are of course even worse on average for people who are Aboriginal, people who are lesbian, gay or trans, or people who are culturally and linguistically diverse. That is why World Suicide Prevention Day and R U OK? Day are such important initiatives. Together, they help to shine a light on the prevalence of suicide and remove the stigma around mental health and, most importantly, they save lives.

R U OK? Day encourages people to start a conversation with friends and family members who might be struggling. There is a simple four-step process: (1) ask, (2) listen, (3) encourage action and (4) check in. It is important to ensure that you pick the right moment to ask, that you are prepared to understand and that you are in the right headspace yourself. There are fantastic resources available on the R U OK? Day website to help guide you through the process. I want to echo what the member for Waite said in acknowledging the workplaces, community groups and schools that organise local R U OK? Day events.

The World Suicide Prevention Day theme for this year is Working Together to Prevent Suicide. The theme is based on the understanding that the entire community has a role to play in reducing self-harm and suicide. The evidence and literature show us that when all levels of government and community groups and individuals work together, we reduce the prevalence of suicide. Sadly, we are not seeing this happen when we consider our current state and federal governments.

In particular, there is an issue that I have been working on over the past few months. We have seen a significant impact on our mental health services from the transition to the National Disability Insurance Scheme (NDIS). The projections under this scheme, which is being led by the federal government, weathered a very high percentage of people with mental illness. We are going to transition to the NDIS to cover their care, and hence a whole lot of supports that are currently provided by governments through NGOs will be able to be withdrawn because they will be covered by the NDIS. That, clearly, is not happening.

Clearly, there are very low rates of people with a mental illness transitioning to the NDIS. That is causing significant concern because the funding is being pulled from those support programs that were there to provide help. For instance, Personal Helpers and Mentors is a very important program by which people are able to support people to live well and have healthy lives in the community, with those important supports provided by trained mental health workers who have relevant qualifications. Those programs being run by NGOs across the state are being wound back by the commonwealth at the moment.

We have seen some movement by the commonwealth to try to address this but not enough. It is something that we will continue to campaign on, to make sure those programs are there. This party, in the election campaign, pledged to introduce a mental health services guarantee to ensure that those people who missed out on being eligible for the NDIS are able to receive these programs. The sad truth is that, if we do not have these sorts of programs, we are going to see an impact on our suicide rate. It is vitally important that those preventative primary healthcare measures in mental health are there to do excellent work to make sure that people stay healthy in the community.

I would also like to acknowledge the work being done by some of the NGOs. It was only minutes ago that there was a morning tea organised by the members for Reynell and Bragg for Odd Socks Day, which is coming up in October. It supports the work of Grow SA. Grow runs a whole series of work across South Australia to provide mentoring and support groups for people with mental illness, to make sure that they can get those supports in the community, that they are able to discuss issues with people who are in similar situations. Ultimately, that has an impact in terms of being able to save people's lives and preventing suicide. That is a very important program.

I would also like to acknowledge the work of the Mental Health Commissioner. It is something that we brought in recently, in the last few years. The commissioner has been doing an excellent job since he was appointed. I was at one of his events recently, with the member for Waite, at which he went through a lot of the research and mental health evidence around how we as members of parliament and the media should be talking about mental health and how we should be promoting positive mental health, which is having a great impact.

Lastly, I acknowledge that the member for Waite in his contribution talked about some of the initiatives in yesterday's budget. As the member for Waite outlined, there were a few small programs that were designated for improvements in mental health; however, what we did see was very significant cuts across the board in our health services and, unfortunately, what we are going to see is that impacting upon mental health services being provided across South Australia. Unfortunately, I think we are going to see the impact of that on our community.

That is something that we are going to pursue in coming months. We will fight for those important mental health services to make sure that they are not cut, to make sure that the doctors, nurses and other mental health staff who work in them are not cut, and those services continue to expand rather than contract. We also did not see some of the details of what the government had promised when they were in opposition in terms of expanding a whole range of different mental health services such as older persons' mental health. They were not funded in the budget, so where is that money coming from, or is the government breaking their election commitments?

We will continue to examine this because it is very important that we have as good a mental health system as possible. It is also very important that the government be held to account on delivering on their election commitments and we will continue to do that. On behalf of the opposition, we support World Suicide Prevention Day and R U OK? Day. We encourage the community to get behind it. We encourage people to raise awareness of these issues and to help reduce the stigma of people with mental health illnesses because we know that that will help keep people safe, keep people healthy and reduce our suicide rate.



**Mr PATTERSON (Morphett) (11:51):** I also rise to support the motion moved by the member for Waite that this house recognises both World Suicide Prevention Day and R U OK? Day, which are both occurring this month. Up to 45 per cent of Australians have experienced a mental illness at some point in their lives and suicide is one of the leading causes of death amongst South Australians who are aged 15 to 44. Therefore, it is vital that this house gives its support and recognition to initiatives such as these.

On a world scale, more than 800,000 people die by suicide each year, which equates to around one person every 40 seconds, which are devastating, unnecessary deaths which governments, research facilities and people all across the world are very concerned about. In Australia, tragically, more than 2,800 people die each year, or eight people a day, and for every death it is estimated that 30 people will attempt to take their life. Hundreds of Australians are impacted by each suicide death, and research shows that if the following three factors combine it significantly increases someone's risk of suicide: an individual feeling isolated or disconnecting from others, the belief that they are a burden on others or society and also having the means to take their life.

World Suicide Prevention Day seeks to address this. It was successfully launched in 2003 and has been held on 10 September every year since in order to provide a worldwide commitment and action to prevent suicide. The theme for the first World Suicide Prevention Day was Suicide Can Be Prevented, and on each World Suicide Prevention Day, numerous events, conferences, campaigns and local activities call to public attention one of the world's largest causes of premature and unnecessary death.

In 2002, the theme was 'Suicide prevention across the globe: strengthening protective factors and instilling hope'. Out of this event, a number of priorities were developed, including continuing to research suicide and non-fatal suicide behaviour, addressing both the risk and protective factors; developing and implementing awareness campaigns with the aim of increasing awareness of suicidal behaviours in the community and incorporating evidence of both risk and protective factors; targeting efforts not only to reduce these risk factors but also to strengthen the protective factors, especially in childhood and adolescence; and disseminating research evidence around suicide prevention and reducing stigma and promoting mental health literacy amongst the general population and healthcare professionals.

In terms of this research, 2017 World Suicide Prevention Day in Australia saw the release of a report based on a nationally representative survey relating to suicide prevention. The survey revealed high levels of stigma and low levels of suicide literacy. At the time, Suicide Prevention Australia CEO, Sue Murray, said of the findings:

Evidence tells us that stigmatising attitudes result in people being less likely to get help or give help. If we don't speak up about persistent stigma, we are at risk of perpetuating a society where we remain reluctant to reach out for help for ourselves or others.

The study also found that 70 per cent of Australians think that people who are suicidal should tell other people about it. The study also found that increased knowledge around suicidal behaviours, and how to manage them, correlates with a lower level of stigma. Continuing efforts to improve every Australian's understanding of suicide, to debunk myths around suicide and communicate about its prevention will lead to lower rates of suicide.

The study found that suicide was frequently attributed to isolation and feeling disconnected. This highlights an opportunity focused on prevention efforts that increase inclusion and connectedness and also encourages people to seek help. Of the myths that the study found, one was that almost a third of Australians think that people who talk about suicide rarely kill themselves, whereas, in fact, talking about suicide is a warning sign. It has been found that very few people who attempt to take their own life have not communicated in some way with those around them or exhibited warning signs. Therefore, warning signs should be taken seriously and listened to.

Another myth that the study found was that 20 per cent of Australians think that talking about suicide increases the risk of suicide; rather, asking someone about suicide directly opens up channels to talk honestly and openly about the problem. Hence, the theme of the 2017 World Suicide Prevention Day was 'Take a minute, change a life' and highlighted the importance of speaking up, taking the time and listening.

The theme of World Suicide Prevention Day 2018 is 'Working together to prevent suicide'. It is a very important theme for our state, with over 230 people taking their lives in 2015. This figure does not, however, include attempted suicides or people suffering from mental illness who were thinking of suicide. If it did, this number would be significantly higher. These figures are certainly confronting; however, we must remember that these are not just figures—they are family members, friends, co-workers and peers.

The International Association for Suicide Prevention estimates that for every person who takes their life, another 135 people suffer intense grief or are otherwise affected, meaning that in 2015 over 31,860 South Australians were directly affected by suicide. Any death is certainly devastating. However, the personal and social impacts of suicide and those affected cannot be measured.

This year's theme highlights that the most effective way to battle these startling suicide rates is through collaboration. Everyone has a role to play in helping to destigmatise mental illness, which is very easily done through offering support to friends, family and co-workers. On 13 September—a short three days after World Suicide Prevention Day—businesses, organisations and individuals will be involved in R U OK? Day. These two mental health awareness days are of significance to each other. Both encourage open and honest discussions around suicide and mental health to help raise overall awareness and address the stigma surrounding mental health and, therefore, reduce it.

Much-loved Barry Larkin ended his life in 1995 and left his family with many unanswered questions and unbelievable grief. Years later, in 2009, his son Gavin knew exactly the question he wished someone had asked his father: 'Are you okay?' There began R U OK? Day.

R U OK? Day supports taking time to notice what is going on with your family, friends, colleagues and yourself. If a person has a niggling feeling that someone is not behaving in the manner they normally would, or seems to be going through a rough patch, R U OK? Day encourages any and all individuals to ask how that person is doing.

Ask how they are, listen without judgement or prejudice, encourage them to take action and check in on them. It is about taking the time to have those conversations and also, importantly, equipping yourself to help not only yourself but others. By starting a conversation, you could help a family member, friend or colleague open up.

R U OK? Day promotes four simple steps that could save a life. One is ask, but prior to asking prepare. Understand that if you do ask someone how they are going, it could actually be, 'I'm not going all that well.' Listen with an open mind; be patient and without judgement so that the conversation is not rushed. It is important to use non-judgemental language. Encourage action; this could be just asking how they would like you to support them. It could also be to encourage people to seek a health professional and encourage the positive role that those professionals play. Finally, check in and stay in touch because genuine care and concern can make a real difference. It is this care and concern that can sometimes be the first step on a person's road to recovery.

All it takes is a simple question. By making the time to look out for those around us, we can make people feel connected and help them access appropriate support long-term before they think about suicide. These two tie in directly with the collaboration aim of World Suicide Prevention Day, through collaborating with governments, businesses and individuals and making resources available to effectively and safely help people overcome mental illness.

I acknowledge that this house should applaud both these organisations for the incredible work they do for the South Australian community as well as on a national basis. I also congratulate the volunteers from the state's suicide prevention networks on their ongoing work within their local communities. This house should also applaud community organisations, schools, businesses and universities that are getting involved in both of these days and trying to help either friends, family members, co-workers or peers in need.

**The Hon. A. PICCOLO (Light) (12:01):** I would like to rise and speak in support of this motion, albeit briefly. First of all, I would like to thank the work done by volunteers in our community and volunteers like the Gawler Suicide Prevention Group, who work to raise awareness about suicide prevention and what can be done by the community to reduce the rate of suicide in our communities.

This group works really hard in promoting resources available to people who need assistance and raising awareness amongst families and the community about what they can do to identify and perhaps support people who may be at risk of suicide. This group is one of many in the community that does a lot of work. For example, they shared a stall at the Gawler Show recently to get the message across to the general community. This month, they have a display in my office about suicide prevention, which people in the community can access.

Combined with other organisations, which I will come to in a moment, they do very important work to remove the stigma around suicide and mental health. I think that continues to be one of the biggest barriers in our dealing with the issue of suicide—the stigma still attached to having poor mental health. As a community we say that, but obviously a number of individuals at a personal level still do not believe that it is okay to talk about it or seek assistance for whatever reason. Unless we actually overcome that, we are unfortunately still going to have a really horrid suicide rate in this country.

I would also like to acknowledge the work that faith groups do in our community. Whether or not you are a believer is not important. I know that faith organisations in my community work very hard to provide counselling and support, particularly for families and individuals at stressful times, whether it be economic stress because of unemployment or social stress resulting from family breakdowns, etc. The faith groups in my community work really hard to support individuals who are doing it tough and whose mental health is suffering as a result of those stresses in society.

I would also like to address some of the concerns about dealing with mental health at the moment. Quite recently, mental health advocates have expressed fears about lives at risk. In their view, 50 per cent of South Australian public hospitals do not meet national mental health standards. The Australian Institute of Health and Welfare figures show that half of South Australia's hospitals are below national mental health standards, with 40 per cent of patients not receiving support after discharge. I think this is a very important point.

I will name a person who is involved in this campaign because he recently spoke to the Gawler ALP sub-branch about his own personal experiences. He has been quite public about his own very powerful story and about how we need to deal with mental health and suicide prevention. Mental health campaigner Bill Stockman, who runs a mental health awareness charity, says that through his work he knows of at least two people have taken their life shortly after leaving a mental health facility. He says that inadequate discharge plans are a contributing factor to people taking their life after leaving a facility, and was quoted on ABC radio as saying:

'Cause I got a real shock when I got home and thought, you know, well, gee, this is it, I'm back to square one because this is when I was thinking about taking my life.

Bill Stockman's story is quite powerful. When he was 14 he accidentally shot dead a mate of his; he was a farm boy and he accidentally shot dead a friend. Bill carried that with him for quite a while. In those days, when that happened you were just told to toughen up and deal with it. That was wrong advice then and it is certainly wrong advice today.

Later in life, Bill tried to take his own life, fortunately unsuccessfully. He tried a number of times, but then got the proper support and he is now doing okay. However, even today it is still a battle for him, and he speaks quite openly about the battle against depression and poor mental health. He has turned his negative experience into trying to help others and works with a number of charities and organisations to raise awareness.

It is important to understand that we can stand here and talk about what people need to do, but we need to make sure, as members of parliament both in government and opposition, that the resources are there in the community to support them. It is one thing to talk about it but it is another thing to make sure that the resources are there.

A case in point is my own community. I have been approached by local secondary schools about their plight in trying to provide appropriate health support for students. I have spoken to a number of school counsellors who have approached me, and we are now trying to work out how we can actually provide a mental health service outside school hours because, unfortunately, poor mental health does not just happen in school hours when counsellors can deal with it. Unfortunately it is a 24/7 task.

I am not trying to place blame on any particular government or party, but unfortunately the way the health system is structured in this country, between state and federal, there are gaps, and this is one of the areas where there are gaps. We are putting young people in our community at risk because the health systems cannot work together effectively. It has been made very clear that, particularly in my town, there a number of young people who are at risk because of poor mental health.

They do what they can in the school environment, but there are two concerns: one is the legal issue of what they do out of school hours and the other is their own resources. I would like to particularly commend Dr Rutten and Dr Sandra Marshall, from Gawler, who have been working with me trying to establish a model for mental health care in our community. One has to straddle the federal Medicare system and the state system, both their health and education systems, to get the resources available to support young people in our community. Make no mistake, young people in our communities—for a whole range of factors—are at increasing risk of poor mental health and suicide.

The other issue I would like to touch upon, in terms of suicide, is that this is one area in which men significantly outdo women. Unfortunately, four out of five suicides are men. All suicides are very sad, but the fact that men disproportionately suicide at a higher rate than women is particularly disturbing—

*An honourable member interjecting:*

**The Hon. A. PICCOLO:** More successful, that is correct unfortunately, and we need to understand that. I was provided with some data on and trends in suicide in age groups. Some years ago, it was younger people, those in their late teens and early 20s, who were the highest group for men, and it is interesting that now, 15 or 20 years later, that has shifted to the age group it is now.

It is interesting that what it says, basically, is that, when we had a big blip or increase in that risk rate for that group, for some reason we did not deal with it correctly because that group now, who are 15 or 20 years older, is where the high peak is in terms of suicide. We need as a society, and certainly as governments, to understand what we need to do to tackle that.

The suicide rate in this country is quite revealing. For example, according to the latest figures, 2016 established that 2,866 people died from intentional self-harm or suicide in this country, that 5.8 women per 100,000 end up taking their own life nationwide and that the figure for men is more than three times higher at 17.8 per 100,000 population. Sometimes figures can tell a story, but they also can hide a story in the sense that these figures do not actually show the impact of suicide on our families, our communities and our nation, because for every person who takes their own life there are brothers and sisters, mothers and fathers and children involved in our communities. So the impact of suicide in our society is much bigger than those figures tend to suggest.

I strongly support this motion and commend the member for raising this because part of this is initially getting the awareness, but we cannot stop here. We need to make sure—and I am sure we will interrogate the budget in coming weeks—that there is appropriate funding to provide those resources needed for not only community organisations but also doctors and other healthcare professionals at the community level to make sure we work with people to keep them safe. With those few comments, I fully endorse the motion.

**Mr ELLIS (Narungga) (12:11):** I rise today to speak in support of World Suicide Prevention Day and R U OK? Day on 10 and 13 September respectively. In the Narrunga electorate, I am immensely proud to advise that we have two suicide prevention networks, which have been operating for about two years, and whose volunteer, community-minded members are making a real difference to the lives of local people with mental illness and those who care for them.

Those two networks are the SOS Yorke (SOS of course standing for Stamp Out Suicide), led by Vanessa Bouilly and secretary Tessa Colliver; and the SOS Copper Coast Suicide Prevention Network Incorporated, led by the wonderful chair, David Boots, and his secretary, Gerry Guerin. I have also been involved in the formation of a new SOS group in Mallala, which is still in its infancy, and I look forward to following that process through.

Both the networks—the SOS Copper Coast and the SOS Yorkes—have been supported by the Office of the Chief Psychiatrist and were formed by drivers from their local councils, the Yorke Peninsula Council and the Copper Coast Council. Both these networks could not do what they do without the dedication and community spirit of local volunteers committed to the cause of suicide prevention.

I believe that there is movement to form additional suicide prevention networks in the Wakefield Regional Council area and in the Barunga West regional council area, such is the recognised need for more to be done to arrest the alarming rates of suicide in our regional areas. It is a health issue that does not discriminate; it affects young and old, male and female, and the need for support and promotion of available services is particularly strong in regional and rural areas, where people cannot just be geographically isolated but socially isolated as well.

I would like also to take this opportunity to note the important work of the Station Community Mental Health and Wellbeing Centre at Wallaroo and the Point Pearce Aboriginal Community Centre, which also raises awareness about suicide prevention in the course of their activities. Recently, I read that they have just received grant funding for a co-venture to work on the Roses in the Ocean initiative and to develop materials for local distribution—a wonderful cause that will certainly have a profound impact.

The SOS Copper Coast network also recently received funding to implement a self-harm minimisation program for young females—another target need, which will initiate conversations in schools and provide useful resources. As part of their current awareness activities, SOS Yorkes is screening a documentary about suicide and the ripple effects of support, inspiration and hope at the Maitland Town Hall on 10 September, being World Suicide Prevention Day, an event I am excited to attend in the company of the Hon. John Dawkins from another place.

Both SOS Yorkes and SOS Copper Coast are making a real difference to the lives of people living with or affected by mental illness, and I commend all their volunteer members for their dedication towards this wonderful cause. They promote available local services at field days, markets, sporting clubs and community groups and in the local press. They lead training sessions, run suicide prevention workshops and crisis courses and run guest speaker programs. Indeed, I attended a speech by the wonderful Wayne Schwass—North Melbourne Premiership player, former Sydney player and now a wonderful suicide and mental health advocate—at the Wallaroo Bowling Club in the lead-up to the last election. It was a truly enlightening experience and enjoyed a great deal by many in the audience.

They do all this to raise awareness of the rising prevalence of suicide and mental illness. Sadly, more and more young people are presenting with mental illness. I am aware that SOS Copper Coast is about to open a youth centre where youth can visit, socialise, seek help if they wish and generally feel supported and valued. All such activities serve to highlight the message that mental health is as important as physical health and that it is okay to ask for help.

Suicide rates among farmers are far too high, and this is another vital target group. Much has been written about this group, who are predominantly men, who often work long hours alone and who have had ingrained in them that it is best to toughen up and get on with it. They ignore ill health, fight against going to the doctor and do whatever it takes to avoid looking weak. This mindset is gradually changing, and it is through the efforts of groups such as the SOS Yorkes and the SOS Copper Coast that this change is finally occurring—that talking about suicide is becoming an easier conversation.

This is a huge and sad issue. Many in this place today have shared the statistic of one person dying of suicide every 40 seconds around the world. In Australia, 2,866 people died in 2016, and every year 65,000 Australians make a suicide attempt. These are truly alarming statistics. Every time the Yorke Peninsula and the Narungga communities feel the loss of another resident to suicide it is a raw experience. Sadly, it happens all too regularly.

As we speak, I know there are local Narungga volunteers helping to man the suicide prevention network stand at the Jubilee Pavilion at the Royal Adelaide Show. I thank all for those efforts, too, because it has been shown that the more we speak about suicide, which has so long been hushed up, the more people will understand that it is okay to get help and that, if you are

experiencing a mental health issue, there are people and resources out there ready to help you and that you have a real health problem that is far more prevalent than you could ever have imagined.

I look forward to continuing to advocate for increased mental health facilities in regional areas. There is a desperate and drastic need, and there are disused facilities scattered around the place—remnants from the terrible Transforming Health policy—that would make ideal facilities for such a cause. Indeed, the former Kadina hospital would be one such perfect facility. There is much work being done, but even more that we have to do. R U OK? Day and World Suicide Prevention Day also serve to keep this important topic in the limelight, highlighting the need for more to be done. For this reason, I commend this important motion to the house.

**Mr COWDREY (Colton) (12:17):** I rise today to support the member for Waite's motion on World Suicide Prevention Day and R U OK? Day, which will both be held next week, on Monday 10 September and Thursday 13 September, respectively. R U OK? is a not-for-profit suicide prevention organisation that helps raise awareness by encouraging communities to look out for one another and ask the question, 'Are you okay?' I am a big supporter of the work that R U OK? have done, and are continuing to do, by encouraging everyone to connect meaningfully with people around them and support anyone who is struggling with life.

The profile of mental health has been raised significantly in the past three years through the wonderful work of charities such as R U OK?. However, there is still a lot more to do. As I sat down to put these words together, I started to look through the research and statistics surrounding mental health and suicide. It was a real eye-opener for me personally, and I am happy to assume that the majority of the general public would not know how prolific the problem is in our community today. If you can bear with me, Mr Acting Speaker, I would like to share some of the more distressing statistics that I came across.

Currently, statistics show that around one in five Australians aged 16 to 85 experiences a mental illness every 12 months. The most common mental illnesses are depression, anxiety and substance use disorder. These three types of mental illness often occur in combination. For example, a person with an anxiety disorder could also develop depression, or a person with depression might misuse alcohol or other substances in an effort to self-medicate.

Of the 20 per cent of Australians who experience mental illness in any one year, 11½ per cent have one disorder and 8½ per cent have two or more disorders. This means that almost half—or 45 per cent—of Australians will experience a mental illness in their lifetime. Thus, the number of Australians who are indirectly and directly impacted by mental illness is immense when you consider family, friends and loved ones.

In 2016, the Australian Bureau of Statistics indicated that 'preliminary data showed an average of 7.85 deaths by suicide in Australia each day', which equated to 2,866 deaths in 2016. While suicide accounts for a relatively small proportion (1.8 per cent) of all deaths in Australia, it does account for a greater proportion of deaths from all causes within specific age groups. For example, suicide is the leading cause of death for Australians in the age bracket of 15 to 44 years old. Fewer Australians die of skin cancer than of suicide, yet we know comparatively little about causation or when or how best to effectively intervene.

Men are at greatest risk, as was identified by the member for Light, and have accounted for up to three-quarters of deaths from suicide. Other groups that are also at risk include Indigenous Australians, who experience an overall rate of more than double that of non-Indigenous Australians; the LGBTI community, who experience a rate of four times that of those who identify as straight; people in rural and remote communities; and also children.

I know that these statistics may have been a lot to take in, but I feel it is important to give voice to those hard truths. It is well known that suicide prevention is an enormously complex and sensitive challenge worldwide and that our community is not alone in facing these challenges, but asking one simple question, 'Are you okay?' could be the start of a conversation that could save someone's life. I certainly believe it will have an impact in delivering a reduction in these harrowing statistics.

To do my bit to raise awareness, I joined the R U OK? charity as an ambassador last year and attended a 'conversation convoy' event at the Tauondi Aboriginal College in Port Adelaide.

Despite the bad weather on the day, the local event, just one in a program of fantastic events that raised the profile of R U OK?, also served the purpose of educating everyone who attended.

We heard from community ambassador Mitch McPherson, who spoke about the loss of his brother to suicide. It was clear on that day that the children showed great interest in what Mitch had to say and really absorbed the importance of his message to look out for each other. There is often no one sign or symptom to look out for, and I think that is what the children took away from that discussion.

I am pleased that our government is doing its bit to tackle suicide awareness across our state, with the establishment of the Premier's Council on Suicide Prevention, led by the Hon. John Dawkins of the other place. He has taken the lead by writing to all local government mayors, as well as state and federal members of parliament, encouraging them to engage with their local communities on this important topic.

Whilst there is a dedicated World Suicide Prevention Day, and, of course, R U OK? Day, I urge everyone to continue to ask the question and to keep checking in with their family, friends and other people in our community, and keep this issue at the forefront of people's minds. Take a minute to have a conversation because that one minute could actually save someone's life.

We simply cannot lose momentum around these conversations and must maintain our focus on reducing the prevalence of these issues in our broader community. I acknowledge and thank R U OK? for the important work they continue to undertake throughout Australia. I commend the member for Waite for bringing this motion to the house and for giving voice to a very important issue facing not only our communities and our state but the broader Australia.

**Mrs POWER (Elder) (12:24):** I rise in support of the motion to recognise that 10 September is World Suicide Prevention Day and 13 September is R U OK? Day. I would like to thank the member for Waite for bringing this important motion to the house. R U OK? Day is our national day of action dedicated to reminding everyone that any day is the day to ask, 'Are you okay?' and support those who may be struggling with life. The day is about inspiring people to start these conversations every day of the year. Taking part can be as simple as having a conversation that could change a life.

There is a four-step simple process to asking people if they are okay. It may just start with that niggling feeling that someone you know or care about is not behaving as they normally would. Perhaps they seem a bit out of sorts, a bit agitated, a bit down or withdrawn, or they are just not themselves. R U OK? Day is a great reminder to trust that gut instinct and act on it. By starting a conversation and commenting on the changes you have noticed, you could help that family member, friend or workmate to open up. If they say they are not okay, you can follow the conversation steps to show them that they are supported and help them find strategies to better manage the load. If they are okay, that person will know you are someone who cares enough to ask.

The four steps recommended by R U OK? Day are: (1) ask, (2) listen—never underestimate the power of listening, (3) encourage action, and (4) check in. Essentially, these four steps are just about asking the question, genuinely listening and genuinely caring. I think it is also important to note that R U OK? Day is a good opportunity to reflect on yourself and ensure that you, too, are doing okay. We are always better placed to help others when we are in a good headspace ourselves.

Complementing R U OK? Day is World Suicide Prevention Day, which will be held next Monday, on 10 September. The World Health Organisation estimates that over 800,000 people die by suicide each year. That is one person every 40 seconds. In Australia more than 2,800 people die each year, with the latest figures from 2016 telling us that 2,866 Australians took their own life. Recent research tells us that hundreds of Australians are impacted by each suicide death. Research also tells us that some 65,000 people attempt suicide each year and hundreds of thousands of people think of suicide.

Take a minute to think about the pain and suffering being felt by every single person impacted by suicide. Take a minute to think about how much pain and suffering one must be experiencing to think that suicide is the best option. When I reflect on the fact that, for some, suicide seems the best option going forward, my heart breaks and I know that we must do more to educate our community,

promote the services that are available, strengthen our communities and connections and, in doing so, prevent loved ones and individuals in our community from taking their own life.

World Suicide Prevention Day's theme this year is 'Working together to prevent suicide', encouraging collaboration with as many suicide prevention awareness-raising events as possible being held on or around World Suicide Prevention Day. The theme this year complements the efforts of R U OK? Day perfectly because we all have a role to play in preventing suicide in our community. Again, I would like to encourage everyone to take the time to have those conversations when you notice something has changed and to help reach out to others.

I am proud that the Marshall Liberal government recognises the importance of mental health and wellbeing in our community and the tragedy of suicide in our community. The Premier established the Premier's Council on Suicide Prevention which conducted its first meeting just recently on 27 July 2018. The Premier appointed the Hon. John Dawkins as the Premier's Advocate for Suicide Prevention, so I would like to acknowledge the work that the Premier's Council on Suicide Prevention is doing. I would also like to acknowledge the many not-for-profit organisations, schools, organisations, groups, volunteers and individuals for the work they are doing to improve the mental health and wellbeing of all people of all ages in our community. I commend this motion to the house.

**The ACTING SPEAKER (Mr Duluk):** The member for Hammond.

**Mr PEDERICK (Hammond) (12:29):** Thank you, Mr Acting Speaker, and I acknowledge the fine job you are doing today. I support the motion by the member for Waite:

That this house—

- (a) recognises that 10 September 2018 is World Suicide Prevention Day and 13 September 2018 is R U OK? Day;
- (b) recognises the importance of both these days in raising awareness and understanding about suicide and its prevention among the community; and
- (c) acknowledges all the workplaces, community groups and schools organising R U OK? Day events to encourage conversations among their peers.

It is absolutely vital to have these conversations. I want to talk about some of the groups that are involved. One of these groups is obviously R U OK? I attended an event in Murray Bridge where they were doing a trip around the nation. They had been right around over several weeks. They had been down to Tasmania, which was their last stop, before they came into Murray Bridge, and they were at the Murray Bridge High School. I attended, along with the member for Barker, Tony Pasin, and the mayor, Brenton Lewis.

They had a very interactive presentation to make sure they got the students involved. They managed to get them to interact with the discussion, not least by using a drone inside the stadium to get a group photo of everyone. R U OK? is recognised as a day, but it is something that I know the organisation wants to have as something that happens every day, because it is absolutely vitally important that we do have these conversations every day. As was discussed before, the rate of suicide in this country is close to 3,000 cases a year, and we must all do our bit to assist people so that they do not go down this path.

I may not mention all the groups, but I want obviously to acknowledge the suicide prevention networks. I am involved in one at Coorong and Murray Bridge. Another group, MATES in Construction, do such great work in having meetings with people on the worksite. I do not have the exact statistics with me today, but there is far too high a rate of suicide in the construction industry, and some of that is linked to the ebbs and flows of construction. That happens from time to time, but I want to acknowledge that group for the excellent work that they do in combating suicide.

Obviously, I also want to acknowledge StandBy support group. Tracey Wanganeen has been mentioned. I certainly have had a lot to do with Tracey, her work and her group. Another group that I have had a close association with is Ski For Life, where I think over four days they ski from Murray Bridge up to Renmark.

**The Hon. A. Piccolo:** Bill Stockman is involved in that.



**Mr PEDERICK:** Yes, he is, absolutely. There are skiers from all over the place. There were a few from interstate. Some skiers take the challenge to ski for the whole four days, which is a great effort over many hundreds of kilometres of the River Murray. It is always a great event to go down to speak and support these people at the breakfast the day they leave Sturt Reserve in Murray Bridge, spreading their message. It is young ones and older people. It is a great thing that they have the boats available—obviously, recreational ski boats and support boats—to make sure that that event goes ahead, and they have great control over it.

Certainly, the Marshall Liberal government has forged ahead with efforts to tackle South Australia's suicide rate and raise awareness across the state by appointing the Hon. John Dawkins from the other place as the Premier's Advocate for Suicide Prevention. John did a huge amount of work from opposition with regard to suicide prevention. In fact, he was recognised by many of these groups as the advocate from the parliament and that was from opposition, so I commend him for that. He is the absolute advocate in this challenge. I commend him for his new role and the team he has around him.

The 13-member Premier's Council on Suicide Prevention has been established and conducted its first meeting on 27 July 2018. It was an introductory meeting that included the planning of future meetings for this year and the development of the terms of reference for the council. Their next meetings are due to take place on 26 September, part of which the Premier will be attending, and 14 November 2018. I must say that the Governor, the Hon. Hieu Van Le, has requested to host the members of the Premier's Council on Suicide Prevention for afternoon tea at the conclusion of their November meeting. He is very supportive of the work being done in this space.

The Hon. John Dawkins MLC, the Premier's Advocate for Suicide Prevention, has written to all local government mayors and state and federal members of parliament, introducing the Premier's Council on Suicide Prevention and encouraging them all to engage with their local councils and communities, particularly those that do not have an established suicide prevention network. To date, two local councils that currently do not have a formalised suicide prevention network operating in their regions have written in reply to the Premier's Advocate for Suicide Prevention. As a result, his office and the Office of the Chief Psychiatrist are now in liaison and working with them both.

This truly demonstrates the impact and the positive outcomes that can be achieved when members engage with local councils and communities to build on the already established suicide prevention networks across the state. Alongside this is the establishment of an across-government agencies issues group on suicide prevention. This group will include the Department of the Premier and Cabinet assistant chief executive and the Commissioner for Public Sector Employment as well as other senior officials from across government.

The issues group will be led by Mr Sam Duluk MP, Acting Speaker as I speak. As a working group of the council, the issues group on suicide prevention will take references from the council, provide reports and make recommendations of matters for discussion. It will also work closely with the Office of the Chief Psychiatrist, suicide prevention staff and the South Australian Mental Health Commission to identify key cross-sector issues for the public sector in suicide prevention. Nominees for that group are being finalised.

I note that there is a Royal Adelaide Show stand. I commend everyone who is attending that and supporting the South Australian suicide prevention networks. They are handing out 'staying safe' kits. It is a very good thing to have at the Adelaide Show, which can have 500,000 visitors per annum. There is also the annual Ride Against Suicide coming up, the Onkaparinga Seaside Walk for Suicide Prevention and a range of other events happening across this state.

I would like to commend everyone involved in the work against suicide, and I support all the agencies, whether they be government or non-government. I would especially like to acknowledge all the volunteers involved. I commend the motion.

**The ACTING SPEAKER (Mr Duluk):** The Deputy Premier.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:39):** Thank you, sir. May I first commend you, as Acting Speaker, for moving this motion and indicate my overwhelming support for it. I would also like to acknowledge the Hon. John Dawkins in another

place, whom the Premier has appointed as his own advocate to investigate and deal with suicide prevention by way of consultation and reporting back. This is a very important issue for the government. It is a very important matter that has taken a long time—in fact, centuries—to come out from behind cover and be dealt with.

I would like to place on the record my continued work to try to ensure that the code of ethics in respect of journalists ought to be modernised to enable the publication of stories in relation to suicide. Historically, their code requires the non-publication of these stories for the obvious reason of respecting families who have lost someone in these circumstances, but as long as we conceal this it will not become a mainstream health issue. Unlike having a broken leg, where it is pretty obvious you cannot walk, a broken mind and emotional distress are not easily visible, and that is why it is important that we continue to have these roles.

It is also important that our responsible media outlets have an opportunity to discuss this issue. We did not talk about road accidents, but we now have a tally and programs. It is important that we deal with this sensibly to hopefully have a greater reduction because we are now at a stage where the known suicides in South Australia are double the road accident deaths, which get all the attention, and it is time that changed.

Of course, we have come a long way: 150 years ago, attempted suicide was a criminal offence. In fact, capital punishment was the sentence; that is how absurd the situation was. It was seen obviously as a breach of God's law in relation to taking one's life and that was unacceptable and unconscionable. We had churches that, until recent times, would not even allow the burial of a person who had committed suicide within the church's cemetery, so we need to grow up and understand the significance of what is happening here. From very young people across to the mature-aged, we are losing our friends, colleagues and family when it is entirely preventable. Of course, we have to act in relation to that.

I can recall circumstances throughout my life—and I am sure every member here would share this—where suicides occurred. Sometimes they were hushed up. As a very young child, I used to walk past a neighbouring property only to find when I was about six that the mother who lived in that household went to the dam, left a kerosene lit on the dam bank and drowned herself. The men in the district, including my dad, had to go down and trawl the dam to recover her body. I did not understand as a six year old what had happened to her. She was just a nice lady who used to give me a bunch of violets for my mother when it was raining, so you do not always understand.

I can remember being asked to do a Geoffrey Robertson equivalent of a panel in relation to youth suicide about 30 years ago. My late husband and I got a phone call in the middle of the night to say that his 16-year-old nephew had hanged himself in Balaklava. These things come and blindsides us. Last year, my own brother, a farmer, shot himself. It is something the family has to deal with, but we should not have to treat these things as something that is secret, a moral failing or something that is untreatable. It is the responsibility of all of us to do something. I thank you, Mr Acting Speaker, for bringing this matter to the attention of the house. I urge all members to support this motion and to actively recognise the significance of what we need to do here and, very obviously, I think, when the signs are there, ask: 'Are you okay?'

**Dr HARVEY (Newland) (12:45):** I rise today in support of this motion to recognise the importance of World Suicide Prevention Day on 10 September and R U OK? Day on 13 September. I would like to thank the member for Waite for introducing this motion and also acknowledge his longstanding interest in this important area.

As many have acknowledged here today, suicide has a devastating impact on our community. It is an issue that has no doubt impacted on someone we all know and this is true for almost everyone in the wider community. Tragically, suicide is the leading cause of death in young people. In Australia, more than 2,800 people take their life each year. This is more than car accidents and more than infectious diseases. In fact, 65,000 people attempt suicide each year.

Looking more broadly at the issue of mental illness and some of the statistics around that, about 45 per cent of all Australians over the course of their life will experience some kind of mental illness; one-third of that number will not seek help at all. One of the greatest roadblocks to reducing this trend and the stigma around suicide and mental illness is the number of people who do not seek

help or do not necessarily even know where to go for help. This highlights the incredible importance of increasing community awareness and also increasing community understanding of suicide and mental illness. As such, the days when we are discussing this motion play an important part in increasing this awareness and, in particular, of some of the local services.

I want to touch briefly on one of the local services that I have had a little bit to do with in recent times: Talk Out Loud, which is a great local organisation that has been very successful in providing support, particularly for younger people. It goes about this by providing a safe environment and providing and building networks of support around people. As the member for Morphett mentioned before, two of the three leading risk factors in suicide are people who feel disconnected and also people who feel that they are a burden. Engaging families and engaging networks around people is a very powerful way of reducing the risk of suicide.

Demonstrating the success of the organisation Talk Out Loud, I attended a fundraiser where about 400 people attended, which is really quite incredible and which again demonstrates the way that they have been able to build these networks. There were also a number of very inspirational young speakers who themselves had attempted suicide and who spoke about their own experiences, which I think had a powerful and transformational impact on other people and which will go a long way to saving lives.

I would also like to acknowledge those groups that may not strictly be engaged in suicide prevention but nevertheless play an important role in preventing or reducing the risk of suicide—that is, some of our local community groups. There are two that are quite successful: one of them is starting out and the other one is a very successful organisation, the Tea Tree Gully Men's Shed, which is bursting at the seams. The Tea Tree Gully council has done a fantastic job there. Whilst so many local community organisations are reducing in number, this group is expanding in enormous numbers.

There is also the Kersbrook shed, which is just starting out. This was put together in the aftermath of the Sampson Flat bushfire. Many people are still recovering from that. These groups really provide an environment for people to come together. They may or may not want to work on particular projects, but the most important thing is that they are connected to other people and they are having conversations with other people. If they want to talk about the issues that are concerning them, they can, but if they do not, then they are very welcome not to as well.

This really brings us to the importance of a day like R U OK? Day. It is such an important day on the calendar and really reminds us of how important such a simple question can be—that is, 'Are you okay?' I think as a community we often try to avoid speaking about suicide, when in fact one of the best things that can be done is to have that conversation. Again, going back to those risk factors of people being disconnected and feeling like they are a burden, if we promote those conversations with people, then that will go a long way to reducing those risks.

Suicide prevention is certainly a priority for the new government. The new government has appointed the Hon. John Dawkins from the other place as the Premier's Advocate for Suicide Prevention. He has established the 13-member Premier's Council on Suicide Prevention, which is doing a lot of work, some of which involves engaging with local councils and helping to set up new suicide prevention networks. I know that at least two councils that have not formally established such groups are now liaising with the Office of the Chief Psychiatrist to set them up.

These suicide prevention networks are a fantastic program that really is focused on building that grassroots level support and grassroots networks amongst volunteers that help address this issue of social isolation. Importantly, it is also anchored by expert advice and support from SA Health, which helps to ensure that everyone is working in the best way possible in the same direction.

The government has also established an across-government-agencies issues group on suicide prevention. This group includes the Chief Executive of the Premier and Cabinet, the Commissioner for Public Sector Employment and a number of senior officials across government. This is led very ably, I am sure, by the member for Waite. The issues group will take references from the council and provide reports and make recommendations of matters for discussion. It will also work closely with the Office of the Chief Psychiatrist, Suicide Prevention and the SA Mental Health

Commission to identify key cross-sector issues for the public sector in suicide prevention. Nominees for this group are currently being finalised.

As I mentioned, this is an important issue for the new government. It is an important issue for me, and it is one that we need to address. For these reasons, I am very happy to commend this motion to the house.

**Mr DULUK (Waite) (12:53):** I thank all members who have participated in this debate, namely, the members for Kaurna, Morphett, Light, Narungga, Colton, Elder, Hammond, Newland and the Deputy Premier. I thank in particular the member for Light for his heartfelt contribution. I know he is very actively involved in his community on these issues. I thank the Deputy Premier as well for her contribution and for being so open about the change that is required to recognise these important matters going forward.

Motion carried.

### JUSTICES OF THE PEACE

**Mr BELL (Mount Gambier) (12:54):** I move:

That this house—

- (a) recognises the valuable volunteer service that over 7,000 justices of the peace in the state of South Australia provide;
- (b) calls on the Attorney-General to formally recognise those justices of the peace who have undertaken the role for 15 years by the presentation of an award; and
- (c) calls on the Attorney-General to formally recognise those justices of the peace who have undertaken the role for 25 years by the presentation of an award.

A justice of the peace fulfils a very important job within the community, and there are many JPs who go about their duties with little fanfare or reward. A JP is a person who has been appointed by the Attorney-General to act as an independent and objective witness to documents. There are over 7,000 JPs in South Australia. In the electorate of Mount Gambier, we are fortunate enough to have 150 JPs who assist members of the public, witnessing signatures or certifying documents on their behalf. Many members of parliament have a JP service in their office, providing a valuable service to our constituents. My office regularly has over 200 people a month attend, seeking the services of two staff members in my office who have chosen to become JPs.

While it may seem that a JP simply witnesses a person's signature, there is a bit more responsibility to the role than that. It is also the responsibility of a JP to ensure, to the best of their ability, that they believe that the document the person is signing is in the correct format and also that the person understands what they are signing and that no undue pressure has been put on a person to sign a document. As well as witnessing signatures, a JP certifies documents, undertakes identification checks and, at times, is required to be an independent witness at a police interview or when drugs are destroyed.

JPs can also elect to be a member of the Royal Association of Justices of South Australia, and approximately 40 per cent of South Australian JPs are association members. They do this in order to pursue specialised training, which is offered by the association, and also demonstrate a commitment to professional competency.

Due to the fact that time is very short, I will put the rest of my speech on my website. I do want to mention Jimmy Galpin, who is over the age of 80, an active JP and a fantastic community member. Thank you, Jimmy. I also want to talk about retired Mount Gambier justice of the peace Garry Von Stanke, whose initiation of this award is why we are here today. With that, I commend the motion to the house.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:57):** I rise to indicate that I propose to move an amendment to the motion. I move:

Delete paragraphs (b) and (c) and insert:

- (b) note the Attorney-General provides a certificate upon resignation after 20 or more years of service and upon reaching 50 years of service.

In doing so, I firstly thank the member for introducing this motion to recognise the important work of our justices of the peace. Presently, unlike a number of other states, we give quite a lot of recognition to those who are serving, during the course of their service. Firstly, upon the resignation of any JP at any time after a day's service or 80 years of service, they get a letter from the registrar of justices of the peace services thanking them for their contribution. Additionally, the Attorney-General provides a certificate upon resignation, where there has been 20 or more years of service. It is a very different process of receiving a certificate, irrespective of whether they are continuing service at 50 years of service, so there is quite a lot of recognition.

Secondly, I should inform the house that the Royal Association of Justices of SA recognises JPs who have been members of the association, and they obviously give that recognition. We also, by statute, allow retiring JPs, who have provided more than 20 years of service, the right to maintain their post-nominal title 'JP (Retired)', which you might sometimes see on a person's card or website. I also remind members that the Premier's Certificate of Recognition for Outstanding Volunteer Service often attracts retired or long serving justices of the peace for the work they do.

I would ask that the motion be amended to recognise those two areas of service. I am advised that the extra round of certificates or recognition that is being sought would be fairly costly. I am advised that, if this was done automatically at 25 years, around 3,000 certificates would be prepared and mailed out and cost some \$12,000. That is not in any way to be measured against the invaluable work they do, but I just make the point that we are doing it at essentially 20 and 50 years, and we would like that to be acknowledged.

Thank you very much to the member for bringing it to the attention of the house. I would urge all members, with the amendment, to support the motion.

**Ms WORTLEY (Torrens) (13:00):** I rise to indicate opposition support for the motion moved by the member for Mount Gambier.

**Mr BELL (Mount Gambier) (13:00):** I thank all speakers who spoke on this very important motion.

Amendment carried; motion as amended carried.

*Sitting suspended from 13:01 to 14:00.*

#### *Condolence*

#### **CORNWALL, DR J.R.**

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

That the House of Assembly expresses its deep regret at the death of Hon. Dr John Cornwall, former minister of the Crown and member of the Legislative Council, and places on record its appreciation of his long and meritorious service, and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

Compassionate, colourful, controversial, confrontational. These are just some of the character references John Cornwall attracted during a career spanning almost 14 years in this parliament. John Cornwall was a child of the Great Depression. Born in Bendigo, Victoria, on the first day of 1935, he went on to study at the Queensland University, graduating with a Bachelor of Veterinary Science.

From 1961 until 1975, Dr Cornwall operated veterinary practices in Mount Gambier and Adelaide. During this time, he became politically active on behalf of the Labor Party, standing in the seat of Barker at the 1969 and 1972 federal elections and drawing swings to his party on both occasions, if not ultimate victory. His federal campaigns drew strong praise from Chris Schacht, then a senior Labor Party official. Chris Schacht has described Dr Cornwall as 'the best ALP candidate who has run in a federal rural seat in SA that ever I observed in the last 50 years'.

Dr Cornwall's performance had marked him as a man destined for a parliamentary career. Subsequently, in 1975 he was elected to the other place in our parliament. Within four years, he became a minister, serving first in the environment and lands portfolios for the Corcoran government in 1979. After Labor's return to office in 1982, Dr Cornwall was appointed health minister and later community services minister. It was during this period that he was consistently in the public eye.

It was a time when a federal Labor government was introducing Medicare. At the state level, health systems were also under very close public scrutiny. Dr Cornwall championed the development of health and community services for disadvantaged groups, including women's health services, Aboriginal health services, child and adolescent mental health services and child protection services. He was committed to a community-based system of health care to link services to specific population or geographic areas.

Dr Cornwall took a deep interest in environmental health and was very instrumental in the initial work to combat the effects of lead pollutants in Port Pirie. He also took a strong interest in anti-smoking campaigns. It was this activity that led him into one of a number of major public controversies. To inform the government's program, some market research was undertaken at taxpayers' expense. Apparently, unbeknown to Dr Cornwall, the premier's office arranged for some questions to be added to the market research which were, let us just say, 'overtly political'.

My colleague the Treasurer in the other place was at the time cutting his parliamentary teeth and pursued Dr Cornwall in the other place over this issue. The Treasurer's intuition drew from Dr Cornwall the following praise in a subsequent memoir:

A diligent young Liberal backbencher, Rob Lucas, was not satisfied. Lucas, an intelligent and competent Economics graduate, had worked as a Liberal Party research officer. He had professional training in political research and polling techniques.

And so the Treasurer exposed this Labor ruse while Dr Cornwall gallantly sought to avoid having to admit the role of the premier's office in it. It was not the last of his controversies. Ultimately, he left parliament in 1989 after having to resign from the ministry following an adverse court judgement in a defamation case. He felt at the time that he could have received stronger support from some of his cabinet colleagues. Undeterred, however, he pursued a new career outside politics.

After moving to Sydney, Dr Cornwall took up senior executive roles for non-government organisations. These included serving as chief executive officer of the Australian Veterinary Association, director of the Australian Youth Foundation, and managing consultant for Delta Society Australia. While Dr Cornwall retired from an active professional life in 2007, he continued to remain active as a volunteer for the Horn of Africa Relief and Development Agency.

It can be said that Dr John Cornwall lived an active life in which he sought to bring benefit to those he served or represented as a member of this parliament. To his wife, Patrice, their seven children and many grandchildren, we offer our sincere condolences for the loss of a husband, father, grandfather and faithful servant to many people and communities over a long parliamentary and professional career. Vale, Dr John Cornwall.

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:05):** I rise to support the motion. Dr John Cornwall was born in Victoria, studied in Queensland, worked and served this parliament in South Australia and completed his community contribution in New South Wales. He was a social justice reformist whose commitment to a fair go and a fair share for all benefited our state and also our nation. A Doctor of Veterinary Science, his five years as the state's health minister delivered several legacies in public health. His 1989 reflections, titled *Just for the Record*, sum up his often tumultuous political career as having 'tapped more than my quota of kneecaps because I always played to win'. Those who witnessed that era could only agree.

John Cornwall came into the parliament in 1975 and left in 1989. He served in a state cabinet, first as minister for the environment and lands, in 1979, and then as the minister for health and community services in two Bannon governments, from 1982 to the end of 1988. His legacy achievements include our state's world-leading response to the emergence of AIDS and the HIV virus, breaking the link between tobacco advertising and sport sponsorship and pioneering community health programs to prevent sickness rather than just treat it.

Early in his time as health minister, clinical cases of AIDS were diagnosed in Australia for the first time. Little was known about the virus, so it was no surprise that in many jurisdictions policies reflected community hysteria and witch-hunts. In South Australia, a more inclusive and progressive approach was taken. One example of the differing policies was the decision by New South Wales authorities to make the diagnosis of AIDS and HIV a mandatory reportable event. Cornwall's view was that such an aggressive response would drive at-risk groups underground and out of the reach

of important health programs. In South Australia, he focused on counselling and support services as part of the testing regime.

Added to that was the then controversial program of the free supply of sterile syringes, via community pharmacies, and needle exchange programs, administered through the Drug and Alcohol Services program. As a result, South Australia's per capita rate of HIV positive cases was one-quarter of the national average. More importantly, the community was educated about the issue and hysteria and division were minimised. Several years later, Dr Cornwall faced another challenge of having to stand up to the loud voices of discontent: this time it was the tobacco industry. In 1988, he introduced the Tobacco Products Control Bill aimed at banning tobacco advertising in sport and cinemas.

There were some transitional arrangements for international sports but also strident opposition from the Liberal Party. This policy was not a popular one. Sporting groups were being convinced that they would suffer financially. Major media organisations were looking at advertising losses. John Cornwall ploughed ahead, telling the parliament that he had 'the highest commitment to this legislation. I regard it as the apex of my career'. It passed and Australia's first comprehensive legislative package to restrict tobacco advertising paved the way for reforms in other states and, indeed, the commonwealth. Medical research shows that the rate of smoking dropped along with rates of smoking-related disease and mortality.

John Cornwall was also committed to the principles of the Health in All agenda of the World Health Organization. Those principles focused on improving community health. He drove his development of health and community services for disadvantaged groups, such as women's health services, Aboriginal health services and child protection services. Elsewhere in his health portfolio, he pioneered systematic service monitoring in hospitals and established the patient complaints service giving a voice to the voiceless.

Another significant contribution was his long campaign to merge the services of the Queen Victoria Women's Hospital on Fullarton Road and the Adelaide Children's Hospital in North Adelaide—not an uncontroversial proposition. He revealed many years later that his first attempt was defeated in cabinet because of a fear that the Liberal Party would whip up community opposition to the move. He did eventually succeed in his push, and the merger was endorsed in 1988 and the Queen Vic was substantially closed.

After leaving politics John Cornwall pursued a third career in human and companion animal health, in helping disadvantaged young people and international aid programs. One of Australia's greatest public intellectuals, Adelaide academic and historian Hugh Stretton once wrote of Dr Cornwall that he was an 'active, interfering minister driven by a passion to leave the world a better place than he found it'. As a servant of the people and this parliament, he certainly achieved that aim. May he rest in peace.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:10):** I rise to support the motion presented by the Premier and supported by the Leader of the Opposition in recognition of Dr John Cornwall. His contribution as a minister in difficult portfolios should not go unnoticed, the details of which have been outlined by the Premier and the Leader of the Opposition. However, I think it is fair to say that one of the most difficult areas of public life, which I am sure the Minister for Child Protection recognises, is to deal with the welfare of the community and those who are most vulnerable, in particular in relation to child protection.

Women were a large area of public debate outside the public and environmental health that he advanced, but one of them was to deal with those who were ravaged by and abused in household circumstances and needed respite—immediate, urgent respite. I am sure that if the Hon. Stephanie Key were here she would, having herself pioneered significant work in relation to women's shelters, remember those times and the significance of the development of a network of centres around South Australia and, in particular, metropolitan Adelaide during the late 1970s and early 1980s.

The problem was, and I think it should be acknowledged, that ultimately Dr Cornwall did fall foul in respect of his public statements and treatment of Dawn Rowan and the Christies Beach centre. All of that is on the record in relation to what happened, and the sad thing about the history of those who make a contribution to this parliament, particularly in difficult portfolios, is that probably that is one of the matters that he will always be remembered by, not the least of which are those statements,

which ultimately resulted in litigation and which culminated in a very substantial cost of over \$500,000 to the taxpayers of South Australia as a result of a successful defamation action against Dr Cornwall.

It was very fresh in my mind when I came into this parliament in 2002. In fact, I asked a couple of questions about the liability in respect of that to then attorney-general Atkinson. They have still got a sticker on them because I am still waiting for an answer, actually, but nevertheless they will go in that very thick folder from times of the previous administration.

However, one matter I want to recognise in Dr Cornwall's work was in relation to child protection during the 1980s and what became an explosion of allegations and exposure of child sexual abuse. We were the first state in Australia to do that, and that was partly under his watch. He was concerned to ensure that it be identified, that it be disclosed, that it be reported and that it be acted upon, and he had a very efficient, focused department in relation to this area.

It is fair to say that there was a lot of disquiet about that controversial issue, too, because not only was it new but people did not know how to identify it, they were not quite sure how children should be interviewed, they were concerned about leading questions and they were concerned about whether the police should be doing it or other parties. I think he did quite a lot to try to ensure that, in that very embryonic stage of trying to deal with these matters, the legal profession and others actually came together to try to work it out.

There was one occasion when Dr Cornwall completely smashed me out of the water, and I am happy to confess it because I think he deserves it. There was a time when we had the Community Welfare Act, and the children's court took precedence as a state court over determinations made by federal courts, in particular, the Family Court. A new case was instituted. There was a view, on my part, that Dr Cornwall, as a guardian of children, was being used to subvert the course of the federal jurisdiction and that he should be punished for contempt.

I issued contempt proceedings against him. He did not turn up. The judge said, 'What do you want to do now, Mrs Chapman?' I said, 'I want a warrant issued for his arrest.' I think that, having been newly appointed to the bench, he was not sure that it was a good career move to acquiesce to that. He said, 'I'm going to grant a short adjournment.' I said, 'You can issue the warrant. You can leave it on the bench, and, when he comes back from his overseas trip, it can be issued.' I was completely and wholly unsuccessful on this, so it has not been a useful precedent to use against other ministers, but it did bring his attention to this matter to the table.

Thereafter, we were able to sit down with his legal representatives and negotiate a sensible way forward on how we would deal with the conflicts between parents and their legal guardians, which now of course remains not with the minister but with the chief executive. To that end, I give him credit for the instructions that he clearly gave to try to help resolve these matters because he was in the middle of a monumental period of law reform in South Australia. It was difficult for everyone concerned, including Dr Cornwall.

Whilst he may not be remembered for his greatest achievements, which are slightly stained by the issue in relation to Dawn Rowan, he paid the price. Taxpayers paid the bill, but he paid the price. He ought to be recognised for the many other years during which he made a contribution to law reform and, in particular, public health. Vale.

*Members interjecting:*

**The SPEAKER:** Order! The member for Cheltenham has the call.

**The Hon. J.W. WEATHERILL (Cheltenham) (14:17):** I thank the chamber for the opportunity to say some words concerning the life and work of Dr John Cornwall. Can I pass on my condolences to his family and broader network of friends.

I am grateful that the member for Bragg passed on her grudging approval for the life's work of Dr Cornwall. I am sure we have all been edified by her words. It causes me to reflect on two matters that I was not going to raise but, to put in context his work, it might be worth pointing out that South Australia became the first state to protect women's health interests under an initiative that was pursued by Dr John Cornwall. He was also the first to embark on a statewide campaign against domestic violence through the auspices of the anti-domestic violence unit, a further initiative of Dr John Cornwall. In one of his greatest achievements, he was absolutely central to the



establishment of what I think is probably one of the nation's greatest public policy achievements, and that is the establishment of Medicare.

Medibank, as it then was in 1975, was established only when the final states signed up in August 1975. To understand the importance of that healthcare reform and the vital role that states played in it, one only needs to look at the fate of the Medibank scheme that was put in place by the Whitlam government through its first term. It was unable to achieve that in the three years of its office until the dying days of that government, which meant that it was quite easily swept away by the incoming Fraser government.

Absolutely central to the success of Medicare was its early implementation early in the life of the Hawke government. Essential to that was the leadership role that was played by Victoria, South Australia and Western Australia, and, in particular, the leadership of Dr John Cornwall. Dr Neal Blewett, who was the federal minister at the time, recalls the strong support he received from Dr John Cornwall in the establishment of that scheme.

When one looks through the career of Dr Cornwall, he said of his ambition, in terms of being a health minister, that he did not want to be a good minister for health but a minister for good health. He wanted to promote the notion of public health—that is, the social determinants of health—as being a vital public policy agenda.

He knew that as vital as those services were, what was possibly even more important was improving the general level of health and wellbeing of the community, which was vitally affected by issues of social justice. That is why he was such a powerful advocate for reforms in the areas of mental health, women's health, drug and alcohol abuse and Aboriginal health.

His efforts in relation to drug law reform and, indeed, the public health initiatives in relation to HIV/AIDS, and the way he took on the environmental issues in Port Pirie such as lead levels in the air and insisting on high standards there, are all examples of not only his fierce intellect and his analysis that those things were critically important to people's long-term health and wellbeing, but also his compassion, because he thought they were the most important things to be done.

Another crucial element to his character was his courage. He was prepared to take on anyone at any time to achieve his objectives. It is true that taking on the tobacco industry is not a simple matter and taking on public opinion to deal with the legalisation or decriminalisation of marijuana is not a simple matter either.

Of course, HIV health promotion at the time was a deeply controversial matter. In fact, there is a famous dispute he had with Jeremy Cordeaux, who refused to allow advertisements for condoms on his radio station. He suggested that this was because he had an above-average female audience whose sensibilities would be disturbed by hearing such things, to which Dr Cornwall snapped back, 'Reproductive health is, of course, not solely a matter for women: it ought to be the joint responsibility, at the very least, of men and women.'

However, he did balk at one thing: the federal minister for health at the time, Dr Neal Blewett, suggested that there ought to be a very large picture of a condom put on our public buses. Even Dr Cornwall blanched at the idea, especially at that of the articulated bus going around a corner with a large condom painted along its side. He thought that that would be a little too much for the good burghers of South Australia. In that respect, he resisted Dr Blewett, and that particular ad did not make it.

He has been described as irascible. For those who got the rough end of his tongue, I am sure he certainly earned that sobriquet. In 1977, one of the very first things that he said in coming to parliament and into the Legislative Council was that the Legislative Council was 'a moribund, anachronistic and disreputable chamber' and that the proceedings were 'a sham and a charade'. That would have improved their humour up there.

Apparently, though, he also got back as good as he gave. He seemed to get into a war of words during a rather robust exchange that occurred up there. As he announced his resignation, he said, 'On balance, I don't think we need a Legislative Council.' This is a conclusion that many ultimately reached after a long career in the Legislative Council.

It must have been fun up there. This was not his finest hour, of course, but, apparently, he was deliberately baited, and it is said that he would provide an instant reaction almost every time. He would call the Hon. Rob Lucas 'Rob the Blob' and Legh Davis 'Legh the Flea', and in return he would receive 'Dog Doctor' from Martin Cameron and 'A refugee from the psycho ward' from Mr Davis. Then it descended into this. Cameron on Cornwall: 'He should have stuck to veterinary medicine. Stop butchering the state's health system.' Cornwall on Cameron: 'You have to admit, Martin is the full hundred cents in the dollar; it's a pity it's all small change.' So it must have been fun up there in the Legislative Council back in the day.

There is no doubt that John went way too far on a number of occasions, including with the orthopaedic surgeon and the domestic violence shelters. I think he took on some health bureaucrats to his detriment as well on one occasion but, on all occasions, he was motivated by a strong sense of social justice. He was motivated by what he believed was in the best interests of South Australia. He was never cowed by entrenched interests, and he was never prepared to take a backward step when he was confronted with what seemed to be large and powerful forces.

We do need to acknowledge the extraordinary contribution he has made to public life. It came at some cost to his personal health. It was said that he would work extraordinary hours and, on occasions, had to take a break due to exhaustion. I am sure that his family, friends and all those who supported him during that period knew the price that he paid for the purposes of public service. I want to add my remarks in his honour and pay tribute to his life and service.

**The Hon. L.W.K. BIGNELL (Mawson) (14:26):** Our family first came into contact with Dr John Cornwall when he was our vet on our dairy farm down in Glencoe. He had moved there from Bendigo, where he grew up as a working-class Catholic boy. He actually won a scholarship through the Victorian department of agriculture to study veterinary science. He moved to Mount Gambier and set up a practice there for about 10 years.

It was after a heavy defeat in the mid-sixties by federal Labor that he decided that not only would he pay his membership but he would become more active in the party. He became the local sub-branch president. Mick Young and a couple of other people approached him and asked him to run for the federal seat of Barker, which he did on two occasions. It meant a whole lot of visits, including from Lance Barnard and Gough Whitlam, and Bob Hawke made a trip over. These Labor luminaries were seen in fairly unfamiliar territory, such as at the Tantanoola Tiger Hotel and other places around the electorate of Barker.

In my family, dad was obviously a staunch Liberal voter and supporter and very outspoken in his views. He always said that John Cornwall was a better vet than he was a politician, but I think he was a little biased. Talking to his daughter Deborah, who I later worked with, she said that living in those conditions down in the South-East was like growing up being part of the Communist Party, or at least being suspected of being part of the Communist Party. She said that it affected her mum and dad and all seven kids as well. I am sure it was not easy. I am sure my family thought that they were from the Communist Party and all my rellies as well.

John Cornwall came into this place in the upper house, as people have mentioned, in the seventies. He was a reformer. He was, as I said, someone born in working-class Bendigo, someone who had seen a long, long reign of conservative governments at the federal level and also in Victoria. He was a man never to waste an opportunity, who every day got up and, when he had power, did not want to waste a day of it. He would work 16-hour days seven days a week because he knew that Labor governments were the best thing for the people of this state but they were not necessarily forever. 'Don't waste a day; work as hard as you possibly can' was his motto.

He had a lot of fights with a lot of people, including within his own government, but he went out there and fought for individuals. He fought for society. He was a reformer. He was a person with a social conscience. He went to Port Pirie and saw the terrible health effects that the lead smelters were having on the people up there and reformed it. He did not want people who may have been exposed to high-risk HIV activities to go away and hide. He wanted them to be part of our society and to feel free to be able to talk about their issues and make sure that they were behaving in responsible ways for their health and the health of others.

His greatest victory, as he saw it, was his work on tobacco advertising and cutting the link between smoking and sport, which was not easy to do because of the weight, money and might of all the TV stations and newspapers and the clout they carried, plus some pretty big international corporate companies that knew that, if something like that happened in South Australia, it would not be long until it spread to other states and other parts of the world.

He fought hard. He rubbed people up the wrong way a lot of the time, including some of his colleagues. I know that some people who were involved in the media unit back then who did not think that well of him when he would organise press conferences at the same time the premier of the day was going out doing one of his press conferences, but I guess that was what John Cornwall was all about. As a journalist, we loved him. He gave great quotes and was out there with ideas that stimulated discussion.

It was an era, in the eighties, when people were really polarised by the fellow and a lot of the views that he held, but it had people involved in the discussion in South Australia. Journalists and talkback radio hosts back then loved him as well and the work that he did and the ideas that he put up. He merged the Queen Victoria Hospital and the children's hospital to become the Women's and Children's Hospital. On the face of it, it was a pretty hard task to achieve, but he eventually brought people together and made sure that there were more efficient way of doing things to deliver better health services and results for the women and children of South Australia.

As I mentioned before, he had six daughters and a son. Mark, his son, became a very good political cartoonist. I remember going to the launch of one of his books, back in the late 1980s. Deborah was a journalist—and still is a journalist—on the news and then later for *The Advertiser*. She was a very good journalist, who used to just smile and say, 'Well, that's my dad,' every time there would be something controversial in our paper or in one of the other papers.

He left here not feeling all that great about some of his colleagues. He thought that they could have stood up for him more in the case that ultimately cost him his political career at the age of 53. He moved to Sydney and headed up the Australian Veterinary Association for many years, but he was also involved in a lot of voluntary organisations. He led a delegation called Delta, which was one of the first organisations to do work with companion dogs. He worked with refugee associations, and he worked in a voluntary or paid role right up until he was 79.

As well as doing that, he was pretty much a full-time carer for his wife, Patrice, and that continued right up until his death earlier this year at the age of 83. He worked through to the age of 79. He came back last October, after he wrote his book about his career, and made up with a lot of his former comrades and party members he left back in the late eighties under difficult circumstances. That was something that he was very grateful he did and is a reminder to all of us that, whether we are on this side, that side or the cross benches, we all come in here with different views of the way that we would go about things, but at the end of the day I think all of us come in with the right reasons.

We do it in different ways, but we all try to leave this place better than when we came in, and I think John Cornwall is definitely one of those people. When he came in during the Dunstan era, he had a style that reform was the thing of the day. If you looked at John Bannon, he was more of an economic rationalist, and that set up a combat that was probably sometimes very well disguised, but it was always simmering along. To Deborah, Mark, Patrice and all the Cornwall family, my deepest condolences.

**Mr PICTON (Kaurna) (14:34):** I also rise to make some brief remarks about the life and career of Dr John Cornwall, in particular focused on the almost six years he served as minister for health, six years in which he implemented a range of policies that were controversial at the time but which have had a long and massive impact in terms of improving the health of South Australians over that time. His legacy as Labor's health minister will be incredibly well remembered. He oversaw some important and longstanding reforms to our health care.

Importantly, he focused on primary health care and prevention. He wanted to keep people healthy and out of hospital, which was not always the focus of our healthcare system and which is still something we need to significantly improve on. He also focused on a number of important public health areas broader than our health system that were significantly impacting on people's health. One that was particularly important, and still is today, was in regard to the effects of lead pollution in

Port Pirie. This was something on which he fought; in fact, he had a stoush at that time with the mayor. Cornwall got his way and in doing so positively impacted the lives of so many in the Port Pirie community.

As has been mentioned, he also furiously fought the tobacco companies. While that is obviously a popular thing to do today, to fight with the tobacco companies, 30 years ago it was very controversial indeed. They were at the height of their power and with the money they influenced, particularly in areas such as sport and other sponsorship and the media, they were incredibly powerful. To take them on and to get the restrictions he was able to achieve in terms of sport would have saved countless lives in South Australia and has helped spread those regulations around the country and around the world, saving many thousands if not millions of lives.

He also oversaw the implementation of the first policy promoting women's health, making South Australia the first state in the country to have a policy on women's health. He oversaw the implementation of legislation allowing, for the first time, organ transplants from individuals who were classified as legally dead. He also launched the system of enabling road death victims to donate urgently needed organs—something considered sensible and straightforward now but it was a significant reform at the time, and has no doubt saved many lives since then.

He took his progressive politics to the national stage and, as the former premier has outlined, he was one of the leaders of the movement to set up Medicare which, we now know, is seen as the bedrock of our healthcare system and something everyone claims to support. However, at the time it was definitely not that; it was very controversial and was opposed by a large percentage of doctors and many, many politicians. Dr Cornwall was a leader in getting South Australia to sign up to that, and we have seen the benefits over the past three decades. He also took to the national stage advocacy on HIV and AIDS, addressing public fears about them that were completely misheld and pushing for some very important campaigns about making sure we helped to prevent the spread of AIDS.

Of course, as has been mentioned, he was no wallflower. He was often a divisive and controversial character who had more than a few spats with his parliamentary colleagues and others. In fact, an article in the *Sunday Mail* in 1983 described him as the 'man who makes Muhammad Ali look meek' and who 'snaps with the force of a giant clam'. Regardless of his colourful character, what can certainly be said about Dr Cornwall as health minister is that he was bold, progressive and fearless, and it was well and truly to the benefit of South Australia that he was. May he rest in peace.

Motion carried by members standing in their places in silence.

*Sitting suspended from 14:40 to 14:50.*

#### *Petitions*

### **LIMESTONE COAST**

**Mr BELL (Mount Gambier):** Presented a petition signed by 4,003 residents of South Australia requesting the house to urge the government to legislate a 10-year moratorium on fracking in the Limestone Coast area of South Australia.

*Members interjecting:*

**The SPEAKER:** Order!

#### *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)—

Regulations made under the following Acts—

Construction Industry Long Service Leave—General  
Judges' Pensions—General  
Parliamentary Superannuation—General  
Public Corporations—Supported community accommodation services  
Shop Trading Hours—General  
Southern State Superannuation—Miscellaneous

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

Police Act 1998, Review under Section 74A (4) of the—Annual Report 2017-18  
Regulations made under the following Acts—  
Freedom of Information—Fees and charges—General  
Spent Convictions—Prescribed Screening Unit  
Strata Titles—General  
Subordinate Legislation—Postponement of expiry  
Rules made under the following Acts—  
Legal Practitioners—Legal Practitioners Education and Admission Council—  
General

By the Minister for Education (Hon. J.A.W. Gardner)—

Torrens University Australia—Annual Report 2017

By the Minister for Energy and Mining (Hon. D.C. van Holst Pellekaan)—

Regulations made under the following Acts—  
Prohibition of Human Cloning for Reproduction—General  
Research Involving Human Embryos—General

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

Death of—  
Heath Ryan Jones, Report on actions taken following the Coronial Inquiry into the  
Death in Custody of—July 2018  
John Steve Costi, Report on actions taken following the Coronial Inquiry into the  
Death in Custody of—July 2018

By the Minister for Environment and Water (Hon. D.J. Speirs)—

Regulations made under the following Acts—  
Ground Water (Qualco-Sunlands) Control—General  
Historic Shipwrecks—Fees No. 2  
National Parks and Wildlife—Kangaroo Harvesting—General

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

Regulations made under the following Acts—  
Heavy Vehicle National Law (South Australia)—Miscellaneous  
Local Council By-Laws—  
Adelaide City Council—  
No. 1—Permits and Penalties  
No. 2—Moveable Signs  
No. 3—Local Government Land  
No. 4—Roads  
No. 5—Waste Management  
No. 6—Rundle Mall  
No. 7—Dogs  
No. 8—Cats

- No. 9—Lodging Houses
- Adelaide Hills Council—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Local Government Land
  - No. 4—Roads
  - No. 5—Dogs
  - No. 6—Cats
- District Council of Cleve—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Roads
  - No. 4—Local Government Land
  - No. 5—Dogs
  - No. 6—Cats
- The City Of Norwood, Payneham & St Peters—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Roads
  - No. 4—Local Government Land
  - No. 5—Dogs
  - No. 6—Waste Management

By the Minister for Planning (Hon. S.K. Knoll)—

Regulations made under the following Acts—  
West Beach Recreation Reserve—General

*Parliamentary Committees*

**LEGISLATIVE REVIEW COMMITTEE**

**Mr TEAGUE (Heysen) (14:55):** I bring up the sixth report of the committee, entitled Subordinate Legislation.

Report received.

*Question Time*

**STATE BUDGET**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:55):** My question is to the Premier. Did the Premier mislead the people of South Australia when in February this year he said, and I quote, 'We don't have a privatisation agenda'?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:55):** I thank the Leader of the Opposition for his question. No, of course I didn't mislead the people of South Australia. I was asked a direct question regarding privatisation and made it very clear that those on this side of the house did not support the privatisation of SA Water. We specifically dealt with this issue, unlike those opposite who always talk about not supporting privatisation. But what we do know as a fact is that in the last term of government—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —the taxpayers of South Australia spent \$100,000 with KPMG to investigate the privatisation of SA Water. We unequivocally ruled out the privatisation of SA Water. Your question specifically dealt with the issue of whether we had any 'ambition'—I think that was the term that you used—for privatisation, and the answer to that is absolutely—

**Mr Malinauskas:** 'Privatisation agenda' were your words.

**The Hon. S.S. MARSHALL:** And the answer to that is: absolutely and unequivocally no.

*Members interjecting:*

**The SPEAKER:** Before I call the Leader of the Opposition, I call to order the following members: the member for Hurtle Vale, the Leader of the Opposition and the member for Waite. Leader of the Opposition.

#### STATE BUDGET

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:57):** Thanks, Mr Speaker. My question is to the Premier. When was the last time the Premier visited a Housing Trust tenant in a cottage flat?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:57):** Can I just say that I'm out visiting people right across South Australia all the time. It is a broad question. I've got to say—

*Members interjecting:*

**The SPEAKER:** Order! Order, members on my left! The Premier has the call.

**The Hon. S.S. MARSHALL:** I'm out talking with people the whole time—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —whether they be in a Housing Trust property, whether they be in their own property, whether they be in a caravan, or whether they be on a beach throwing a line in. We are out talking to the people of South Australia all the time, listening to them about their ambitions for this state. Let me tell you, sir, that their ambitions for this state have been included in the state budget which was brought down yesterday. The people of South Australia—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —wanted a government that dealt with the mess that was left by the former government. They wanted a government that was going to come in, deal with the mess and deliver every single one of the promises—

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —that were made in the lead-up to the election, and that's exactly and precisely what we have done. Of course, those on the opposite side are all incredulous; they have never seen a government for the last 16 years that have come in and implemented what they said they were going to do. What we had time and time and time again was the former government going to an election with one—

**The Hon. A. KOUTSANTONIS:** Point of order, sir.

**The Hon. S.S. MARSHALL:** —set of commitments—

**The SPEAKER:** There's a point of order. Premier, please be seated for one moment. The point of order?

**The Hon. A. KOUTSANTONIS:** It's debate, sir; he's debating the question.

**The SPEAKER:** Debate. The question, I believe, was about visiting Housing Trust tenants. I believe that the Premier is coming back to the substance of the question. Premier.

**The Hon. S.S. MARSHALL:** I don't have a date and a time and a GPS location on me at the moment, but I am out talking to South Australians every single day that I am in this role.

*Members interjecting:*

**The SPEAKER:** Order! Leader of the Opposition.

**STATE BUDGET**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:59):** Supplementary question: in the Premier's conversation with that Housing Trust tenant, did he canvass with them their capacity to pay additional rents as a result of your budget?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:59):** Well, the budget only came out yesterday, so I haven't done—

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** But I make this point: there are a limited number of people who will have an increase in their Housing Trust rent.

*The Hon. A. Koutsantonis interjecting:*

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

**The Hon. S.S. MARSHALL:** We will be phasing in that increase over a period of time. It is not going to hit in one point of time. It was the former government's policy for rent paid by Housing Trust tenants to be the lower of either the market rate or 25 per cent of the income. There were a limited number—

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** —and this was the former government's position and, of course, it was the national standard, which has been in place for an extended period of time. There are a limited number of people who are not paying at that level. We have sought to address this in the budget. We are not implementing it immediately. We are putting it in over a period of time and we are doing that because we have regard for cost-of-living pressures on every single South Australian. That is why what is contained in our budget—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —is a raft of measures which will benefit all South Australians, having a focus on their cost of living. Now contrast that if you will—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —with the massive increase—

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** —in cost of living—

**The Hon. A. KOUTSANTONIS:** Point of order, sir.

**The Hon. S.S. MARSHALL:** —that was put in place by the former government.

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

**The Hon. A. KOUTSANTONIS:** Point of order: the Premier is now debating the question, sir. The question was very specific.

**The SPEAKER:** The Premier is being interjected constantly. I will listen to his answer and ensure that he is not debating the substance of the question. Premier, I think you are winding up.

**The Hon. S.S. MARSHALL:** With all the noise that was coming from the other side, I lost focus on what the question was. But the reality is—



*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —that cost of living is important to every single person. We have no desires whatsoever to increase the cost of living on any single person—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —in South Australia—

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** —but we had a policy in place, which was the policy of the former government—

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —which was the policy adopted right across the country, that Housing Trust tenants will pay the lower of the market rent or 25 per cent of the income. Now we have a responsibility to make sure that we provide Housing Trust properties to as many people as possible, so we are going to implement the policy of the former government. But it is not like we are without a heart. The simple fact of the matter is that the increases—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —will be implemented over a period of time. The maximum increase in a year is \$10 per week. And can I make this point, because there is a lot of bleating from those opposite. They're upset about the budget. They're upset about the budget because—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —the people of South Australia voted in a new government—

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** —to clean up their mess. Over here we've got this confected outrage—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —that somehow the new government is increasing the cost of living on the people of South Australia after a 16-year period where there was no concern whatsoever for cost-of-living increases. Look at the increases in energy prices that they inflicted upon the people of South Australia. Look at the increases in terms of water prices that they inflicted upon the people of South Australia, the emergency services levy pain. Let me tell you, when we came into power those opposite had already factored in an increase in terms of state government charges of 2.5 per cent. What did the new government do? Looked at it very carefully, looked at what we needed in terms of the ratios and reduced that down. A multimillion dollar hit to our budget, but we care about the people of South Australia and we want to lower their cost of living.

*Members interjecting:*

**The SPEAKER:** Before I call the member for Colton, I call the following members to order: the member for Playford; the member for West Torrens, and I warn him for a first time; and the deputy

leader. The member for Waite is warned for a first time and the member for Lee, who I am sure has been perusing the budget documents overnight, is also called to order. The member for Colton.

### TAFE SA

**Mr COWDREY (Colton) (15:03):** My question is to the Minister for Education. Can the minister outline to the house the benefits of the government's response to the TAFE Strategic Capability Review and related measures contained in the budget?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:04):** I thank the—

*Members interjecting:*

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

**The Hon. J.A.W. GARDNER:** —member very much for his question. I am very pleased to have the opportunity to—

*Members interjecting:*

**The SPEAKER:** The minister will be seated. Please be seated. The minister has the call.

**The Hon. J.A.W. GARDNER:** Thank you, sir. I am very pleased to have the opportunity to talk about TAFE and the way that this government has stepped in to rescue TAFE from the dilapidation and the disarray in which it was left by those opposite. A \$109 million rescue package was necessary for TAFE SA due to the work of the Labor Party in destroying that proud institution over a long period of time.

Now, the disarray in which the TAFE SA organisation was left by the Deputy Leader of the Opposition as the minister—in fact the Labor government that has been in power for the last 16 years—was rort for all to see in the Strategic Capability Review and, indeed, the Nous quality report, which were tabled in the parliament yesterday.

What did those reviewers say about the state in which TAFE was left for the people of South Australia by those opposite? The Strategic Capability Review described in particular in relation to the last four years: 'The last four years have been a lost opportunity for TAFE SA and for South Australia as a whole.' What the did Nous Group have to say about TAFE SA? It said, 'The organisation TAFE SA, in some respects at least, had lost sight of its fundamental reason for being.'

That is what has happened under the Labor Party in TAFE SA. We had the Skills for All blowout, we had the ASQA audit turmoil, and we saw traineeship and apprenticeship numbers in South Australia dramatically decline. We saw confidence in the quality of our training system in South Australia hit, damaged, bulldozed by a Labor government that did not care, that did not pay due attention to the significant responsibility that they had for oversight of the TAFE SA organisation.

I note that the shadow minister in the media today has said that the reports were damning about the leadership and the strategic governance of TAFE SA—'particularly damaging of the management who I sacked', she said, claiming credit for having sacked the people that they appointed to give oversight to this organisation. The one thing she claims credit for is sacking these people she appointed. Of course, when it comes to the problems of TAFE's management, leadership, governance and oversight, the CE fell on his sword, the chair of the board was removed by the Governor, but the minister at the time was kept in her position despite all of what had been done to TAFE SA in the past.

This government has stepped in. This government has come to power with a very clear understanding that TAFE SA must be the state's public provider of training synonymous for quality, for confidence, for serving its students well, for providing jobseekers—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.A.W. GARDNER:** —and students in South Australia with that pathway to a job that they demand, providing businesses and industry in South Australia with the skilled workforce they need to develop their future prosperity.

The former government after Skills for All managed to completely obliterate vast sections of the non-government training providers in South Australia, particularly hitting hard the not-for-profit, industry-led group training organisations. This government is not going down that path. We want TAFE to succeed in the market that it will be delivering. We want to support TAFE to deliver on its social obligations that we, the people of South Australia, expect of its public training provider.

I think that the people of South Australia expect a transformation in TAFE. That is one of the key things they voted for. It is one of the things that we promised we would deliver, and we are.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.A.W. GARDNER:** We have a \$109 million rescue package supporting TAFE SA, providing it with the foundation to deliver training for students across South Australia for years to come, to succeed in the future where it was left to fail by the miserable failures in oversight by those opposite, by the former Labor government.

*Members interjecting:*

**The SPEAKER:** Is the member for Waite still interjecting? The Leader of the Opposition.

#### SERVICE SA

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:08):** Thanks, Mr Speaker. My question is to the Premier. How will elderly South Australians without the internet access services provided by Service SA when their local service centre closes down?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:08):** I thank the Leader of the Opposition for his question. It is very important that we provide quality services for the people of South Australia. The Leader of the Opposition's question is sort of laden with innuendo that, for some reason, we don't care about the people of South Australia with regard to—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —service centres. We are going to be working very hard to make sure that we maintain access to all government departments. The simple fact of the matter is—

*Mr Malinauskas interjecting:*

**The Hon. S.S. MARSHALL:** Well, the simple fact of the matter is that more and more people are accessing services digitally.

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** I spoke to my father today, my 78-year-old father, and he said that he had not accessed one of those centres for more than 15 years.

**The Hon. S.C. Mullighan:** Well, that was unbiased advice.

**The Hon. S.S. MARSHALL:** Well, how many times do you go into a Service SA centre? The reality is that nearly 90 per cent—

*Members interjecting:*

**The SPEAKER:** Order! Premier, please do not respond to interjections—

**The Hon. S.S. MARSHALL:** They are probably handing out doughnuts or something.

**The SPEAKER:** —as enticing as it may be.

**The Hon. S.S. MARSHALL:** It seems to be what they do.

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** They go around to all state government departments handing out doughnuts and muffins or something.

*Members interjecting:*

**The Hon. S.S. MARSHALL:** The reality is that—

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

**The Hon. S.S. MARSHALL:** —we were elected to clean up Labor's mess.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** We were elected to clean up Labor's mess, and what a massive mess it was. The former government completely and utterly misled the people of South Australia with regard to the books. Those opposite should hang their heads in shame for the lies they told to the people of South Australia. It was only days before Christmas when the former government said that they were going to have a \$12 million surplus last financial year—a \$12 million surplus.

*Members interjecting:*

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

**The Hon. S.S. MARSHALL:** Only a few days after that, Treasury produced a document that said that South Australia was heading towards, I think at the time, almost \$200 million in deficit, so they missed it by that much. Yesterday, of course, we had the Treasurer—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —come in here and tell the people of South Australia exactly what the deficit for last year was, which was \$397 million. That's what we have inherited from those opposite. It is always difficult to make the tough decisions. Those opposite didn't like making tough decisions, but sometimes tough decisions do need to be made. We have made a commitment to ensure that the budget is balanced, and what we have projected—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —over the forward estimates is a balanced budget—in fact, a budget in surplus over each of the years in the forward estimates. What we inherited from those opposite—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —is a monumental mess. We know that they had deficits in seven of their last 10 budgets that they brought down. In fact, the only time they were anywhere close to a surplus was if they flogged off an asset. Every time they flogged off an asset, they trousered the money and put up these fake surpluses for the people of South Australia. Well, none of that anymore—none of that anymore.

We have brought down a responsible budget. It was a budget that the people of South Australia voted for. Yes, there are some elements of it which are difficult to swallow, but we will make the tough decisions on behalf of all the taxpayers of South Australia.

#### **ADELAIDE REMAND CENTRE**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:12):** My question is to the Minister for Correctional Services. Why is the minister privatising the Adelaide Remand Centre?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:12):** I thank the Leader of the Opposition for his question, and I am extremely interested that he is keen on our reform because this is a really important thing.

The Premier talked about being left with a mess and, as a former minister in Correctional Services, he would know. When I came into this job, the thing that astounded me most when I was given the briefing documents was the graph that showed the number of prison beds we had and the expected growth of prisoners. There was a real alarm bell at around 2020 because in 2020 we were going to have more prisoners than prison beds. I said to the department, 'What plan did the previous government have in place?' They said, 'Well, nothing.' They were just going to put up a No Vacancy sign.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** No vacancies—

*Members interjecting:*

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

**The Hon. C.L. WINGARD:** —at the prisons going forward.

**Ms Hildyard:** No-one believes it.

**The Hon. C.L. WINGARD:** The member for Reynell yells out, 'No-one believes it,' but it's fact. It's fact in documents that were given to the previous government there are—

*Ms Hildyard interjecting:*

**The Hon. C.L. WINGARD:** Speaking of going on and on, the member for Reynell can't stop.

**The SPEAKER:** I'm writing them down.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** Just to clarify—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr Picton:** The chips are down.

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

*Members interjecting:*

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

**The Hon. C.L. WINGARD:** Thank you, Mr Speaker. We are talking about a mess—the mess left by those on the other side. At that 2020 mark, there were going to be more prisoners than there were beds with what they have left us. Their plan was just to put up a No Vacancy sign, maybe just shuffle people back out into the community: 'There you go. Don't worry. Don't come to prison. You can just go back out onto the streets. That's absolutely fine.'

**The Hon. T.J. Whetstone:** Rack 'em, pack 'em and stack 'em.

**The Hon. C.L. WINGARD:** That was their policy. The Minister for Agriculture says, 'Rack 'em, pack 'em and stack 'em.' That was their policy on the other side. Well, they filled the prisons.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** They filled the prisons, and we had to do something about it, so we put a reform agenda in place. We have an agenda to have the best prisons in the world.

*Mr Malinauskas interjecting:*

**The SPEAKER:** The leader will not interject and he is warned.

**The Hon. C.L. WINGARD:** We looked at the different prisons and we noted that at the Remand Centre the cost per person per bed per day is \$314. The average cost across the system is \$209, and in Mount Gambier Prison I think it's around \$150-odd per day. So what we had to do was find some money to be able to expand our prison system.

I mentioned the 2020 situation, where we are going to have more prisoners than beds, and so we need to expand our prison system. What we are going to do is get an outsourced operator to run the Remand Centre. In fact, I went down to the Remand Centre last night and spoke to the workers there. I made it abundantly clear that all their jobs were safe, and they will find places in the expansion that we are doing.

This is the good bit: the Leader of the Opposition asked why we are getting in a private provider to run the Remand Centre. That will enable us to then expand the prison centre at Yatala and also at the Women's Prison: 310 more beds are going into the prison system in the public sector. They are high-security prison beds—the beds we need, the beds that weren't put online by the opposition when they were in government.

We are delivering jobs for people in South Australia in the prison system. We are guaranteeing the jobs of the people at the Remand Centre, moving into this expansion, and we are keeping people in South Australia safe by growing the number of beds. That is why we are doing what we are doing—because we were left with the mess and we are cleaning it up.

**The SPEAKER:** Before I call the Leader of the Opposition, I call to order the members for Elizabeth and Reynell and the Ministers for Child Protection and Primary Industries, and I warn the member for Playford. The Leader of the Opposition has the call.

#### **NEW FOUNDATIONS PROGRAM**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:16):** Thank you, Mr Speaker. My question is to the Minister for Correctional Services. Can the minister explain how cutting investments to programs that reduce reoffending, such as the New Foundations program, improves community safety?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:16):** I thank the Leader of the Opposition for his question. He will know that there were no takers for the New Foundations program. We are still going to work on that program and try to implement it down the track. That is what is outlined in the budget papers.

Let me outline the problem that we have here and the mess we inherited. I don't think it's got through to the other side. I don't think they have got it through their heads yet. Maybe I wasn't clear enough, so let's just try again: we are spending \$200 million on the public corrections system. That is \$200 million putting more beds into Yatala and more beds into the Women's Prison—310 in total—and they are not happy about it. They don't want us investing in more beds to keep people safe.

**The Hon. A. KOUTSANTONIS:** Point of order: the minister is debating the question. The question was about rehabilitation programs, not more beds.

**The SPEAKER:** The point of order is for debate. How cutting a certain project will improve safety I believe was the question.

**The Hon. V.A. Chapman:** But he already answered that.

**The SPEAKER:** I am sure the minister is coming back to the substance of the question. Minister.

**The Hon. C.L. WINGARD:** Thank you, and I did answer it. We had to address the problem right at hand. The previous program didn't have any takers. We will keep working on finding takers

for that program and expanding it as agencies come along. They failed to deliver that program. It was a program that they started and failed to get a taker for. Why didn't you deliver it? Because you couldn't. You weren't up to the task. What you were able to do was also fail to provide beds.

It is incongruous that you are upset with us because we are investing more money in the public prison system. I find it quite fascinating. These guys over here are giving us a hard time because we are putting 310 beds into the prison system. What that will do is grow jobs in the prison system. We have an ambition to have the best prison system in the world. That is our reform agenda, and we are driving that very hard. I make no apologies for investing money in our prison system to make sure we keep South Australians safe and to make sure we have the beds for the anticipated growth in our prison system. To me, it just makes perfect sense.

That is what we are doing: we are getting a private company in that will run the ARC (the Remand Centre). The people that are working there, I spoke to them last night and I want to take the opportunity to again guarantee them that they will have roles within the prison system at Yatala, at the Women's Prison or, if they want, they might choose to go with the new outsourced provider. They might decide, 'There's a great career opportunity for me here. I'll go with that.' They have been offered TVSPs, as has been mentioned by the Treasurer, right across the board.

They have choice. We will continue to work with them and engage with them and the PSA to make sure that they get the outcome they are looking for. Again, I stress the point: 150 jobs in the correctional system, and potentially another 50 in the other operations, will be absorbed into the system with our expansion at Yatala and with our expansion at the Women's Prison. It just flabbergasts me that those opposite are hounding down our investment in the corrections system. From the mess they left us, the mess that would have been there in 2020, we are delivering the outcomes that South Australians want.

*The Hon. S.K. Knoll interjecting:*

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

*Ms Stinson interjecting:*

**The SPEAKER:** The member for Badcoe is also called to order.

#### *Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** I welcome to parliament today members of the Playford Community Fund, who are guests of the member for Elizabeth. Welcome to parliament.

#### *Question Time*

#### **TAFE SA**

**The SPEAKER:** The member for Newland has the call, and he will be heard in silence.

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The member for West Torrens is now warned for a second and final time. He knows better. The member for Newland.

**Dr HARVEY (Newland) (15:20):** My question is for the Minister for Education. Can the minister advise the house whether students at Tea Tree Gully and other TAFE campuses will continue to be supported in their training?

**The SPEAKER:** The Minister for Education has the call, and he will be heard in silence.

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:20):** Thank you, sir, and I thank the member for Newland for his question. I know that he has nothing on his mind every day he does this job other than the best interests of his constituents. He is, of course, somebody who is supportive of South Australia's training sector going forward.

Let me start by saying that TAFE SA, as part of the budget measures that were introduced yesterday, will continue to support students at all the campuses that are being closed. Their

respective communities will also continue to be supported through relevant training being delivered locally, in workplaces, on farms on a number of occasions, online and through blended delivery. There has been a review that has shown low numbers of students at these campuses who could be more effectively supported through the use of other facilities or blended or online delivery or through being consolidated onto other campuses.

Of course, it is worth noting that, for every single dollar we spend in the training system, its purpose must be to connect young people, students and aged jobseekers looking for a new career to those careers, to those skills that will get them new jobs and, indeed, to support business and industry in those jobs. If the resources are being spent to maintain a building that is not necessarily fit for purpose, is past its use-by date or is not being utilised in an effective or efficient way, then that is money that is potentially not going to support the training needs of South Australians.

We have a grand ambition. We are spending \$200 million extra on traineeships and apprentices in South Australia. We are spending \$100 million on rescuing the TAFE SA organisation, but we are confident, very confident, that, as part of our renewed focus on delivering for TAFE on the needs of the students who are seeking jobs, we can, in fact, deliver more for them. Particularly at the Tea Tree Gully campus, the move from face-to-face to blended learning delivery and the relocation of the creative industries program—graphic design, screen and media, printing and photography—to the expanded AC Arts campus has significantly reduced the need for classroom space at Tea Tree Gully.

This, of course, started more than a year and a half ago. In semester 1 of 2017, there were 727 students on site at Tea Tree Gully. That had dropped to 470 by semester 2. In semester 1 this year, still under the previous government, that had dropped to 300. This move away from Tea Tree Gully was not something that was dreamed up last night. This is something that TAFE had been heading towards for some time. In semester 2 of 2018, there were 226 students.

*Members interjecting:*

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

**The Hon. J.A.W. GARDNER:** I note the interjections of those opposite, and I note the words of the former minister, who has criticised the government again today in the media: 'immediately instituted efficiencies by closing campuses'. She said:

I'm not convinced—the way in which vocational training is run needs a strategic re-think...these reports are very useful contributors to that, and I'd like to see the Government lead that conversation, rather than immediately closing campuses...

The reason I am confident, amongst others, that this work can be done effectively is that there is a previous government that has done some work on delivering TAFE courses off campus sites. Indeed, a former government closed TAFE campuses at Bordertown—where very little training activity was occurring, so the impact was minimal—Millicent, Naracoorte, Waikerie, Renmark, Gawler, Morphettville, Kimba, Clare, Cleve and Kangaroo Island. In many of these cases, the training was able to be delivered in different ways.

I was looking into who this former government was that closed these 11 TAFE campuses. Members may be interested to know that it was the Labor government in the last two years when the shadow minister for education was the minister responsible for TAFE—11 TAFE campus closures. More training is capable of being delivered when—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.A.W. GARDNER:** —this campus is closed. Where was the outrage then?

#### **ADELAIDE REMAND CENTRE**

**Mr ODENWALDER (Elizabeth) (15:24):** My question is to the Minister for Correctional Services. Does the minister agree with comments by the PSA today that the government has destroyed the trust of the sector as a result of privatising the Adelaide Remand Centre?



**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:25):** I thank the member for the question. The short answer is absolutely not—absolutely not. I mentioned before the mess and the crisis that the previous government left South Australia in. We needed to have a solution. We needed to come up with a solution and we are working with the PSA and with Correctional Services officers to give them job security into the future.

Again, I stress the point that I went down there and spoke with them in person last night to assure them that their jobs are safe. The opportunities will be there into the future at Yatala and also at the Women's Prison in the metropolitan area. We have other great prisons, mind you, in the regions—Port Augusta, Murray Bridge and Port Lincoln—and opportunities are there. Cadell and the Riverland obviously appreciate the job opportunities there, too. They will have opportunities there where they choose or, as I mentioned, they could go with the outsourced operator as well, so absolutely not. What we are doing is making sure that the people of South Australia are safe, that we have the high security beds we need going forward and that we fix up the mess left by the previous government.

#### ADELAIDE REMAND CENTRE

**Mr ODENWALDER (Elizabeth) (15:26):** Supplementary: did the minister consult with the PSA before making the decision to privatise the Adelaide Remand Centre?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:26):** I thank the member for the question. I think the Premier outlined very early that the Treasurer made it clear when we went to the election. We discussed what we would and wouldn't do when it comes to outsourcing.

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** All we asked for was a level playing field, the same as those opposite. It brings me to a little point, and I am keen that the member asked this because—

**The Hon. A. KOUTSANTONIS:** Point of order: this is debate. The question was very clear: did he consult with the PSA?

**The SPEAKER:** I have a point of order. I have written down the question. I will listen carefully. Minister, please address the substance of the question. I am sure you were coming to it. I will allow some preamble, but I will be listening carefully. The minister has the call.

**The Hon. C.L. WINGARD:** Thank you very much, and again I thank the member—

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —for the question. I am glad he is asking serious questions, as opposed to what the member for West Torrens is talking about.

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** I have made it very clear that the Treasurer made it clear before the election as far as outsourcing our government resources. We just want the same playing field as those opposite. I have mentioned that we are investing in the public prison at Yatala and the Women's Prison. We are putting in \$200 million. I can't stress that enough. We are putting beds into the public system, which will ensure the jobs of the people at the Adelaide Remand Centre. When you look back over what the previous government did, as far as increasing beds—

**The Hon. A. KOUTSANTONIS:** Point of order, sir.

**The Hon. C.L. WINGARD:** No, sit down.

**The SPEAKER:** Point of order. Minister, please be seated. The minister will be seated for one moment please. The point of order?

**The Hon. A. KOUTSANTONIS:** Debate, sir.

**The SPEAKER:** Debate. I have the point of order.

**The Hon. A. KOUTSANTONIS:** Yes, sir, he is not answering the substance of the question.

**The SPEAKER:** Minister, the question was about whether there was consultation before making a particular decision. I do believe that the minister is coming to that. He is providing what I consider to be some relevant background information. Minister, please come back to the substance of the question—

*Members interjecting:*

**The Hon. C.L. WINGARD:** Thank you very much and I do keep getting interjected, Mr Speaker.

**The SPEAKER:** —and he will be heard in silence. I will not be taking points of order by members on my left when, quite frankly, they are interjecting during the minister's answer.

**The Hon. C.L. WINGARD:** I have just got past a minute into my four minutes. If I can take my time to give the answer, that would be greatly appreciated. I stress the point again, after the interjection, that the Treasurer made it abundantly clear how we would be going about our operations in the lead-up to the budget. I talk about putting money and investment, which this government is doing, into the public system. When we look at what the previous government did, their investment was in the private system. They are asking questions about investing in a private over public operation. We are investing in the public operation.

The previous government invested in Mount Gambier to the tune of 400-odd beds. I am not sure whether they negotiated with the PSA on that one, but we are delivering what the people of South Australia need. The Treasurer made it abundantly clear what our position would be before the election and it is the same playing field as they had and we are delivering what the people of South Australia need. We are fixing their mess.

#### CRIME STOPPERS SA

**Mr ODENWALDER (Elizabeth) (15:29):** My question is to the Minister for Police. Why did the minister cut \$960,000 in funding to Crime Stoppers?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:29):** I thank the member for the question. Again, this is another one of these tales of another Labor promise. There was no money in the budget for Crime Stoppers.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** You can't cut something that doesn't exist. That is what the member on the other side doesn't understand. I know he was made to sit rows back when Labor was on this side, but there was no money in the budget—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —from the other side for Crime Stoppers. Let's be abundantly clear: under the previous Labor government, Crime Stoppers got no funding. They do get in-kind support from SAPOL, with police officers and telephone assistance, etc., and we are continuing that support. Crime Stoppers are getting the same support from us as they got from the previous government, and they will be able to provide the same services as they provided under the previous government. We look forward to Crime Stoppers continuing to do the great work they do.

**The SPEAKER:** Before I call the member for Morphett, I have given the opposition a fair bit of scope in relation to asking certain questions about the budget. I make a ruling that questions about policy are certainly not out of order: they are highly in order. Questions of a general nature are certainly permissible; however, when we start outlining specific budget lines I make it clear that some of these findings are better made in estimates committees.

There has always been some opportunity to answer questions of a general nature, and I only had to peruse the questions asked after the budget was introduced last year by the then opposition about the bank tax, etc. That one is close to the edge, but I have allowed it. I will now move on to the member for Morphett.

### DOMESTIC VIOLENCE

**Mr PATTERSON (Morphett) (15:31):** My question is to the Attorney-General. Can the Attorney-General update the house about the suite of measures the government has funded in the 2018-19 state budget to address the scourge of domestic violence?

*Members interjecting:*

**The SPEAKER:** Whilst members on my left may find this highly entertaining, conversely—

*Members interjecting:*

**The SPEAKER:** Order, members on my left! When government ministers are delivering answers, I would expect there to be information in addition to what is in the public domain, and I am sure that will be the case. Members on my left will cease interjecting. The Deputy Premier has the call.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:32):** Thank you, Mr Speaker, and how delighted I am to answer this question and provide an update to the house—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —regarding the number of measures we are introducing. A considerable amount of work has been done by the Hon. Michelle Lensink in another place and our member for Elder, a powerful member, to bring to the cabinet very important information from the general community about what they want prioritised in relation to the investment commitments we have made.

We committed to do a number of things. There is \$11.9 million over the next four years in the budget. What we sought guidance on from the Minister for Women and also from our minister against family violence was making sure we had those priorities in sync with the very people who do the work with this group; that is, those who are looking after women and children who are at risk. The crisis accommodation providers, those unsung heroes in the domestic violence space, made it very clear to us that there simply were not enough beds. Too many families or parts thereof were fleeing out of a crisis situation, so the number one priority that we committed to was the extra 40 new beds in emergency crisis accommodation for those mostly women and children.

There should also be recognition of the fact that the non-government organisations put in extraordinary amounts of time and effort, so the extra \$5 million for the interest-free loans is to ensure that when we fund the new domestic violence supported housing, etc., including the renovations and capital upgrades, there are funds available to buy into that. We also needed the government to have a number of commitments supported, including: identifying \$1.66 million over four years to extend the Women's Safety Services domestic violence hotline to 24 hours a day; \$150,000 on the development of a personal protection app linking at-risk women directly to police and domestic violence services; and \$510,000 to support a statewide trial of a domestic violence disclosure scheme to enable women to request information on their partner's criminal history. This is something on which we are all keenly working with SAPOL, the Office for Women and my department to be rolled out fully by 1 October this year.

That is an important initiative. It's one we have begged the former government to consider. They just simply dismissed this and didn't deal with the pragmatic, practical, real-life protections that these people in a crisis need. But also for those who are working in the South Australian Coalition of Women's Domestic Violence Services, we want their community work to be enhanced and the activities that they advocate for—domestic, family, sexual violence, dealing with our new arrivals in South Australia, who are under immense pressure in this regard, and we only need to hear about the shocking tales in relation to dowry violence and abuse that is now being reported—but \$624,000 for the next four years to provide that service is really critical and we are really very proud to be able to deliver it.

Members, one in four women experience intimate partner violence in Australia, and every week at least one person is murdered, so we understand the significance. There are plenty of members in this house who understand the significance of this. I have heard you all speak about it. We are acting on it.

### CRIME STOPPERS SA

**Mr ODENWALDER (Elizabeth) (15:36):** My question is again to the Minister for Police. Did the minister personally inform Crime Stoppers at any stage that he was cutting its funding? With your leave and that of the house, sir, I will explain.

Leaved granted.

**Mr ODENWALDER:** In a press release yesterday, Crime Stoppers stated:

The lack of budget allocation comes despite... a number of subsequent briefings with the Minister for Police and his advisers, who have acknowledged the efforts of the highly effective crime-fighting program but do not follow up accolades with action.

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:36):** I thank the member for the question. As he pointed out, I have met with Crime Stoppers and spoken to them. But the point he didn't make was that the previous government gave them no money.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** We are giving them exactly the same as they were given from the previous government. They do a great job. We are meeting with them, we are talking with them. If they want to expand their program, we will talk to them into the future. But they will continue to do the job they currently do with the same funding they got from the previous government, and we will support them into the future, making sure they keep delivering the service they are delivering now. We will talk to them about future opportunities along the way.

*Mr Odenwalder interjecting:*

**The SPEAKER:** The member for Elizabeth is warned. A supplementary?

### CRIME STOPPERS SA

**Mr ODENWALDER (Elizabeth) (15:37):** No, a new question, sir. My question is to the Minister for Police once again. Is the minister aware that the \$960,000 funding cut to Crime Stoppers will impact on programs they deliver to help solve and reduce crime?

**The Hon. J.A.W. GARDNER:** Point of order, sir: the question suggested an alleged fact and is out of order.

**The SPEAKER:** Would the member for Elizabeth like to rephrase the question in a way that doesn't allege?

*Members interjecting:*

**The SPEAKER:** I will listen to the question. Members on my right, please be quiet.

**Mr ODENWALDER:** Is the minister aware that funding cuts to Crime Stoppers—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr ODENWALDER:** How is it hypothetical?

**The SPEAKER:** Order! I will listen to the question.

**Mr ODENWALDER:** Is the minister aware of public statements by Crime Stoppers that cuts to their funding will impact on programs they deliver to help solve and reduce crime?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:38):** I thank the member. I can't be any clearer and I will say it one more time. Under the previous government, they got no funding. Under this government, the same.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** How that could be a cut, I do not know. They are getting the same service as they got under the previous government and they are getting the same services under this government. I can't be any clearer.

**The SPEAKER:** Before I call the member for King, I remind the member for West Torrens that he is on two warnings and, as the father of the house, I do give him great scope most days. Member for King.

#### FOSTER CARE

**Ms LUETHEN (King) (15:38):** My question is to the Minister for Child Protection. Can the minister please inform the house what support for foster carers is in this year's budget?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (15:38):** I thank the member for King for her question and her continued interest in this very important topic. The Marshall Liberal government, as we heard yesterday, has delivered a strong budget to secure South Australia's future. Cleaning up the mess in child protection and protecting the state's most vulnerable young people and children is an absolute priority of this Liberal government. In the budget, we have allocated \$8.8 million over the next four years to increase the payments to foster and kinship carers from age 18 up to now 21.

We know from research that children who stay at home in a family environment have far better long-term benefits, including better employment prospects, improved physical and mental health, reduced risk of homelessness and drastically reduced incidence of alcohol and drug dependency and reduced interaction with the justice system.

We also know, and records show, that 30 per cent of children leaving care were homeless within one year of leaving care, which is an absolutely shocking statistic and something I don't want happening on my watch. So I am very proud that the Treasurer agreed to this funding—the \$8.8 million over four years—and that this was an initiative of the Liberal opposition at the time that has now been delivered.

#### SA PATHOLOGY

**Mr PICTON (Kurna) (15:40):** My question is to the minister representing the Minister for Health. Does the minister stand by his own comments that privatising SA Pathology is 'a very poor move'?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:40):** I guess I would like to see the quote and find out exactly where it's from, but let me give some context.

*Members interjecting:*

**The Hon. D.C. VAN HOLST PELLEKAAN:** Let me give some context to some comments that I have made in the past. That was very clearly with regard to the previous government's intention—

*Members interjecting:*

**The Hon. D.C. VAN HOLST PELLEKAAN:** No, hang on.

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

*Members interjecting:*

**The Hon. D.C. VAN HOLST PELLEKAAN:** Just hang on.

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

*Members interjecting:*

**The Hon. D.C. VAN HOLST PELLEKAAN:** No, just wait.

**The SPEAKER:** Minister, please be seated. When members on my left have finished, I will ask the minister to resume. Minister.

**The Hon. D.C. VAN HOLST PELLEKAAN:** —to privatise SA Pathology. At that time, I was approached by people in Port Augusta who worked in SA Pathology and explained to me the pros and the cons of doing that. That's probably where the quote comes from. I would love to see it so I can give you a more specific answer.

**Mr Picton:** I'm happy to table it.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Let me also tell you that what we have announced in our budget this week is to investigate the possibilities—so, look at where the service is right, look at where the service is not right, look at where service could be provided better to people in other ways and to consider those options. That is exactly what we have offered and that's exactly what we will do.

### SA PATHOLOGY

**Mr PICTON (Kaurna) (15:42):** Given the minister's comments, I seek leave to table the quote from the minister.

**The SPEAKER:** I have been informed that members of the opposition are not able to independently—only ministers can table documents, but I will have a look at it for you, member for Kaurna.

**Mr PICTON:** I will send it to you. My question is again to the minister representing the Minister for Health. Does the minister stand by his comments that a private pathology company would not be able to provide the same level of service? With your leave and that of the house, I will explain.

Leave granted.

**Mr PICTON:** The minister previously said on 4 February 2015:

Therefore, if the government wants to privatise regional areas to a metropolitan standard, then we will go backwards.

Generally I am a strong supporter of private industry, but I do not expect that a private pathology company would provide the same level of service in Port Augusta as SA Pathology currently does.

*Members interjecting:*

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

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:43):** Now that I have heard the quote, let me say I stand by that, absolutely. Absolutely I stand by that. Let me be very clear: that is exactly consistent with what we announced yesterday. We will consider the options—and not only in Port Augusta. If private services can't provide the same and appropriate service, then all of that will be considered.

We have not said that we are going to do what the previous government said that it was going to do. We have said that we would look at where it would be in the best interests of those who receive the service. That quote—I stand by that quote, no problem at all.

#### SA PATHOLOGY

**Mr PICTON (Kurna) (15:44):** Supplementary: if the minister stands by that quote, will he now stand up for his community and oppose the privatisation of SA Pathology?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:44):** I will do exactly what I did last time, and that was look at the issues, consider how best to provide the service, take advice from experts—not the shadow minister for health, I can tell you that.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** Someone who knows what they are talking about when it comes to health. I will talk to people. I will consider all of those things in exactly the same vein that the Minister for Health will do. He will assess the opportunities, he will assess where it's best to continue as we are, where it's best to continue with Pathology SA, but change how they work where it may potentially even be best to make other changes as well. We will focus on what is best for service delivery in places that people access the service. That is exactly what I said in that quote, and that is exactly what our government will continue to do.

#### CLIMATE CHANGE

**Mrs POWER (Elder) (15:45):** My question is to the Minister for Environment and Water. Can the minister please update the house on how the 2018-19 state budget positions South Australia to address climate change?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:45):** Thank you.

*Members interjecting:*

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

**The Hon. D.J. SPEIRS:** I thank the member for Elder for her excellent question on what this budget does to position South Australia as a leader in terms of climate change adaptation and leadership internationally. There is not a budget that has been handed down in this state that spends more on climate change leadership and adaptation than the budget that our Treasurer handed down yesterday—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.J. SPEIRS:** —a budget which has an energy plan built into it, which is not built around dirty diesel generators, but is built around renewable energy, a budget which has a \$100 million battery subsidy scheme to ensure that there are local community-based storage solutions within households across around 40,000 households in South Australia—no dirty diesel generators but solutions which are based around growing our renewable energy industry here in South Australia and reducing emissions when it comes to energy production in this state. We stand behind and beside this budget and support its great focus on climate change adaptation and leadership.

Not only do we have our energy solution but we've also got the project which SA Water has been pioneering to be one of the first utilities in the world, if not the first in the world, to completely wipe out its energy budget and electricity bills as a result of investment of up to \$400 million in solar panels and storage solutions for SA Water to wipe out its energy bills, removing one of the biggest energy users from South Australia's energy network, reducing emissions and, of course, putting downward pressure on household energy bills as well—win, win, win there.

If we look to the work that the environment department is doing when it comes to climate change leadership, we are creating a new body, Green Adelaide, focused on building resilience into our metropolitan environment to help our city adapt to climate change; greener streets and flourishing parklands, waterways which are healthy and vibrant through our city; and wrapping Carbon Neutral Adelaide—a program which to date has been about icons, slogans and greenwash gimmickry—into Green Adelaide to ensure that it is targeted where it ought to be because, unlike the previous government, who drowned us all in greenwash, we are about practical solutions to climate change, practical solutions, not gimmicks, not icons, not logos.

I want to briefly update the house on our contribution towards our coast. In a state like South Australia, some of the most pressing threats when it comes to climate change are faced by coastal communities and coastal environments, rising sea levels, increased storm events. This government is increasing by \$5.2 million our investment in our coastline, looking to support communities such as those represented by the member for Colton, the member for Morphett, the member for Gibson, my own electorate and our many regional coastal electorates.

We are going to be investing in sand replenishment, research and development, how to sustain our coastline, and we are going to be investing in a seagrass restoration program to initiate a blue carbon industry here in South Australia. These are practical programs, programs that will make South Australia more livable, will reduce the heat island effect within metropolitan areas and will deliver for South Australia. We are taking a climate leadership role. We are not about gimmicks. We are not about slogans. We are getting on with this job.

#### CLIMATE CHANGE

**The Hon. A. KOUTSANTONIS (West Torrens) (15:49):** Supplementary: my question is to the Minister for the Environment. Given the government's new-found commitment to tackling climate change, what is the government's new carbon emission reduction plan and by when does it plan to reach it?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:49):** I thank the member for West Torrens for his question. Under Carbon Neutral Adelaide, the program which we are going to continue, albeit wrapped into a broader program which is not only focused on the CBD but which is broadened to the whole of metropolitan Adelaide, we will continue to work towards that program's existing target to have zero emissions in an equal sense because there will, of course, always be offsets required, but we will aim towards zero emissions by 2050.

We will continue to be committed to the Paris climate change targets, which we have locked into.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.J. SPEIRS:** We are proud of that. Those will be the strategies that we are following. We are showing leadership in this state, and we will continue to take that forward.

#### CLIMATE CHANGE

**Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:50):** A further supplementary.

**The SPEAKER:** Supplementary, last supplementary.

**Dr CLOSE:** Can the minister inform the chamber what the cuts are in this budget to the climate change program in his department?

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

**The SPEAKER:** Premier!

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:50):** That is publicly available information, but I am happy to provide some commentary on that. It is great to get my fourth ever question from the part-time shadow minister for environment. Interestingly—



*Members interjecting:*

**The SPEAKER:** Minister, I ask you to withdraw.

*An honourable member interjecting:*

**The SPEAKER:** Minister, I have asked you to withdraw that comment. I ask you to withdraw that comment and continue.

**The Hon. D.J. SPEIRS:** I withdraw that comment, Mr Speaker.

**The SPEAKER:** Thank you.

**The Hon. D.J. SPEIRS:** Please, I ask the house to forgive me.

*Members interjecting:*

**The SPEAKER:** The minister will be heard in silence. I would like to hear his answer.

*Members interjecting:*

**The SPEAKER:** I would like to hear his answer.

**The Hon. D.J. SPEIRS:** I do know, Mr Speaker—

*Members interjecting:*

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

**The Hon. D.J. SPEIRS:** —that the deputy leader was a minister in the previous government, which undertook a 32 per cent reduction in the environment department's budget. She sat around the table—the great environmentalist from Port Adelaide, the great defender of our environment—a 32 per cent reduction, so she can't throw stones in here.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.J. SPEIRS:** Well, no. The world ended on 17 March—

**The Hon. A. KOUTSANTONIS:** Point of order.

*Members interjecting:*

**The SPEAKER:** Order! Point of order, minister. Before I deal with the member for West Torrens, I ask the member for Mawson to withdraw the comment 'dolphin killers'.

**The Hon. L.W.K. BIGNELL:** I withdraw the comment 'dolphin killers', Mr Speaker.

**The SPEAKER:** Thank you. The member for West Torrens, a point of order?

**The Hon. A. KOUTSANTONIS:** Yes, sir. The question was very specific about a \$11 million cut and anything else is debate, sir.

**The SPEAKER:** I have the point of order. Minister, will you please return to the substance of the question, thank you.

**The Hon. D.J. SPEIRS:** Thank you, Mr Speaker. It is correct to note that Carbon Neutral Adelaide, that great icon, that empty slogan of the previous government, is having—

*Members interjecting:*

**The SPEAKER:** Order, members on my left! I am trying to hear the minister.

**The Hon. D.J. SPEIRS:** It is our intention to reduce funding for Carbon Neutral Adelaide by \$1 million. We will retain \$250,000 to continue the few elements of that program we think were valuable—mostly partnerships between the state government and the Adelaide city council. It was great to meet with the Lord Mayor today to discuss those programs.

As I mentioned, this budget has more climate change expenditure than any other previous budget. And they will scream at the end of the gimmicks and the slogans and the logos, but what we

are doing is getting on with the job. One program I didn't update you on, where we are putting an extra \$2 million over four years, is Greener Neighbourhoods: more street trees; more investment in our city parks, particularly our precious Parklands. So, there's an extra \$2 million.

*Dr Close interjecting:*

**The Hon. D.J. SPEIRS:** The deputy leader screams because of symbolism and gesture and virtue signalling. She screams at the reduction of Carbon Neutral Adelaide coming down by \$1 million, but we are having an extra \$2 million in Greener Neighbourhoods. We are creating Green Adelaide, another new program—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.J. SPEIRS:** —focused—

*Dr Close interjecting:*

**The SPEAKER:** Order!

**The Hon. D.J. SPEIRS:** Anyone can scream, deputy leader, men or women, so don't make those sorts of attacks at me.

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

*Dr Close interjecting:*

**The Hon. D.J. SPEIRS:** No, no. You always go back to the gesture.

**The SPEAKER:** Is the minister finished?

**The Hon. D.J. SPEIRS:** Don't do that. The gesture and the icon—

**The SPEAKER:** Order! The minister will be seated, thank you, minister. The member for Florey has the call. The member for Florey has been patiently waiting and has the call.

### SCHOOL CURRICULUM

**Ms BEDFORD (Florey) (15:53):** Thank you, sir. My question is to the Minister for Education.

*Members interjecting:*

**The SPEAKER:** Order!

**Ms BEDFORD:** With interest in and promotion of STEM subjects well and truly underway, what thought is being given to the other side of brains and the importance of the humanities and, perhaps, similar emphasis on LAMP subjects, subjects like language, arts, music and philosophy?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:54):** I am very grateful to the member for Florey for that outstanding question because it is important that we do pursue a strong STEM strategy. It's possibly one of the few particular focuses of the former minister that I have given credit to: the STEM strategy, STEM Works facilities, infrastructure projects that are being rolled out and, indeed, development in STEM PD for teachers. So there has been some good work.

This government is absolutely committed to ensuring that, particularly for those students who flourish in the humanities—in language, music, philosophy programs, and those sorts of things—but also exposure for all students to that side of the brain to have thinking. Some students are going to deliver for their communities by being great scientists and mathematicians on a STEM pathway. Some students are going to deliver for their communities by being linguists, by being musicians, by being performers, by accessing the sorts of programs that the member raises.

This budget is committed to languages education. It is a multimillion dollar commitment that follows on from the commitments that the Liberal Party took to the election and announced in August last year. We applauded the former government when they later got on board and put some support towards those initiatives. I note that one of them in particular—the French bilingual program at Highgate Primary School—we were able to rescue from some recent difficulties in the way that the

former government had constructed the program. There were some good ideas in that program, but it was underfunded to deliver the outcomes that were needed. This government was able to step in and provide some extra funding to enable a second class to be delivered.

A second class was funded by the school this year only, and the school didn't have the support from the previous government to have those two classes as an ongoing measure. That's somewhere where this government stepped in and improved upon the service that was available for those students, which is particularly important as we are developing our shipbuilding capacity in combination with the Naval Group where there are international families who need to be in that French program. There are in fact—

*Members interjecting:*

**The SPEAKER:** Please be seated for one moment. Members, please cease interjecting and making that shooshing sound. Minister.

**The Hon. J.A.W. GARDNER:** Indeed, this government stepped in to support the local families at that school and indeed families from French backgrounds. I know the member for Unley lobbied hard, but it didn't take much convincing for me to think that it was important for us to step in and provide that funding as needed. More broadly, language programs will be supported across a range of areas: professional development programs, the School of Languages and the Ethnic Schools Association—a range of programs.

The government also has a \$5 million, or thereabouts, program to support music, a music strategy where we are working with a range of partners. This includes a range of stakeholders. I had dinner with a good number of them just the week before last. I believe Dr Anita Collins was the particular speaker who brought us together. I thank Geoff Day and Musica Viva for organising the dinner. It was in collaboration with the department, Vince Ciccarello of the ASO—who was unable to be at this function but with whom I have spoken about this strategy on a number of occasions—and Adelaide University which, through their relevant school, has been supporting the program, particularly Graham Koehne as head of Elder Conservatorium.

The government in April or possibly May went out for public consultation, engaging with music teachers in schools, hourly paid instructors, instrumental music teachers, staff of the education department instrumental music—in fact, the entire community was invited to participate in that consultation. That work is being brought together at the moment by the Department for Education.

Music is really important in children's development. In fact, I was reading a book last night by Anita Collins that I found particularly relevant about the role of singing to one's own child. I have a rendition of *Toot Toot, Chugga Chugga, Big Red Car* that I can say is received very well by certain audiences. But the role of music in child development is critically important, and the role of music in schools is critically important. This government would like to see more of that.

Languages I dwell on because the status of languages in South Australia is tremendously important. In 2002, when the previous government came into office, about one in eight students in South Australia did a language as part of their year 12 SACE studies. Last year, it was less than 5 per cent—less than one in 20. That is a disappointing trajectory for languages. This government would like to see it turned around, and we will endeavour to work with schools across all those fields.

*Dr Close interjecting:*

**The Hon. J.A.W. GARDNER:** I'm not sure what the shadow minister is talking about. We have just increased funding by \$515 million.

*Grievance Debate*

### **MCLAREN VALE TOWN BOUNDARIES**

**The Hon. L.W.K. BIGNELL (Mawson) (16:00):** I rise today to talk about something that has really alarmed the people of McLaren Vale, which is the threat of the movement of our town boundaries to incorporate an extra 40 hectares to be developed by two landowners in that area, on the southern side of McLaren Vale.

We thought we had put this to rest six years ago when we came into this place and put through two bills: one to protect the Barossa Valley and another to protect the character of the McLaren Vale wine region. Unfortunately, the owners of this land will not take no for an answer and we are asking the government to ensure that they go out and tell the owners of this land in no uncertain terms that the boundaries of the McLaren Vale township will not be expanded.

The problem we have is that when you expand the boundaries of McLaren Vale, then a year or two later a planning minister might decide to do some development or increase the boundaries in Willunga. Over a series of years and a series of changes to the township boundaries, the towns will join up. McLaren Vale is an amazing place to live. It is a great place to visit as well, and it produces some of the best wines and food anywhere in the world. We want to make sure that we preserve that.

This has been going on for the 12 years that I have been the local member. We worked together as a community: the McLaren Vale Business Association, the Friends of Willunga, McLaren Vale Grape Wine and Tourism Association and the Southern Community Coalition. We had everyone—the environmental groups, business leaders, the grapegrowers, the winemakers—all working together to make sure that we could come up with a plan that would preserve the character of our great region.

When we put that bill through this house and the upper house and it became law six years ago, we thought that it was done and dusted, although we knew that a review was to be held after five years. One thing that has come up in this five-year review is that people want to have a review every five years. I say no, that we close that down and not allow that to happen.

What we have done here is as historically significant as what Colonel Light did when he came in and put the Parklands around our city. What we have done here is now being looked at around the nation and, indeed, around the world as world-leading legislation to protect agricultural land that, right around the world, is becoming rarer and rarer as cities grow and urban sprawl spreads out from the heart of a city and consumes the wonderful soil and land that have, for centuries, in many parts of the world, been used for agricultural pursuits and to feed the world.

There are two landowners; one is the Karidis Corporation. They were told five or six years ago that they would not be allowed to develop this land because it was not in the town boundaries. They bought that land. It was for agricultural purposes and is still for agricultural purposes. In their submission, they say that it does not really matter and it is just low-value land. They are not using it for agriculture.

They ripped the vines out of that land four or five years ago and they are there like a big middle finger to the people of McLaren Vale. They have left all these vines in big piles. We have had grassfires go through there. It is a real shame that they have done that. I live in the area, which is something that I have declared to the planning minister. I live in this area that we have protected. My neighbours and the people in McLaren Vale, the people in Willunga and the people in McLaren Flat do not want to see these boundaries changed.

I call on the government to make sure that the Karidis Corporation and the other proponents from McLaren Vale Vines Pty Ltd, who have land bounded by Aldersey Street, Johnston Road and Main Road at McLaren Vale, are told in no uncertain terms that those boundary changes will not happen. They can either sell the land and someone can use it for agricultural pursuits, or they can hold onto the land, but it is not going to change because this issue is vitally important for the people of our area.

What worries me about the Karidis Corporation is that I know Gerry Karidis is a very strong personality. He has urged me, and he has urged planning ministers in the past, to change it. I know that Christopher Pyne and the Premier spoke at his 81<sup>st</sup> birthday earlier this year. I hope he is not trying to curry favour with the new government to change these boundaries because this is something that will result in a huge backlash from the people of McLaren Vale. I thank the planning minister for the conversations that we have had around this issue. I know that he represents the Barossa Valley and that he also has very strong feelings.

## STEM EDUCATION

**Mr DULUK (Waite) (16:05):** I rise today to talk about the very important subject of education and about STEM in our school system. We all know what STEM is. Today, the member for Florey talked about LAMP as well. They are two acronyms that are very important to the education of our future generations. STEM is based on the idea of educating students in four specific disciplines: science, technology, engineering and mathematics. Rather than teach four disciplines as separate subjects, there is an increased focus on integrating them into a cohesive learning program.

STEM education encourages students to learn about these topics, take an interest in these subjects and potentially find a career in a STEM-related field which will prepare students for a working life after school. Students are encouraged to gain and apply knowledge, deepen their understanding and develop creative and critical thinking skills. The knowledge developed through studying these subjects has an increased importance in our daily lives and in future job markets.

We want to encourage youth engagement with STEM, as jobs in the STEM fields are indeed on the rise, especially in South Australia. One argument we have at the moment is around the migration debate here in South Australia and the lack of a skilled workforce in our economy. Anything that we can do as a government and as a community to increase those skills, especially in the STEM-related space, will certainly help our future workforce. Encouraging STEM topics now will help meet the employment needs of the future. It is about ensuring that our kids are developed and ready for tomorrow's challenges.

STEM not only teaches students about science and maths but it demonstrates how it can be useful in everyday life and applied outside the classroom. Most recently, in yesterday's state budget—the state budget that is here to clean up Labor's mess and also to recalibrate the South Australian economy—it was announced that the South Australian taxpayers will be investing \$250 million to provide wonderful new state-of-the-art purpose-built learning spaces in 139 schools in South Australia. This government is continuing the substantial and quite significant investment in education. I think that over half a billion dollars is being spent over the next four years in the education of South Australian students.

Recently, I had the pleasure of attending the Hawthorndene kindy annual community science night. I was very happy to open that community science night. The Hawthorndene kindy provides quality, stimulating early learning for students that now extends into science, which is fantastic. With kindies encouraging an early interest in science, I have no doubt that some of the kindy students I met a couple of weeks ago will continue to build on those science and STEM skills as they go through their education journey. I hope that science night for those kindy kids will encourage them as to the importance of STEM.

On 19 August, I had the pleasure of representing the Minister for Education at Mitcham primary to officially open the new STEM centre there. Can I just say that school captains Ruby, Alice, Chuck and Nitin as well as Isaac did a wonderful job in showing me and my federal colleague the member for Boothby, Nicolle Flint, through the new building, which had fantastic interactive learning spaces. On 21 September, in a couple of weeks, the Blackwood High School STEM centre will open as well. There is some magnificent investment in STEM in my community.

I have to say, though, that as much as I applaud STEM it is always important to look at the missing letter in STEM, which is A for arts. STEAM is important in our education as well. Education must have a creative component. Students need a creative outlet, and that is why the arts are so vital. Languages, humanities and philosophy are critically important to students' education as well.

When we look to the future at those fields that require more employees, there will always be a focus on STEM. However, the arts and various arts subjects, including design, drama and music, play a critically important part in the economy and in education and that is why it is so important that we progress from STEM in our narrative in education to STEAM. That is how we will ensure that we have the best kids, the smartest kids and the most rounded kids leaving our schools and entering our workforce to work in the important jobs that are required in the future to ensure that South Australia is a magnificent place to live and well and truly plays its part within the federation.

## HURTLE VALE SCHOOLS

**Ms COOK (Hurtle Vale) (16:10):** Today, I would like to speak on a number of schools in my electorate and congratulate them on their contribution to bringing books alive and sharing the joy of drawing. During the last parliamentary break, I had plenty of opportunity to visit schools. I think I made about 17 school visits or meetings and thoroughly enjoyed every single one of them. As the previous member for Waite discussed, learning occurs in so many ways. I am always inspired, watching our next generation think creatively without the limits in their mind that we place on ourselves as adults.

Since 1945, Book Week has been celebrated as an opportunity to encourage reading and celebrate both authors and illustrators. It really does highlight the importance of books and puts them at the centre of learning for the week. The Children's Book Council of Australia's theme for 2018 Book Week was Find Your Treasure, which the children and teachers thoroughly embraced. There were pirates aplenty everywhere. Libraries came alive with displays, and the children sorted through their favourite books and had a wonderful time sharing with costumes and storytelling.

I encountered many pirates during my visit and would like to thank the teachers and families who tirelessly supported those special celebrations, taking the time to also dress up and encourage the children to express through their imagination. Each school and student took their own brush to Book Week, with some using costume making as part of the curriculum. I was really delighted to attend parades at Coorara Primary School, Woodcroft Primary School, Reynella East College, Happy Valley Primary School, Pimpala Primary School, Woodcroft College, Braeview Primary School and Morphett Vale East Primary School. I will be attending the Book Week parade this week at Antonio School, and I am looking forward to that.

I have also had the great pleasure of visiting the schools that took part in my 2018 drawing competition. I run this competition every year and give a different theme for the children to draw a picture about. It brings to light some very creative ideas, and it also makes very cheap wallpaper for my office. This year's theme was friendship, and it encouraged the kids to pick up their pencils and consider what friendship meant to them. I thoroughly enjoy seeing the ideas on the themes and congratulate all the winners who have been announced so far. A couple also have not been announced, so if they have family watching they might get an early tip as to who the winners are.

Congratulations to Charlotte and Ruby from Woodcroft College; Shyla, Chloe and Kimberley from Morphett Vale East Primary School; Ciara and Courtney from Braeview Primary School; Brooklyn and Mya from Happy Valley Primary School; Zara and Amy from Coorara Primary School; Michael and Dakota from Emmaus Catholic School; Max and Sophie from Reynella East College; Grace from Woodcroft Primary School; Saoirse and Alex from Pimpala Primary School; and Chloe from Antonio School.

The drawings, as I said, are beautiful and colourful. They are a colourful display, reflecting on loyalty, care and having fun. At a time when we have become so technologically advanced, having drawings to display in my office all year round is a very real reminder of the basic foundations in learning. I keep every single one of them in folders as well, so any visitor to my office in years to come will be able to look back and see their entry in the drawing competition. That might be a good thing or a bad thing for some.

A good education is crucial for the future of our children, and I have the utmost respect for the teachers I have met during my time in parliament and as a parent. I thank them for encouraging and supporting creativity through both Book Week and my drawing competition.

Hurtle Vale has a wonderful array of schools, but it also has a wonderful array of sporting and community groups supporting the area, which makes me very proud to represent them. At this time of the year it is really busy, and through the break I also had time to help with sporting presentations, barbecues and volunteering at various events. There are so many clubs that have already had success, some whose seasons have sadly finished, and some that are still competing in the finals. I wish every one of them the best of luck. Whatever the results it has been wonderful to see so many satisfied families, participants and club members, and I hope to talk about them winning in weeks to come.

As the season draws to a close, I would like to reflect on the fact that we are so wonderfully blessed to have these opportunities in our country and in our community. I look forward to continuing to support activities in Hurtle Vale.

### COUNTRY HEALTH

**Mr TRELOAR (Flinders) (16:15):** I rise proudly today to talk about the initiatives in relation to country health, in particular, that were announced in yesterday's budget. As we have seen all too clearly in recent times, attracting and retaining health professionals—particularly general practitioners, otherwise known as doctors—to our country towns is a challenge. Recently, I had the opportunity to meet and speak to the Rural Doctors Association of South Australia on this very topic, and I note the member for Wright, representing the opposition, was also at that same dinner.

The delivery of health services to country areas is a priority of the new government, and we went to the March election with a raft of related policies. These included fixing the backlog in country hospital capital works, and we have an initiative that will provide an additional \$14 million per annum each and every year for the next 10 years for country health capital works with a renewal strategy. This will help address the backlog of sustainment works and significantly improve the amenity of our regional hospitals and health structures.

We also talked about engaging communities and clinicians for better health. This initiative provides \$1 million over four years for the South Australian Healthy Towns Challenge. Under this initiative, rural and regional communities will be able to apply for a grant of up to \$50,000 to help improve the health and wellbeing of people in their area.

We will be expanding country cancer services. This initiative provides \$1.2 million in 2018, increasing to \$1.9 million per annum from 2019, to deliver additional chemotherapy services in regional areas, thereby enabling patients to receive treatment closer to home. I am well aware of that, given we are quite some distance from Adelaide, and the provision of extra services into either Port Lincoln or Ceduna would be a wonderful thing. We will also be undertaking a statewide assessment of unmet palliative care.

Our plan is also to decentralise the public health system through the establishment of regional boards of management. This will effectively dismantle Country Health SA as we know it, with new boards having control of the health budget for the geographical area they cover. The health advisory councils will remain, and I am sure that under this new regime some of the HAC members, the community members, will feel as though their input is much more valued and they will have more responsibility and say in the day-to-day management of health delivery.

A further key policy provides \$20 million to develop and implement a rural health workforce plan in order to recruit, train and develop health professionals and skilled volunteers needed to deliver country health services. We will need to work closely with the commonwealth to maximise training opportunities in country areas. This particular initiative provides a total of \$20 million over the next four years for the development and implementation of a rural health workforce strategy to address the shortage of health practitioners in rural areas.

In my electorate, Cowell and Kimba have had difficulties recently maintaining a general practice. Kimba remains without a resident doctor, as does Streaky Bay. Streaky has come up with a model whereby the district council has taken responsibility for the practice, which is not ideal but they felt a responsibility to their community. Locums are currently servicing the town, and the council, via a committee of management, is actively searching for a resident doctor—and my congratulations to the local government and that committee on their efforts so far.

There is also a suggestion that Port Lincoln itself might have a deficit of up to 10 doctors. It is a critical issue. The Eyre Peninsula Local Government Association has established a health working group tasked with identifying the issues in recruiting and retaining health professionals to our area. I hope to be a part of this group. I have also had active dialogue with local doctors about developing future models that are sustainable. Key to the new models will be the provision of training pathways that expose younger doctors, or introduce younger doctors, to the opportunities of working in country areas.

I look forward to this challenge of better delivering health services generally and particularly general practice to our country areas. I congratulate the Premier and the Treasurer on the budget yesterday. This new government has a real plan for real change.

### **LIGHT ELECTORATE SERVICE ORGANISATIONS**

**The Hon. A. PICCOLO (Light) (16:20):** I would like to take this opportunity to highlight some wonderful things that are happening in my electorate of Light. Last night, for example, the Gawler Kiwanis Club held their handover dinner under new president, Margaret Hague. Earlier this year, the Kiwanis club celebrated their 30<sup>th</sup> birthday as a Gawler club. I would like to commend the work they do and the fundraising they undertake, especially for their projects where they specialise in kids.

One of the programs the Kiwanis run every year is that they hand out a range of books to various schools and they work with various partners and sponsors to deliver books to schools to promote literacy and the love of books. I commend them for that work. They are one of many service organisations in my electorate and collectively they do a wonderful job in building a sense of community in the Light electorate.

I also take this opportunity to congratulate the people who have been involved with organising the Munno Para Community Market, in particular Sandra Watherston. Sandra is the market coordinator, supported by the Munno Para Primary School, the Munno Para Preschool, Renewal SA, the City of Playford and a church in the locality. My office provides support with media and printing. The idea of the market was to help the community to come out of their homes and meet on a regular basis. The market held last Saturday was the most successful to date, and it is certainly growing.

Again, I congratulate the market organisers. I also thank the volunteers who helped to letterbox the area and the various stallholders, including small business people, particularly small businesses running home-based activities. They use the market as an opportunity to sell their products and their services. It is a great event for that community and, as I said, it has grown stronger and that is in no small measure due to Sandra and the team at Munno Para Primary School.

One of the other things I would also like to mention is the Northern Men's Wellbeing Network, which I am a member of. The Northern Men's Wellbeing Network is a network made up of service providers in the northern areas of Adelaide which come together to share information and to improve the delivery of services and advice for men in that community, particularly disadvantaged men and boys. They could be men who might be unemployed, men who have relationship problems, men who have some sort of disadvantage and also the boys. The focus is particularly on how to support men to support families and children in the area, so the focus of the network is to help men to be better fathers in their communities because we all benefit from that.

I congratulate John Goodger, who is the coordinator of the network, who does a wonderful job in bringing these people together. They share ideas and also use the opportunity to cross-refer people for assistance. The most recent meeting was a joint meeting with the Gawler Men's Wellbeing Network, which is a new network of service providers in the greater Gawler area, and I am a part of that. Again, it is a case where not only men but women—because there are a number of service providers who are women who provide services to men—come together to share information and promote the wellbeing of men in our communities, as distinct from just the physical health of men.

The network helps to connect with various service providers to share information, and also helps to identify existing services to make sure they are used efficiently. I would like to also thank those people from the Gawler community who came to the first men's wellbeing network meeting on 28 August. I know they are keen to meet on a regular basis and share information for the improvement of the health and wellbeing of men and boys in our community.

I was also very fortunate during the month to attend St Patrick's Technical College's annual skills lunch. St Patrick's Technical College is located in Edinburgh North and provides valuable entry points for high school students eager to take up an apprenticeship or traineeship, including those who are perhaps not well suited to a traditional academic learning environment. What I can say, in the seconds remaining, is that they do a wonderful job in helping young men and women enter into apprenticeships, traineeships and employment.



Time expired.

### THE BEND MOTORSPORT PARK

**Mr PEDERICK (Hammond) (16:25):** I rise to make a contribution about The Bend Motorsport Park. Several years ago, there was a search for a new motorsport facility in South Australia. Out of five locations, thankfully The Bend in the electorate of Hammond won the prize, and it is an excellent venue. Some three years ago, The Bend Motorsport Park was given approval, and construction commenced in 2016. In August 2018, The Bend held the Virgin Australia Supercars Championship.

Before speaking further on the success of the On The Run SuperSprint, I would like to provide the house with an insight into the magnitude and subsequent flow-on effect of the previously quoted \$110 million development—the development is now quoted as costing around \$160 million—headed by Peregrine Corporation. The motor racing circuit at The Bend is Australia's only circuit that complies with the latest FIA Grade 2 and FIM Category A standards.

At maximum configuration, the track totals 7.77 kilometres and offers eight different circuits. The 7.77 kilometre GT circuit is the second longest permanent track in the world. I have had the privilege of not only having a thrilling drive with Supercars driver Nick Percat but also driving my Holden V8 ute on this state-of-the-art track, which I note was selected as the official testing facility for Brabham Automotive.

It must be highlighted that The Bend is not just a race track; the whole precinct just about caters for all, with amenities varying from hotel accommodation and glamping to trackside camping. The Bend also encompasses various recreational activities, including a drift kart rally circuit, 4WD adventure park and a rally off-road track. Additionally, construction on a quarter-mile dragway is also underway, with expected completion in 2019. The dragway was designed in consultation with the Australian National Drag Racing Association. The track will be able to host various types of racing, including 9,000 horsepower 530 km/h vehicles. In addition to many track and ride days, The Bend has hosted or will be hosting the following:

- Revolve 24—an enduring cycling event in 2018, and I note this will again be occurring on 2019;
- 13 April: Shannons Nationals;
- 19 April: Australian Superbike Championships (ASBK) and the Asia Road Racing Championships (ARRC). This event marked the first time that ASBK has raced in South Australia since 2009 and is the first time ARRC has ever visited Australia;
- 15 September: Rotax Pro Tour Karting event;
- the 2018 Summer Drift Series; and
- the 25<sup>th</sup> Australian Jamboree, which will be held from 4 to 14 January 2019, when around 11,000 scouts and 4,000 helpers will converge on Tailem Bend.

The 2018 Virgin Australia Supercar Championships took place on 24 to 26 August, and over the three days 41,250 people attended the event. The economic benefits of The Bend which are flowing through to the community of Tailem Bend and surrounding regions do not go unnoticed. A great example of the flow-on benefits from The Bend was highlighted in an article published by *The Advertiser* ahead of the SuperSprint:

Tailem Bend real estate agent Kerry Simcock gave up her job in regional development three years ago because she saw the boom coming. Today her company, Coorong Reality, employs 15 people and is one of the success stories of the growing region, which according to the National Australia Bank recorded a 13.5 per cent increase in customer spending in a single quarter last year.

The town's new motorsport park is helping to drive the boom, with a Supercars team paying \$1,000 a night to rent one of Ms Simcock's properties during this week's V8 event.

I was fortunate to be able to attend the SuperSprint on both Saturday and Sunday and thoroughly enjoyed the two days. I must give credit to the fantastic work of all those involved who contributed to the success of these three days. Specifically, I would like to give thanks to Dr Sam Shahin and his

family for bringing The Bend to life, not only in South Australia but in my electorate of Hammond. I look forward to the future of The Bend Motorsport Park.

*Bills*

**SENTENCING (MISCELLANEOUS) AMENDMENT BILL**

*Introduction and First Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:31):** Obtained leave and introduced a bill for an act to amend the Sentencing Act. Read a first time.

*Second Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:31):**

That this bill be now read a second time.

Today, I introduce a bill to amend the Sentencing Act 2017. This act commenced on 30 April 2018. It repealed and replaced the Criminal Law (Sentencing) Act 1988. Our judiciary and legal profession are still coming to terms with the extensive changes from the new sentencing regime in the short time that it has been in operation. Amongst other things, the Sentencing Act introduced amendments to home detention provisions contained in the repealed act, to preclude a home detention order as a sentencing option for certain offences. These include where an adult is sentenced for 'serious sexual offences' (if the maximum penalty is at least five years' imprisonment) and 'serious and organised crime offences'.

This reiterated the concern of the community that home detention should not be a sentencing option for this type of offending, and must be viewed as an alternative to custodial sentencing, rather than parole. Since the act has been in operation, the commonwealth Director of Public Prosecutions suggested that consideration be given to further amending the Sentencing Act to include commonwealth offences in the definitions of 'serious sexual offences' and 'serious and organised crime offences'.

The commonwealth offences to be included are those that are similar to the state offences already listed. Attempts to commit those offences will also be precluded from home detention for serious and organised crime offences to ensure this aligns with the current situation for attempts of serious sexual offences. It is proposed that the commonwealth offences for which home detention will not be available will be set out in regulations. It is intended to ensure that parity between commonwealth and state offences is maintained as much as possible, and that South Australia has a full and clear coverage over who should and who should not be entitled to receive home detention.

The bill also includes amendments to address minor issues that have been identified by key stakeholders while implementing the new Sentencing Act since its operation. Such issues have arisen as a result of drafting oversight or are matters that would otherwise benefit from clarification. Members will recall the extensive nature of the Sentencing Bill 2017 and the extent of work put into this bill to ensure the best possible outcome for the community, the judiciary and the legal profession.

As with any major reform, there is always the likelihood small aspects will need to be amended after its commencement. The items I will turn to momentarily have been raised during the consultation on this bill and otherwise; however, they do not cover every concern more broadly of the Sentencing Act reforms. I will continue to work with the profession and the judiciary on their broader concerns.

Turning to the other amendments of the bill, in summary, the minor amendments include:

- amending terminology in a provision relating to sentencing reductions to ensure it is not interpreted in a way that allows a defendant to adjourn their arraignment hearing purely to preserve the maximum sentencing reduction;
- clarification of the maximum length of a sentence of imprisonment applicable for an intensive corrections order;
- clarification of the application of the definition of 'intervention program manager' as defined;

- amending a reference to a 'case manager' to instead refer to a 'community corrections officer' in the provision relating to the conditions that may be imposed on bonds; and
- deletion of an obsolete reference relating to the term of bonds.

Section 40 of the Sentencing Act sets out the sentencing reductions available when a defendant pleads guilty to certain offences. A concern has been raised that the phrase 'the period commencing immediately after the defendant's arraignment appearance' in section 40(3)(d) and (e) leaves it open for the defence to seek to adjourn the arraignment in order to preserve the 15 per cent or 10 per cent reduction for longer. The proposed amendment to include the wording 'the first date fixed for the arraignment of the defendant' avoids the potential for defendants to seek to adjourn matters simply to preserve a sentencing reduction for a greater period of time than was intended.

The suggested wording is the same as the wording that was contained in the Criminal Law (Sentencing) Act, until it was amended by the Summary Procedure (Indictable Offences) Amendment Act 2017. The amended wording was then replicated in the Sentencing Act for consistency. The rights of defendants whose arraignment is adjourned due to circumstances outside of their control will continue to be adequately protected by the considerations set out in section 40(4) of the act.

The issue in relation to intensive correction orders is an apparent anomaly between section 79(1)(a) and section 81(1)(a). Section 79(1)(a) suggests that a period of imprisonment of 12 months is the threshold at which consideration of an intensive correction order can apply, while section 81(1)(a) indicates that an intensive correction order can be for a maximum of two years. The ambiguity will be clarified by amending section 79(1)(a) to read '2 years' to marry up with section 81(1)(a).

The current definition of 'intervention program manager' in section 5 specifically refers to programs provided by the Courts Administration Authority. However, the Courts Administration Authority is only responsible for programs run under sections 29 and 30 of the act. All other (post sentence) programs are the responsibility of the Department for Correctional Services. The definition has been modified to clarify this. The current reference to a 'case manager' in section 98(7)(b) should refer to a 'community corrections officer' to ensure consistency with the terminology term used elsewhere in the section.

Finally, a previous upper limit of three years as the maximum term of a bond has been removed from the Sentencing Act. However, section 103(2) continues to include a reference to the three-year maximum. This was a drafting oversight that is rectified by the bill.

Again, I reiterate to the house the importance of this bill and ensuring only those who are truly appropriate for home detention are afforded that option. I thank the commonwealth and South Australian DPPs for their work and commend the bill to the house. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Sentencing Act 2017*

4—Amendment of section 5—Interpretation

A definition of *intervention program manager* is inserted for the purposes of the measure.

5—Amendment of section 40—Reduction of sentences for guilty pleas in other case

Technical amendments are made to section 40.

6—Amendment of section 71—Home detention orders

Currently, a home detention order cannot be made in relation to a defendant being sentenced for certain offences set out in section 71, including *serious and organised crime offences* and *serious sexual offences*. The amendments allow for offences against a law of the Commonwealth to be prescribed as serious and organised crime offences or serious sexual offences. Another amendment includes an attempt to commit a serious and organised crime offence as a serious and organised crime offence for the purposes of section 71.

7—Amendment of section 79—Purpose of intensive correction order

A technical amendment is made to section 79.

8—Amendment of section 98—Conditions of bonds under this Act

The term 'case manager' is substituted with 'community corrections officer' in section 98, as the latter is the more appropriate term in the context of the provision.

9—Amendment of section 103—Variation or discharge of bond

A technical amendment is made to section 103.

Debate adjourned on motion of Mr Odenwalder.

## **SUMMARY OFFENCES (LIQUOR OFFENCES) AMENDMENT BILL**

### *Introduction and First Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:39):** Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953 and to make related amendments to the Criminal Investigation (Covert Operations) Act 2009, the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 and the Liquor Licensing Act 1997. Read a first time.

### *Second Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:40):** I move:

That this bill be now read a second time.

The government is today introducing the Summary Offences (Liquor Offences) Amendment Bill 2018. Members may be aware that this bill has previously been before the parliament in a different life, with broader powers for the search of vehicles in specific areas. Notably, the broad search provisions the former government heavily favoured have not made their way into this bill.

Importantly, this bill contains a number of reforms that create new offences and provide additional investigative powers to reduce the incidence of the unlawful sale of liquor and supply of liquor to vulnerable communities where the possession and consumption of liquor is generally prohibited. This is colloquially known as 'grog running'. The grog running trade often leads to alcohol-related harm, including serious violence, disorder, antisocial behaviour and resultant medical problems for many who live in vulnerable communities.

Over the past 15 years, there have been many occasions where I have consulted with community members, particularly parents, who are concerned about the consumption of liquor and the criminal activities that often arise with such behaviour. It has become clear that the communities are seeking protection for children and protection from family and domestic violence that often follows from excessive consumption of alcohol. Consultation with relevant agencies confirms that, sadly, current strategies designed to combat grog running are falling short and, in some instances, a long way short of meeting the challenges.

Existing measures include those under the Liquor Licensing Act 1997, such as offences, restrictive licence conditions on the sale and supply of liquor and barring orders. In addition, both the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 and the Aboriginal Lands Trust Act 2013 contain provisions regarding the possession and consumption of liquor in specific areas. It is clear, therefore, that new and different solutions are needed in order to address the issue and effects of grog running in many of our remote communities. This bill seeks to do so.

The main features of this bill are as follows. There are new offences in the Summary Offences Act 1953 relating to possessing or transporting liquor for the purpose of sale with a rebuttable presumption that possession above a prescribed quantity of liquor is for the purpose of

sale. It would be the responsibility of the one found in possession to establish that it was not for sale, rather than the reverse that would normally apply.

There is also a new offence in the Summary Offences Act 1953 for a person who supplies liquor or possesses or transports liquor with intention to supply it to a person in a dry community. There is a rebuttable presumption that, where an offender possessed or transported liquor in a designated area, the possession or sale was for the purpose of supply. So, again, the reverse of onus is proposed.

Designated areas are determined by the minister and must not be more than 20 kilometres from the boundary of a prescribed area. Prescribed areas are dry areas within the Liquor Licensing Act 1997; trust land, within the meaning of the Aboriginal Lands Trust Act 2013; or 'the lands' within the meaning of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 or 'the lands' within the meaning of the Maralinga Tjarutja Land Rights Act 1984.

There is also a new offence in the Liquor Licensing Act 1997 for a holder of a licence who sells liquor to a person reasonably believed to be an unlicensed seller intending to sell liquor and where the unlicensed seller then sells that liquor. There is also a further new offence in the Liquor Licensing Act 1997 for an occupier or person in charge of premises who knowingly permits the unlicensed sale of liquor on those premises.

There are amendments to the Criminal Investigation (Covert Operations) Act 2009 so that serious criminal behaviour, for the purposes of undercover operations approved under that act, include offences against section 29 of the Liquor Licensing Act. These include the two new offences that I have outlined and the new offences in proposed sections 210B and 210C of the Summary Offences Act 1953.

There are also amendments to the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 so that a forfeiture offence, for the purposes of forfeiture and impounding of offenders' vehicles, includes the new offences in proposed sections 210B(1) and 210C(1) of the Summary Offences Act 1953.

As I have previously mentioned, the former government introduced a similar bill that lapsed on the dissolution of the parliament. However, this bill differs from the former government's bill in two major areas. Firstly, the limit in relation to the designated area of land deferred to in the proposed section 210D(3) has been reduced from 100 kilometres to 20 kilometres. The Marshall government sees the 100-kilometre limit as excessive and unnecessary, and it would encompass a large geographical area.

Secondly, some of the additional police powers that were proposed have been removed from this bill. In particular, the police power to stop a vehicle, detain and search a vehicle and direct a person to open any part of a vehicle without reasonable suspicion has been removed. The power to seize and dispose of property suspected on reasonable grounds as intended to be used for the purpose of committing an offence or as affording evidence as to the commission of an offence has also been removed.

The government believes that these powers are excessive and the power of police to stop, search and detain should be the same for every other offence, being those powers in the Summary Offences Act 1953. It is also the government's belief that the current powers in the Summary Offences Act 1953 achieve the appropriate balance between the need for police officers to enforce the law and for community members to go about their daily activities without fear that they will be stopped and searched without reasonable suspicion.

When the former bill was debated, I was pleased to work with the AHA, specific stakeholders in the relevant geographical areas and also the Aboriginal Legal Rights Movement. When consulting with the ALRM previously, they provided a positive response to where the bill was directed and the problems it was aimed at. In its submission to the former government, the ALRM concluded by saying:

The bill represents a significant recognition by government of the need to criminalise the practice of grog running to remote Aboriginal communities. But it does so in a way which may well have unintended consequences,

and it does so in a way which gives police unprecedented powers of search and seizure which are inconsistent with existing law, and represent an unacceptable infringement of the civil liberties of the citizen.

That was from the ALRM to the previous government in relation to their bill.

I am very pleased to introduce a bill today which reflects that feedback, provided to both this government and the former government, and which deals with concerns previously raised in this place in order to deliver positive and better results in our remote communities. Can I acknowledge and thank members of SAPOL who not only provided further briefings on this matter but were quite agreeable to entering into discussions as to how we might resolve some of those matters that were in dispute.

Ultimately, this is a bill, in these terms, which I understand and fully accept they are happy with, to the extent that they see grog running as a particular problem that needs to be addressed. After discussing the removal of extra police powers and the reduction from a 100-kilometre zone to 20 kilometres, they are still happy for this bill to go forward as it is. I thank them for their careful consideration of these matters, identifying the highest priority here, that is, that we protect vulnerable people and ensure that we do not extend that beyond what is necessary. In conclusion, I commend the bill to the house and seek leave to insert the explanation of clauses in *Hansard*.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Summary Offences Act 1953*

###### 4—Insertion of Part 3B

New Part 3B is proposed to be inserted:

###### Part 3B—Liquor etc

###### 210A—Interpretation

Definitions are inserted for the purposes of the Part. The definitions of *liquor* and *sale* are the same as in the *Liquor Licensing Act 1997*.

The other definitions relate to *designated areas*—certain offences and powers under the Part apply in designated areas—and *prescribed areas*.

###### 210B—Possession, transportation of liquor for sale

This section sets out an offence of possessing or transporting liquor for the purpose of sale (as defined). If such an offence is committed, liability is extended to—

- a person (if any) on whose behalf liquor is possessed or transported; and
- a person who would derive a direct or indirect pecuniary benefit from the sale of the liquor who knew, or ought reasonably to have known, that the first person was in possession of or transporting the liquor for the purpose of sale.

The offences in subsections (1) and (2) do not apply to the possession or transportation of liquor for the purpose of a sale that may lawfully be made.

A defence is provided for in relation to the offence set out in subsection (3).

An evidentiary provision provides that if, for an offence against subsection (1) or (2) it is proved that the amount of liquor possessed or transported exceeds the prescribed amount, it is presumed, in the absence of proof to the contrary, that the liquor was possessed or transported (as the case requires) for the purpose of sale.

###### 210C—Supply etc of liquor in certain areas

This section sets out an offence relating to the supply of liquor to a third person who is in a prescribed area. The offence extends to the transportation of liquor with the intention to supply, or believing

that another person intends to supply, the liquor to the third person and to the possession of liquor with the intention to supply it to the third person.

An evidentiary provision provides that if, for an offence against the section, it is proved that a person possessed or transported liquor in a designated area, it is presumed, in the absence of proof to the contrary, that the person possessed or transported the liquor intending to supply it to a third person.

#### 21OD—Designated areas

This section empowers the Minister (by notice published in the Gazette) to designate an area of land as a designated area for the purposes of the Part. A designated area cannot include land that is more than 20km from the boundary of a prescribed area. Notices published under this section must be tabled in Parliament and may be disallowed by either House of Parliament.

#### 21OE—Evidence

Evidentiary provisions relating to proving that a specified substance is liquor and that a statement on a sealed liquor container contains liquor of the description and in the quantity and concentration stated are provided for.

#### 21OF—Regulations

This section allows for the regulations to disapply the Part or provisions of the Part in prescribed circumstances or to a specified class of persons or to provide for exemptions from the Part or provisions of the Part for classes of persons or activities.

### Schedule 1—Related amendments

#### Part 1—Amendment of *Criminal Investigation (Covert Operations) Act 2009*

##### 1—Amendment of section 3—Interpretation

Certain of the new offences provided for in the measure (being offences against section 29 of the *Liquor Licensing Act 1997* and offences against section 21OB or 21OC of the *Summary Offences Act 1953*) are added to the definition of *serious criminal behaviour*.

#### Part 2—Amendment of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

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

Certain of the new offences provided for in the measure (being offences against section 21OB(1) or 21OC(1) of the *Summary Offences Act 1953* (defined as *designated liquor offences*)) are added to the definition of *forfeiture offence* for the purposes of clamping, impounding and forfeiture of motor vehicles.

#### Part 3—Amendment of *Liquor Licensing Act 1997*

##### 3—Amendment of section 29—Requirement to hold licence

A new provision provides that an occupier or person in charge of premises on which liquor is sold in contravention of existing section 29(1) who knowingly permits the sale is guilty of an offence.

In addition, if a prescribed person (which is defined) sells liquor to another person and the prescribed person reasonably believes, or ought reasonably to believe, that the other person intends to sell the liquor in contravention of existing section 29(1) and that other person then sells the liquor in contravention of subsection (1), the prescribed person is guilty of an offence.

Debate adjourned on motion of Mr Odenwalder.

## **RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL**

### *Introduction and First Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:50):** Obtained leave and introduced a bill for an act to amend the Residential Parks Act 2007. Read a first time.

### *Second Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:51):** I move:

That this bill be now read a second time.

Members will recall that this bill passed the House of Assembly last year with support from both sides of the chamber but lapsed in the other place due to the prorogation of parliament. The Residential Parks Act 2007, which I will hereafter refer to as 'the act', regulates the relationship between park

owners and park residents. When the act was originally passed, caravans and other demountable and movable structures were envisaged; however, a variety of additional accommodation options now exist, ranging from annexes through to manufactured homes. Whilst residents own their own homes, there are no ongoing fees for residing in a residential park except for the lease of the land, unlike retirement villages. Also unlike retirement villages, the property interest can be transferred.

Residential park living is growing in popularity, as it presents an affordable arrangement, often in scenic rural or coastal settings. I am advised that there is no official data on the number of residents in parks, but it is estimated to be 2,600. However, the types of residential parks and accommodation options now on the market differ from what was originally envisaged. Recent cases, such as the eviction of residents from Brighton Caravan Park by the council, have highlighted the need for clarity around the rights and obligations of owners and residents.

Residential park living is often seen as an attractive retirement lifestyle. Purchasers expect that they can reside on site throughout their retirement despite the terms of site agreements that do not make provision for this. Although the current act does not prohibit owners from offering long-term site agreements to purchasers, there is no obligation to do so. While there are many existing agreements voluntarily entered into that have been the subject of negotiation between the parties, equally there are instances where there are no agreements in place or there are periodic agreements that have little protection for residents' interests.

In March 2016, the former government released a discussion paper with respect to the current act and received submissions on it. The primary concern of residents was the insecurity of tenure in addition to inadequate disclosure of information prior to purchase, safety in parks and the payment of compensation. This feedback informed the drafting of a bill that was released for further consultation to key interested parties, including residents and park owners, advocacy groups, the South Australian Residential Parks Residents Association, SA Parks and state government agencies. Ongoing consultation with the interested groups occurred throughout progression of the bill in the House of Assembly, where it was ultimately passed on 28 September 2017 with bipartisan support.

The proposed bill has been developed in consultation with key stakeholders, including SARPRA, SA Parks, state government agencies and park residents. It improves the previously introduced Residential Parks (Miscellaneous) Amendment Bill 2017 by providing more clarity around termination of agreements for redevelopment, providing increased disclosure for any new resident and making several minor administrative amendments.

The bill will introduce measures to provide a more transparent system for residential park residents and owners by providing for better disclosure of information when coming to an agreement. Park owners will face increased penalties if no written agreement, or the same, with a copy of the residential park rules is provided to residents. A two-week cooling-off period will also be introduced to ensure that prospective residents have sufficient time to properly consider their agreement and obtain legal advice.

New section 17B of the bill addresses security of tenure concerns. Currently, at the expiry of a fixed-term agreement, the agreement becomes a periodic tenancy, which currently can be terminated on no specific ground within 90 days' notice. Under these proposed changes, residents of more than five years can have their agreements reviewed upon their expiry and reissued on the same or new terms. Furthermore, park owners will need to give residents 90 days' notice to the expiry of an agreement if they intend to seek revisions to the agreement.

The bill also seeks to require residents' committees in parks where there are more than 20 long-term residents. This will serve as a forum for owners and residents to resolve issues or disputes in a consistent manner and thereby improve the understanding of each other's rights and obligations. Within a month of an issue being raised in writing by the residents' committee, a park owner will need to formally respond. The bill seeks to improve safety measures in parks. New section 138A provides all parks to be required to have a safety evacuation plan, which is to be provided to residents and annually reviewed.

The review undertaken by the government has taken into consideration the financial and legal consequences on all parties, including the need for residential parks to continue to remain an



affordable housing alternative. The proposed regulatory requirements for park owners will be offset by providing them with increased security of income, as well as retaining the right to terminate an agreement on no specified grounds for site agreements under five years.

Consumer and Business Services will be updating and preparing additional resources for park owners and residents that clarify their respective rights and obligations. Several forums will be held for interested parties. Examples of best practice site agreements, park rules and disclosure statements will be made available, in addition to the ongoing support provided by the advice and conciliation officers at CBS.

The bill aims to strike a fair balance in protecting the respective rights of residents and owners and clarifying their obligations through enhanced disclosure of information. I particularly express my appreciation to members who have either themselves or with their staff attended—and I think of the member for—

**Mr Basham:** Finniss.

**The Hon. V.A. CHAPMAN:** —Finniss because he has the privilege of having three very large residential parks in his electorate. He was able to usefully inform me, with his adviser, that in fact these are much different from what we have considered in the debates in the past, which seem to be relatively temporary or small dwellings. Sometimes they are caravans or a small container or model home that simply has been placed.

In his salubrious electorate, they have beautiful brick homes built on these residential parks and so, unsurprisingly, when people go to view them when they are not being provided by the new tenant but are actually already there and they are buying the right to occupy them, prospective people inspecting these areas may well take the view that they think that they are going into a retirement village, and those entitlements, responsibilities and obligations are very different from those in residential parks, which is a situation of ownership by the park owner of the land and a right to occupy. So I am indebted to members such as the member for Finniss for helping me to understand the breadth and diversity of dwellings that now occupy these parks. If they are going to be an expanding market of accommodation, of dwellings, for South Australians we need to update this legislation.

I acknowledge that this bill has its genesis in the original work done under the previous government which we were supporting through this house. However, as indicated, it clearly was not a priority for the government because it was not concluded before the proroguing of parliament.

I commend the bill to the house and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it. I encourage any members who have residential parks in their electorate to assist in the debate on this matter, the passage of the bill, and ultimately, hopefully, the explanation of its benefits back to their communities.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Residential Parks Act 2007*

4—Amendment of section 3—Interpretation

This clause inserts a definition of *personal representative* and defines the concept of a *short term* residential park agreement.

5—Amendment of section 4—Presumption of periodicity in case of fixed short terms

This clause is consequential to the new general definition of *short term* inserted by clause 4.

6—Amendment of section 7—Residents committees

Subclause (1) requires certain park owners (defined in proposed subsection (8)) to ensure that there is a residents committee for the park. The penalty for failure to comply is \$1,250 and defences are provided where reasonable steps to comply have been taken. Under the transitional provisions, the park owners will be exempt from the offence provision for 12 months after commencement.

Subclause (2) inserts a new subsection (2a) allowing the Tribunal to make a ruling where there is more than 1 group purporting to be the residents committee for a park.

Subclause (3) requires a park owner to consider representations made by a residents committee and provide a written response. The penalty for failure to comply is \$1,250.

#### 7—Insertion of section 9A

This clause inserts a new section clarifying that Part 3 applies to a residential park agreement whether it is the first agreement between the resident and the park owner or is a reissued or subsequent agreement between the parties.

#### 8—Amendment of section 10—Residential park agreement to be in writing

This clause provides that a written agreement for a periodic tenancy, or a reissued fixed term tenancy, that has arisen by operation of the Act does not need to be signed (but in the case of a periodic tenancy must include the date, or approximate date, on which the resident was first granted the right to occupy the site (if known)) and also increases a penalty.

#### 9—Amendment of section 11—Copies of written agreements

This clause increases a penalty.

#### 10—Amendment of section 12—Agreements incorporate park rules

This clause requires that a written residential park agreement, or a document recording its terms, signed by a resident includes a copy of the relevant park rules and that residents are notified of any later amendments to park rules. The penalty for failure to comply is \$1,250 or an expiation fee of \$210.

#### 11—Amendment of section 14—Information to be provided by park owners to residents

This clause requires the specified information to be given to a resident at least 14 days before they enter into the residential park site agreement (unless the agreement is for a short term and the resident has waived the entitlement) and requires additional information to be provided to the resident. The clause also increases the applicable penalties in the section and adds an offence of knowingly making a statement that is false or misleading in a material particular in information provided under the section.

#### 12—Insertion of Part 3 Division 3

This clause inserts a new Division as follows:

##### Division 3—Continuation or reissue of certain agreements

##### 17A—Agreement for fixed term continues as periodic agreement if not terminated

The current section 53 is being moved to this proposed new Division (with a minor change related to proposed section 17B).

##### 17B—Certain site agreements to be reissued

A residential park site agreement for a fixed term of 5 years or more (or for a lesser fixed term if the resident has held a right of occupancy within the park for a total period of 5 years or more) will, if it has not terminated at or before the end of the fixed term and no notice has been given that a review will be required under proposed subsection (2), be taken to have been reissued on the same terms. Under proposed subsection (2), either party to such an agreement may instead give at least 90 days' notice that they want a change to the terms and, in such a case, there must be a review of the agreement and the agreement must be reissued on the newly agreed terms. The old agreement will continue until the new agreement is reissued.

If a resident under a periodic residential park site agreement has held a right of occupancy for a total period of 5 years or more, the park owner must undertake a review of the agreement (unless the resident has waived the entitlement) and, following the review, the agreement must be reissued for a fixed term agreed with the resident.

A review is not required under the section if the resident waives the entitlement by notifying the park owner that the resident does not want to occupy the site under a fixed term agreement or if either party has given notice of termination under Division 3 (noting the limitations being imposed on termination for 'no grounds' by other provisions of the measure).

Where the resident has waived an entitlement to a reissued fixed term agreement under the section the resident may subsequently re-enliven the entitlement and rights under the section will automatically re-enliven if the agreement is assigned under section 48.

A park owner who refuses or fails to comply with a requirement of the section is guilty of an offence punishable by a fine of \$1,250 or an expiation fee of \$210.

13—Amendment of section 48—Assignment of residential park agreement

This clause inserts new requirements relating to assignment of residential park site agreements. The resident must, at least 14 business days before assignment of the agreement to another person, advise the other person to contact the park owner to request the prescribed information (unless the resident believed on reasonable grounds that the other person had already contacted the park owner to request the information). The park owner, having received a request, must provide the person with the prescribed information within 7 business days. Failure to comply with either of these new provisions is an offence punishable by a fine of \$1,250 or an expiation fee of \$160 but does not invalidate the assignment.

14—Amendment of section 49—Residential park site agreement—acquisition of park or site

This clause deletes provisions that currently allow the new owner of a residential park to terminate residential park site agreements without specifying a ground of termination.

15—Insertion of section 50A

This clause inserts a new provision as follows:

50A—Sale of dwelling following death of resident

If the personal representative of a deceased resident, or another person who has inherited property of a deceased resident, intends to sell a dwelling that is on the site that was occupied by the deceased, they must inform the park owner of that intention and give the park owner a first option to purchase the dwelling. If no agreement is reached within 28 days, that option will lapse and the dwelling may be sold in the normal way.

16—Amendment of section 52—Termination of residential park agreement

This clause:

- provides that a residential park site agreement for a fixed term does not terminate when a mortgage takes possession of the rented property under a mortgage (in section 52(d));
- makes a minor amendment to ensure consistency of expression (in section 52(da));
- limits the provision about termination due to the death of the resident (where no dependents are left in occupation of the property) to residential park tenancy agreements (in section 52(f)); and
- clarifies that, except as provided in subsection (1)(f) of the section, a residential park agreement does not terminate on the death of the resident.

17—Repeal of section 53

This section is being moved to new Part 3 Division 3.

18—Insertion of section 70A

This clause inserts a new section as follows:

70A—Termination where change of use or redevelopment

This provision will allow for termination of a residential park site agreement (after a specified notice period) where the residential park will no longer be used as such or where the residential park, or a part of it, is undergoing redevelopment that cannot be completed in a safe and efficient way unless the resident vacates the site. The provision requires, as a precondition to such termination, arrangements to be agreed in relation to relocation or purchase of the resident's dwelling on the site. If such arrangements cannot be agreed, either party may apply to the Tribunal for resolution of the dispute.

19—Amendment of section 71—Termination where periodic tenancy and no specified ground of termination

This amendment provides that an agreement for a periodic tenancy cannot be terminated for no specified ground if the resident has held a right of occupancy of the rented property for a period of 5 years or more.

20—Amendment of section 72—Termination at end of fixed term

This is consequential to proposed section 17B inserted by clause 12.

21—Insertion of section 78A

This clause inserts a new section as follows:

78A—Termination where notice given under section 70A

This provision is consequential to proposed section 70A and allows a resident who has been given a notice of termination by a park owner under that section to terminate at an earlier time without specifying a ground of termination (but with 28 days' notice).

22—Amendment of section 116—General powers of Tribunal to resolve disputes

This clause broadens the Tribunal's power to order a person to make a payment.

23—Amendment of section 134—Commissioner's functions

This clause allows the Commissioner to publish information relating to action taken by the Commissioner to enforce the Act.

24—Insertion of section 138A

This clause inserts a new section as follows:

138A—Park owner must have safety evacuation plan

This provision requires a park owner to have a safety evacuation plan for the park; to provide the plan to residents; and to review the plan annually. The penalty for failure to do so is a fine of \$2,500 or an expiation fee of \$210.

25—Amendment of section 141—Regulations

This clause amends the regulation making power.

Schedule 1—Transitional provisions etc

This Schedule contains the transitional provisions relating to the measure.

Debate adjourned on motion of Mr Brown.

*Resolutions*

**CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE**

Consideration of message No. 31 from the Legislative Council.

(Continued from 4 September 2018.)

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:01):** I move:

That this house concurs with the resolution of the Legislative Council contained in message No. 31 that the instruction to the Crime and Public Integrity Policy Committee, given on 26 July 2018, be amended to now require the committee to report on its inquiry into the Independent Commission Against Corruption (Investigation Powers) Amendment Bill no later than Thursday 20 September 2018.

**The Hon. V.A. CHAPMAN:** I think all members would be aware that this committee has undertaken the role of reviewing the amendments to this bill that were presented by the government in relation to public hearings. The media coverage of some of the evidence taken suggests some amendments, which the committee would no doubt consider, have been presented. We have certainly been active in discussing areas that may be part of the recommendations with members of the parliament and external stakeholders, so we do look forward to receiving their report.

However, members may be aware that the Hon. John Darley made it very clear that he expected the progress of this bill should be attended to no later than when we returned to the parliament. I understand and am quite happy to accept that a draft of their report has not been finalised and that they need an extra meeting on the 19<sup>th</sup> to do that. In those circumstances we will, of course, accommodate that, so I put the motion requesting the agreement of the house.

Motion carried.

*Bills*

**NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE  
(COMMONWEALTH POWERS) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 4 September 2018.)

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:04):** I thank all those members who have contributed to the debate on this bill and in particular those members who attended briefings offered by my office and the Attorney-General's Department in relation to the bill and the National Redress Scheme more generally. Those briefings gave rise to a number of questions from members in relation to the operation of the National Redress Scheme which have already been responded to.

I acknowledge in particular the contributions from the members for King and Adelaide and I thank them for their leadership and compassion on this issue. I also thank the opposition for their support on this bill and for South Australia's participation in the National Redress Scheme. The member for Badcoe as the lead speaker for the opposition, and I think the only speaker, raised a number of further questions during debate which I now take the opportunity to address.

My understanding is that a number of these issues were raised either by her or other members of parliament during the briefings that had already been provided but, nevertheless, if she needs some further clarification, I am happy to provide it. It is important obviously in the briefings, if there are any areas of concern, that we do try to address them, but it is a bit disappointing to have to keep repeating them. If any members, including the member for Badcoe, do not understand it, then please let's get it clarified without having to repeat this over and over again.

Let's look at those we are now about to repeat and the matters that have been raised. Firstly, she raised matters governed by the commonwealth act, the National Redress Scheme for Institutional Child Abuse Act 2018. The commonwealth act may only be altered by the federal parliament, consistent with the arrangements in the intergovernmental agreement supporting the scheme for joint consideration of proposed changes by participating jurisdictions.

I now turn to the other concerns raised by the member, many of which stem from the differences between the National Redress Scheme as established by the commonwealth act and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. I can understand the member's and others' interest as to why the scheme may not in every way fully reflect the recommendations of the royal commission, so I will repeat matters that I had raised in the initial presentation of this bill.

It is important to recognise that the National Redress Scheme was developed in response to the recommendations of the royal commission and following significant consultation over the last year between federal, state and territory governments for an independent advisory panel comprising survivor representatives and non-government institutions. Although our government was not involved in the relevant negotiations, I am advised that any departure from the royal commission's recommendations were considered necessary in order to secure the greatest possible participation by institutions in the scheme and, therefore, that the greatest number of survivors would have access to the redress offered under the scheme.

This applies in particular in relation to the member's concern that the upper limit of a redress payment under the scheme is \$150,000, rather than \$200,000 as recommended by the royal commission, and also in relation to the six-month period within which an applicant is required to indicate whether they accept an offer of redress, rather than 12 months as recommended by the royal commission. In relation to the latter issue, I note that section 40 of the commonwealth act requires the acceptance period to be at least six months and further allows for that period to be extended where appropriate.

The member next raised concerns as to the practical operation of the funder of last resort provisions and that too many applicants may be left without access to redress, as the particular institution within which they were abused is no longer in existence. I take this opportunity to therefore clarify the proposed arrangements in relation to when the state will act as the funder of last resort. The commonwealth act provides for defunct non-government institutions to participate in the scheme via a representative organisation. It is anticipated that many of the institutions which may have been responsible for the abuse of children in the past and which are no longer in existence would have had an affiliation with a larger organisation, such as a church or other national body, which will assume representative responsibility for the defunct institution under the scheme.

In the absence of such representative responsibility, the commonwealth act provides for government funder-of-last-resort responsibility, in that participating government institutions may agree to be the funder of last resort for a non-government institution that no longer exists where the government institution is equally responsible for the abuse.

I note that the federal government has estimated that, based on existing commitments of intended participation by both government and non-government institutions, over 90 per cent of eligible survivors are likely to be covered by the scheme once it is fully operational. I further understand that the scheme operator has research capability to attempt to link defunct institutions to still-existing umbrella organisations or to seek agreement from a relevant jurisdiction to assume funder-of-last-resort responsibilities as and when defunct institutions are identified in application to the scheme. It is hoped that all of these mechanisms will in practice operate to ensure as many applicants as possible are able to access redress under the scheme irrespective of whether the institution responsible for that abuse remains in existence.

The member expressed concern at the indexation of relevant prior payments for the purposes of the deduction of those prior payments from a redress payment under the National Redress Scheme. As noted by the member, the indexation of prior payments at roughly the rate of inflation is required under section 30 of the commonwealth act. The indexation of prior payments to bring them up to present value is the fairest way of accounting for those prior payments across all eligible applicants, irrespective of when those payments were received.

The member next raised concerns as to the operation of the eligibility requirements for applicants who have been sentenced to a term of imprisonment of five years or more. Section 63 of the commonwealth act provides for applications for such persons to go through a special assessment process, where the scheme operator considers whether providing redress to the person would bring the scheme into disrepute or adversely affect public confidence in the scheme.

The assessment will take into account views of relevant attorneys-general, the details of the offending, the length of sentence, the time passed since offending and rehabilitation outcomes. I understand this provision was the subject of detailed consideration and discussion amongst jurisdictions in finalising the scheme. All jurisdictions acknowledged the competing objectives of: recognising and providing justice for all survivors of institutional child sexual abuse, acknowledging that victims of such abuse are more likely to commit criminal offences as adults and maintaining public confidence in the Redress Scheme, acknowledging that large payments of, in particular, public money to serious or violent offenders risks a loss in public support.

The current position represents the agreement of all jurisdictions as to the most appropriate way to balance these competing priorities, in that it allows for individual cases to be assessed on their merits in accordance with all relevant factors. The member also raised concern with respect to the eligibility of applicants who are presently incarcerated. Such persons are unable to apply for redress unless the scheme operator is satisfied that exceptional circumstances apply. I understand it is complex to provide access to redress in its three forms and the necessary support services to applicants engaging with the scheme while they are in prison. However, the fact that the scheme operator can allow for applications for prisoners in exceptional circumstances again represents an appropriate mechanism to ensure that individual cases are considered on their merits.

Similar considerations apply in the case of foreign residents. While the scheme does not allow for applications from non-Australian citizens or permanent residents, it can be appreciated that there would be difficulty in providing the appropriate level of support to persons seeking to apply to the scheme and the counselling and direct personal response aspects of redress as contemplated by the scheme if they live outside of Australia.

The member next raised a concern as to the adequacy of the counselling aspect of redress as contemplated by the scheme, which in South Australia will amount to an additional payment of up to \$5,000 to an eligible applicant to source therapeutic services of their choice. I acknowledge that the royal commission recommended that unlimited lifelong counselling be made available to persons who suffered institutional child sexual abuse. Again, the scope of counselling available under the scheme represents the position arrived at by all jurisdictions following significant consultation and with the aim of securing the greatest possible participation by institutions in the scheme.

I note that an applicant's receipt of redress under the National Redress Scheme does not affect their eligibility for low-cost or free mental health services via Medicare Better Access programs, which includes up to 10 visits per year. The member concluded her questions by asking for clarification as to the availability of legal support services for South Australian applicants to the National Redress Scheme. Free legal support can be accessed by applicants via knowmore, a community legal service which is grant funded by the federal government for this purpose and served a similar role throughout the life of the royal commission.

The \$1,000 payment that institutions are required to pay in relation to every eligible application contributes to the cost of this grant, with the federal government funding the balance. Legal support provided by knowmore can be accessed by applicants at any stage of the application process and is uncapped. Knowmore describes their services as multidisciplinary and client centred, with social workers, counsellors and Aboriginal engagement advisers available to assist clients in engaging effectively with their service.

They do not have an office in South Australia at present. Services are currently being provided through the 1800 call centre, and face-to-face services will be provided as needed through regular outreach around the state. Knowmore have advised that, as a clearer picture of client demand emerges over the next year, consideration will be given to establishing an office in South Australia or a visited office in the 2019-20 financial year. In the meantime, and as during the royal commission, knowmore intends to undertake regular community engagement and client-focused outreach around the state.

Knowmore has advised that all major regional centres were visited regularly during the royal commission and that they often worked in partnership with local redress support services; Relationships Australia; as mentioned by the member for Badcoe, Victim Support Service; and other legal services, that is, community legal centres and other services, including services supporting Aboriginal people, the Nunkuwarrin Yunti, for example, to reach and support those clients.

Applicants are, of course, welcome to seek their own legal advice from local private firms, which may not be free, although I note that a number of local, private law firms are well aware of the National Redress Scheme and are no doubt considering how they might best offer appropriate services to South Australian applicants, just as many of them have for the purposes of the state Redress Scheme which has applied. It will be important for potential applicants to seek advice about their options and how the National Redress Scheme might apply to their particular circumstances, especially if they have a serious criminal history or had previously taken an institution to court for abuse they have suffered.

I would encourage any potential applicants or others seeking further information about the National Redress Scheme to access the dedicated website established by the federal government at [nationalredress.gov.au](http://nationalredress.gov.au) or to call the dedicated hotline on 1800 737 377. Further information and assistance for South Australian applicants is also available from the Victim Support Service, who have also provided support in respect of counselling and the like; Relationships Australia; and Nunkuwarrin Yunti, all of which have received funding to provide dedicated redress support services in this state.

Can I also say that in relation to, I suppose, the conclusion of the negotiations between the relevant states, members would be aware that the new government came in in March this year. Prior to that date, the new government when in opposition had made a commitment in respect of the National Redress Scheme that we would meet the other attorneys-general at the table and that we were prepared to discuss this matter and to advance it.

The former attorney-general had made public statements, firstly, that in his view the previous redress offered under the state scheme was adequate and that he would not be advancing that position on behalf of the state government. I am delighted to hear from the member for Badcoe that the now opposition is embracing the advance of this scheme.

I cannot answer as to what the former attorney-general contributed in the negotiations around the table given his stated position. He may not have taken much interest in this issue. He may have actually been active in the debate. Probably he is the only one who can tell us whether South Australia had previously put any alternate positions in respect of the number of the matters

that the member has raised, or whether he just sat at the table and said, 'Well, really, this is not a matter we're signing up to, so I'm not going to participate in the debate.' You will have to ask him.

However, I know that when the new government came in and we were first invited to meet with attorneys-general and I was provided a briefing from the department on this matter, it was pretty clear that, of the other jurisdictions that were signing up, almost everything had been resolved as to what position they were going to take save and except that the question of whether someone who was convicted themselves of offences, particularly if they had significant penalties of, say, past five years' imprisonment, was really challenging some of the states.

How should this be dealt with? Should these people be declared ineligible right from the start, have no opportunity to make a claim because they had perpetrated offences on others and simply do not deserve to be in the tent to be able to access those funds?

I am pleased that, indeed, our view was accommodated, that is, that there ought to be some discretion allowed for this to enable people in this situation to actually have access to funding. Why? Quite simply because we know—and I see this almost on a daily basis in the applications for ex gratia payments that are made—that frequently the people who have been a victim of child sexual abuse, particularly over a prolonged period, have damaged relationships, poor interaction with other partners, frequently are convicted of sexual offences themselves (often against children as well but sometimes against other adults) and, sadly, end up incarcerated themselves.

To simply say, 'We are never going to let these people come in and have some compensation,' without there being any consideration of exceptional circumstance, in my view would be grossly unfair and would fly in the face of the data that makes it very clear that we would simply be adding fuel to the fire. We would be compounding the felony. We would be failing in our duty to make provision for them.

I am pleased that that final issue fell the way it did in allowing the door to be open, but bearing in mind as we do already in allowing sometimes people, again, seeking ex gratia payments under our current victims of crime law (which, again I am asked to do on a regular basis) where people have had historical periods of sexual abuse. Just three or four I have dealt with this week during the late 1960s and early 1970s—allegations of intra-family abuse over a prolonged period of a very serious nature—and in two of those cases the victim or the claimant seeking ex gratia payment had subsequently seriously offended themselves. In both cases, they were out of custody. They served their time for those offences. What cannot be ignored is the perpetration of pain, hurt and injury that they have inflicted on others.

No doubt, at some later date either I or some other subsequent attorney-general might receive more claims from those victims. We cannot shut the door completely. It is important that we recognise that it is a difficult area and that we have to find a balance. Some public outrage will come from some victims being given some kind of compensation under this Redress Scheme where they have been known to have committed offences on others, particularly children. That is a matter that we will have to consider on a case-by-case basis. I hope that covers these matters in relation to concern about the scheme.

Subsequent to the announcement of the federal passage of their bill, I heard that a victim came forward, and I cannot recall her name as it was on a radio interview. She said she was unhappy about the indexation arrangement. That is her personal view, and I respect that, but it seems very clear from all the material with which I have been provided that not only did the royal commission undertake very extensive consultation and receive submissions in this matter but so did the federal government in relation to their bill. Shortly after that I heard an interview with the federal Attorney-General confirming that victims' groups, which had been a strong voice during the course of this national royal commission, had been consulted again about the terms that were being signed up to under the national scheme.

This scheme is being established for 10 years with \$146-plus million in a dedicated fund from South Australia so that we can make provision for people who elect to seek some support through this scheme. It does not close the door on the right for them, where it is available for them, to seek a financial compensation payment through the civil law processes. An application for compensation can be made and is not cut out.



That is an option that is open to them. I am sure that most members of this house who have in any way followed this national commission, or ever read any of Mr Mullighan's reports, would fully understand that the applicants we are dealing with here—the people who have given their evidence and story to Mr Mullighan and then subsequently to the royal commission, or either—are frequently people who are no longer in a position, if they ever were, to articulate and detail with sufficient precision to enable them to satisfy the standards within a civil claim.

We cannot just simply say, 'Well, if they fail there, they walk away with nothing.' That is the whole purpose of this Redress Scheme. It is not to be seen as compensatable of all issues, but as a recognition that there had been pain and suffering, that it needs to be recognised in some monetary way and that, in addition, they have some funds available immediately to either continue or undertake counselling services.

I am also aware that the member for Badcoe has met with the Victim Support Service and secured continued funding. That is a body that has already undertaken a considerable amount of this work in both assisting to refer people for legal advice for the claims under the state scheme and providing them with counselling during the course of preparing their statements and subsequently. They have already played a very active role in relation to the state Redress Scheme, and I thank them for that. They have certainly indicated to me that they are ready, willing and able to undertake that responsibility in respect of those who might need it arising out of claimants through the National Redress Scheme.

I am pleased to hear that because, whilst there might be aspects of legal groups that may or may not consider extra offices in Adelaide, it is important to remember that we have some service agencies already skilled and ready to go as well as some in the private sector. Even during both of the Mullighan royal commission inquiries, considerable support was provided, especially after the Indigenous inquiry. That was a very difficult extra inquiry undertaken by Mr Mullighan, which needed a lot of support people to enable people to come forward in some of those communities.

I hope that has covered the matters raised specifically. I will conclude by saying that the bill provides the necessary legislative support from the South Australian parliament to secure the comprehensive application of the scheme in the state. It has been carefully and consistently drafted with counterpart legislation in other states in order to ensure the consistent operation of the National Redress Scheme as contemplated in the commonwealth act around the country.

Any amendments to the bill as drafted may risk the validity of the National Redress Scheme as it applies in South Australia, or may risk the consistent and comprehensive application of the scheme across Australia. Any proposed amendments would need to be considered and supported by other jurisdictions participating in the National Redress Scheme to ensure there are no unintended consequences of that nature.

I point out, as I think I did in the initial contribution to this debate, that there are some extra clauses in our bill. Those extra clauses ensure that we adequately protect the transitional arrangements covering the state scheme. Clearly, that does not apply in other states. It is not a situation where our bills are exactly the same in each state. We have that distinctive feature about making sure we protect the interest and also, obviously, we take into account payments that have been made out under that scheme.

Not all of the aspects of the Redress Scheme may be to the liking of everyone in every way. What we say, though, is that there has been comprehensive negotiation on this. This is what has been agreed at the national level. Our government supports it and we seek the continuing support of the opposition. This is not in any way a threat. It has been raised with me in the past, when I have been here in the parliament, to be careful, if we are to attempt to make some changes, to understand the consequences that may occur if we try to unravel aspects and provide unique aspects to the South Australian provision.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**Ms STINSON:** To save us all some time, I might just say that I am grateful to the Attorney for covering a lot of the things that I had intended to ask about. I have just four discrete areas that I want to ask questions about. If it is agreeable, I might do them all under clause 1 and then we could move through the rest of them quite swiftly.

**The CHAIR:** Do your best, member for Badcoe, to relate to a particular clause. I understand that this is your first bill, so I am willing to cut you some slack, but get close to the clauses your questions relate to.

**Ms STINSON:** My questions relate to the functioning of the whole scheme.

**The CHAIR:** As I have indicated, I understand that this is your first bill, so we will provide some indulgence, member for Badcoe. Probably the easiest way to do it is at clause 1.

**Ms STINSON:** Thank you very much for that indulgence; I do appreciate it. I will respect the time of the house and get through as many of these as quickly as possible. Attorney, my first question is just to clarify something. You expanded on this quite a bit in the address that you just gave but, so that I am perfectly clear, if we were talking about defunct institutions that are not aligned with a church—they have no other organisation to align themselves with—and where there is also no equal state responsibility, is it the case that the state can elect to take up victims who may make a claim against such defunct organisations?

**The Hon. V.A. CHAPMAN:** There are two areas that I think I need to cover off, and I hope this will cover it more comprehensively. Firstly, there is the scenario where the institution is defunct, there is no association with any state agency and there is no placement, for example, of a state ward at that particular organisation. These children are placed entirely independently of any responsibility of a state agency, for example, by their parents, and there is no association. On the face of it, those children are not in the scheme automatically, but there is a discretion for the receiving state, which would be South Australia for us, to consider those children and actually let them in.

Frankly, I think the more likely scenario is the following, which is why I have just checked this. Say an organisation was run by a particular faith and its mother company, as such, was completely dissolved as well as the institution. State wards were placed in the institution, in some kind of residential accommodation, as well as non-state wards—that is, children placed voluntarily by other parties such as parents or guardians, for example, who had no relationship with the state. Obviously, there would be an obligation to be the funder of last resort for those children who are state wards but not necessarily those who might have been living at the place who had no association with the state.

Again, particularly if South Australia considered that there were clear events of abuse and other children were receiving benefit, that may exercise their mind to allow the discretion to include those children as well. It is really two sets of situations. One concerns children who are not the responsibility of the state—they are not being educated or accommodated and they are not under the guardianship of the state in any way—who are authorised or consented to be placed in the care of a particular defunct entity, and also other children are there with no association, as I said. Separately, there are defunct entities which have no-one left to sue, basically, but which only had a child or children without any relationship with the state. In both cases, there is still a discretion to let them in.

I cannot think immediately of a church that has completely disappeared, for example, that may have had an organisation that operated a student accommodation, camp, trip or something of that nature. That is why there has been a lot of discussion about the opt-in arrangement of the Scouts association, a number of churches and a number of charitable organisations that have, for whatever reason, had in their charter to offer services to children where they have been in a circumstance where they can be exposed to abuse. I can think of quite a number of different groups that would have closed up, but the parent organisation still exists.

Some people have said to me, 'Why do you think these churches and other charitable groups are willing to come in and line up for this? Why would they?' The answer I think is pretty simple: they are getting out of this pretty cheaply. I was a bit surprised to hear earlier that some of them were

taking a bit of time and were a bit tardy to even come to the door. Frankly, if I were advising, I would be rushing down there to sign up. Nevertheless, it is a matter they have to think about.

What we are trying to do here—and I think this has been universal around the country—is to say that we accept that in some circumstances there is simply no-one left to sue or prosecute. They are dead or disappeared or the entity does not provide any remedy. We have to accept responsibility, especially where there has been a referral of one of these children by a state agency, but even when that does not exist we should leave the door open if they clearly have a case for support.

**Ms STINSON:** Thank you, Attorney, that answers my question. I wanted to ask also about the ex gratia scheme, commonly known as the Mullighan scheme. I understand from briefings that your office and the Attorney-General's Department so kindly provided that that scheme will close. Could you be more specific about when it will close?

**The Hon. V.A. CHAPMAN:** The first thing is that it is expected the new scheme will start early next year. I am still processing applications under the state fund, and that will continue until we have the new scheme in place. All the people who have received under the state scheme, who have pending claims, or where we know there is a claim coming, have all been written to and advised that a new scheme is under consideration and that they may well have an opportunity to progress to that if they wish and/or continue their own state application.

They have received some money and may be eligible for more under the new scheme, or they have not received any state money but they have an application pending, or they are considering putting in a state claim. All three of those categories that we know of have been sent a letter advising them. The transfer will obviously occur once the federal scheme is immediately in place and all the states have to deal with these pieces of legislation.

I asked the same question myself: where are all the rest of these claims? I have a list in my office of pending claims. A number of them have legal representatives who are still putting together some of the material, or they have basically been asked to provide further and better particulars of support in consideration of their claim. Sometimes that takes some time, or their lawyers take time, whatever the situation is—I am not suggesting that is any fault of theirs. I will continue to process these until we get a date of transfer.

**Ms STINSON:** I will move on to the question of people who have served sentences of over five years, and I have a very particular question about that. I understand that people can, essentially, make application to be accepted into the scheme even if they have served a term of over five years, and I understand that what happens is that the scheme operator will write to the relevant state Attorney-General and seek their view about admitting a person to this scheme.

When the scheme does that, when it seeks the views of our state Attorney-General, what is the process you intend to take in order to assess those applications? For example, will you be consulting with victims of offences, victims groups, prisoners, prisoners groups? Could you shed some light on what the process will be when you are asked to comment on those cases?

**The Hon. V.A. CHAPMAN:** The commonwealth act makes provision as to how this is to operate, obviously protecting the right for applications to be made. That is the first thing. The process as to how it is going to be received, what evidence is sought, who I consult with as the Attorney or who any subsequent attorney consults with, and matters to be taken into account is pretty discretionary, as is currently the ex gratia payment for money that comes out of the Victims of Crime Fund for many of these complicated or historical cases.

Very often, historical allegations of abuse, particularly child sexual abuse, are ones where the claimant does not actually want to make a claim under the normal victims of crime process because that scheme requires the state to advise the offender and seek recovery from him or her. It is frequently raised, when I am considering an ex gratia payment—which still comes out of the fund but through a different process—that there is likely to be some retaliation or some difficulty by the offender being alerted to the fact that a claim has been made, that there may be repercussions for them or for members of their family.

I quite often get applications based on that, so I think it is reasonable to expect that when we have claims come in relating to historical child sexual abuse where the offender has gone to prison

in relation to other offences against other victims, we will have similar complications, to the extent that there will be concerns about retaliation, especially if offenders were within a family unit. That is the first thing I would want to consider.

Obviously there are the victims of the offender, who of course is claiming to be a victim himself or herself, but there are his or her victims as to why they are in prison. I think it is reasonable to have some victim impact statement material called for if it is not already on the file, bearing in mind that a number of these people, if they are still in custody or have been convicted of an offence with more than five years' imprisonment, usually have a number of things that monitor them.

One is that the correctional facility, usually run by the Department for Correctional Services in South Australia, has a record of how they have conducted themselves in custody and their compliance with the general obligations there. If they are in any other detention arrangement, then that would be by the parole officer, for example, if they are on some kind of release program or an intensive correction order. These are the types of different options that are around. There are a number of different bodies, usually employed directly by the Parole Board, which is of course part of Corrections, or by the prison institution itself.

In addition to that, there are frequently psychiatric or psychological assessments that have been made for the purposes of sentencing, sometimes as to where the offender needs to be incarcerated if they have some intellectual disability and so on. Often there are myriad forms of information about these people already. The current practice, when dealing with an ex gratia payment, is to receive advice from the department who often collate it and summarise it and then provide copies of some of this material for consideration. Some of these are obviously quite extensive in relation to the material that is there.

As I have said, just recently this week I can think of two of them where they are claimants and they have actually had a subsequent history of offending against others, and they are difficult in this situation. I do not think it is appropriate, if I can put it in the reverse, that there be any public consultation about these matters. I think that is totally inappropriate. I think the relevant authorities are likely to be Corrections, police, parole, medical, and victim impact statements on file.

Obviously, if there is record of the conviction of the original offender, if I can say that, that is perhaps the historical parent or neighbour or someone who has abused the claimant who is now in custody for hurting others, so the history as to what happened there as to whether there was any police report and whether there was any prosecution or any conviction—so, a nolle prosequi was entered—these are all things that are frequently able to be collated.

I am advised that they are looking to set out some parameters where, when all this comes to me for consideration, I am to give an answer within four weeks. I can honestly say, except for exceptional cases, I turn around these things within 48 hours because I think they are important for people to have their claims heard. But largely it is because I am aided with a significant amount of consolidation of the material that can be then presented for consideration. Of course, there is a fund which those current claims are set off against.

At the moment, we will see how that progresses. Unless we get this through, then we are not going to get anywhere. But I would imagine that the only differentiating feature from what we currently have would be the victim impact statements and/or particulars of that which may already be in the medical records because they may have made that inquiry.

**The CHAIR:** Member for Badcoe, before you start, we have had three questions officially on clause 1, so I am going to put that clause.

**Ms STINSON:** Sure, let's do that.

Clause passed.

Clause 2.

**The CHAIR:** More questions of a general nature, I expect, member for Badcoe?

**Ms STINSON:** That's right. Very few.

**The CHAIR:** Are you comfortable with this, Attorney?

**The Hon. V.A. CHAPMAN:** That's fine.

**The CHAIR:** Yes. Member for Badcoe.

**Ms STINSON:** Following on from your previous answer, Attorney, I want to clarify something. The aspect that I was most interested in was what sort of consultation would be done with victims. I accept that you said that the materials that the department might collate for you might include the victim impact statement, but obviously that victim impact statement would probably be to do with the offending that person was in prison for and would not express the victim's views about an offender getting a payment under the Redress Scheme. I wonder if you would seek the updated views, if you like, of the victims in relation to a certain offender receiving a payment under the Redress Scheme, considering that the standard for the Redress Scheme is not to bring it into disrepute.

**The Hon. V.A. CHAPMAN:** The question of whether there should be a specific inquiry made and an opinion sought from any victims relating to the person who is in custody—the victim of the claimant—would have to be dealt with on a case-by-case basis. If I could think of just one case that I have recently looked at, the allegations were of sustained sexual abuse during the 1970s by way of an intrafamily sexual offence. The subsequent sexual activity was with the claimant's daughter, who is still a child. I cannot imagine for one moment that there would be some inquiry made to what would be a six year old as to whether dad should get compensation.

I can think of situations where it would be reasonable, but there are confidentiality issues and issues around appropriateness in relation to the offender. In relation to other matters where people are putting in claims, I have been aided by both the former and present victims of crime commissioners, although the former was not on specific cases other than one. In recent times, I have had the advice and presence of the Victims of Crime Commissioner in relation to discussion around an application for an ex gratia payment, and I found that very helpful.

The commissioner is a voice to be able to indicate whether it is appropriate to raise the matter with the victims or their guardians. It does get a bit complicated, of course, but it is hard for me to be more specific than that. These things are discretionary by their very nature, and they are not designed to be a retrauma of what they might have already gone through. The whole concept of having redress schemes is so that people are not put in the witness box or interrogated about what has happened to them. There has been an understanding and acceptance, usually via medical reports, of certain conduct, and this has perhaps been verified by corroborative statements made to police.

They are not designed to put victims through what would normally be a civil claim process or frankly, worse still, some sort of inquisitorial action by the Attorney-General or anyone in my position to do the same. In fact, it would probably be worse for them. I just make the point that I am not trying to allude to anything other than the fact that we will have to consider these matters on a case-by-case basis. Currently, the ex gratia process is sometimes flush with material and sometimes requires further inquiry with the department to obtain further information if I need it. It is not envisaged to bring in the claimant to be cross-examined by the Attorney-General.

*Sitting suspended from 17:59 to 19:30.*

**The CHAIR:** The committee is on clause 2. Member for Badcoe you have asked one question on clause 2 and I give you the call.

**Ms STINSON:** In relation to counselling services, which we were speaking about before the break, has the Attorney considered providing counselling services through already funded state services such as the Victim Support Service, which does have regional offices and may be able to cater to regional clients? The state of course already does provide base funding for VSS to provide free counselling. As you mentioned earlier, it has played a role in both the national and state-based royal commissions and investigations over the years.

**The Hon. V.A. CHAPMAN:** The Victim Support Service is an institution which has operated, I think, since David Tonkin's day. It has been a longstanding community-based organisation. It provides valuable resources, but it is not everywhere and I am not expecting it to be. The Family Relationship Centre, the former marriage guidance council, also provides a number of services. I know because I used to sit on their board a thousand years ago. No, I will not mislead the house, it was not quite that long ago. There are also existing agencies that are represented in some of the

country regions and can provide the service, but that does not mean that it is always the service that the client is seeking.

Sometimes, for example, they are looking for a very personalised service or a private service that is only available not in a mixed group, for example, and availability of that may only be through an alternative facility. We are not really in the business in agreeing to counselling to say to somebody, 'Here is what you require, here is the organisation that will provide it and we insist on you using that service.' It simply may not be suitable. Let me give you an example: children or someone with an intellectual disability may need a specialist service, even into adulthood, to deal with the issues of prolonged child sexual abuse.

As I say, in South Australia a large proportion of the population is of course in metropolitan Adelaide. We can cater for a very significant portion of these, but we do know that, with the cohort who gave evidence in the Mullighan inquiry, including a number of our Indigenous victims in the APY Yalata area, etc., we need to recognise that they will need other services. Kangaroo Island is another classic example where they have visiting psychologists and other people who provide counselling services for all sorts of problems and addictions and so on. They just do not have an available permanent facility in some of these regional areas.

We have to recognise that. We have therefore signed up as the state to providing counselling as a voucher system in that sense of saying, 'You will have up to \$5,000 to cover the expenses in relation to a counsellor of your choice.' But I would agree with the member that VSS have provided significant resources already. They have the skilled expertise, they are ready and willing to be able to continue to provide that and I am sure that they will be an avenue of referral that will be invited to participate in the national scheme.

**Ms STINSON:** I think that was my third question on that clause.

**The CHAIR:** No, we are on clause 2. You are still going okay on clause 2.

**Ms STINSON:** In that case, I have one more question on that topic. The royal commission recommended a particular type of counselling, that is, trauma-informed counselling. To my knowledge, and I am happy to be corrected, the Victim Support Service is the only service that provides that at this stage, so for that reason as well I wondered if the Attorney was looking at the option of providing or in some way directing or suggesting or recommending that form of counselling to claimants under the scheme.

**The Hon. V.A. CHAPMAN:** Trauma-directed counselling is something I have discussed with VSS. It is a model of care and counselling that they advocate. I am not an expert on counselling, but it does not appear, on first blush, to have any obvious disadvantage. It seems to be a model which is not universally accepted, I might say, but which has significant data in support of the outcomes that are available from it. I have had quite significant briefings, obviously, and presentations given by VSS in relation to it.

Again, though, royal commissioners, lawyers and politicians are not always the best people to make decisions about what the best model of care is in respect of different circumstances. I personally think it is reasonable that we move away from a victimised, victim-based type of recovery, which has been a model in other agencies and which is why I am personally impressed with VSS's adoption of that model.

However, it does not mean it is going to be available for everybody or that they are prepared to do it. We on this side of the house accept that people are entitled to have some say about that. We are not going to impose a particular model on them, but I would personally like to see people come through a period of counselling or support which makes them feel empowered to have a fulfilling life without feeling victimised. These are the sorts of objectives that are part of the approach given by VSS. So it is meritorious in the model, but we are not going to be prescriptive in that regard.

Clause passed.

Clause 3.

**Ms STINSON:** I had not foreshadowed any further questions to the Attorney when I spoke earlier, so I understand that she might want to take this one on notice. I want to ask why the payment

of \$146 million from the Victims of Crime Fund occurred in the financial year 2017-18, rather than the payments being made incrementally as the claims were settled this financial year, or indeed in the following financial year, depending on when the scheme actually gets up and operating.

**The Hon. V.A. CHAPMAN:** Very simply, this was a priority for our government. With the Premier agreeing to sign up, I think, in early April—or at least the agreement to do it within the weeks that that occurred—one of the things that needed to be considered in relation to the \$146 million (which was the estimate to cover if everyone made a claim, basically) was to quarantine those funds. The Victims of Crime Fund is one which has a net income of about \$40 million a year, I am told. I have asked questions in estimates about this in most years, and it used to be quite scandalous to me that there was an ever-accumulating fund. There is well over \$200 million now in that fund.

*Ms Stinson interjecting:*

**The Hon. V.A. CHAPMAN:** Good, I am very pleased to hear that. It just seemed obscene to me that we had this money accumulating, yet we had victims who were people who had paid these levies and fines to accumulate this money to provide for victims and it just kept accumulating. I was always concerned about that.

There are a number of different groups that take money out of this. One is direct victims claims, when you apply for compensation when you have been a victim of injury from assault, for example, or a personal injury as a result of a crime being inflicted on you. You can now claim up to \$100,000 under a particular formula for compensation payments.

Only a year or so ago it was increased from \$50,000. That was one of the issues we had with the former government. We said, 'You have a limit at \$50,000. If you are beaten up or raped multiple times, \$50,000 is inadequate. We want this changed.' So it did disturb me that this was ever accumulating.

Since then, a number of other things were pulled out of this fund, and they are all worthy causes. I will not go through the list of them, as they are all in the Victims of Crime Act. I make the point that, with the change of the maximum available under the Victims of Crime Act for compensation claims for general offences, we needed to make sure that what money needed to be set aside was quarantined. The best way to do that was to remove it from the fund, place it in SAicorp—the agency that will be paying out this money—and it is then quarantined from being able to be used for any other purpose out of the Victims of Crime Fund.

We felt that this was important to do to secure that funding that could not be interfered with or drawn down and then not have the funds available. It was very important to us that, for the life of that 10 years, this redress scheme would have the money available. The provisions of the act will be that, if it only uses \$125 million in that time because we did not have the number of applicants we expected, for example—and a number of Mullighan inquiry claimants, sadly, have already died—we keep that quarantined. We do not want to have that situation. If it is not used it will ultimately come back into the Victims of Crime Fund, but we want it absolutely secure in the meantime.

**Ms STINSON:** Was the government advised to make that transfer? Did you receive advice to make the transfer in that way in that financial year, and to SAicorp? I thought it was SAFA, but I stand corrected on that.

**The Hon. V.A. CHAPMAN:** It may be SAFA. Did I say SAicorp? I probably did because there are so many funds and claims coming out of that at the moment—SAFA, the South Australian Financing Authority. Did we receive advice? We received advice as to how the money would be secured and, if it was to be secure for that purpose, where it would be put? Is that what you mean?

**Ms STINSON:** Yes.

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

**Ms STINSON:** To be more specific, did you receive advice to do it in the 2017-18 year rather than in the present financial year and, if so, why?

**The Hon. V.A. CHAPMAN:** I cannot recall that specifically. As I say, we dealt with this matter in April. We signed up shortly after coming into government, so it was a matter of then implementing

what our commitment would be: (1) prepare legislation to come into the parliament; (2) set aside the funds. So it was the logical extension that that would occur. I suppose the question would be: was there any advice received that we should delay that and therefore move into the next financial year? I cannot recall anything like that.

**Ms STINSON:** You were not making payments until this financial year, so I wonder why you would do it in the previous financial year.

**The Hon. V.A. CHAPMAN:** Some of the payments will not be made for nine or 10 years, but that money will be safe, quarantined from any other claim under victims of crime, in SAFA as a reserve fund for that purpose exclusively, so it was the protection of that base for the purpose of undertaking our responsibility under this scheme. If this bill failed and we were no longer in the scheme, the money would have to come back. If we do not use it all, the rest of the money has to come back.

I suppose, really, it is a question of timing. The matter was near resolution, as I say, except for the question of how we would deal with claimants who had been subsequently prosecuted, convicted and sentenced for penalties greater than five years' imprisonment. I know that issue was left unresolved, but largely everything else was resolved. When we met and it was agreed, and Western Australia agreed to come in at that meeting, we just got on with it.

The question then was: where do we get the money from? Obviously, the money is to come from the Victims of Crime Fund. In fact, my approval to sign up to it was on the basis that the money would come from the Victims of Crime Fund, because we made it absolutely clear that this was a matter that was a dedicated allocation, that it was there for victims and that it ought to be secure. We did not want any other people taking the money out.

**The CHAIR:** I am going to put that clause.

**Ms STINSON:** I have one final question if you want to do all of them at once.

**The CHAIR:** Is that it?

**Ms STINSON:** It is really the last, final question.

**The CHAIR:** Okay, I will allow that.

**Ms STINSON:** Can the Attorney say who provided that advice, that is, the advice regarding the transfer of the funds?

**The Hon. V.A. CHAPMAN:** I cannot recall specifically, but the adviser who was here with me today has been instrumental in the attendance at meetings and with the provision of documentary reports and advice throughout the matter. Probably she has had some part in it from the Attorney-General's Department but, no, I could not identify any other particular officers on it.

**Ms STINSON:** But from the department?

**The Hon. V.A. CHAPMAN:** From the department, yes.

Clause passed.

Remaining clauses (4 to 13) and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (19:46):** I move:  
That this bill be now read a third time.

Bill read a third time and passed.

## **CHILDREN AND YOUNG PEOPLE (SAFETY) (MISCELLANEOUS) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.



(Continued from 1 August 2018.)

**Ms STINSON (Badcoe) (19:48):** I rise to speak on the Children and Young People (Safety) (Miscellaneous) Amendment Bill, and I advise that I will be not only the lead speaker for the opposition but, I believe, the only speaker. While the opposition agrees with many of the proposed changes to the Children and Young People (Safety) Act, I flag that we will be making an amendment in the upper house to move some specific powers, which were intended to go into the regulations, into the act.

I have been kindly briefed on those specific provisions by the minister's department and staff. They relate to the intention to provide an exemption for providing a reunification report to the Youth Court in the specific circumstances of the emergency removal of a child. I take the minister on her word that she and her office will be available to answer some further questions that I have on that, but I take this opportunity to flag that we intend to move at least that one amendment in the upper house. Depending on responses that we receive from the minister's office and department, we may move further amendments in relation to parts of the bill that relate to the intention to create regulations.

In relation to the Children and Young People (Safety) Act, we have seen both the state and federal inquiries and royal commissions into historical institutional child abuse. The findings of those inquiries and commissions make for absolutely horrifying and heart-wrenching reading, and they highlight the ongoing harm and negative effects on a person's development and wellbeing. We have seen that these effects are long lasting and, in some cases, intergenerational.

The Children and Young People (Safety) Act 2017 was the direct result of the recommendations made by the Child Protection Systems Royal Commission, undertaken by commissioner Margaret Nyland. We thank her for all the work that she did. The act marked the creation of a whole new child protection legislative framework.

Commissioner Nyland made 260-odd recommendations to the government. When the former attorney-general gave his second reading speech on the original bill, he noted that those recommendations were incorporated into the bill; he even specified them. I will not read out what they are, even though I have a list here of every single recommendation incorporated into that act.

This act was just one of a number of acts required to bring in this legislative change to address child abuse and neglect. The principal purpose of the changes to the legislative framework is made clear in the act, which is that the safety of children and young people is at the centre of the decisions made to protect them from harm. It is a sad fact that no matter the safeguards that are in place, we cannot guarantee that children and young people will be safe from harm at all times. However, this act goes a long way in ensuring the required legislative framework is in place to minimise the risk of harm to children in South Australia.

The then attorney-general—and we thank him for his work—consulted widely during a public consultation following the draft bill being tabled during the previous parliament. He then carefully considered the vast amount of feedback that was received and noted that the feedback provided an 'invaluable insight into areas of concern for all involved or who have an interest in child protection in South Australia'. The then attorney not only considered the feedback but made important changes to that legislation based on that feedback to ensure that the safety of children and young people was paramount.

As I mentioned, the act, even with the short passage of time, unfortunately requires a few amendments to address unforeseen shortcomings and misalignments with other corresponding acts. Labor certainly will not stand in the way of what might be referred to as rats and mice changes. However, where improvements can be made, we will raise those issues and seek to remedy any oversights or improve the bill and the act wherever we possibly can.

As a principle, we will also insist on matters that should rightly be in the act, rather than in the regulations. I know that this was the practice of the now government when it was in opposition and we will be adopting that approach as well.

The bill was tabled just prior to the winter break, which afforded me the opportunity to consult with quite a range of relevant stakeholders and organisations including Uniting Communities,

SACOSS, Child and Family Focus SA, the AMA, and the Law Society of South Australia. They wish to see the amendment that I will be putting forward in the upper house, and I have furnished the minister with a copy of that. In fact, it has been tabled in the parliament today.

It is the belief of those organisations—and I am sure everyone would agree that they are integral to the child protection system—that the act should stipulate that following an emergency removal the Department for Child Protection would be required to file a reunification report as soon as practicable. Of course, we acknowledge that, in the case of emergencies, that is not always possible within the three to five days that is stipulated for a court order. They, like me, believe that this is a very specific circumstance that is envisaged at this stage through the regulations, but, like me, they would like to see that incorporated into the act.

The Children and Young People (Safety) (Miscellaneous) Amendment Bill will continue Labor's work towards ensuring that South Australia has the strongest possible child protection laws. I commend the minister for bringing forward these important changes. Certainly, the amendments that I have flagged and will now seek to progress in the upper house, while not major, seek to clarify the situation and make it plain to all parties the process that will be adopted to avoid any unforeseen circumstances or overreach.

I have put forward this quite limited and precise amendment in order to facilitate the clear and unambiguous operation of the act. I hope to have the support of the government in that effort for the benefit and, of course, the safety of children who most need the state's protection. I commend the bill as it is to the house but note that we intend to make those amendments in the upper house. I also take this opportunity to thank both the minister's staff and the Department for Child Protection for the briefings they have provided to me and the work they have done on this important act.

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (19:56):** I would like to first thank the member for Badcoe for her words and for her cooperation and understanding of the need that we have to get the bill through the house quickly, ready for 22 October for its full enactment. As noted, these changes really are rats and mice. It is drafting errors, improvements or transitional changes that are required for the bill to be workable and to protect our children in the way it was intended.

I note that there are changes that other stakeholders are keen to put forward. In opposition, I fought very hard for several changes, and I have resisted the temptation at this point to bring them forward because I understand the importance of getting the bill through by 22 October. I am also very aware that the strength of a bill is really only in the understanding of the front-line staff and the people who actually work with the bill. We have had about a year of training—or at least nine months of training—Department for Child Protection staff on the bill as it stands, so to add any extra amendments, whether they be my amendments or the amendments of external parties, just adds to the possibility of errors being made in this short time period.

I have made a commitment to all stakeholders and to the opposition. Let us have 12 months from 22 October during which time the staff and the department can work with this legislation. We can see how it runs and whether there are any errors or whether improvements can be made. I absolutely would like to have the best bill possible for the safety of our children. If there are better ways to do that, I will have no issue with making those changes as required.

Regarding the member for Badcoe's particular amendment that was presented today, I indicated to her that I do not have any particular opposition to it; however, between houses there will be time for the CE and the department to double-check whether there would be any complications. I believe that the regulations in full will be ready in the next few days. My department has indicated that they will brief you fully on those regulations as well, in case there are further changes or amendments that need to go through.

I think that on this occasion the member for Badcoe and I are at one that this is all about the safety of children in our state. It is about making sure the legislation that was drafted by the former government can be enacted and in the best way possible, so I thank her for her understanding and work in between the houses. I would also like to thank my staff, who have stayed late tonight and worked on this bill and also held all the briefings. I commend the bill to the house.

Bill read a second time.

*Third Reading*

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (20:00):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

*Second Reading*

Adjourned debate on second reading.

(Continued from 2 August 2018).

**The SPEAKER:** Are you the lead speaker, member for West Torrens?

**The Hon. A. KOUTSANTONIS (West Torrens) (20:01):** Yes, I am. Just to give a bit of background to where we are, in October 2016 Dr Michael Vertigan released a consultation paper that sought feedback from various stakeholders on the effectiveness of the existing regulatory tests and appropriateness of the ACCC's proposed market power test and, if a change in the regulatory arrangements is warranted, an alternative means of achieving this. What that means in English is: was the current short-term trading market for gas sufficient to deal with latent capacity in the pipelines that we have across Australia and, indeed, across South Australia?

At the December Council of COAG, ministers agreed to bring forward Dr Vertigan's recommendations at the behest of the South Australian government. We were very keen to see these reforms brought forward. Can I also thank minister Frydenberg for seeing the value in bringing these reforms forward. It was subject to the passage of amendments relating to the laws. Our then department, State Development, on behalf of the COAG Energy Council, took the lead in drafting the required amendments to the national gas law and developed a binding arbitration framework to achieve a time frame.

At that time, to get more gas into the system, the then South Australian government invested in something called PACE Gas, which unfortunately for South Australians has been cut in this most recent budget, which I think is disappointing. That will be explored through the estimates process. The reason we were very keen to explore for more gas was what Dr Vertigan had found was that there was no real market in the short-term trading market in the gas market. The opaqueness of the market needed transparency, and these reforms do a great deal, of course, to open up those changes.

I commend the current state government for moving very quickly, and I can inform the house that the opposition will agree to a speedy passage of this legislation in both houses of parliament. It is an important national reform, and this parliament thanks Dr Vertigan AC for his support and the hard work he has done in developing this framework.

Liquidity is everything in markets. I remember the former Tasmanian energy minister being very keen to see these reforms brought forward in Tasmania to get some liquidity into the Tasmanian market. I am not going to waste the time of the house. The opposition do not have any questions in committee. We are very pleased with these reforms. I hope that the house can see a speedy passage of this through all stages, but transparency is the key to an open market, and transparency is important, especially when you have what is basically a monopoly market.

In a monopoly market, it is very hard to get that transparency, and hopefully this new platform that is being built on behalf of the nation by the South Australian legislation will allow a very quick resolution to the illiquidity of the national gas market. I also point out the longstanding tradition in this parliament of having national reforms supported on a bipartisan basis, and on that basis I commend the bill.

**Mr MURRAY (Davenport) (20:06):** I seek to as briefly as possible cover the salient points of the bill. As the member for West Torrens has alluded to, it is an important series of constructs for the market designed to make it function better. I must say at the outset that there are, for me at least,

some interesting parallels with capacity, high energy prices, etc., with our electricity market, but nonetheless I will confine my points to this.

The Australian east coast gas market covers the ACT, Tasmania, Queensland, New South Wales, Victoria and South Australia, and it is that market that this bill is directed to refining and, indeed, ensuring that it works in a far better way than is otherwise the case. I think it is germane, particularly in view of some of the comments of the member for West Torrens and some of the discussions in this place today, to point out that the Department of Industry, Innovation and Science in January this year made the point that Australia is expected to become the world's biggest natural gas exporter by next year, 2019, as a variety of projects near completion.

Australia's LNG export volumes are forecast to reach 77 million tonnes in 2018-19, up from 52 million tonnes in 2016-17, which will mean that as a nation we will replace Qatar as the biggest LNG exporter in the world. It is with that background that this bill is particularly important because that growth in demand has in turn led to not only supply constraints on the domestic market but also price pressures and, additionally, changes in the pattern of gas flows and the use of transportation infrastructure in that marketplace itself.

As a consequence, the COAG Energy Council was tasked in 2015 with reviewing this market that was established way back in 2001, and in August 2016 the COAG Energy Council agreed to implement a package of capacity trading reforms. These reforms had been recommended by the Australian Energy Market Commission's East Coast Wholesale Gas Market and Pipeline Frameworks Review. The COAG Energy Council, as a consequence, established a gas market reform group, which is chaired by Dr Vertigan, as the member for West Torrens has alluded to.

There is a legislative package, which I will not detail. Fundamentally, however, we have the bill and we also have other instruments, variation regulations and a series of rules, in addition to which there is an operational transportation service code. The intention of the bill, as I said, is to enable a more efficient, transparent secondary market for gas transportation operating under the contract carriage model. The principal requirement in an environment of record gas demand is to ensure that domestic transmission of gas is not a major cost impediment, particularly for the end users, industry and consumers.

I will seek to summarise the means by which these reforms have been put in place, but again I think it is reasonable to spend some time in the house covering them off, if not for the fact that they should, I believe, achieve the transparency that we seek. It is also useful as a backdrop for other considerations of other similar marketplaces, as I said, when energy prices are potentially impacted by the distribution mechanism that they are delivered by.

The bill seeks to incentivise transportation users. It seeks to cease speculation on short-term capacity and it aims to reduce search and transaction costs. It will do that via the introduction of a capacity trading platform as well as a so-called day-ahead auction of contracted but effectively under-utilised capacity.

The principal aim is not only to effectively enable the best utilisation of the gas transmission resources that the country has but to establish a market to enable the sale and/or purchase of that capacity, as well as providing some ancillary frameworks; for example, standard operational transportation service agreements, a reporting framework and a standard market timetable.

The Northern Territory, it is worthy of note, is not actually implementing the measures that will arise as a result of this bill. They are doing so on a basis of five-year transitional measures. There will be a review of the day-ahead market itself once it has been operational for a further two years. The intention is to ensure, as I said, increased trading of short-term capacity and greater transparency of the information pertaining to gas price as well as non-price items.

As I said, there is a wide variety of acronym-bound organisations involved, which I will not delve into. Insofar as the specifics with regard to the day-ahead auctions, it is daily. There will be nominated cut-off times, reserve zero price. All contracted but un-nominated capacity—that is, unused capacity—is placed for sale through the auction. There will be trial periods.

Participants, be they retailers of gas products or indeed industry users, will be able to use the auction process to purchase transportation services, stand-alone compression services of the

type that are at Moomba, for example, or indeed backhaul services themselves. The trading platform specifics: again, the idea is to enable a better informed marketplace and therefore to ensure that we make best use of the gas transportation infrastructure we have here so as to not only increase efficiency but also ensure that users are afforded the best information and therefore the best and well-informed prices.

The platform will provide an anonymous exchange mechanism. There is the ability to coordinate trades across a variety of platforms—haul services, compression services, etc.—and also a variety of other measures in place. A transportation service code will govern the content of standard operational transportation service agreements, so essentially there is a templated mechanism whereby the agreements for the sale and purchase of these products and/or services are already preset. Therefore—and with great respect to those in the chamber, in particular those who have a legal background—it will not turn into a lawyer's picnic insofar as getting paid is concerned.

These gas transportation agreements will also be used. As I said, standardising reduces the costs and also improves the governance capacity, given that they are standardised and that everyone has pre-agreed to them. There will also be the establishment of a market bulletin board, which will enable the publication of price and other related information. Not surprisingly, in some respects, there will be a harmonised start and cut-off time. As a result the auction will be conducted at fixed times with an equal starting position for all participants.

In summary, in my view the act represents a considered and comprehensive series of reforms that not only establishes a transparent and efficient market but also regulates it so that all participants have an equality of information provision and can therefore make the most efficient and considered decisions. A better informed and therefore more equitable market for gas transmission capacity trading is expected to result, with consequent supply side and cost benefits for industrial uses of gas, as well as consumers, whether directly or indirectly.

Again it is a personal view, but I make the point that I am hopeful this will be a template for similar market refinements in other areas—for example, energy itself. I commend the bill to the house.

#### *Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** I welcome to parliament this evening members of the Wanderers Rock'n'Roll Car Club, who are in the gallery and who are guests of the member for Florey. I hope you enjoy your time here in parliament.

*The Hon. A. Piccolo interjecting:*

**The SPEAKER:** The member for Light would like an example of dance later, he informs the house.

#### *Bills*

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

#### *Second Reading*

Debate resumed.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (20:17):** I thank everyone who has spoken and contributed to this. I acknowledge the shadow minister, who committed to this house a while ago that whenever legislation came to the South Australian parliament from COAG he and his party would not impede its passage through this place.

I appreciate the fact he is doing exactly what I did in opposition; nothing stops him from sharing a personal view on legislation, but I think that is a very responsible approach. I also appreciate the member for Davenport's always thorough and considered contribution to the debate. Picking up on something the shadow minister said, transparency is critical to get liquidity and liquidity

is critical to get prices down and have an efficient, effective market that does its very best. On that we agree.

I would also like to put on the record my thanks to Dr Michael Vertigan, who chaired the Gas Market Reform Group. This is very important work. I have had the opportunity to meet Dr Vertigan only once since becoming a minister, but it was very clear that he, amongst others, was capable, passionate and focused on his work. He has led the work that has brought this to our chamber.

Like all others here, and hopefully like all others in the other place, we want this to be another step towards greater liquidity in the gas market. This is important for many reasons, not least of which is because it will contribute to lower electricity prices and many important industrial and household opportunities across the state. Again, I thank members who spoke and appreciate both sides of this chamber for supporting this bill. I commend the bill to the house.

Bill read a second time.

*Third Reading*

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (20:20):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 1 August 2018.)

**The Hon. Z.L. BETTISON (Ramsay) (20:21):** I rise today to indicate that I am the lead speaker on this bill and that Labor supports parts of the Statutes Amendment (Attorney-General's Portfolio) Bill 2018 and opposes other sections of the bill. This bill is mostly technical in nature or fixes drafting areas or inadvertent mistakes. As I indicated earlier, we are generally supportive of the bill. However, in regard to Part 4, section 8—Amendment of South Australian Civil and Administrative Tribunal Act 2013—we are opposed to this amendment.

The provision would appear to create a circumstance where a more junior member of SACAT could hear an application to review a decision of a more senior member. We do not think this is good legislation. Perhaps the Attorney-General would like to consider a compromise where the deputy president is also able to hear applications for reviews. We wait to hear the Attorney-General's opinion on that suggestion.

Sections 9 and 11 of the bill establish a review agency as the reviewer, the Hon. Kevin Duggan AM QC, under Schedule 4 of the Independent Commission Against Corruption Act 2012 for both the Surveillance Devices Act 2016 and the Telecommunications (Interception) Act 2012. The Attorney-General's Department has put forward the argument that this amendment is needed to avoid the requirement for multiple appointments. However, the Attorney-General's Department could not categorically answer whether there could potentially be instances where there would be benefit in the respective reviewers being separate people. On that basis, we will be opposing those clauses. For the sake of saving a couple of pieces of paper, potentially creating a problem in the future, it does not seem to make sense.

I also flag the intention of the opposition to file amendments in the Legislative Council to part 7, section 13—Reports by Training Centre Review Board. We support the Training Centre Review Board preparing an annual report, but we want to ensure that the board must prepare an annual report for the 2017-18 financial year. It is likely the legislation as it is currently drafted will introduce that requirement if the bill was passed before 31 October 2018. There is, however, no guarantee the legislation will pass by then, so the opposition will prepare amendments for the other place to ensure this is the case.

Labor will pass the remaining provisions of the bill, reserving the right to ask questions and of reconsidering our position in the Legislative Council.

**Mr TEAGUE (Heysen) (20:24):** I rise briefly to commend the bill to the house. It is clearly a bill that addresses a number of substantially procedural measures affecting a number of acts, six of them: the Fines Enforcement and Debt Recovery Act 2017; the Liquor Licensing Act 1997; the South Australian Civil and Administrative Tribunal Act 2013; as well as amendments to the Surveillance Devices Act 2016 and the Telecommunications (Interception) Act 2012, which I will come back to in a moment; and an amendment of the Young Offenders Act 1993.

While I am pleased to hear that the opposition has indicated its support for the bulk of those changes, I note the opposition's indication that it will oppose the amendment so far as it concerns the reviewer, and my comments briefly will go to that aspect. It is simply that if the grounds for opposition to the change are driven by some apparent shortage of explanation, there is an opportunity to address that in committee. Otherwise, I would encourage there to be a consideration of the merits of the provision as drafted.

For the sake of understanding, the amendment would, it is true, have the effect of removing the need to make multiple appointments, but it is important to see it in context. Turning first to the Surveillance Devices Act 2016, the definition of the review agency is there set out at section 3(1). I note at section 3(1)(a) it already provides that for SA Police the review agency is the reviewer under schedule 4 of the Independent Commissioner Against Corruption Act 2012.

As it presently provides, for the Independent Commissioner Against Corruption it is to be a person who is independent of the commissioner and is appointed by the Governor as the review agency. Those words are analogous, if not identical, to the criteria for the appointment of the reviewer under the ICAC Act.

I make the observation that the proposed amendment would bring the review agency for the purposes of that act and in a similar way for the purposes of the Telecommunications (Interception) Act 2012 in line with the way that it applies for SA Police and otherwise very much in line with the way in which that reviewer is appointed under the ICAC Act. So, I would simply appeal to the merits of the process, encourage exploration of it if necessary in committee, but otherwise look to focus on the merits.

It has been noted that the reviewer who is currently in the role so far as schedule 4 is concerned is the Hon. Kevin Duggan AM QC and that he has been appointed by the Governor as the review agency until 4 March 2020. For my part, I fail to see why, where there is the possibility to introduce simplicity and to avoid multiplicity of process, that opportunity should not be taken. Again, I encourage the opposition to perhaps think again about its opposition to that particular measure. With those short remarks, I otherwise commend the bill to the house.

**Mr CREGAN (Kavel) (20:30):** I refer to the remarks made earlier by the Attorney and the member for Heysen. I do not have in mind detaining us by reflecting on those remarks unduly except to emphasise the utility of the changes proposed to the Fines Enforcement and Debt Recovery Act by the legislation now proposed.

Two changes are contemplated: firstly, there is considerable merit in allowing additional time for the prosecution to be commenced on the basis that an alleged offender did not have a reasonable opportunity to elect to be prosecuted; and, secondly, there is also considerable merit in ensuring non-government bodies cannot refer a civil debt to the fines unit for recovery unless that body is prescribed by regulation. I thank the Attorney for examining the matters I have addressed earlier at the earliest opportunity.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (20:31):** I wish to make a few observations in light of some matters raised by the member for Ramsay. Before I do that may I thank her for indicating general support for the amendments proposed in this bill on multiple matters. I also thank my colleagues, the members for Kavel and Heysen respectively, for their contribution and continued interest in all matters relating to the Attorney-General's law reform. I find it a valuable addition to have fresh eyes on a number of these things, and I thank them for their diligent work.

The member for Ramsay, on behalf of the opposition, has indicated three areas of anticipated amendment and some desire to have that agreed to. Firstly, I will address the South Australian Civil and Administrative Tribunal and the issue in relation to applications for review and who should hear them. The SACAT was established some years ago now by former attorney-general Rau presenting a bill to the parliament for this to occur. I think we were the last jurisdiction in Australia to have an administrative tribunal but it started with the second bill transferring residential tenancy disputes and guardianship board matters to it.

From there it has now received a number of jurisdictions and is about to get a whole lot more—a relatively small number but some matters in relation to valuation and freedom of information. These are all matters now before SACAT.

Over the course of the last three or four years, especially when the last bill came to the parliament, I asked the former attorney-general, 'Is there a sufficient resource in SACAT to actually absorb this extra workload?' Everything was fine, and he then subsequently announced that he was going to populate the positions in relation to SACAT under a new structure. From its inception, its president was a Supreme Court judge half-time, Justice Parker, and the other half of the time he did his general duties as a Supreme Court judge.

I think from memory the District Court judge at the time, District Court Judge Cole, was a quarter-time member of the tribunal, and again her duties otherwise were, I think from memory, in the general District Court. She may have been in the ERD Court, but in any event she had other duties. Then, of course we had a number members of the tribunal who did, principally, the work in relation to guardianship and tenancy dispute matters.

In the last year or so the government of the day, the former government, appointed Justice Judy Hughes, former crown solicitor, to the Supreme Court and made her a full-time Supreme Court Judge, President of SACAT, but discontinued District Court Judge Cole's role. So, effectively, they picked up some extra role with the presidency—a Supreme Court judge—but lost their deputy president, the District Court judge.

Again, I made inquiry when we were doing the last tranche of jurisdictions to be transferred to the former attorney, to say, 'How is this entity going to cope? The reply was, 'They are getting this extra capacity.' Since coming into government, I have met with Justice Hughes, who is an impressive leader of the SACAT and a justice of the Supreme Court, and I have also inquired of her whether there is any problem that she anticipated in absorbing these extra jurisdictions with the workforce she has. I have had every indication from her that that will not be a problem.

She did ask that any transferring or proclamation to actually institute these new jurisdictions that have come to her not take place until next year because they are actually physically in the process of moving the former guardianship board applications from the Collinswood property, the ABC building, into the city, and geographically they need to make some structural changes, so 'Please don't do anything quickly because we need to attend to that, and we are doing that in the latter part of this year.' It is all going according to her expectation, and I thank her for her leadership in that regard.

So it is a little bit puzzling to me that the opposition would say, 'We think that you need to be able to include in here a deputy president.' We simply do not have one, and the former attorney-general said that we do not need one. I have not had any requests from anyone, particularly the president, that she needs one. I can say to the member for Ramsay that we are not in a hurry to rush out and give a tribunal or court extra judges or deputy presidents when they have not even asked for them.

I just find it a little bit puzzling. This has come a bit out of left field here. By all accounts, the people running the show say they do not need it, so I am not about to do it. It seems a little pointless having legislation to cover that. The president, therefore, undertakes the review process within this tribunal, and by all accounts she is doing a good job and not asking for any change.

The second matter that was raised was the question of the appointment of the reviewer of ICAC, who also has these other roles under the Surveillance Devices Act and also the Telecommunications (Interception) Act. I recall recently reading the annual reports from His Honour, former judge Kevin Duggan QC in relation to these areas. He has completed them, and I may have



even tabled them this morning, but certainly they are on their way and it is a job that he does. He also has the role of reviewer of the Independent Commissioner Against Corruption and their operations.

My advice is that this is not really just to save paperwork; this is a process which currently occurs, as I understand it, as a matter of practice. Therefore, we are aligning the legislation with current practice. When these things are identified as appropriate to bring to the attention of the Attorney-General, I understand that is exactly what they have done and have said, 'This is what we have been doing anyway.' However, it ought to have the same compliance in all the pieces of relevant legislation, and that is what we are tidying up. As I said, we are not doing it to save paperwork; we are doing it to ensure that the process is accommodated in an approved legal form.

Finally, in respect of the Training Centre Review Board's annual reports, I can honestly say I am stunned at this proposal. This is not because I would not have liked to see an annual report for 2017-18 from the Training Centre Review Board; in fact, I have been begging to have one of these for years. Victoria has been a leading state in this area, and I have found it quite instructive over the years, particularly when I have had responsibility for juvenile justice on behalf of the then opposition, to read the Victorian training review board's annual report. It was quite enlightening in relation to how they were managing our youth—generally aged between 10 and 18 years, although sometimes they are kept in youth detention facilities a little bit past the age of 18 if they are immature or likely to finish their sentence in a short time, etc.

I found that quite helpful, and I was always puzzled as to why we received a Parole Board report—the review body for adult prisoners—but we did not receive anything for children. This is supposed to be one of our priorities. I am a bit concerned as to why we have never had one, especially as the member for Ramsay is a former minister covering youth justice. It just seems astounding. Nevertheless, my plaintive pleas fell on deaf ears and we were not able to have one.

When issues arise, such as with the Don Dale Youth Detention Centre in the Northern Territory—the concerns raised about the treatment of juvenile offenders in that facility hit the headlines. This is why I think it is so important that these agencies (in this case, the Parole Board for juvenile offenders) provide a continuous report, aside from all the royal commission we have into these things. Providing us with annual reports is one way of doing that.

I recall asking the former government (I am not sure whether it was the member for Ramsay or her predecessor) whether there were activities in our youth detention centres—our children's prisons—similar to what we were seeing on our television screens at the Don Dale centre. Were there allegations, for example, as to whether spit hoods were being used for the purposes of calming and managing residents at these training centres? Ultimately, it was identified that the answer was yes. From memory, it appeared to be 20 or 25 times a year. I was subsequently informed that this was multiple use on one resident. In other words, 25 children had not been administered spit hoods; it may have been two or three children but they may have had to use them multiple times for the behavioural management of these residents.

The spit hoods were not treated as spit hoods in South Australia in the same way as the Northern Territory—theirs was an apparatus worn over the head, designed to stop the wearer from being able to spit or bite their gaoler as such and, therefore, to be a protective mechanism for those who were trying to manage the resident in the facility.

But they were different in South Australia apparently because, whilst the spit hood was placed over the head, there was a slot, or at least an area of transparency, where the eyes were. It sounds a bit like a burqa or something where you can actually see through the apparatus and, therefore, they were not to be seen as such a draconian piece of equipment, which was like a bag over the head of a child.

Somehow or another that was supposed to make me feel more comforted by the fact that our children in South Australia were actually having this administered to them. I was not, I can tell you, and I made further inquiry about it. But if we had had annual reports from our children's training centres, that is, our children's prisons' parole board review people, we would have had some idea about what the hell was going on and not end up with a situation where we are left in the dark about

what potentially could be totally unacceptable and probably in breach of human rights conduct in the security of children in these training centres.

Finally, after getting into office, I was able to say, 'Look, I think we do need to have some accountability here.' We have not had a royal commission into our children's prisons down here and I hope—I only hope—that the sort of conduct that has been identified as happening in the Northern Territory has never happened here. I do not know the answer to that but I make this point: at the very least, whoever is responsible for these children has to give us a report on an annual basis and, under this law, which I am asking the parliament to support, they will be required to do so. So it is very important to me that we pass this legislation and ensure that those reports are made and prepared.

That is why I find it so stunning to find that the opposition is now saying, 'We are going to agree to this. We think this is, presumably, a good idea, but we not only want you to do it now for the future but we want you to make them do a report from last year.' I can tell you that I have never been asked for legislation to impose an obligation to prepare reports retrospectively—never.

Furthermore, I have never, to the best of my knowledge, ever asked the former government to do it. One of the practical problems when you impose an obligation to do something retrospectively is that there is every possibility that the information—which we are now requiring be provided in this legislation if it is passed—may not have even been collated.

I do not know the answer to that, but what I do know is that it would be entirely improper for us to go back and ask a board to retrospectively prepare a report and provide information to us, of which they had no obligation to during that time. I am happy to ask them. The chair of the review board is the Chief Judge of the Youth Court, and I am happy to ask the judge to consider whether she thinks she is able to comply with the request of the opposition and provide that.

I think it is unreasonable to make it retrospective, but I will ask her, and if she thinks that she could collate together a report covering this information for last year, even though they had not been on notice to provide it, then I am either happy to report back to the parliament and to the opposition between the houses of this debate to indicate their capacity and willingness to do that.

If that is the case, and they find that to be not an onerous task, then that may well be able to be acceded to, but I am stunned to think, after all these years of not even having a report, when we finally get into government and actually introduce a bill to say, 'This is an important thing for South Australia,' I have the former minister asking me to retrospectively apply it. I can tell you I am stunned.

Nevertheless, I have to be grateful that there seems to have been some acquiescence to the merits of the other matters before parliament. I do appreciate that. I will inquire of Her Honour whether there is a capacity to provide either a report or the data that is outlined in the proposed section 40 for an annual report for the 2017-18 year. However, about the other matters, I hope I have satisfied the opposition. They really are proposals that are—I would not say misguided—either inappropriate or unnecessary.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. Z.L. BETTISON:** I have a general question about the consultation that you did on this bill.

**The Hon. V.A. CHAPMAN:** The consultation included the Independent Commission Against Corruption; the Hon. Kevin Duggan, who is the reviewer under the ICAC Act; SA Police; the Chief Magistrate; the Senior Judge of the Youth Court, who is the presiding member, as I indicated, of the Training Centre Review Board; the Liquor and Gambling Commissioner; the Department of Human Services; the Department for Correctional Services; SACAT itself (I am not sure who; it may have been Justice Hughes or the registrar); the Fines Enforcement and Recovery Unit; the Law Society of South Australia; and the Guardian for Children and Young People.

**The Hon. Z.L. BETTISON:** Thank you very much, Attorney. Is it possible for us to have copies of those submissions?

**The Hon. V.A. CHAPMAN:** I do not know whether this was conveyed at the briefing, but the general position is that we do not. I have outlined at some length in previous bills that the Law Society submissions are online. However, for the departmental ones and offices of the government, their advice to us on their letters of request is to say, 'Please, Attorney, when you are looking at opening up the bill next, can you consider dealing with A, B or C?' The Law Society is in that list and it is the only one of that list, in this case, that was consulted outside of government.

**The Hon. Z.L. BETTISON:** If you are not prepared to pass on those submissions, perhaps you could outline the nature of them.

**The Hon. V.A. CHAPMAN:** Largely, the government ones are requests to us. They are not a submission: they are a letter to the government. I think they are usually addressed to me, but they may be dealt with on the way, before they get to me, to identify an area of refinement or amendment that they would recommend and request. Sometimes, we will then consult with other agencies. So if Mr Duggan came to us and said, 'The practice has been this in relation to reviewing,' we would check that with ICAC, obviously, and check if there were other things to be done.

The Law Society—who are really, I suppose, the keepers of protecting the interests of the citizens through the legal process—look at all of these amendments and often alert us if there is some area of breach or interference with civilian rights that we may have inadvertently not considered. Sometimes the police ask things that might seem like a good idea to them, but they are probably going too far in relation to protecting the interests of the public.

**Mr Picton:** Like what?

**The Hon. V.A. CHAPMAN:** Like search powers—you know damn well what. I make the point that we do need to cross-check some of these things, obviously. We do not just say anything to any agency that comes to us and says, 'We think this is a great idea; can you fix this?' Fortunately, I have a whole army of legal people in the Attorney-General's Department, brilliant people like Emily here, who can give me advice. The nature of each of the submissions, largely from government agencies, relates to a request and why the amendment is required.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

**The Hon. Z.L. BETTISON:** My question is about outlining the need for this amendment. If the Attorney could elaborate on that.

**The Hon. V.A. CHAPMAN:** I will try to summarise that advice to the extent that there were provisions under section 44 for an extended trading-hour process—authorisations and the like. When we debated this law reform post the Anderson review, we were considering a three-hour break in trade, and there was some discussion about that. We dealt with it. We introduced a new regime once that was resolved, but section 44 was left in accidentally, so we have deleted it. It was already in the bill. After debate, the resolution has been included but this bit should have been removed. You can chastise the former attorney for failing to deal with it.

**The Hon. Z.L. BETTISON:** Specifically on this, did you consult with the Australian Hotels Association (AHA) on this amendment, and what was their response?

**The Hon. V.A. CHAPMAN:** I can certainly tell you that on the original bill, when we debated this, there was very extensive consultation with the AHA. In fact, this was an issue for a number of the stakeholders in this debate as to how this three-hour break in trade was going to work, when it was to occur and whether there could be some flexibility in the hours that were used, etc., and so everyone had a say on it. So, yes, they were consulted.

We have not gone back to them to deal with this because really it is an error of drafting. The original drafting is fine; it is just that when we do make amendments through these parliamentary processes, there is a bit of a review on the run with these things. In all fairness, it is not the former

attorney-general's fault, but it is his responsibility at the time to make sure that these things are done properly. If extra time is needed to make sure that they are done properly, then that should have happened, but it did not and so I am fixing it up.

**The Hon. Z.L. BETTISON:** I have no more questions on this clause.

Clause passed.

Clause 7 passed.

Clause 8.

**The Hon. Z.L. BETTISON:** My question is: does this amendment potentially create a situation where a more junior member of SACAT could hear an application to review a decision of a more senior member of SACAT?

**The Hon. V.A. CHAPMAN:** I hope I can be brief on this as well. If it is an application for a review of matters in relation to their own jurisdiction, it does not change. Where the president is the reviewing officer, for example, of a tribunal member, then she—that is, Justice Hughes—is the reviewing person, and that confirms this. There is no position of deputy president in the structure now. We now have a full-time president who attends to all of these, and I can tell you that I am not about to appoint another one just because somebody thinks it is a good idea.

**The Hon. Z.L. BETTISON:** On that topic—and you did elaborate in your speech before—I am advised that there is some rotation of members of SACAT through that position of the deputy president; if that is not correct, I would like to hear your thoughts. Can I clarify that you do not intend to fill a position of deputy president?

**The Hon. V.A. CHAPMAN:** I am not proposing to appoint anyone to be the deputy president. Recently, the president went on leave, and in fact the president of SAET came in to be the acting president for SACAT because they have a similar structure in relation to how the rules operate for the tribunal—in fact, one is an exact mirror of the other. In relation to SAET, although it has an industrial court component to it, it actually operates now under a model under the SAET Act, which enables it to have a similar structure—rules of evidence, process, etc.,—when it is acting as a tribunal.

It was a convenient temporary appointment, which was at the request of Justice Hughes and at the acquiescence of Justice Dolphin. I appreciate their advice on that, and it seemed to work very well, so it is not as though we are not without a backup if that is any concern of the member. We are able to have a functioning tribunal for the purpose of its operations, which is largely to determine matters that have been dealt with as an administrative review, and then there is a review process within it for the judge to hear a matter. Ultimately, as does occur from time to time, there is a capacity to transfer it to the Full Court of the Supreme Court, but that is obviously rare; it is not something that we would expect to occur very often.

**The Hon. Z.L. BETTISON:** I have no further questions.

Clause passed.

Clause 9 passed.

Clause 10.

**The Hon. Z.L. BETTISON:** Can the Attorney elaborate on what the rationale is for this amendment?

**The Hon. V.A. CHAPMAN:** As indicated in the second reading on this matter, the further amendment is proposed for the Surveillance Devices Act to correct a minor drafting error. The bill amends section 31 of the Surveillance Devices Act, which mistakenly refers to the chief investigating officer of an investigating agency, rather than to the chief officer of an investigating agency. So 'investigating' is there twice; we are deleting one of them.

Clause passed.

Clause 11.

**The Hon. Z.L. BETTISON:** Can you guarantee that there are no circumstances in which there would be problems in the respective reviewers being the same person?

**The Hon. V.A. CHAPMAN:** Nothing has been brought to my attention that suggests that there would be an adverse impact as a result of having the reviewer of all these entities being the same person. The advantage in it occurring is that we have oversight, considering all the factors at the same level on all the matters.

For example, what we could have in a situation with different reviewers, even though they have all been done by the same reviewer at the moment, is that one person may take the view that the review should take place over 10 different aspects, whereas another might take the view that only eight areas need to be examined to comply with the obligation of the review as specified in each of the acts. Therefore, you may have an inconsistent or an inadequate review by one and not the other. That is the advantage of having the same reviewer.

Let me give you an example. Recently, I appointed former judge Michael David to undertake a review, which from time to time he has done for government. He advised me that the person who had been instructed to do the previous reviews, of which they had provided reports to the former attorney-general and which had been provided to parliament, had reviewed the matter at a level that I think was seen to be significantly inadequate in the opinion of Mr David. He felt that to have conducted the review it was necessary to undertake a whole lot of other steps.

His view was that the previous reviewer had interpreted the role in a very narrow way and therefore had not, in his view, adequately complied with doing the job. He probably did quite well in what he did review, but he had not done it in sufficient detail. So you can see what happens when two different reviewers, especially if they are lawyers, come up with different lists about what they think has to be done.

When that happens, you can get inconsistencies, which ought not necessarily mean that either is wrong but to which there has not been the same level of threshold or standards applied for the purpose of that review. Can I guarantee that there will not be any problems? None have been brought to my attention at all; in fact, the request has been to consider sorting this out because it is what we are doing anyway.

Clause passed.

Clause 12 passed.

Clause 13.

**The Hon. Z.L. BETTISON:** Turning to 40(1)(f), looking at reports by the Training Centre Review Board and the power the board has to include matters in the annual report, or for the minister to direct the board to include matters in the annual report, how will parliament know when the minister has directed the board to include something and will that direction be tabled in parliament?

**The Hon. V.A. CHAPMAN:** On the latter question, firstly, it is unlikely that the direction would be tabled in parliament. There is no obligation under this proposed legislation to require that to occur. It only happens in certain circumstances, and I am sure the member, having been a former minister, would understand this. Sometimes, there is an obligation for a statutory officer, independent by virtue of the statute usually, to be protected against the direction of a minister.

Sometimes it is absolute. I can recall after the Mullighan inquiry, when the Guardian for Children and Young People, who was the person responsible for the protection of children under the guardianship of the then minister, provides an annual report, he or she shall not be directed by a minister in respect of their report.

That is a specific legislative protection to them from an interfering minister. Mr Mullighan took the view that they had to be absolutely free of any imposition or interference or threat from the minister. I will not necessarily go into the reasons why, but he made it clear that that needed to be in the statute, and this parliament put it in the statute.

Other occasions we have where, if a direction is given, it is so important that the parliament know about it that it specifies in the statute in the circumstances of when that is to occur. For example,

I think if I direct the DPP to do something, as Attorney-General, which is not considered to be something that should be frequent, that I need to account in some way to that.

I know there is a provision in the Police Act, for example, that if a minister of the Crown gives a direction to the police commissioner, that that direction has to be tabled in parliament, I think in both houses. The reason for that is because we need to protect the integrity of the independence of the police commissioner who, just like the DPP, has to have the power to investigate, as the DPP has to prosecute, independently of influence of the Crown. This is a very important principle. In this instance, we are just asking them to prepare an annual report and put in it what items must be in it.

Last year, before the filing of annual reports, the then premier issued some kind of direction or guideline—I am not sure exactly what status it was, but it seemed to have the imposition of the High Court rules—that there had to be a change of format in relation to annual reports. There were to be, I don't know, no more pictures, there were not allowed to be paragraphs of self-congratulation, all sorts of things in it, which were streamlining the reports. We got the sanitised version—we have, really, bugger all, frankly, in our annual reports anymore under that direction.

In any event, I do not know whether he was under any obligation to even tell us, as a parliament, why he did that, but he certainly did it. Frankly, I can recall at least one agency that I was supporting at the time that was pretty cranky about being told how they were going to do their report. From memory, it was the Child Death and Serious Injury Review Committee that was pretty miffed that the premier should come and start telling them how they should report to the parliament.

Anyway, let's get back to this one. We are not imposing that obligation. We do say, though, that if there are other aspects that the board wants to cover or that are considered to be important to report on, like how many children in the training centre are required to wear spit hoods each year, then I would put that request to them to give that information to the parliament and I would expect that that would be complied with and that they would probably put in their report, 'We have received a request during the course of the year from the Attorney-General to make provision of this information', and accordingly do so.

The only other time I have seen it is where there has been a direction in respect of financial matters. I only recall this because I was chair of the audit committee of the TAB 15 or 20 years ago. The then minister required us to report a certain matter in the annual report. I said, 'That's only going to happen if you give me a ministerial direction and I will be reporting it in the annual report.'

All different types of rules apply for these things, but in this instance this is a summary of the separations and detentions of children, largely, and we expect it to be annually reported. If things come up that we think do need to be reported to the parliament, the minister of the day, who would at this point be the Minister for Human Services—possibly me, I am not sure. Probably me, as the chair of the board is also a Youth Court judge, but in any event whoever the minister is at the time who has the file committed to them. Youth Offenders Act—yes, I have the act, I think, and the actual detention facility is with the minister for justice, who is now our Minister for Human Services. Great. I think we are on the same page.

Clause passed.

Remaining clauses (14 and 15) and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (21:18):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 21:19 the house adjourned until Thursday 6 September 2018 at 11:00.

*Answers to Questions***REGISTER OF LOBBYISTS**

**300 The Hon. S.C. MULLIGHAN (Lee)** (25 July 2018). Since 19 March 2018, which lobbyists (listed on the Register of Lobbyists) had contact with the Treasurer or a member of the Treasurer's staff?

1. For those occasions when the minister or a member of his staff had face-to-face meetings with the lobbyists
  - (a) What is the name of the lobbyist;
  - (b) What was the date of the meeting(s);
  - (c) What is the name of the third party for whom the lobbyist has provided paid or unpaid services; and
  - (d) the nature of that third party's issue?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** The Treasurer has advised:

The responsibility for reporting this information rests with lobbyists registered under the *Lobbyists Act 2015*. The information is reported by lobbyists annually as required by Section 8 of the act and published on Department of the Premier and Cabinet's website.

**JOB ACCELERATOR GRANTS**

**302 The Hon. S.C. MULLIGHAN (Lee)** (25 July 2018). How many Job Accelerator Grants have been paid?

1. How many grants were paid in each financial year?
2. For each financial year:
  - (a) How many were for full-time jobs?
  - (b) How many were for part-time jobs?
  - (c) How many were for apprentices and trainees?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised by the Treasurer that:

1. A total of 4,264 Job Accelerator Grants have been paid as at COB Monday 30 July 2018.
2. (a) 3,742 Job Accelerator Grants were paid in the 2017-18 financial year whilst 522 have been paid in 2018-19.
  - (b) For the 2017-18 financial year, 3,591 Job Accelerator Grants were for full-time jobs, 954 for part-time jobs and 600 were for apprentices and trainees.
  - (c) For the 2018-19 financial so far, 471 Job Accelerator Grants were for full-time jobs, 132 were for part-time jobs and 68 were for apprentices and trainees.

**TREASURY AND FINANCE DEPARTMENT**

**303 The Hon. S.C. MULLIGHAN (Lee)** (25 July 2018). Did the Treasurer instruct the Department of Treasury and Finance to cease funding or providing Job Accelerator Grants after 19 March 2018?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

The Treasurer has not instructed the Department of Treasury and Finance to cease funding or providing the Job Accelerator Grants for eligible jobs. The Job Accelerator Grant is being applied and administered in accordance with the guidelines as announced by the former government.

The Job Accelerator Grant (the grant) is available to a business that creates one or more new positions between 1 July 2016 and 30 June 2018 which results in a net increase to the total employment level of the business. There are two grant amounts available:

1. an amount of up to \$10,000 (\$5,000 each year for two years) for each new full-time equivalent position created by a business liable for payroll tax in South Australia with total annual Australian wages of up to \$5 million. The grant is pro-rated for a business that hires a part-time or casual employee; and
2. an amount of up to \$4,000 (\$2,000 each year for two years) for each new job created by a business not liable for payroll tax, including those with total annual Australian wages below \$600,000. A new employee must work an average of at least 22 hours per week for a business to be eligible for this grant.

If the relevant position was created for an apprentice or trainee, the payment for the position would increase by \$5,000 (\$2,500 each year for two years). The increased grant amount applies to all businesses eligible for the abovementioned base grants.

A business has up to 90 days to register for a grant following the creation of an eligible position.

The last date for creating eligible positions was 30 June 2018 and it is expected that applications will continue to be received up until the end of September 2018.

The grant is paid to a business following the first and second employment anniversaries of an eligible position that is maintained over this period.

If a position is only maintained between 12 months and two years, a business is not required to repay the grant that they received for the first anniversary of employment.

The government will continue to pay grants on the first and second anniversaries of employment for eligible maintained positions.

#### PROGRAM FUNDING

**306 The Hon. S.C. MULLIGHAN (Lee)** (25 July 2018). Can the Treasurer provide a list of all programs and initiatives that have had their funding reduced or cut since 19 March 2018?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** The Treasurer has advised:

Any funding changes to programs or initiatives are being considered by the government as part of the budget process. Details of any decisions made will be presented in the 2018-19 Budget to be released on 4 September 2018.

#### GOVERNMENT FUNDING

**307 The Hon. S.C. MULLIGHAN (Lee)** (25 July 2018). What government funding commitments to external organisations that were due to expire at the end of the 2017-18 year have been extended?

(a) What is the name of each organisation?

(b) What is the amount of funding to each organisation that has been provided beyond the end of the 2017-18 financial year?

(c) What is the purpose of the funding to each organisation?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** The Treasurer has advised:

Any funding changes to programs or initiatives are being considered by the government as part of the budget process. Details of any decisions made will be presented in the 2018-19 budget to be released on 4 September 2018.

#### OPERATING BUDGETS

**309 The Hon. S.C. MULLIGHAN (Lee)** (25 July 2018). Have any departments or agencies estimated to have underspent against their approved 2017-18 operating budgets?

(a) Which agencies are estimated to have underspent?

(b) By how much has each agency estimated to have underspent?

(c) What are the reasons for each agency's underspending?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** The Treasurer has advised:

During 2017-18 agency budgets were revised to reflect decisions made in the Mid-Year Budget Review as well as any subsequent decisions of the government. Agencies are monitored against that revised budget.

In the May monitoring report the following agencies were estimating to underspend against their approved 2017-18 operating budget:

- Premier and Cabinet (\$25.4 million) as a result of delays in providing grants from the Energy Production Program and lower staff costs
- Police (\$3.8 million) as a result of unsworn vacancies and lower workers compensation expense
- Treasury and Finance (\$3.7 million) as a result of the reclassification of expenditure (operating to investing) and higher cost recovery revenue associated with the Super SA ICT Solution project
- Human Services (\$3.2 million) as a result of changes associated with the state's NDIS payments and consolidation of disability services
- Education (\$2.8 million) as a result of a grant received from BHP Billiton Olympic Dam Corporation to jointly fund the development of an early learning centre in Roxby Downs and the reclassification of expenditure (operating to investing).

The state budget, which will be released on 4 September 2018, will provide updated estimates of agencies' expected 2017-18 expenditure, including those agencies that have reported underspends against budget.

#### OPERATING BUDGETS

**310 The Hon. S.C. MULLIGHAN (Lee)** (25 July 2018). Have any departments or agencies estimated to have underspent against their approved 2017-18 capital/investing budgets?



- (a) Which agencies are estimated to have underspent?
- (b) By how much has each agency estimated to have underspent?
- (c) What are the reasons for each agency's underspending?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** The Treasurer has advised:

During 2017-18 agency budgets were revised to reflect decisions made in the Mid-Year Budget Review as well as any subsequent decisions of the government. Agencies are monitored against that revised budget.

In the May monitoring report the following agencies were estimating to underspend against their approved 2017-18 investing budget:

- Planning, Transport and Infrastructure (\$121.3 million) as a result of delays by contractors undertaking works for a number of projects including the Northern Connector, Darlington Upgrade and Tonsley Rail Extension
- Environment and Water (\$28.1 million) as a result of delays in a number of commonwealth funded projects including the SA Riverland floodplains Integrated Infrastructure program as well as the Riverine Recovery and SE Flows Restoration projects
- Premier and Cabinet (\$21.6 million) as a result of delays associated with the Emergency Generator project and Brukunga mine remediation works
- Education (\$20.3 million) as a result of delays in a number of projects including STEM Facilities and Building Better Schools
- Health and Wellbeing (\$11.9 million) as a result of delays associated with a number of projects including the Women's and Children's Hospital Upgrade, EPAS and SA Pathology consolidation to Frome Road
- State Development (\$4.2 million) as a result of underspends associated with the Business Transformation and WorkReady and Arts Collection Storage projects.

#### PUBLIC SECTOR EXPENDITURE

**315 The Hon. S.C. MULLIGHAN (Lee)** (25 July 2018). What is the estimated level for 2017-18 of both capital and operating expenditure underspending (or overspending) for all departments and agencies, which were not classified in the general government sector?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** The Treasurer has advised:

During 2017-18 agency budgets were revised to reflect decisions made in the Mid-Year Budget Review as well as any subsequent decisions of the government. Agencies are monitored against that revised budget.

Agencies that are not in the general government sector are monitored on a quarterly basis.

In the March monitoring report the following agencies were reporting the following variations against their approved 2017-18 budgets:

Operating profit before tax:

- SA Housing Trust (\$27.4 million below budget) as a result of lower tenant rent revenues and increased building write-offs
- SA Water (\$7.6 million below budget) as a result of lower water sales
- Adelaide Venue Management Corp (\$3.4 million above budget) as a result of higher revenue from conferences, exhibitions, banquets and seminars associated with the Adelaide Convention Centre Events Division
- Adelaide Festival Centre Trust (\$0.4 million above budget) as a result of increased sales revenue partially offset by an increase in programming and marketing expense
- West Beach Trust (\$0.2 million below budget) as a result of lower revenue primarily due to the revised operating model of the Caravan Park Café and the continued downward trend in golf green fee and membership revenue

Investing:

- SA Water (\$79.6 million underspend) as a result of delays associated with the North Adelaide Irrigation Scheme and Kangaroo Creek Dam projects
- SA Housing Trust (\$65.4 million underspend) as a result of delays associated with the Better Neighbourhoods, Social Housing and Remote Indigenous Housing projects
- Adelaide Festival Centre Trust (\$17.3 million underspend) as a result of delays associated with the Her Majesty's Theatre project

- West Beach Trust (\$0.5 million underspend) as a result of a revised commencement date for the construction of nine new cabins at the West Beach Resort
- Renewal SA (\$0.3 million overspend) as a result of the construction of a soil bank stockpile cover structure for managing low level contaminated soil
- Cemeteries Authority (\$0.1 million underspend) as a result of costs associated with purchasing a new business information system being expensed rather than capitalised.