

HOUSE OF ASSEMBLY

Thursday, 15 November 2018

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

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

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: REPORT 2017-18

Mr ELLIS (Narungga) (11:02): I move:

That the 2017-18 annual report of the committee be noted.

Although I am a recent addition to this committee, it has been my absolute privilege to be part of a committee that is so committed to better outcomes for Aboriginal people within South Australia. As with most committees, there has been significant change over the past year for this committee with the election and a new parliamentary session. I would like to acknowledge that a significant amount of this report relates to the previous committee under the previous presiding member, the Hon. Tung Ngo from the other place. In doing this, I would also like to acknowledge previous committee members: the Hon. Terry Stephens from the other place; the member for Taylor, Mr Jon Gee; and the former member for Morphet, Dr Duncan McFetridge.

I would also like to take this opportunity to acknowledge the current members: our presiding member, the Hon. John Dawkins from the other place; the Hon. Kyam Maher from the other place; the Hon. Tammy Franks and the member for Giles, who both continue on from the previous committee, much to the benefit of the current committee, which gets to call on their wisdom when necessary; the member for Waite; and the member for Finniss, who, fortunately for me, had to resign from the committee, so I was able to take his place. I thank all those members for their contribution to the 2017-18 annual report. It is my great pleasure to be able to move it without having contributed a great deal to its creation. Thank you very much to all of them.

The committee had a heavy visiting schedule over the past 12 months, with the majority of it being a follow-up from an APY lands trip on 27 June 2017. I have to say that, as a new member of the committee and a new member of this parliament, I am very much looking forward to my first trip to the APY lands. A couple of attempts were made to organise a trip there this calendar year but, due to cultural business and other such things, we were unable to find a time. However, I am very much looking forward to working with the committee to plan a trip early in the new year and, hopefully, spend some valuable time up there.

The committee called a number of witnesses, provided much-needed attention to areas such as police presence in remote areas, funeral and coronial services in remote areas, access to dialysis services on country and also understanding better the issues faced by community members in the Community Development Program across the APY lands. Despite cancelled trips due to cultural business and the election in March, which I alluded to earlier, many members were able to undertake individual trips, meeting with Aboriginal community groups and peak bodies regarding matters of interest for this committee.

As the member for Narungga, I have to say that it was deeply pleasing to see so many parliamentarians at the 150th celebration of the Point Pearce community recently, at which I was honoured to be able to speak. I addressed a healthy crowd out at Point Pearce, and the town was looking magnificent for the day. It is worth noting that the Hon. Kyam Maher was there. He stayed around to watch the footy carnival that evening in Moonta. Also there was John Dawkins, the current Presiding Member, and it was a pleasure to see him there during the day and at the footy that evening. The Minister for Child Protection was also there. She is not a part of the committee but takes an active interest in the wellbeing of the Point Pearce community. It was a great honour to see her there at the Point Pearce celebrations.

They do a tremendous job at Point Pearce, creating a real carnival-like atmosphere. A lot of marquees and different stands were set up, with things for people visiting the town to do, and the 150th celebration was no exception. A wonderful Welcome to Country was conducted, which was a tremendous experience for me. It was one of the more intricate Welcomes to Country I have seen, and it will not be easily forgotten. There were some great speeches by a number of different people. Klynton Wanganeen spoke and called on his past experience in his role in promoting the Aboriginal movement.

John Chester from the ALT addressed the crowd about the ALT plans for the Point Pearce community and their surrounding farmlands. At the celebration, we were lucky enough to have Edmund O'Loughlin unveil the plaque to celebrate the 150th birthday. My understanding is that he unveiled the plaque 50 years ago for the 100th celebration. I am happy to stand corrected, but I believe that to be the case. He was able to come back and unveil that plaque.

It was great to hear from him and about the experiences he has had in the Public Service in Canberra and as a teacher at Point Pearce. We heard about some of the rules he put in place for his students to make sure they were fulfilling their potential and attending school as often as possible. Some of the success stories that come out of classrooms that he presided over are truly inspirational. So it was a tremendous day at the 150th birthday of the Point Pearce community.

The NAIDOC celebrations were similar at Point Pearce, with a similar number of marquees and events. I had a badge depicting the Aboriginal flag made for me, which was wonderful, and I have been wearing it proudly on the odd day ever since. That was a similarly tremendous day. They do it well at Point Pearce, and it was great to see so many parliamentarians at the past two celebrations they have had.

In October 2017, the committee commenced its review into the operation of the Aboriginal Lands Trust Act 2013. During the reporting period, the committee took written and oral submissions for this review, and members are grateful to all the Aboriginal communities, organisations and their representatives who have given their time, assisted with visits and provided valuable insights during these visits. Since I have joined the committee, this review has been a significant focus.

I have come to appreciate the legislative, community and cultural complexities that relate to this area and have welcomed the communities' openness and preparedness to share their stories. I have listened to the lived experiences of Aboriginal people across South Australia. This is a very important piece of legislation, and we will, I am sure, bring the findings of our review back to this chamber in the new year. I have had the great pleasure of being a part of a number of presentations from a number of different communities, and I have to say that the learning experience I have gone through as a part of this committee has been tremendous.

It really is a complex piece of legislation and interacts with different communities in different ways. It is always going to be a problem to find a one-size-fits-all solution, but it was great to hear directly from the people who interact with this piece of legislation and to hear how they feel it either benefits or hinders their living arrangements, their economic development and the opportunities they have on country.

It was great to have so many people willing to come into the parliament to address our committee, and even more people willing to write or prepare a written submission to contribute to the debate to make sure we get this right going forward, because it is an important piece of legislation that impacts many different people.

The committee's commitment to Aboriginal affairs and looking into matters affecting the lives of Aboriginal people extended beyond community visits and witness appearances, with members showing support through attending many key events throughout the year, including the Adelaide Lord Mayor's Flag Raising Ceremony, the NAIDOC SA Awards, the Premier's NAIDOC Awards and the National Reconciliation Week breakfast—all important events for remaining connected to Aboriginal communities and people.

I would also like to make mention that there have been a number of significant losses within the South Australian Aboriginal community this past year. The committee has paid their respects to these families during these difficult times. It was sad to note that the flag was at half-mast when we visited Raukkan recently. We were lucky enough to get a tour of that beautiful town from Clyde

Rigney. I had a look around and it is in tremendous shape, with the committee installed there with the help of the executive officer, Jordan Sumner. They do a tremendous job. They have a wildflower export economic opportunity and are growing vast amounts of wildflowers and sending them to overseas places, such as China.

They have a certain amount of land that they also use for economic development through harvesting different crops. Whilst we were out there, we could see those crops growing and, without having any particular expertise on that front, they looked quite healthy from where I was standing. It is good to see an Aboriginal community such as Raukkan continuing to thrive, grabbing the bull by the horns and moving ahead in leaps and bounds. Hopefully, the review of the ALT will continue to empower them to make economic decisions that will benefit their community so they can continue that forward progress into the future.

I would also like to take this opportunity to acknowledge all committee members, past and present, for their commitment and dedication to the work of this committee. I would also like to thank all the Aboriginal communities and organisations and their representatives who have given their time, assisted with visits and provided valuable insight to the committee during the year. I would like to give particular thanks to the Point Pearce community, the community within the electorate of Narrunga, which is the community after which the electorate of Narungga is named. I particularly want to thank executive officer, Kaylene O'Loughlin, who is wonderful. I can assure this place that she is in constant contact with my office seeking advice and guidance about how she can best aid her community.

I also want to thank Eddie Newchurch, the chair of the Point Pearce council, who is doing a wonderful job after taking over from John Buckskin relatively recently. I would like to thank him for the contribution he is continuing to make. At the NAIDOC Week celebration, there was a poster from the ALT, I believe, and Eddie was the subject of that poster. It was 10 feet high and a beautiful sight to see, with Eddie's beard looking as luscious as ever on that poster. Thank you very much, Mr Newchurch.

Various other members of the committee have been forthcoming with calls to my office, particularly Bessie Buckskin, Ernie Wilson and various others. It is great to go out there. I have spent quite a bit of time at Point Pearce since being elected and it is always a pleasure to go out there. I am looking forward to spending a great deal more time there going forward. Thank you particularly to all the members of the Point Pearce community and those who came in to present: Eddie, Ernie and one other person, whose name escapes me right at this very moment. Thank you for coming in and making a presentation.

In the short time I have left, I would also like to take the opportunity to give extraordinary thanks to committee staff member Shona Reid. She does an amazing job organising the committee. Everything is prepared and the folders are laid out. We have a sleeve to take away with us every time we go to a committee meeting. She does a tremendous job getting everyone organised and making sure that everyone is informed and aware of the happenings of the committee prior to our getting there.

Shona has unparalleled knowledge of the Aboriginal community not just across the state but nationally. She must have spent many painstaking hours preparing a research brief for a national document about the different models of Aboriginal land ownership or care around the country. It has ended up being nearly a 50-page document, with a vast array of different models from around the country. I would like to give particular thanks to Shona for the work she does for the committee. On behalf of the committee—certainly the members of the committee in this place—I say thank you very much to Shona.

In conclusion, it is a great privilege and honour for me to serve on the committee. With such a strong Aboriginal community in my electorate, I feel particularly thrilled to be on the committee and to have an active say in how the ALT is going to interact with their future and economic development. They have quite a parcel of agricultural land that has been harvested this year with quite positive results, so I am looking forward to having a say on the future of the ALT. With that, I commend the Annual Report of the Aboriginal Lands Parliamentary Standing Committee 2017-18.

Mr HUGHES (Giles) (11:14): I rise to say a few words because the member for Narungga has comprehensively covered the work of the committee during the term of this parliament. As indicated, a fair amount of work came over from the last term of parliament, especially in relation to the APY lands. Just to paint a very quick picture of the APY lands for some of our newer members, in a geographic sense it is one of the most remote parts of our state. The land mass is roughly equivalent to the size of England but with a population of about 3,000 people, and those people are linked by dirt roads. I would encourage members, if they get the opportunity, to visit this part of the state, to go there and to listen and not, like some people, go there and provide immediate advice. Go there and listen and take your time.

I had the good fortune last year to visit the APY lands on four occasions, and on one of those with the committee. As the member for Narungga stated, there are a number of issues that we are still working through, including policing issues. There has clearly been progress on the lands. There are now police stations in a number of communities, but there are still some issues around communication when things go wrong, and we need to find a more effective way of addressing some of those. Issues came up to do with the Coroner and people who are deceased. One family had a very significant financial burden and we tried to work through some of those particular issues.

It is very pleasing, especially for me as the member for that area, to see the strong bipartisan support, and also state and national support, for the establishment of permanent dialysis on the lands. We are getting closer to that. The latest information I have is that we should see a permanent facility on the lands at Pukatja part way through next year; I think that is going to be warmly welcomed. We should also acknowledge the worthwhile decision at a federal level to provide a Medicare service number in relation to dialysis treatment. That is going to be extended to remote dialysis across the country, and I think that is very positive.

Just after the election was the opening of the art gallery in Sydney as an outlet for some of the artworks from the APY lands. They have been winning awards both nationally and internationally for the sheer quality of their work. The art centres on the lands give you a real sense of confidence, and the sheer quality of the work produced is absolutely amazing. I am one of those people who will admit to being hooked on the artwork from the APY lands, and it is quite a diverse range of art.

Hopefully, the committee will be able to get to the lands early next year because it is always worthwhile to visit, to listen to the issues and to see what we can do to assist. We visited Raukkan just recently. That was a very worthwhile visit. It was the first time I had been to that community and I was very impressed with the entrepreneurial activity occurring there. Given that we have just had Remembrance Day, I think it was incredibly fitting to listen to the stories that we were told about the history and how Aboriginal men from that area went away to fight in the First World War.

There they were, going away to fight in the First World War presumably for freedom, democracy and the rest of it, and they came back to their country, a country that was taken from them, and that justice, freedom and access to land were not there. The European soldiers from Australia who went over to fight came back and were given land, soldier settlements. That was denied to the Aboriginal people in that community and elsewhere, yet they were willing to bear arms for this country despite the history—appalling history in many cases. That was a very worthwhile visit.

I would like to finish on two notes. One is that the main body of work that we have undertaken this year is the review of the legislation around the Aboriginal Lands Trust. A diversity of views has been expressed, so it will be interesting to pull that together and make some worthwhile recommendations. One of the great things about the committee is that it is bipartisan, or tripartisan given a Green is on it as well. We try to work together and reach consensus in a very constructive way. I think that is very worthwhile.

One of the reasons why this is an effective committee is not down to the elected members on it: I have to take my hat off to Shona Reid, the quality of her work, her diligence and her conscientiousness. She is super organised. She keeps all of us in line, and we know what is going on. I cannot sing her praises more highly. Hopefully, the work of the committee will continue on in a constructive fashion, and I commend the report to the house.

Mr DULUK (Waite) (11:22): I also rise to make some remarks in regard to the tabling of the annual report of the Aboriginal Lands Parliamentary Standing Committee for 2017-18. The member

for Narungga and the member for Giles have both made worthy contributions about the committee's work. We all get very partisan at times in here; a lot of debate and argy-bargy goes on. We have all sat on a lot of committees, but I have to say that, on this committee, most of the time all members worked together for a common goal. I think that is a real testament to the parliament and a testament to the importance that the parliament puts on the Aboriginal Lands Parliamentary Standing Committee.

Maybe the title of the committee is something for the committee and the parliament to look at over time, if and when we ever reform our committee structure. The title of the committee is the Aboriginal Lands Parliamentary Standing Committee, but we deal with so many more issues than just those that affect Aboriginal landholdings. We deal with a raft of issues pertaining to our First Peoples in Australia and many of the issues that they face as well. Over the course of time, as we look to review committees, hopefully that is one area that can be looked at and improved.

In terms of the work of the committee, as has been alluded to, we are currently reviewing the ALT legislation, the Aboriginal Lands Trust Act. For someone like me, that has proven to be a very insightful series of deliberations. It is certainly an opportunity for the committee to meet some very interesting characters and strong-willed people from across this wonderful state, and that has been extremely beneficial.

In terms of committee travel, as has been alluded to we have been up to Raukkan and Murray Bridge, and I commend the Chair, the Hon. John Dawkins in the other place, for his desire for us to get out into the regions. We are doing that, and I am looking forward to heading up to the APY lands in the new year, hopefully, to continue the good work we undertake there.

I would like to echo the comments made by the member for Giles regarding our research officer, Shona Reid. She has proven to be a fantastic research officer; at every meeting we roll up and all our notes are ready to go. It is a true testament to her ability as a research officer, and it is to the benefit of the parliament. Indeed, in the committee I chair, the Economic and Finance Committee, we have recently had two wonderful new staff members come on board in the roles of committee secretary and research officer, and I said to both those gentlemen that they should have a chat to Shona to see how things are done and the way to prepare for a committee.

Having someone like Shona, Ms Reid, makes the work of the committee so much easier in terms of understanding issues and cultural sensitivities. She is always prepared to brief the committee on the issues she is aware of in communities that may be presenting before the committee and, of course, she is all across the desire for us as a committee to get out and about around the state to visit different communities. I fully echo the comments of the member for Giles and the member for Narungga in terms of her work as committee secretary.

In addition to the work of the committee, in a broader sense the members of the committee have been involved in the Adelaide Lord Mayor's Aboriginal and Torres Strait Islander flag-raising ceremony, the NAIDOC SA Awards, the Premier's NAIDOC Awards, the National Reconciliation Week breakfast and the NAIDOC ball. The member for Giles and I are also on the board of Reconciliation SA, which is work that stems from our role on this committee as well.

I would like to thank everyone who has presented to the committee over the last 12 months, with the election and the change of government as well as the change of the committee's presiding member, the Hon. Tung Ngo MLC, in particular, and the Hon. Terry Stevens MLC from the other place, who were on the former committee up until the election in March this year. I look forward to continuing our work on the review of the ALT and to reporting on the progress of that to the house. I think there will be some important changes that will come out of that review.

Mr TRELOAR (Flinders) (11:28): I rise not as a member of the committee but as a member of this place who has Aboriginal communities within my electorate of Flinders. I follow the doings and the undertakings of the Aboriginal Lands Parliamentary Standing Committee very closely, and I compliment them on their work and on the report tabled in the parliament today. Members have spoken with great passion about the work they do on that committee.

I would like to acknowledge the Hon. John Dawkins MLC from the other place, who has taken on the chairmanship of this particular committee, for his work, as well other committee members,

three of whom have spoken in this place this morning already, including the member for Giles, who has the APY lands sitting within his electorate. Often when we talk about the APY lands in here we talk about what a beautiful landscape and what a magnificent part of our state it is, and how we should take the time to visit. I have not yet had the opportunity to visit the APY lands, but I am looking forward to having that opportunity and making that visit sometime in the near future. I am not sure whether I am able to muscle in on an Aboriginal lands committee visit to the APY lands, but I know the plan is to visit soon, hopefully in the new year. It would be very nice to be part of that tour if possible.

As has been mentioned, there have been significant changes to this committee, as there have been to all committees in this place following the election. It is a tripartisan committee that undertakes its duties very diligently. In the midst of all these changes, the committee still met and, despite limitations placed on travel for this reporting period (the 2017-18 reporting year), the committee saw this as an opportunity to attend to a number of outstanding matters from the APY lands trip in the previous reporting period in June 2017.

From this trip, the committee called a number of witnesses who provided much-needed attention to areas such as police presence in remote areas, funeral services and coronial services to remote areas, access to dialysis services on country, and a better understanding of the issues faced by community members in the Community Development Program (otherwise known as 'work for the dole') across the APY lands.

In October 2017, the committee commenced its review into the operation of the Aboriginal Lands Trust Act 2013, as per its requirements under section 68 of the same act. This review remains ongoing and we look forward to hearing from more community leaders and members in the coming year. I sat in on a couple of the presentations to the current committee. There was a delegation from Yalata, which included CEO, Desley Culpin; Pastor Russell Bryant, who is Chair of Yalata Community Inc.; and of course the ubiquitous Mima Smart, who is known to everybody and has strongly advocated for the Yalata community over the years. I met with them and the Premier during their visit to Parliament House, so that was quite a thrill for them, for me and, I am sure, for the Premier.

The committee has a statutory obligation to review the operation of three pieces of legislation, all of which have administrative bodies and authorities that manage the day-to-day operation of their acts. The committee discharges this function in part by visiting Aboriginal lands and communities, and by maintaining strong relationships with the Aboriginal landholding statutory authorities by inviting representatives from those statutory authorities to appear before the committee to give evidence.

As I have already mentioned, a review of the Aboriginal Lands Trust Act is underway. There are many diverse views, and I picked up on that when I sat in on one day of presentations. It will be interesting to see the outcome of that particular review. The committee continues to be accessible to Aboriginal statutory landholding authorities and will continue to visit Aboriginal communities with links to these statutory authorities throughout the state. I look forward to welcoming the committee to the Far West of the state, and to Yalata in particular. There are other Aboriginal communities and homelands in the state's west as well.

I understand there was an attempt to visit Oak Valley and Yalata, which are both homes to the Anangu people, who are in fact displaced desert people. The Anangu were displaced after the British bombed Maralinga in the early 1950s. The local Aboriginal population, who were part of the Pitjantjatjara mob, were initially relocated to Yalata in 1952. All probably felt the urge to return home, and some managed to make a new home further north at Oak Valley, which was closer to their lands, some time later. The intention was to visit that part of the state; however, only a few weeks prior to that visit, the committee was informed that cultural business was occurring and that it would not be appropriate for the committee to visit at the time identified.

I am sure the committee is very conscious of the cultural sensibilities around cultural business out of respect for the community's wishes that the committee cancel its scheduled trip. This trip to Yalata and Oak Valley will be a priority trip in the next reporting period. I do not think I will have to muscle in on that one. I will be quite welcome, I am sure, to join the Aboriginal lands committee to visit the electorate of Flinders. We are looking forward to that. Congratulations to the committee.

Shona Reid has been mentioned in glowing terms today. None of our committees could do the work we do without appropriate administrative support. Shona is the person who provides that support to the Aboriginal lands committee.

Moving on to some interesting things that are going on in relation to the Aboriginal communities in my district in the west of the state, I have mentioned the Anangu people. Of course, the Mirning people lived out on the Nullarbor and were very involved in trading spearheads, right up through the centre of Australia, and we are only just discovering now how extensive that trading effort was. The Wirangu live on the West Coast. Their focus now is around Ceduna. The Barngarla people and the Nauo people shared the south and the east of the peninsula. Of course, the Kokotha people lived in the Gawler Ranges, most of which is in the electorate of Giles. All have a place on Eyre Peninsula, absolutely.

Interestingly, both the Wirangu people and the Barngarla people are working very hard to record their language before these languages are lost. Much work has been done, particularly in the last half a dozen years or so, to capture the language of both the Wirangu and the Barngarla people. In fact, the Barngarla people even have a phone app now which can be used to determine the local words in the language for those people. Important work continues in preserving the culture, what is left of it, and language is such an important part of that culture—language and land. My congratulations to all those people. Well done to the committee. I look forward with interest to the work we might do in the coming 12 months.

Mr ELLIS (Narungga) (11:37): I would like to briefly thank all members who have made a contribution. The member for Giles mentioned the bipartisanship of the committee. It has been pleasing to me, as a new member in this place, that the two committees that I currently sit on both enjoy the benefit of being bipartisan. It certainly makes for a productive committee where everyone can work together and get things done.

I also acknowledge the member for Giles as a continuing member. Referring to that bipartisanship, we call on his experience quite a bit. I think it was that experience that the member for Giles used to be the first one to attend Raukkan the other day. He was there well before everyone else, such was his eagerness to get there, so I commend him for that. I am looking forward to continuing to work together going forward.

I thank the member for Waite for his succinct yet impactful contribution, and the member for Flinders who will always be welcome, I suspect, on a parliamentary committee trip. Thanks to everyone for their contribution, and one more thankyou goes to Shona Reid, who does a tremendous job organising the committee, ensuring we are all there on time and, although we were not at Raukkan, for the most part she makes sure we are all organised. Thank you to everyone for their contributions. I look forward to bringing back to this place the results of the review into the ALT in the New Year and continuing to work together for a positive future for all Aboriginal people across the state.

Motion carried.

Motions

TRANSFORMING HEALTH

Adjourned debate on motion of Ms Bedford:

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

- (a) the scope of policy issues that Transforming Health was designed to address (including federal healthcare funding cuts) and whether they were addressed adequately;
- (b) what other issues Transforming Health should have addressed;
- (c) the adequacy of the model of care proposed by Transforming Health, based around three tertiary hospitals and 'centres of excellence' supported by ambulance transfers;
- (d) the adequacy of consultation with clinicians and the community on Transforming Health and alternative models for consultation and engagement;

- (e) the degree to which a focus on primary health care could improve the overall effectiveness of the healthcare system;
- (f) the degree of difference between public expectations and the capacity of the healthcare system, as currently resourced, to meet them;
- (g) whether, having regard to its revenue base, the federal government is funding an appropriate share of the state's healthcare budget (and what the state should be doing to address this); and
- (h) any other relevant matter.

(Continued from 26 July 2018.)

Mr PEDERICK (Hammond) (11:38): I move:

That the debate be postponed.

The house divided on the motion:

Ayes 25
 Noes 2
 Majority 23

AYES

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

NOES

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

Motion thus carried; debate postponed.

UNIVERSAL AMBULANCE COVER SCHEME

Adjourned debate on motion of Ms Bedford:

That this house establish a select committee to inquire into and report on the feasibility and effectiveness of a universal ambulance cover scheme for South Australia, and in particular—

- (a) the potential benefits of a universal ambulance cover scheme;
- (b) the extent to which there are gaps in current coverage arrangements and the social costs thereof;
- (c) the administrative and financial costs and risks associated with current arrangements;
- (d) models for a universal ambulance cover scheme (including models for universal ambulance cover in other jurisdictions);
- (e) the likely costs of a universal ambulance cover scheme and potential funding models, including alignment with other social insurance schemes;
- (f) the legislative and governance arrangements that would be optimal for a universal ambulance cover scheme; and
- (g) how a universal ambulance cover scheme could be best implemented.

(Continued from 7 June 2018.)

Mr PEDERICK (Hammond) (11:43): I move:

That the debate be postponed.

The house divided on the motion:

Ayes 22
 Noes 19
 Majority 3

AYES

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

NOES

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

PAIRS

Marshall, S.S.	Koutsantonis, A.	Pisoni, D.G.
Rau, J.R.		

Motion thus carried; debate postponed.

Matter of Privilege

MATTER OF PRIVILEGE

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:48): I rise on a matter of privilege. Yesterday during question time, which related to a number of questions in relation to a person who is currently charged and before the courts, a debate ensued in relation to sub judge matters. Following question time, the member for Lee made a statement to this effect in his grieve:

Today, we had the Deputy Premier repeatedly refusing to answer questions by bogusly claiming that the questions were being put in a manner to threaten some sub judge behaviour of this parliament. That is just wrong, and we know it is wrong because the Deputy Premier herself put these same questions to a government during a question time previously in regard to the Hillier matter.

That could be interpreted as being the debate in relation to sub judge in the course of the questions raised and issues responded to relating to the statement, 'That is just wrong.' If that is the case, Mr Speaker, then you will recall your ruling, which actually accepted that one or more of those matters were sub judge. If the reference to being wrong relates to, or is included in, the questions asked by me of a previous government, I raise for your consideration the statements made by me on 7 June 2016 to the then attorney-general, the Hon. John Rau, relating to the Hillier matter.

I have a clean copy of the questions raised on 7 June 2016. Rather than read them all to you, Mr Speaker, I will hand you a copy of them. You will note that the attorney declined to answer a number of questions and that at no time at all were questions raised in relation to the accused in

the Hillier matter. Whilst the member for Lee went on to claim his view in relation to the distinguishing nature of that, of course I cannot raise as a matter of privilege his lack of understanding of that.

However, I make the point that the allegation—that the statement of the matter being sub judice in yesterday's question time was wrong—is in error, given the challenges that were made. If it is to include the matters raised in relation to the Hillier questions, I will make them available for you to consider. In those circumstances, I ask that you give consideration to a matter of privilege and that a motion to establish a privileges committee should be given precedence over all other business of the House of Assembly.

The SPEAKER: I understand the matter raised by the Deputy Premier. Thank you. I respectfully ask the Deputy Premier to provide me with all relevant background information. Once I have that, I will defer my decision and report back to the house at the earliest possible opportunity; that is, whether I consider the matter to be, *prima facie*, a matter of privilege.

The Hon. S.C. Mullighan: That's why she's not on the bench.

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

Members interjecting:

The SPEAKER: Was it the member for Lee? The member for Lee is called to order for interjecting out of his place. My sincere apologies to the member for Playford.

Bills

HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:52): I move:

That this bill be now read a second time.

The bill amends the Health and Community Services Complaints Act 2004 so that the National Code of Conduct for healthcare workers (the National Code) approved by the COAG Health Council for adoption by the states and territories will replace the Code of Conduct for Unregistered Health Practitioners, which is currently in the regulations under the act. The National Code is based on the current South Australian code. The South Australian code was adopted from New South Wales under the Social Development Committee's Inquiry into Bogus, Unregistered and Deregistered Health Practitioners.

This committee was in part established as a result of complaints made to the South Australian Health and Community Services Complaints Commissioner regarding the treatment of people with terminal cancer by unregistered health practitioners. During the inquiry, people related their stories of being exploited by dubious health practitioners using unconventional methods to allegedly cure cancer and other terminal illnesses. These people were obviously vulnerable and susceptible to practitioners who claimed they could provide what mainstream medicine could not. I seek leave to insert the remainder of the second reading explanation into *Hansard* without my reading it.

Leave granted.

The National Code will be, or has already been adopted by the states and territories so that a nationally consistent approach is taken. Orders from one jurisdiction will be enforceable in another. The amendments to the Act are concerned primarily with aligning the Act and the National Code so that it can be administered. The changes are all designed to ensure that the health and safety of the public can be protected. For this reason volunteers will be included within the ambit of this part of the Act.

Section 9(4) of the Act specifies that volunteers should not be unnecessarily involved in proceedings under the Act. This clearly applies to the parts of the Act which are dealing with complaints and their resolution. Division 5 of Part 6 of the Act which is the section of the Act concerned with unregistered health practitioners is about protecting the health or safety of the public. If a volunteer is placing the health or safety of the public at risk they need to be captured by this part of the Act so that the public can be protected.

The sections of the Act concerned with the nature of the orders that the Commissioner can make if the requirements are satisfied are amended. This is to make it clear that in making a prohibition order, this may include preventing the person from offering, advertising or otherwise promoting health services, holding themselves out as a provider of health services or providing advice in relation to health services. These prohibitions may be applied in addition to preventing the person from providing services or specific services.

I wish to make it perfectly clear that this bill is not about restricting people's access to complementary and alternative medicine. While the code applies to practitioners such as naturopaths and homeopaths, it also applies to mainstream practitioners such as social workers, assistants in nursing and aged care workers. The bill is about preventing further harm when it is demonstrated that a practitioner, irrespective of their model of service provision, poses an unacceptable risk to the health or safety of members of the public.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Health and Community Services Complaints Act 2004*

4—Amendment of long title

This clause amends the long title to replace a reference to users with a reference to consumers.

5—Amendment of section 3—Objects

This clause amends section 3 of the Act to replace a reference to users with a reference to consumers.

6—Amendment of section 4—Interpretation

This clause inserts a definition of *corresponding law* for the purposes of the amendments made to the Act by clauses 15 and 17.

This clause also deletes a reference to the repealed *Occupational Therapy Practice Act 2005*.

This clause also inserts the definitions of *community service consumer* and *health service consumer* to replace the defined terms of *community service user* and *health service user* respectively.

7—Amendment of section 9—Functions

This clause amends section 9 of the Act to replace references to users with references to consumers.

8—Amendment of section 24—Who may complain

This clause amends section 24 of the Act to replace references to *health or community service user* with references to *health or community service consumer*.

9—Amendment of section 25—Grounds on which a complaint may be made

This clause amends section 25 to remove the limitation on volunteers being subject to proceedings and action under the Act in circumstances where—

- (a) a code of conduct under section 56A applies in respect of the volunteer; and
- (b) the Commissioner is satisfied that conduct of the volunteer poses or has posed a risk to the health or safety of members of the public.

This clause also amends section 25 of the Act to replace references to users with references to consumers.

10—Amendment of heading to Part 6 Division 5

This clause amends the heading to Part 6 Division 5 and is consequential on the amendments to section 56A in clause 11.

11—Amendment of section 56A—Codes of conduct

This clause amends section 56A(1) so that the Governor may, by regulation, prescribe 1 or more codes of conduct relating to the following:

- (a) the provision of health services by persons who are not registered service providers;
- (b) the provision of health services by persons who are registered service providers and who provide health services that are unrelated to their registration.

This clause also amends section 56A to insert new subsection (2a) which provides that a regulation under the section prescribing a code of conduct may refer to or incorporate, wholly or partially and with or without modification, a code, standard or other document prepared or published by a prescribed body, either as in force at the time the regulations are made or as in force from time to time.

12—Amendment of section 56B—Interim action

This clause amends section 56B as follows:

- (a) references to a *prescribed health service provider* are removed and replaced by references to a person who has provided a health service;
- (b) in subsection (2)(a), the matters about which the Commissioner may make an interim prohibition order have been expanded to include—
 - (i) the offering, advertising or promotion of health services or specified health services (including where those services may be provided by another person); and
 - (ii) the promotion of a person as a provider of health services or specified health services; and
 - (iii) the provision of advice in relation to health services or specified health services (including where those services may be provided by another person);
- (c) in subsection (2), a new paragraph (c) has been added which permits the Commissioner, when taking interim action, to publish a public statement, in a manner determined by the Commissioner, identifying a person and giving warnings or such other information as the Commissioner considers appropriate in relation to the health services, or specified health services, provided by the person.

13—Amendment of section 56C—Commissioner may take action

This clause amends section 56C as follows:

- (a) references to a *prescribed health service provider* are removed and replaced by references to a person who has provided a health service;
- (b) in subsection (2)(a), the matters about which the Commissioner may make an interim prohibition order have been expanded to include—
 - (i) the offering, advertising or promotion of health services or specified health services (including where those services may be provided by another person); and
 - (ii) the promotion of a person as a provider of health services or specified health services; and
 - (iii) the provision of advice in relation to health services or specified health services (including where those services may be provided by another person).

14—Amendment of section 56D—Commissioner to provide details

This clause amends section 56D(1) to remove references to a *prescribed health service provider*.

15—Insertion of section 56EA

This clause inserts new section 56EA containing a requirement for a person to comply, in this State, with an interstate order in force against the person. The person will commit an offence if—

- (a) an interstate order is in force in respect of the person; and
- (b) the person engages in conduct in this State that would constitute a contravention of the interstate order if it occurred in the jurisdiction in which the order is in force.

An interstate order is defined to be an interstate final order or an interstate interim order, being an order, or order of a type, made under a corresponding law that is declared by the regulations to be an interstate interim order or interstate final order for the purposes of the new section.

16—Amendment of section 74—Protection of identity of service consumer or complainant from service provider

This clause amends section 74 of the Act to replace a reference to a user with a reference to a consumer.

17—Amendment of section 75—Preservation of confidentiality

This clause amends section 75 to include the purposes of a corresponding law in the list of exceptions to the general prohibition on the recording, disclosure or use of confidential information gained by the person through involvement in the administration of the Act.

18—Amendment of section 76—Returns by prescribed providers

This clause amends section 76 of the Act to replace a reference to users with a reference to consumers.

19—Amendment of section 77—Returns by registration authorities and prescribed bodies

This clause amends section 77 to broaden the application of the section to include prescribed bodies in the requirement to provide returns as determined by the Commissioner.

Debate adjourned on motion of Mr Picton.

TOBACCO PRODUCTS REGULATION (E-CIGARETTES AND REVIEW) AMENDMENT BILL

Second Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:55): I move:

That this bill be now read a second time.

The bill seeks to amend the Tobacco Products Regulation Act—

The SPEAKER: Are you the lead speaker, sir?

The Hon. D.C. VAN HOLST PELLEKAAN: Yes, sir, sorry. I indicate that I am the lead speaker. The bill seeks to amend the Tobacco Products Regulation Act 1997 to enhance the operation of the act and address the lack of regulation of electronic cigarettes, or e-cigarettes, in South Australia. The bill also incorporates some adjustments to maximum penalty and expiation fee levels according to CPI indexation as an administrative change to ensure that the penalties are aligned to the cost of living. The former Labor government made no change to these penalties in 16 years, undermining the real impact of enforcement.

It is our government's view that further increases need to be considered at an offence level to align with levels in the rest of the legislation and take into account the seriousness of the relevant offence. The government has made it clear that in early 2019 we will consult publicly on penalty levels across the legislation to ensure the penalties are an appropriate deterrent. During the committee stage in the other place, an opposition amendment to the Tobacco Products Regulation (E-Cigarettes and Review) Amendment Bill 2018 was passed to section 38A to increase the penalty for the sale and supply of tobacco products to a minor.

Whilst the government does not object to the amendment, it is the government's view that making changes beyond CPI at this stage pre-empts the consultation process and denies the opportunity for health organisations, industry and the public more broadly to express their view. The government will be proposing to increase penalties for providing tobacco to minors. We look forward to consulting with stakeholders on that and other offences to determine the most appropriate penalty levels across the legislation.

There were inaccuracies in the information provided in the Legislative Council that I would like to correct for the record. SA Health issued 44 expiation notices between 2013 and 2018. There were 13 expiations for section 46(3) and two expiation notices issued to the CBD business involved in promoting a durry earlier this year for breaches of sections 40 and 45.

E-cigarettes are a rapidly evolving technology whereby a user inhales a heated vapour through a battery-operated device. The regulation of these products requires attention, as South Australia is now one of only two Australian jurisdictions that has not regulated these products. Due to this lack of regulation in South Australia, e-cigarettes can be sold to children, sold over the internet, promoted through advertising and used in areas where smoking is banned.

The bill aligns with the recommendations of the Select Committee on E-Cigarettes that was established in 2015 and delivered its final report to the House of Assembly on 24 February 2016. The select committee concluded in its final report that e-cigarettes should be regulated in the interests of public health, as there is a lack of scientific consensus as to the safety of e-cigarettes. The final report recommended amending the Tobacco Products Regulation Act 1997 to regulate e-cigarettes in broadly the same way that tobacco products are regulated. The bill includes bans on:

- selling e-cigarette products to children;
- using e-cigarettes in smoke-free areas under the act;

- the retail sale of e-cigarette products without a licence;
- indirect sales of e-cigarette products, such as internet sales;
- e-cigarette advertising, promotion, specials and price promotions;
- retail point of sale displays of e-cigarette products; and
- selling e-cigarettes from temporary outlets via sales trays and vending machines.

The title and the objects of the act have also been amended to incorporate e-cigarettes. The short title of the act will be amended to the Tobacco and E-Cigarette Products Act 1997 to better reflect the legislation's proposed content.

A bill to regulate e-cigarettes was introduced by the previous government in 2017, but it lapsed when parliament was prorogued for the 2018 election. A private member's bill was subsequently introduced on 20 June 2018 and replicates the prorogued bill. The government does not support the private member's bill, as it is narrower in scope than the government's bill.

While both bills seek to address e-cigarettes in the same way, the government's bill has a number of enhancements that the private member's bill does not contain. These arose from an independent review of South Australian tobacco legislation commissioned by SA Health in 2017. They include improvements to definitions, the repealing of unnecessary provisions, adjusting expiation fee levels according to CPI indexation, adding expiations to offences where they currently do not occur and improving the function of certain provisions.

The bill improves the functioning of tobacco control legislation in South Australia. and it will also be useful for authorised officers to have tobacco legislation that is up to date and appropriate for the task of achieving compliance with the act. Maintaining a strong legislative framework for tobacco control is essential for reducing the harms caused by tobacco smoking in South Australia. Mr Speaker, may I add and put on the record your personal interest in this topic, nonstop since you were elected in 2014.

The SPEAKER: Thank you.

The Hon. D.C. VAN HOLST PELLEKAAN: I commend the bill to the house and seek leave to have the explanation of clauses inserted 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 *Tobacco Products Regulation Act 1997*

4—Amendment of long title

This clause amends the long title of the Act so that it will read 'An Act to regulate tobacco products and e-cigarette products'.

5—Substitution of section 1

The short title of the Act is changed to the *Tobacco and E-Cigarette Products Act 1997*.

6—Amendment of section 3—Objects of Act

This clause amends the objects of the Act to include references to e-cigarettes and e-cigarette products.

7—Amendment of section 4—Interpretation

Several definitions are added to section 4 of the principal Act, including *e-cigarette*, *e-cigarette product*, *e-cigarette advertisement*, which aligns with the current definition of *tobacco advertisement*, and *shisha tobacco* which in turn is included within the definition of *tobacco product*.

8—Repeal of section 4A

Section 4A of the principal Act is repealed.

9—Amendment of section 6—Requirement for licence

This clause will require a licence to carry on the business of selling e-cigarette products by retail or holding oneself out as carrying on such a business.

10—Amendment of section 9—Licence conditions

The clause amends section 9 of the principal Act to allow the conditions of a licence to include conditions in relation to e-cigarette products.

11—Amendment of Heading to Part 3

The clause amends the heading to Part 3 to include a reference to e-cigarette products.

12—Repeal of section 29

Section 29 of the principal Act is repealed.

13—Substitution of section 30

Reference is made in section 30 to e-cigarette products, but apart from this, the status quo is largely retained with minor changes including bringing regulation 4A of the current regulations to the level of the Act, updating terminology and increasing penalties.

14—Amendment of section 36—Products designed to resemble tobacco products

The clause amends the section to include a reference to e-cigarettes.

15—Amendment of section 37—Sale of tobacco products or e-cigarette products by vending machine

The clause inserts a new offence prohibiting the sale of e-cigarettes or e-cigarette products by means of a vending machine. Note that previous subsection (2) has been deleted.

16—Insertion of section 37A

New section 37A makes it an offence to sell e-cigarettes or e-cigarette products by retail from a temporary outlet and for an occupier of premises to cause or permit another person to sell any such products by retail on those premises in contravention of proposed subsection (1). Temporary outlet is defined as a booth, stand, tent or other temporary or mobile structure or enclosure, whether or not part of that booth, stand, tent, structure or enclosure is permanent.

17—Amendment of section 38—Carrying tray etc of tobacco products or e-cigarette products for making of successive retail sales

The clause amends the offence provision in section 38(1) to insert a reference to e-cigarette products.

18—Amendment of section 38A—Sale or supply of tobacco products or e-cigarette products to children

The clause amends the offence provisions in sections 38A(1) and (5) to insert a reference to e-cigarette products, increase penalties and make another related consequential amendment.

19—Amendment of section 39—Power to require evidence of age

The clause amends section 39(1) to insert a reference to e-cigarette products.

20—Amendment of section 40—Certain advertising prohibited

The clause amends various provisions in section 40 to extend to e-cigarette products the advertising prohibitions that currently apply to tobacco products.

21—Amendment of section 41—Prohibition of certain sponsorships

The clause amends section 41 to extend to e-cigarette products the prohibition on certain sponsorships that currently apply to tobacco products.

22—Amendment of section 42—Competitions and reward schemes etc

The clause amends section 42(1) to extend to e-cigarette products the restrictions on the promotion of sales by competitions and reward schemes that currently apply in relation to tobacco products.

23—Amendment of section 43—Free samples

The clause amends section 43 to prohibit the offering of free samples of e-cigarettes.

24—Amendment of section 51—Smoking banned in certain public areas—short term bans

The change to section 51(1) will, in enabling gazetted notices of short term smoking bans to include maps, ensure a more user-friendly description of the short term smoking ban areas. Under the amendments to section 51(5), the occupier commits an offence if he or she fails to place signs in a public area setting out the effect of the notice made in relation to the public area under subsection (1).

25—Amendment of section 52—Smoking banned in certain public areas—longer term bans

The change to section 52(1) will, in enabling regulations declaring longer term smoking bans to include maps, ensure a more user-friendly description of the longer term smoking ban areas. Section 52(3)(a) and (b) are deleted and reinserted under section 87(3) (see below). Under new subsection (4) the occupier commits an offence if he or she fails to place signs in a public area setting out the effect of a declaration of a longer term smoking ban made in relation to the public area under the section.

26—Amendment of section 66—Powers of authorised officers

The clause amends section 66 to allow an authorised officer to seize and retain e-cigarette products if the officer reasonably suspects that an offence against the Act has been committed in relation to the products, or that the products may afford evidence of an offence against the Act. Other minor updates and corrections are made to section 66.

27—Amendment of section 69—Powers in relation to seized tobacco and e-cigarette products

This clause makes minor amendments to section 69 removing the Minister's express power to sell forfeited products by public tender but enabling the Minister to direct the manner of disposal of such products. The section will also now apply to e-cigarette products.

28—Repeal of Part 6

Part 6 of the principal Act is repealed.

29—Amendment of section 70A—Confiscation of products from children

The clause amends various provisions in section 70A to allow for the confiscation of e-cigarette products from children in the same manner as tobacco products may currently be confiscated under the provisions of the section.

30—Amendment of section 71—Exemptions

The amendments under this clause delete from section 71 requirements for exemptions under that section to be recommended by the appropriate Minister. The Governor is given power to exempt by proclamation e-cigarette products or a class of e-cigarette products from the operation of the Act subject to conditions set out in the proclamation.

31—Amendment of section 85—Evidence

These amendments are consequential on the amendments to section 37.

32—Insertion of section 86A

New section 86A is a standard immunity provision that removes personal liability from an authorised officer or any other person engaged in the administration of this Act for an honest act or omission in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function, power or duty under the Act and attaches such liability to the Crown instead.

33—Amendment of section 87—Regulations

The regulation-making powers are made consistent with current drafting style and the maximum penalties for the regulations increased. References to e-cigarette products consequential on other amendments in the measure are included.

Schedule 1—Transitional provisions

1—Interpretation

This clause defines *principal Act*, for the purposes of Schedule 1.

2—Licences

The clause provides that licences in force on the commencement of the measure will be taken to authorise the retail sale of e-cigarettes and that existing licence conditions will be taken to include reference to e-cigarette products wherever tobacco products are referred to.

3—References to *Tobacco Products Regulation Act 1997*

This clause provides that a reference in a licence, instrument, contract, agreement or other document to the *Tobacco Products Regulation Act 1997* will, on and from the commencement of the clause, have effect as if it were a reference to the (newly named) *Tobacco and E-Cigarette Products Act 1997*.

Schedule 2—Further amendment of *Tobacco Products Regulation Act 1997*—penalty provisions

Schedule 2 amends the penalty provisions in the principal Act.

Mr PICTON (Kaurna) (12:01): This is a welcome opportunity to discuss the Tobacco Products Regulation (E-Cigarettes and Review) Amendment Bill 2018, and I indicate that I am the lead speaker for the opposition. Although I have not been tempted to use my unlimited time available on a lot of bills for which I have been lead speaker, I am tempted to use my unlimited time available on this piece of legislation—but I probably will not.

The SPEAKER: A lot of history.

Mr PICTON: This is a very important piece of legislation, and this is not the first time that I have spoken on this bill or its previous incarnations. It was introduced in the previous parliament, passed this house during the previous parliament and since then we have been waiting with bated breath for this to come back to the parliament.

Upon taking the position of the shadow minister for health and wellbeing, I saw this as one of the most important things for this parliament to deal with quickly after the bill lapsed in the Legislative Council during the last parliament. Hence, I wrote to the Minister for Health and Wellbeing very early on in my time as the shadow minister to ask him to bring this bill forward to make sure that we could debate it. I did not receive any response to that correspondence, never got a letter back from the minister, and so I decided to bring to the house my own private member's bill replicating the previous government's bill.

That bill has been sitting on the *Notice Paper* for some time, and for the last few months we have seen that it has been continually adjourned by the government. Clearly, it was an attempt to try to delay things so that they could bring their own bill and take credit for it, etc. That is fine. The key thing is that we get action on this issue and get this bill through the parliament; hence, the opposition supports this legislation. In terms of e-cigarettes, by and large it is a copy of the legislation proposed by the previous government that previously passed this parliament.

Mr Speaker, you will recall, as do I, that this came about initially through a select committee process of this house of parliament that you and I were both on—as well as the now member for Hurtle Vale, the current member for Black, and the former member for Elder, Ms Annabel Digance, who chaired the committee—where we looked at the subject of e-cigarettes or, as it is generally known, 'vaping'. It is one of those areas where the technology has advanced more quickly than the law.

Currently in South Australia, the law is pretty much a free-for-all for these products. There is a law that says that you cannot imitate a cigarette or create a device that looks like a cigarette but, apart from that, there are no laws that govern or regulate e-cigarettes. I think it was a worthwhile process to have a bipartisan select committee investigate the subject. We came up with a bipartisan report from that select committee. As I recall, we may have had some argy-bargy about our points of view in relation to that, if people want to go back and check the *Hansard*, but by and large a view across the parties came out of that committee.

The committee had two very different propositions put to it. One was by the vast majority of public health groups that appeared and gave evidence before the committee. They said that there are risks associated with e-cigarettes and vaping, that we do not fully understand the science around those risks and that potentially this could be an avenue for people to get into smoking, hence we should act very cautiously. A large number of those submissions recommended that we go as far as outlawing e-cigarettes and vaping in this state until there is better research and a better understanding.

On the other hand, we had a large number of submissions, including a large number of submissions sent to us by individuals, advocating for vaping and the availability of e-cigarettes. They believe we should make them as readily available for people as possible. The argument is that it would act as a cessation device for people to stop smoking, that people would be able to use e-cigarettes and vaping instead of smoking cigarettes.

Reducing the number of people in South Australia, and indeed in Australia, who smoke is a topic that I am personally very passionate about. It is something that I did quite a bit of work on in my

career before entering this parliament. I am very cognisant that we need to do everything we possibly can to reduce smoking levels in South Australia. We have done a huge amount over previous years, probably over the last 50 years but, if you look at the last 15 or 16 years, a significant amount of work has been done in South Australia to reduce our smoking levels. They have continued to go down, which is good; however, there is more to do.

Obviously, we have made smoking more unattractive and outlawed it in areas such as alfresco dining. We have had a whole range of social media campaigns that have helped people to quit. At the federal government level, where I used to work, a significant amount of work has been done in terms of introducing plain packaging in a world first that has now been repeated by countries around the world. Secondly, taxation has been increased, which is clearly one of the drivers of the reduction in smoking rates in Australia.

A whole range of other measures, such as social marketing campaigns and the like, have also had an impact in terms of reducing smoking rates and will continue to do so. However, certainly there are segments of our population that still have higher than average rates of smoking, particularly Indigenous Australians, people on lower incomes, people with mental health issues and prisoners. There is a whole range of different segments of our population where the smoking rates are much higher. One of the things that I was very proud to do when I was the corrections minister, sadly for a short time, was announce a movement towards banning smoking in our prisons.

We currently have one prison that has a smoking ban: it was introduced as a trial in the Adelaide Remand Centre. These things are never without difficulty in that sort of environment, but it has gone very well. In fact, staff very keenly support banning smoking in our prisons. I am glad the new government has decided to continue that commitment, and I hope it continues to be resourced appropriately so that it can be rolled out on time and as we had set out in the plan. I believe that will help to make more of a difference in terms of reducing smoking levels.

In terms of e-cigarettes specifically, there is an argument that this helps reduce smoking, but the evidence on that is a bit murky. Members can have a look at the evidence we compiled in the select committee report, some of which shows that a number of people have quit through vaping and that there is a segment of the population that has reduced their smoking through vaping by using a combination of cigarettes and e-cigarette products.

I guess the big question is whether there are people who take up e-cigarettes and then take up cigarettes after that. A big concern for a number of the public health groups in Australia is that this would be an avenue to get around our laws in terms of advertising cigarettes. If you were able to advertise e-cigarettes, that would help to support and advertise, by association, cigarettes as well. All this led us to come up with a position that, I think, tries to reach a sensible compromise, that tries to establish some sensible regulation in terms of how we approach e-cigarettes and vaping in South Australia.

The recommendations we came up with were not to ban it but to legally allow it to happen, but also to have a number of the restrictions currently in place for tobacco also to be in place for e-cigarettes—not all of them, but the vast majority of them. This is not to say that the law should acknowledge there is no difference, because clearly there is, but, in terms of the legal aspect, the easiest thing to do was to apply the restrictions in the current legislation—which is what was originally drafted in the last term of the parliament and what this government has now brought before us in an almost identical form in this legislation. I understand a number of other states have moved down this path as well.

After the passage of this legislation, vaping will still be legal in South Australia. It will still be legal to purchase vaping products and the juices that go into them as well as to vape publicly in South Australia. However, there will be restrictions around that. There will be restrictions in terms of the age that people can make a purchase, restrictions in terms of making sure people are licensed and restrictions around advertising and point of sale displays.

There will also be restrictions on where people can vape, particularly in areas where smoking is banned. We do not want to see people vaping in those areas because we want to ensure that people who may have a respiratory condition, etc., are not affected by the emissions that are part of vaping. There are some people who say that it is fine and that there are no issues, but there are

people in our community who are concerned about what impact vaping 'smoke' (for lack of a better word) may have on respiratory conditions, and I think it is appropriate that we carry those restrictions through.

There is a significant associated complaint people make about vaping in Australia, and that is in regard to the regulation of nicotine. Nicotine is the addictive component of tobacco smoking, the element for which people use nicotine-replacement therapy when trying to quit smoking so as to receive that drug in another way. A large number of people who vape in South Australia and Australia use nicotine in their vaping liquid. Nicotine is not available for sale anywhere in Australia due to restrictions in place under federal law and, as I understand, under South Australia's Controlled Substances Act.

It has been debated at the federal level, but some people are still obtaining nicotine via the internet and other means and are receiving it in parcels, which is against the law. I think that is a significant issue. People are clearly flouting Australian law and it needs to be dealt with by the federal government. Indeed, I think one of the original recommendations of the select committee was that representations should be made to the federal government on this issue. However, that is not a factor in this legislation; the importation of nicotine will remain an issue for the federal government to consider. I understand there is general bipartisan agreement in the federal parliament to maintain that law.

The recommendations of the select committee then flowed through to the bill presented to the previous parliament. For those avid *Hansard* readers, I can refer people to my previous speech on that bill. I introduced this legislation as a private member's bill in this house some months ago. Again, I refer members who are avid *Hansard* readers to my speech on that bill. We are now dealing with this issue through a government bill brought forward by the Legislative Council.

The government has added a couple of little things into this legislation as well. One could be cynical and say that they have done this to avoid introducing an identical bill to the one presented by the previous government, but that is fine. The other aspects of this legislation are sensible. There is a general tidy-up of the act, as was referred to by the Minister for Mining in his second reading contribution, including the removal of some unnecessary clauses and slightly increasing most of the penalties.

Much of this was led by the Reynolds review into tobacco control legislation. One of the recommendations of the Reynolds review was to significantly increase the penalty for selling tobacco to minors in South Australia. The existing penalties under South Australia's tobacco legislation have been in place for a long time and are relatively minor compared with other offences. When compared with penalties already in place for selling alcohol to minors under South Australia's recently amended liquor licensing legislation, the penalties for selling tobacco to minors are far less.

I would argue that selling tobacco to minors should be on par with selling alcohol to minors, and our parliament should see them both as serious issues that must be dealt with. The offenders should be fined and prosecuted as appropriate. Hence, when the government sought to only slightly increase the penalty under this legislation, the Leader of the Opposition in the other place (Hon. Kyam Maher) moved an amendment to make it on par with the current penalty for selling liquor to minors.

I am glad to say that, despite opposition from the Liberal Party and, staggeringly, from the Greens, that amendment was carried due to the support of SA-Best and Advance SA. It forms part of the bill before this house, and I wholeheartedly support this revised amendment. It will ensure that we send a very strong signal to those who might want to sell tobacco to minors and will also make sure people have the appropriate controls and checks in place to ensure their staff members are not selling tobacco to minors, just as we would expect in the case of alcohol. I hope the government does not seek to amend that in this house, and I hope it flows through to the legislation.

I think the passage of this legislation, which is going to be supported by both sides of this parliament, will help to make a difference. It will help to bring about a sensible amount of regulation for e-cigarettes. I think that it is something where we are going to have to continue to monitor developments in this field. As I said, it is something where the technology has advanced quicker than the law has. We will continue to need to monitor forthcoming scientific evidence that is in place in

this area to see whether our laws are contemporary and whether there are any changes that might need to be made one way or the other.

I know that we have heard some concerns from some people in relation to internet sales. That has been one of the topics that has been discussed generally. This was something that was in our bipartisan select committee report originally and has flowed through now to all three pieces of legislation that effectively have said the same thing. I endorse the comments the government made on this, where I think people will still be able to access vaping stores. This might even be supportive of the economic model of those stores to avoid internet sales.

Essentially, we cannot regulate to make sure that the appropriate controls in terms of advertising and sales to minors can be in place through the internet in the same way we can for a licensed store. That is why this formed part of the legislation originally and has followed through to the Liberal government's legislation we are debating today. Of course, all these things will continue to be reviewed over time. I think it is appropriate. It is in line with restrictions we have in place for tobacco for the same reason—to make sure that those restrictions can be enforceable in South Australia. That is why we have those in place.

I should note that one of the other minor things that the government has sought to add into this legislation is in regard to shisha. When being briefed on the legislation, it seemed clear that the officials thought that shisha was already covered by the legislation but were seeking an amendment to make it absolutely clear that shisha will be covered by tobacco legislation in the same way. I have been surprised to hear some of the reports of how dangerous shisha is in that it has many more times the impact of tobacco in terms of your system as smoking a cigarette. Hence, it is something that I think we absolutely should be careful to make sure is appropriately regulated in South Australia.

However, I question why, if the government is of the view that it is already regulated and already clarified under the act, is this amendment necessary? Reading between the lines, it seems that the government is looking to take some action in regard to some of the shisha restaurants and cafes that we have in South Australia, and perhaps they want to make sure that they have complete and adequate legal protection of that before they do so. That may well be why we are seeking to amend this legislation—so that they are absolutely covered before they do that. It does not seem like there have been any attempts to issue any notices on people the government is view as having breached the laws already. We have not been able to find that out, particularly through the briefings, but time will tell if the government is going to take any action in that regard.

Hopefully, today we will finally pass this legislation. As I said, it has been in the parliament for well over a year now in various forms. I think that this is going to bring what is currently a completely unregulated practice into a sensible place of regulation in South Australia, not by banning it but by making sure there are appropriate controls around it, as well as a number of other minor amendments to the act, particularly that amendment that the opposition has been successful with in terms of sales to minors.

I think it will help to make a difference. I think it will be a sensible regulatory approach. We will have to continue to review it over time but I think it strikes the right balance at this time for what is an emerging technology without a large body of science that we can point to, and a large dispute as to that science, and a number of questions that still need to be answered. On behalf of the opposition, I am very happy to endorse this bill to the house.

Mr TEAGUE (Heysen) (12:24): I rise also to commend this bill to the house. The Tobacco Products Regulation Act 1997 is the principal piece of legislation regulating the supply of tobacco products in this state, and the bill before the house represents significant further reform of that principal act, and appropriately so. Of course, public policy and legislation play a principal role in the ongoing campaign to reduce smoking—heading towards the elimination altogether—in our community, and South Australian legislation must continue to play its part.

The bill is substantially concerned with the regulation, for the first time in this state, of what are commonly known as e-cigarettes. It also contains other reforms and updates, including penalties for offences. As was noted by the minister and his representative in this house, it is pleasing to see that smoking rates among the entire population, including among younger people, have been falling over recent decades.

We are told that, in 2007, 23 per cent of people aged 15 to 29 were current smokers; by 2017, that figure had reduced to 14.7 per cent. As I said at the outset of my remarks, these reductions are substantially the result of public health measures that have been aimed at reducing smoking. There has been a range of measures, including the establishment of more smoke-free areas, bans on tobacco advertising and excise tax increases for tobacco products.

It is appropriate to take this opportunity, where review and substantial reform of the legislation are before the house, to restate and emphasise the significant health risks of smoking. We are told—and I hope most of us are now well aware—that smoking not only is bad for our health but remains the leading cause of preventable death in Australia. It is not just some sort of theoretical statistical analysis; many of us know that smoking affects friends, family and those close to us, so it is important that we know just how dangerous smoking can be.

Smoking eventually kills half of all smokers who continue to smoke. We are told that at least one in four of those who dies is aged between 35 and 69, which is a particularly startling statistic, in my view. A smoker who does not quit loses 10 years of their life on average. Smoking is responsible for about 85 per cent of lung cancers. Further, smokers are 20 times more likely to develop lung cancer, two to four times more likely to have a heart attack and 1.5 to two times more likely to have a stroke. These facts, these statistical analyses, are well known. They have been publicised and promoted in public advertising now for many years, but it is just so important to continue to re-emphasise these facts. As we approach reform in this area of tobacco regulation, it is against that background.

The consequences, though, go further. In terms of mental health, smokers are generally more anxious, stressed and depressed than nonsmokers. Further, smoking causes premature skin ageing, smokers are more likely to lose their teeth and, moreover, smoking causes erectile dysfunction. There are many serious consequences—ultimately, the terminal one. If we take nothing more out of the debate on the bill today in terms of those public health statistics, it is that this is the leading cause of preventable death in Australia. We clearly have work to do. As we endeavour to discharge our responsibilities in the public health space, it is against that very serious background.

It has been referred to earlier in the debate that this bill is informed by at least two substantial pieces of recent work in the South Australian public space: firstly, that of the select committee, which was formed in 2015 and reported findings on 24 February 2016; secondly, and substantially, insofar as the review aspects not related to the regulation of e-cigarettes are concerned, the bill reflects the good work of Dr Chris Reynolds in conducting the Reynolds review commissioned by SA Health in 2017. Dr Reynolds made 36 recommendations, 19 of which are included in this bill in the general reforms contained in the review aspects of the bill. Seventeen recommendations of Dr Reynolds will continue to be the subject of broader consultation with stakeholders and with the public at large later this year and into 2019. So the process of reform and review continues.

As has been observed, the bulk of the contents of the bill, although largely in a drafting sense, does the work of incorporating the regulation of e-cigarettes into the legislation for the first time in an area that was previously unregulated in this state. We are relatively late to be participating when compared with legislation nationally. As has been referred to, the governments of Queensland, New South Wales, Victoria, Tasmania and indeed the Australian Capital Territory have all already legislated to regulate e-cigarettes in some form. South Australia now joins those jurisdictions in a regulated market for these products.

Apart from the two substantial pieces of work that have emanated from this state in recent years, we are also aware of the substantial work the World Health Organization does in this space. Reference has been made specifically to the report of the World Health Organization's Framework Convention on Tobacco Control that was published in August 2016, particularly in relation to the impact and effects of what are more fully described as electronic nicotine delivery systems and electronic non-nicotine delivery systems worldwide.

I will take a moment to refer to the findings of the World Health Organization that have informed the preparation of the legislation in this regard. Firstly, for those who are not as fully acquainted with e-cigarettes (until recently, I counted myself among those), all the products that are categorised as electronic nicotine delivery systems or electronic non-nicotine delivery systems

operate according to a common principle, namely, to heat a solution known as an e-liquid in order to create an aerosol that frequently contains one or a range of flavourants. They are usually dissolved into propylene glycol and/or glycerine.

All the electronic nicotine delivery systems (ENDS) products contain nicotine, as the name suggests. They otherwise constitute, as the World Health Organization tells us, a really diverse group of products with potentially very wide-ranging and significant differences in terms of the production of toxicants and the delivery of nicotine. Much in the same way that over the course of the last century we have become used to or made an acquaintance with the sorts of poisons that are delivered together with nicotine cigarettes, there is also a diverse group of potentially significant toxicants involved in the delivery of e-cigarettes. Broadly, that is the nature of the product that is being considered in the context of the discussion on e-cigarettes.

The World Health Organization has made the observation that, if the vast majority of smokers or all smokers—that is, those who are unwilling or unable to quit smoking—were immediately to switch to using this or an alternative source of nicotine with lower health risks, eventually leading them to cease using it altogether, it would, in theory, create a public health achievement. The World Health Organization notes that that could potentially be, in theory, a significant achievement. However, as the World Health Organization observes, the important issue is that that would only be the case if the recruitment of minors, young people and nonsmokers into the nicotine-using population were no higher than for smoking or indeed eventually led to an overall decrease in use.

The World Health Organization is quick to point out that the question of whether or not these products can do that is very much the subject of debate, and there is insufficient evidence to make any clear observations about any potential positive effects in practice. Indeed, the August 2016 report to which I have referred makes the further observation that the scientific evidence regarding the effectiveness of these electronic nicotine delivery system devices as a smoking cessation aid is scant and of low certainty.

The World Health Organization, as a result, observes that, with the current state of the science on the topic, it is very difficult to make any credible inferences. In my view, that is credible evidence in itself for ensuring that, if we are going to have alternative and evolving nicotine delivery systems being used as a result of technical developments along the way, that in itself is a good and clear argument to ensure that those new products are regulated in a way that we are used to seeing tobacco being regulated.

It is an area of ongoing important reform, and that work, in terms of public health, will be continuing. Significant public funds will continue to be expended in researching how we can reduce the impact of cigarette smoking and other nicotine products on our communities. The work of the NHMRC will continue to explore these things, alongside the work of the World Health Organization and others. It is an area that is not lacking in public inquiry for good reason, particularly the result of those very substantial deleterious effects on health worldwide to which I have already referred.

In the short time that is still available to me, I will refer briefly to a more recent further report that was published in the World Health Organization's *Bulletin* in April last year. It was drilling down to consider questions in relation to whether or not the use of these products ought to be limited in public places where cigarette smoking is restricted and so on and to give a flavour of where the research is heading. Balancing all the various factors, the authors concluded in their *Bulletin* report last year that, from a public health perspective, central and local governments should adopt regulations that effectively determine that all designated indoor smoke-free areas are also vape-free areas. It is noted that that approach has been taken in a variety of other jurisdictions. The research continues, the reform continues, of which this bill is one, and I commend the bill to the house.

Ms COOK (Hurtle Vale) (12:44): I am really pleased to rise and speak on the Tobacco Products Regulation (E-Cigarettes and Review) Amendment Bill. While I could take my full 20 minutes and take you through a history lesson about the 5000 BC shamanistic rituals, the smoking of cannabis using hookahs, opium dens, the tobacco trade, and James Bonsack, who invented the automatic cigarette rolling machine, I will spare you the agony and just stick to the points, although I am sure that would be extremely interesting because I have done a bit of work on this over my—

The Hon. D.C. van Holst Pellekaan: Your experience is broader than mine.

Ms COOK: Indeed. What a surprise that she can pull these things out of her head! The recent history around e-cigarettes and this parliament brings me to commend the work of fellow healthcare worker and nurse, the previous member for Elder, Annabel Digance, who brought to the parliament the motion for a bipartisan committee that would investigate the current laws and regulations surrounding the use of e-cigarettes, otherwise known as vaping. The members on that committee were me; the current shadow minister for health and wellbeing; the current Minister for the Environment, previously the member for Bright now Black; and the current Speaker, the member for Hartley. I do not think I have missed anybody.

We heard from a number of expert witnesses and did quite a bit of work looking into the harms and the benefits. I think we kept a fairly objective view about vaping and its use in contemporary society and how we would maintain the rights and liberties of people who chose to partake in such a habit, if it were deemed safe, versus the rights and liberties of people who would be impacted by the vapour exhaled. The vapour exhaled from an e-cigarette is quite voluminous. After some haggling, the end bipartisan view came with a range of recommendations. I will not go through all of them, but there are some important recommendations.

It is also vital to note the experience of the shadow minister for health and wellbeing in the space of lobbying and public policy around smoking. As we know, he has worked for many years in this space. We can thank him to some degree for the plain packaging of cigarettes, which reduces the novelty of the packaging. We can also thank the scientists who have been acknowledged and lobbying groups, such as cancer councils, for their great work.

These pieces of work have collectively led us to a point in time now where we have such incredibly low general population smoking rates and even lower uptake rates by young people. As the shadow minister for human services, which includes youth, I am really heartened to see that we continue to reduce the numbers of young people who are taking up smoking. Having a lot to do with young people and kids in general and as a mum, I know that they do not see this as an attractive thing, which is really heartening. As an ex-smoker as well, it is a relief that my children, and those of other members here, are very unlikely to smoke.

After the bill lapsed in the previous parliament, I knew that the shadow minister for health and wellbeing had written to the Minister for Health and Wellbeing to urge him to bring this to the parliament very quickly as a measure that a lot of people had already worked on and were ready to speak on and support. I am disappointed that he was not given a response by the minister. I thought we could have got stuck into this pretty early, considering the volume of work the Department for Health had also done in this space—and I thank them for that.

That is disappointing. I think that the six months of up and down we have had adjourning debate on the bill when it could have been done six months ago are also disappointing. It is one of the things that people in the public just do not get. They really do not understand and do not care whose bill has passed as long as the good work gets done. I feel very disappointed that this did not happen a long time ago. Leaving that behind, we now have a bill in front of us that will clarify and confirm for people some of the rules and regulations around the use of e-cigarettes. It is not about stopping people from using them: it is about giving people a safe and appropriate choice.

Some of the main things for me are about where people can smoke or vape, where people can purchase the supplies to do so and how this appears to children and young people in terms of what the next generation is going to think about this practice. It is incredibly difficult to give up smoking. It is highly addictive, as we know. I wanted to understand whether we were in fact substituting one habit that is highly addictive and harmful to health for another. Going through the nearly three years of work on this particular area of public health policy.

I am fairly content with the current legislation and how it will provide some safeguards in that regard, but I will certainly be watching for more research to come about. As we know, rigour and evidence around public health outcomes and long-term health effects do not always come in the short term. It may be in a couple of decades that we see some consequences of ostensibly a foreign material being breathed in, past the tongue, gums and throat. We as a parliament need to make sure that we are agile in relation to the research and a bit more responsive in terms of making some change if certain evidence comes to hand.

Regarding the concern of people who have contacted me about now having rules in place around the supply, sale and use of e-cigarette devices, I reinforce that the intention is not to stop that. For us, it is about making sure that the rules are right. Having worked in health settings, I am completely supportive of anyone who is trying to give up smoking. We should be encouraging whatever means they use that work, as long as they do not do harm to others.

For people who have tobacco-related diseases, the struggle to breathe and the end trajectory of life is one of the hardest things to see. To describe it very quickly, it is like breathing in through a wet towel and out through a straw all at once. The trapping of air and the lack of oxygen are distressing to watch, distressing to experience and something that we want to avoid at all costs. Providing a safe mechanism for people to give up smoking through the substitution of nicotine and other devices is worthy but, again, we have to be able to regulate what is in the device and how much—for example, nicotine—someone is taking.

You might not know, but nicotine is a parasympathomimetic stimulant that causes a lot of side effects. One of those is around the heart rate. In large doses, it can be lethal. We heard stories through the evidence of people putting their own quantities of such a drug in the liquid that goes into their vaping device. If people are going to put in large quantities of a dangerous substance, I think we should be concerned about it, and people need to be educated about it. Again, it is not about stopping people doing it but about making sure it is safe.

I find the vapour irritating. I have walked behind many people who are vaping and it makes me cough. I am fine; my lungs are great, but I worry about other people who have more fragile respiratory systems. I think being able to control it a little bit, particularly around eating places, is really great and something we should support. I hope that along with the rollout of new legislation will come a very clear and very simple public health message around the rules, making people understand how this will go in the future to ensure that we do not have any confusion for people who want to use such devices.

Of course, another thing I have mentioned relates to children. I am very glad there are some limits on parameters around where they are going to be sold and how they are going to be marketed. Children like nothing more, on a very cold morning, than to go out and puff out big loads of vapour from their mouth, and I would be very concerned that they may see this as another way to do that. So I am very pleased we are putting some legislation in place.

With that, I wholeheartedly support the legislation. Again, I thank the previous member for Elder, Annabel Digance, for her work, I thank all the scientists and the committees for their work, and I thank the shadow minister for health and wellbeing for his enduring work. I commend the bill to the house.

Dr HARVEY (Newland) (12:56): I rise today to support the Tobacco Products Regulation (E-Cigarettes and Review) Amendment Bill 2018. This bill seeks to amend the Tobacco Products Regulation Act 1997 to enhance the operation of the act and address the lack of regulation of electronic cigarettes, also known as e-cigarettes, in South Australia.

The bill aligns with the recommendations of the Select Committee on E-Cigarettes and the positions of leading public health bodies, including the National Health and Medical Research Council, on the need for governments to act to regulate e-cigarettes. We will also bring the e-cigarette legislation in South Australia into line with interstate legislation. The bill introduces a range of administrative enhancements to ensure that the legislation is up to date and to improve the functioning of this important legislation.

These amendments emanate from an independent review of South Australian tobacco-control legislation which was completed in 2017. A 2017 legislative review of the Tobacco Products Regulation Act 1997 identified opportunities to improve the operation of the act, including consistency between the act and its regulations, between tobacco control and other South Australian legislation as well as tobacco-control legislation in other jurisdictions, and identifying provisions that are no longer relevant.

The Tobacco Products Regulation (E-Cigarettes and Review) Amendment Bill addresses the review recommendations and strengthens the operation of the act more broadly. It also includes

increases in penalties and expiation fees for more than 40 offences. Maximum penalties and expiation fee levels have not been adjusted since 1997.

When I first realised that these devices existed—I have some more distant family members who are quite big consumers of tobacco cigarettes—I initially thought that this was a positive step. At face value, it seemed much less offensive than tobacco smoke. Certainly, tobacco smoking is a big problem in our community. In fact, smoking is responsible for the hospitalisation of almost 150,000 Australians each year and around 15,000 deaths in Australia, 1,140 of those being in South Australia.

There is also a substantial economic cost associated with smoking—approximately \$2.3 billion in this country every year. A report from the Australian Institute of Health and Welfare a year or so ago found that smoking was a leading risk factor contributing to death and disease in Australia and responsible for 80 per cent of the lung cancer burden and 75 per cent of chronic obstructive pulmonary disease. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

Petitions

CHARACTER PRESERVATION (MCLAREN VALE) ACT

The Hon. L.W.K. BIGNELL (Mawson): Presented a petition signed by 2,101 residents of McLaren Vale, McLaren Flat, Aldinga and greater South Australia requesting the house to urge the government to maintain the Character Preservation (McLaren Vale) Act 2012 in relation to two proposals to develop land on the edge of the McLaren Vale township and request that the act remain unchanged.

SERVICE SA MODBURY

Ms BEDFORD (Florey): Presented a petition signed by 100 residents of Adelaide requesting the house to urge the government not to proceed with the proposed closure of the Service SA Modbury Branch announced as a cost-saving measure in the 2018-19 state budget.

TAFE SA WUDINNA CAMPUS

Mr TRELOAR (Flinders): Presented a petition signed by 827 residents of Eyre Peninsula requesting the house to urge the government to take immediate action to reverse the decision to close the TAFE SA Wudinna campus.

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 Speaker—

Local Government Annual Reports—

Grant, District Council of Annual Report 2017-18

Mount Remarkable, District Council of Annual Report 2017-18

By the Deputy Premier (Hon. V.A. Chapman) on behalf of the Premier (Hon. S.S. Marshall)—

Distribution Lessor Corporation—Annual Report 2017-18

Generation Lesser Corporation—Annual Report 2017-18

Local Government Finance Authority of South Australia—Annual Report 2017-18

South Australian Government Financing Authority—Annual Report 2017-18

Southern Select Super Corporation—Annual Report 2017-18

Transmission Lessor Corporation—Annual Report 2017-18
Treasury and Finance, Department of—Annual Report 2017-18

By the Deputy Premier (Hon. V.A. Chapman)—

Housing Trust, South Australian—Annual Report 2017-18
Human Services, Department of—Annual Report 2017-18

By the Minister for Industry and Skills (Hon. D.G. Pisoni)—

Small Business Commissioner—Annual Report 2017-18

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

Ageing, Office for the—Annual Report 2017-18
Australian Health Practitioner Regulation Agency—Annual Report 2017-18
Chief Psychiatrist of South Australia—Annual Report 2017-18
Health Advisory Council Inc—
Balaklava Riverton Annual Report 2017-18
Barossa and Districts Annual Report 2017-18
Berri Barmera District Annual Report 2017-18
Bordertown and District Annual Report 2017-18
Ceduna District Health Service Annual Report 2017-18
Central Adelaide Local Health Network Annual Report 2017-18
Coorong Health Service Annual Report 2017-18
Country Health SA Local Health Network (Governing Council) Annual Report
2017-18
Eastern Eyre Annual Report 2017-18
Eudunda Kapunda Annual Report 2017-18
Far North Annual Report 2017-18
Gawler District Annual Report 2017-18
Hawker District Memorial Annual Report 2017-18
Hills Area Annual Report 2017-18
Kangaroo Island Annual Report 2017-18
Kingston Robe Annual Report 2017-18
Leigh Creek Health Services Annual Report 2017-18
Lower Eyre Annual Report 2017-18
Lower North Annual Report 2017-18
Loxton and Districts Annual Report 2017-18
Mallee Health Service Annual Report 2017-18
Mannum District Hospital Annual Report 2017-18
Mid North Annual Report 2017-18
Mid-West Annual Report 2017-18
Millicent and District Annual Report 2017-18
Mount Gambier and Districts Annual Report 2017-18
Naracoorte Area Annual Report 2017-18
Northern Yorke Peninsula Annual Report 2017-18
Northern Adelaide Local Health Network Annual Report 2017-18
Penola and Districts Annual Report 2017-18
Port Augusta, Roxby Downs and Woomera Annual Report 2017-18
Port Broughton District Hospital and Health Services Annual Report 2017-18
Port Lincoln Annual Report 2017-18
Port Pirie Annual Report 2017-18
Quorn Health Services Annual Report 2017-18
Renmark Paringa District Annual Report 2017-18
SAAS Volunteer Annual Report 2017-18
South Australian Medical Education and Training Annual Report 2017-18
South Coast Annual Report 2017-18

Southern Adelaide Local Health Network Annual Report 2017-18
 Southern Flinders Annual Report 2017-18
 The Murray Bridge Soldiers' Memorial Hospital Annual Report 2017-18
 The Whyalla Hospital and Health Service Annual Report 2017-18
 Veterans' Annual Report 2017-18
 Waikerie and Districts Annual Report 2017-18
 Women's and Children's Health Network Annual Report 2017-18
 Yorke Peninsula Annual Report 2017-18
 Health Performance Council—Annual Report 2017-18
 Lifetime Support Authority—Annual Report 2017-18
 Local Health Network Inc—
 Central Adelaide Annual Report 2017-18
 Country Health SA Annual Report 2017-18
 Northern Adelaide Annual Report 2017-18
 Southern Adelaide Annual Report 2017-18
 Mental Health Commission, South Australian—Annual Report 2017-18
 Pharmacy Regulation Authority—Annual Report 2017-18
 SA Ambulance Service—Annual Report 2017-18
 Women's and Children's Health Network—Annual Report 2017-18
 Regulations made under the following Acts—
 Health Practitioner Regulation National Law—General

By the Minister for Child Protection (Hon. R. Sanderson)—

Child Protection, Department for—Annual Report 2017-18
 Child Protection, Department for—Additional Reporting Obligations Report
 Guardian for Children and Young People, Office of the—Annual Report 2017-18

Ministerial Statement

SURROGACY REFORM

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. V.A. CHAPMAN: Surrogacy is the practice of a woman becoming pregnant with a child who may or may not be genetically related to her, carrying the pregnancy and giving birth to the child for another family, who may then become the legal parents of the child. Surrogacy is a complex and sensitive subject that raises many ethical, legal and other issues and implications. It is a topic that attracts strong and often conflicting views.

Today, the South Australian Law Reform Institute has released on its website its report into South Australian surrogacy laws, an inquiry that was referred to the South Australian Law Reform Institute in December 2017. I strongly support the work of SALRI in this inquiry and welcome the report, which I now table in the parliament. I also thank the ongoing effort of the Hon. John Dawkins MLC and his contribution to surrogacy law reform in South Australia. Today's report makes 69 recommendations which aim to address issues with the existing law and make further suggestions for change for the government's consideration.

In conjunction with the public release of the report, I also table a draft bill which reflects the recommendations of SALRI. This bill will also be open to public consultation on the YourSAy website, giving all South Australians the opportunity to have their say on the reforms. As a government, we are committed to improving these laws. The draft bill is a work in progress, with various policy and other matters still under development which will likely be raised during consultation. The SALRI report makes recommendations in relation to the welfare of the child, appropriate counselling and legal advice, ensuring all direct costs associated with the surrogacy agreement are recoverable and making surrogacy accessible to single people.

In tabling this draft bill and opening it to public consultation, the government hopes to draw on the views and input of all parties, whether they be intending parents, surrogate mothers or relevant organisations, to inform a suitable regulatory framework for lawful domestic surrogacy in a stand-alone surrogacy act. Above all, the report and the tabled bill reiterate that commercial surrogacy, where a fee is charged for carrying the pregnancy, is and remains prohibited. I look forward to open and frank discussion on this issue from all parties in the lead-up to the bill's formal introduction and urge all members to read the report, particularly those who have an interest in this matter.

Question Time

MINISTERIAL RESPONSIBILITIES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:12): My question is to the Attorney-General. Can the Attorney-General provide any precedent or example of a cabinet minister not standing aside from their portfolio responsibilities while the subject of a SAPOL inquiry?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:12): Whilst I am not in a position, nor is it appropriate, to provide legal advice to the Leader of the Opposition, I will say—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —that I don't accept that there is a current investigation being undertaken. No-one has actually asserted that, even in today's media—

Members interjecting:

The SPEAKER: Order, members on my left and right!

The Hon. V.A. CHAPMAN: —which of course has identified, on an anonymous basis, the suggestion that there is a preliminary assessment being undertaken. I think what is important here—and I have made this very clear today, and I am happy to repeat it to the parliament—is that I think it's appropriate, for what it's worth, for the police to give a preliminary assessment on any matters that are brought to their attention where there is an allegation that an investigation may need to be considered, even if it's material presented by the Australian Labor Party to the police department. I think that is an important—

The Hon. A. Koutsantonis interjecting:

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

The Hon. V.A. CHAPMAN: —independent role that they have. But at this stage no-one has asserted, even anonymously, that there is an investigation underway.

The SPEAKER: Before I call the Leader of the Opposition again, I call the following members to order: the Minister for Industry, the members for Playford, West Torrens, Lee and Badcoe and the Minister for Primary Industries.

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Is the member for Lee still going?

The Hon. R. Sanderson interjecting:

The SPEAKER: The Minister for Child Protection is also called to order. The Leader of the Opposition has the call

ATTORNEY-GENERAL

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:14): My question is to the Attorney-General. Is the Attorney-General aware of the legal advice of former Federal Court judge Ray Finkelstein QC that the Attorney-General has contravened section 56A of the ICAC Act?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:14): As the Leader of the Opposition would remember, I hope, because the person who asked questions about

this is sitting two doors down from him, in fact they had obtained this advice and, as I have previously explained to the parliament, at that stage I was not even aware that it was in the public arena as to whether this was a commentary on our act or whether it was information developed from—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —allegations of assertions in relation to my conduct. Nevertheless, I understand it has been made available publicly today and I will look at it in due course, as a matter of interest.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (14:15): My question is to the Attorney-General. Given the legal opinion of former Federal Court judge the Hon. Ray Finkelstein QC, why won't the Attorney-General stand aside pending the conclusion of SAPOL's probe into the Attorney's conduct?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:15): Well, look, again—

The Hon. J.A.W. Gardner: They write the questions and keep going with them.

The SPEAKER: The Minister for Education will cease interjecting.

The Hon. V.A. CHAPMAN: —I think perhaps the member for West Torrens hadn't actually heard my previous answer.

The Hon. A. Koutsantonis: No, I heard it.

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: It's a matter of interest maybe to have a look at this assessment that has been made by—

The Hon. A. Koutsantonis: It's only a former Federal Court judge; what would he know?

The SPEAKER: The member for West Torrens is warned.

The Hon. V.A. CHAPMAN: —someone, which has then been obtained by the Australian Labor Party. I'm happy to look at it, but I have made it abundantly clear, publicly and to the parliament, that I have had advice on this matter, and I am completely satisfied, having read that advice, that there has been no breach of the ICAC Act. In saying that, in the event—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —that there is actually—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Member for West Torrens, order!

The Hon. V.A. CHAPMAN: —any assistance required in the preliminary—

Mr Picton interjecting:

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

The Hon. V.A. CHAPMAN: —assessment by the police on any matter, even if it has come from the ALP, I am happy to support that and provide assistance.

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is also called to order.

LABOUR FORCE DATA

Mr PATTERSON (Morphett) (14:16): My question is to the Minister for Industry and Skills. Can the minister update the house on the most recent labour force data for South Australia?

The Hon. D.G. PISONI (Unley—Minister for Industry and Skills) (14:16): I thank the member for Morphett for his question. I know that he himself has skin in the game when it comes to employing South Australians. Like many of us on this side, we understand the risk that employers and businesses take here in South Australia, and we are pleased that more and more South Australian businesses are getting on board now and employing more South Australians.

The figures that were released today show trend unemployment is steady at 5.5 per cent—the lowest in six years. It's a very important figure. The trend figure is the most reliable figure, but of course we also saw a dip in the seasonally adjusted figure, from 5.5 per cent to 5.4 per cent. It was 5.8 per cent at the same time last year. Total employment has increased by 12,400 since the same time last year and 55 per cent of those jobs have been full-time jobs.

Mr Boyer interjecting:

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

The Hon. D.G. PISONI: This is one of the really early indicators. One of the easiest things a business can do when they are feeling confident and when they want their business to grow is to ask their existing employees to work more hours. There were 100,000 extra hours worked in October, compared with September. If you look at October 2018, compared with October 2017, 1.9 million extra hours were worked. If you put the average hourly rate onto those hours, it is \$70 million extra in round figures being circulated and generated in the South Australian economy because of the fact that industry and business are getting behind the government's programs.

In survey after survey, we are seeing the business community coming back to do business here in South Australia and confidence rising. The BankSA State Monitor survey shows business confidence steady at an eight-year high. Business investment is 7.6 per cent higher in the June quarter than at the same time last year. Clearly, it shows a positive response to the Marshall government's plan. The reduction of the emergency services levy has meant the return of \$90 million a year into the pockets of South Australians.

South Australians are responding. They are going out to businesses and spending that money. Businesses are responding: they are employing more South Australians. Of course, they are also responding to the very strong training package that we have out there, which is \$203 million over four years—\$1 million a week. It is not just the ABS figures that are reporting improvements in South Australia: the business community are telling us, whether they are from South Australia or whether they are from interstate. Last night at the Optus dinner, John Paitaridis, the managing director of business at Optus, in his speech said there was 'a big change since the election here in South Australia'—a big change.

Mr Malinauskas: That's not what he said. I was there, remember?

The SPEAKER: Order!

The Hon. D.G. PISONI: 'The place is pumping.' The Leader of the Opposition said he was there. He was there, looking like he was sucking on a lemon. He hated to hear the news—he hated to hear the news.

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: 'The place was pumping,' he said. He didn't say since last September; he didn't say since the beginning of the year: he said since the election.

Mr Malinauskas interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: He said, 'Since the election—'

Members interjecting:

The SPEAKER: Order, members on my left and right!

The Hon. D.G. PISONI: —things have been changing here in South Australia.'

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: It's welcome news, but we still have a lot more work to do. We need to generate more jobs for South Australians—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —and continually grow the South Australian economy.

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is called to order. The member for West Torrens has the call.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (14:20): My question is to the Attorney-General. Given former Federal Court judge the Hon. Ray Finkelstein QC has given now two separate pieces of legal opinion—one that the ICAC commissioner cannot retrospectively authorise a disclosure of information, and that the Attorney-General has contravened section 56A of the ICAC Act—on what basis and on what legal opinion is the Attorney-General relying on to stay Attorney-General?

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

The Hon. L.W.K. Bignell: Vickie knows best.

The SPEAKER: The member for Mawson is called to order. There is a point of order.

The Hon. J.A.W. GARDNER: The question offends against just about every part of standing order 97.

The SPEAKER: In that?

The Hon. J.A.W. GARDNER: Facts without the leave of the house; opinion that's inappropriate.

The SPEAKER: What the Minister for Education is saying is that facts were introduced and you've taken that to be argument. Member for West Torrens, I will allow the member either to seek leave to introduce facts on this occasion or amend that question slightly on one occasion.

The Hon. A. KOUTSANTONIS: Yes, sir. I'll rephrase the question to not offend the sensitivities of the government.

The SPEAKER: The standing orders—yes, 97, I uphold that.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (14:21): Thank you, sir. My question is to the Attorney-General. Is the Attorney-General aware that former Federal Court judge Ray Finkelstein has now given two pieces of legal opinion: one stating that the ICAC commissioner cannot retrospectively disclose information—

The SPEAKER: Are you seeking the leave of the house to insert these facts?

The Hon. A. KOUTSANTONIS: I seek leave, sir.

The SPEAKER: Is leave granted? Leave is granted. The member for West Torrens.

The Hon. A. KOUTSANTONIS: Given he has given two pieces of legal opinion—that the ICAC commissioner cannot retrospectively authorise a disclosure of information and that the Attorney-General has contravened section 56A of the ICAC Act—on what basis is she remaining Attorney-General?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:22): I don't know yet. I haven't read the details of what the opinion or assessment or commentary on our law says, or whether the first one wasn't good enough and they had to get a second one, or what the deal was. I don't know yet, but I understand that it is out in the public arena and I am happy to have a good look at that in due course. Yes, I am aware that there had been a previous report that had been asserted. Again, I don't know whether it is a commentary or what it is, so I can't comment on a hypothetical in that regard.

Ms Stinson: You should read it, then.

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

The Hon. V.A. CHAPMAN: I have made the statement before. I have had legal advice. It is from the Crown law office, as has been known to the parliament, and I am completely satisfied that on—

Mr Picton: You judge yourself.

The SPEAKER: The member for Kaurna is warned.

The Hon. V.A. CHAPMAN: Notwithstanding that, there is an assertion, anonymous nevertheless, a claim that there is a preliminary assessment being undertaken at the moment and, as I say, whether it is based on the presentation of material from the ALP or anything else, it is reasonable in my view that SAPOL would look at those matters and dismiss them or otherwise. But in that regard I can't make a comment on the reliability or usefulness or whether it would be of any consequence, the statements on a hypothetical.

Members interjecting:

The SPEAKER: The member for Playford is warned, and the member for Mawson is also warned. The member for West Torrens.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (14:24): My question is to the Attorney-General. Would the Attorney-General recommend to the Governor the commission of an independent judicial inquiry to investigate her actions on 27 September this year? With your leave, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: The opposition has obtained a legal opinion from the Hon. Ray Finkelstein QC that the Attorney-General is in breach of section 56A of the ICAC Act.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:24): I ask that the member for West Torrens repeat the question because I didn't actually hear that.

The SPEAKER: Please repeat.

The Hon. A. KOUTSANTONIS: My question is to the Attorney-General. Will she immediately commission an independent judicial inquiry?

The Hon. V.A. CHAPMAN: No.

INFRASTRUCTURE PROJECTS

Mr MURRAY (Davenport) (14:25): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the Transport and Infrastructure Council meeting held last week?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:25): I can, member for Davenport, I really can. I would

also like to thank the member for Mount Gambier for giving me the opportunity to get along to the Transport and Infrastructure Council so that I could use that opportunity to lobby the federal government for funding for road projects in South Australia. I do also note that I haven't had any questions on Footy Express yet, but I'm sure they are coming, member for West Torrens.

One of the most important things that was discussed on the agenda last Friday at the Transport and Infrastructure Council was around how we make sure that the delivery of infrastructure projects around this country is done better. It is fair to say that we are in an environment, especially over the last few years and certainly over the projected four to six-year budget cycles and outside budget cycles, where the amount of money being spent on infrastructure around the country is unprecedented by a huge margin.

In fact, some of the estimates we looked at suggested that we could be spending three times as much over this next period as has been spent over the preceding decade on a year-by-year basis. This presents huge challenges. It presents huge challenges for us here in South Australia because we, by our very nature, by our spend, are not able to compete with the spends of the eastern seaboard. Nevertheless, this is a government that, in its budget, handed down \$11.3 billion worth of infrastructure projects, the highest figure over a four-year period in this state's history.

That is our commitment to making sure that we stay ahead of the curve when it comes to delivering a beautiful, livable and productive city here in South Australia. One of the key things that we talked about, which other states in fact took for granted but which in South Australia we were applauded for, was the fact that we have now established Infrastructure South Australia—the idea that we would actually submit to external and independent analysis of the projects that we are seeking to secure funding for and deliver for the people of South Australia.

It is something that is part of the normal everyday workings of other states, especially New South Wales, which otherwise, before us, had the best model of an i-body around the country. We were applauded for that work and for the fact that we are now one of the jurisdictions—well, essentially everyone except Western Australia—keen to make sure that we get the best out of our significant infrastructure spend. This \$11.3 billion is important not only for the projects that are being delivered but because we need to make sure that we have a strong pipeline of work for both our commercial construction sector and our civil construction sector.

That is not what we had when we first came to government, especially on the civil construction side. Going out and talking to businesses and workers on individual projects around the state, understanding what was coming next for them and how they were going to provide for their families, was a genuine question and one that, through the 2018-19 budget, this government was able to answer. The real opportunity for us in South Australia is to make sure that we get infrastructure planning, and planning more generally, right. We are unashamed on this side of the house about wanting to grow jobs and population for our economy in South Australia.

We know that a higher population growth scenario will deliver new jobs and new security for people who live in this state. Through putting \$11.3 billion worth of hard-earned taxpayers' money on the table, we are going to make sure that we build our state so that we can essentially deliver a city that, when new people come to live in our state and when new people are born in our state, is kept the beautiful, livable place that Adelaide and South Australia is, but we welcome the new jobs and opportunities that come as we welcome new migrants into our beautiful state.

Ms Cook interjecting:

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

MURRAY-DARLING BASIN ROYAL COMMISSION

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:29): My question is to the Attorney-General. Has the Attorney-General yet apologised to Murray-Darling Basin Royal Commissioner, Bret Walker SC? Mr Speaker, with your leave, and that of the house, I will explain.

Leave granted.

Dr CLOSE: On 10 August, the Attorney-General received a letter from the royal commissioner stating three sentences:

I have been informed of a public statement from your office about these matters. It is wrong, discourteous and inappropriate...I am owed an apology.

Members interjecting:

The SPEAKER: The Leader of the Opposition is warned, and so is the member Hammond from before.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:29): I thank the member for the question because it does give me an opportunity to encourage her, firstly, to read—

Dr Close: Apologise.

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —all the correspondence—

Dr Close interjecting:

The SPEAKER: The deputy leader is called to order.

The Hon. V.A. CHAPMAN: —and, in addition to that, note the things—

Ms Stinson interjecting:

The SPEAKER: The member for Baccdoe is warned.

The Hon. V.A. CHAPMAN: —that have occurred since that correspondence. The first thing that has occurred is that in fact the subpoenas were withdrawn. The second thing is—

Dr Close: Because you wouldn't give them an extension.

The SPEAKER: The deputy leader is called to order.

The Hon. V.A. CHAPMAN: —that as a consequence—

Members interjecting:

The SPEAKER: The deputy leader and the member for Lee are warned.

The Hon. V.A. CHAPMAN: —the High Court proceedings were withdrawn.

Dr Close interjecting:

The Hon. V.A. CHAPMAN: Well, I can hear some shrieking from the other side about this. I am happy to explain the measure.

The SPEAKER: The deputy leader is warned for a second and final time. Despite my warnings, she continues to interject when the Deputy Premier is attempting to answer the question. If she continues, she will be departing.

The Hon. V.A. CHAPMAN: I can remember reading some fairly similar language used in respect of—

The Hon. T.J. Whetstone interjecting:

The SPEAKER: The Minister for Primary Industries is not helping and is warned.

The Hon. V.A. CHAPMAN: —the federal minister Mr Littleproud, who was also the base of some invective from Mr Walker, so I have noticed that there has been a general concern by Mr Walker when people disagree with his opinions. I think what is very important—

The Hon. A. Koutsantonis interjecting:

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

The Hon. V.A. CHAPMAN: —is that whilst he does raise some concerns—

Mr Malinauskas: Ignore the ICAC commissioner, ignore the royal commissioner.

The SPEAKER: Leader!

The Hon. V.A. CHAPMAN: —about circumstances where there have been some difference of opinion on matters, he doesn't like that obviously. Nevertheless, we are the client, the State of South Australia, the government of South Australia, and we are paying him some \$8 million to undertake a commission—

Members interjecting:

The SPEAKER: Order, members on my left!

Mr Odenwalder interjecting:

The SPEAKER: The member for Lee is warned for a second and final time.

The Hon. V.A. CHAPMAN: —and he has indicated that, even in the absence of compliance initially with the subpoenas, he was able to complete that report. We thank him for continuing that work and accept his assurance that he will have it ready on time in February 2019. We look forward to receiving that report. I just point out one thing that has happened since then that I think is important for the house to know; that is, notwithstanding the initial resistance to the production of documents by the commonwealth, they did in fact provide them, and I appreciate that.

Dr Close interjecting:

The SPEAKER: I remind the deputy leader that she is on two warnings.

The Hon. V.A. CHAPMAN: They haven't all turned up to give evidence, which I think is unfortunate—

Dr Close interjecting:

The SPEAKER: The deputy leader will leave for half an hour under standing orders 137 and 137A.

The honourable member for Port Adelaide having withdrawn from the chamber:

The Hon. V.A. CHAPMAN: —because we would like to think that all that material would be available, including the availability of evidence, to consider his findings and the recommendations. We look forward to receiving his report.

On this side, we are getting on with the important issues to conclude the business in relation to the effectiveness, workability and enforceability of the Murray-Darling Basin agreement and compliance with the Water Act. These are very important issues for South Australia. We agreed with the former premier when he announced there would be a royal commission in relation to this matter, and we are doing what we can to support its successful conclusion.

MURRAY-DARLING BASIN ROYAL COMMISSION

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:33): My question is to the Attorney-General. Has the Attorney-General corrected the record after the Murray-Darling Basin Royal Commissioner, Bret Walker SC, wrote to her describing her public statement as, and I quote, 'wrong, discourteous—

The SPEAKER: Is leave sought to introduce this?

Mr MALINAUSKAS: Yes.

The SPEAKER: Is leave granted? Leave is granted.

Members interjecting:

Mr MALINAUSKAS: And I quote, 'wrong—

The SPEAKER: One moment, leader. Members on my right, I cannot hear the question. The Leader of the Opposition has the call.

Mr MALINAUSKAS: I will start again, Mr Speaker. I have sought leave and I assume it is still granted.

The SPEAKER: Yes, you have leave.

Mr MALINAUSKAS: My question being to the Attorney-General, has the Attorney-General corrected the record after the Murray-Darling Basin royal commissioner, Bret Walker SC, wrote to her describing her public statement as 'wrong, discourteous and inappropriate' and that it should be 'completely withdrawn'?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:34): I refer to my previous answer.

Members interjecting:

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

KEOGH CASE

The Hon. A. KOUTSANTONIS (West Torrens) (14:35): My question is to the Attorney-General. Does the Attorney-General stand by her decision to give accused murderer and SAPOL's prime and only suspect in the Anna-Jane Cheney murder, Henry Keogh, \$2.57 million worth of taxpayers' money despite receiving legal advice there would be minimal risk to the state?

The SPEAKER: That question does presuppose some certain facts, but the Deputy Premier is ready to take the question and I will allow it.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:35): Can I just say I don't agree with any of the assertions made by the member for West Torrens. I don't—

Members interjecting:

The SPEAKER: Order! The Deputy Premier has the call. I would like to hear the answer.

Members interjecting:

The SPEAKER: Is the member for Enfield interjecting? I think you were. The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: Whilst I don't agree with the description—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —or the allegations of—

Members interjecting:

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

The Hon. V.A. CHAPMAN: Whilst I don't agree with the description or the allegations that are made in relation to alleged facts in that question, if the question is do I stand by the decision to pay Mr Keogh \$2.57 million in full settlement of his potential civil claim and/or legal—

An honourable member interjecting:

The Hon. V.A. CHAPMAN: Well, read the deed. Read the deed.

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: I mean, hello? Anyway, do I stand by that? Yes, I do.

GOLDEN GROVE ROAD

Ms LUETHEN (King) (14:36): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister—

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is on two warnings and continues to talk about Service SA, out of order. The member for King has the call.

Ms LUETHEN: Can the minister update the house on the state government's commitment to fix Golden Grove Road?

Mr Duluk interjecting:

The SPEAKER: The member for Waite is warned for a second and final time.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:37): Can I say that this is what happens when you see effective advocacy from both outside of the parliament and then, once elected, inside the parliament.

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: Fantastic advocacy—

Members interjecting:

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

The Hon. S.K. KNOLL: —from the then candidate for King and the subsequent member for King. I know that the now Minister for Industry and Skills lost many a kilo waving signs up and down Golden Grove with the candidate for King, and long may that continue. Just released for this project is—

Mr Boyer interjecting:

The SPEAKER: The member for Wright is warned.

The Hon. S.K. KNOLL: —a preliminary concept design. The design includes a new roundabout at the junction of Golden Grove Road and Hancock Road; additional lanes at the intersection of Golden Grove Road, the Grove Way and Yatala Vale Road; protected right-hand turn lanes at most unsignalised junctions; on-road bike lanes in each direction; improved pedestrian facilities, including a new footpath and pedestrian crossing facilities; and indented bus bays. Also included as part of this project will be kerbing, guttering, drainage, targeted road resurfacing—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —and new and upgraded road lighting. Construction for these works is scheduled to commence in the first half of 2019 and all construction works are expected to be completed by mid-2020.

I had the great fortune of being with the member for King as we went and had a look at this road and had a look at some of the real issues that exist. Certainly, some of the major traffic treatments that we are talking about are important. Especially important to the Tea Tree Gully council, when we were out there talking with them, were the drainage issues that exist for the residents who live on the low side next to Golden Grove Road. This is a very important project for the people of the north-east, and this is what happens when solid and dependable advocates go out and they deliver for their communities. This is only a preliminary concept design—

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The member for Mawson is warned.

The Hon. S.K. KNOLL: —and the department is going out to hold three information sessions next week. For those opposite who might like to go along to provide feedback, we will be at the DS Goodes Pavilion on the corner of Yatala Vale and Hancock roads, Surrey Downs, on Tuesday 20 November between four and 6.30, Wednesday 21 November between 11am and 2pm, and Saturday 24 November between 1pm and 4pm.

This is another example of a government delivering on the promises that we took to the election, promises that we made to the South Australian people. With the strong and disciplined

approach that the Marshall Liberal government has taken to the 2018-19 budget, we have been able to make sure that we can deliver—

The Hon. Z.L. Bettison: Did you put that in the election material, that you're going to cut the Service SA office?

The SPEAKER: The member for Ramsay is warned.

The Hon. S.K. KNOLL: —on the promises that we made to the South Australian people and show the people of the north-east and the people who live in the King electorate that we are a government that does what we say we are going to do.

The Hon. Z.L. Bettison: Except when we don't tell them we're going to do it.

The SPEAKER: The member for Ramsay is warned for a second time. The member for Kaurna has the call.

LIBBY'S LAW

Mr PICTON (Kaurna) (14:40): My question is to the Attorney-General. Has the Attorney-General abandoned her support of Libby's Law? With your leave, and that of the house, sir, I will explain.

Leave granted.

Mr PICTON: The Attorney-General previously promised the family that she would revive legislation introduced into the Legislative Council last year by the Hon. Dennis Hood MLC.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:40): That's a very important question from the member. It relates, for the benefit of members who haven't been following this, to institute consideration under Mr Hood's bill, which would provide for a new offence under the Criminal Law Consolidation Act for sustained and repeated threats or communications—uninvited—from one person to another, essentially to deal with a circumstance of which some would be aware.

It had been asserted that a young girl called Libby, who had suicided, had been the victim in the lead-up to that of repeated communications of this nature. It sparked—I think as it has around Australia—a call for how we best deal with bullying, especially via our devices, between children, and indeed between adults, but I think the area of greatest concern and focus at the moment is how we might deal with that between children.

Young girls or young women in particular seem to be, statistically, the greatest level of victims in this category. So, on coming into government, as we had committed to do, that we would review what laws we have currently in place to deal with those who might be incited to suicide, some in circumstances that would deal with the criminal prosecution of conduct that might be—

The SPEAKER: A point of order by the member for West Torrens.

The Hon. A. KOUTSANTONIS: This is now debate, sir. The question was very specific, sir.

The SPEAKER: I have the point of order. I have allowed—

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

The SPEAKER: A point of order on the point of order, yes.

The Hon. J.A.W. GARDNER: It is a bogus point of order. The question was about the government's position on a piece of legislation, and it is directly relevant.

The SPEAKER: I have the point of order. With respect to the member, I have the question: it was about whether the Attorney-General has abandoned support for Libby's Law. There was also a statement of facts introduced. I have allowed the Deputy Premier some preface. I expect her to keep to the substance of the question, but I will be listening attentively.

The Hon. V.A. CHAPMAN: The question in relation to whether we need other criminal laws was one that we felt was important that we properly investigate, that we have some discussion on. I have discussed the matter with, of course, the Hon. Dennis Hood, who was the sponsor of the

previous legislation here. It followed similar drafting that had been introduced—laws that have been introduced—in Victoria.

I would have to say that, when we had a significant round table, which we are about to provide a comprehensive report on once those who attended are able to make comment about any of the final drafts, there wasn't a lot of support. In fact, I think there was only one person of the many who attended who considered entertaining that. But I have also met with Libby's parents, who are very concerned to ensure that their daughter, who they felt was a direct victim in relation to this type of conduct, ought to have the criminal sanction there as a preventative measure for future conduct towards other children—that that would be considered. When we do get that report and publish it—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —we will consider whether we need to amend our current criminal law or whether we need to add in any other legislation, or whether the 10 laws that cover this area are adequate. In addition to that—

Mr Malinauskas: So if they're adequate you're not reviving the legislation?

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —just for the benefit of—although the Leader of the Opposition seems to be impatient to hear the answer on this. Some members who made a contribution on the education bill recently would have noticed that there is also reference to bullying conduct, student to student, teacher to student and other parties who are employed. This was, I think, a welcome initiative in relation to the explanation as to how this might apply under the Education Act. So, we are still working through that and we will consider it.

The SPEAKER: The minister's time has expired.

GIANT AUSTRALIAN CUTTLEFISH

Mr TRELOAR (Flinders) (14:44): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on the economic importance of the giant cuttlefish population in Spencer Gulf?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:45): I thank the member for Flinders for his very, very important question. We know in this house that the giant Australian cuttlefish numbers have been under pressure for a number of years. The giant Australian cuttlefish is one of the largest cuttlefish species in the world. Particularly at Port Lowly near Whyalla, it is known as one of the very few sites on the planet where they have dense spawning aggregations.

Our giant cuttlefish are known as the rock star of the sea: they live fast but they die young. Since 1998, PIRSA's scientific arm has been monitoring cuttlefish numbers. As I said, it has been a concern to SARDI scientists conducting those annual population surveys in the Whyalla area that population numbers have been in decline. But, good news: the population numbers have increased. Numbers are up by about 20 per cent, and that is great news. From population of individuals of over about 125,000—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. van Holst Pellekaan: The Marshall Liberal government.

The SPEAKER: Minister for Energy, order!

The Hon. T.J. WHETSTONE: What I can say is that the counts are up around the 150,000 in 2018. It's great to see what a new government can do. Research is showing that the populations are remaining strong and growing. That research is also showing us that yes, naturally population numbers do fluctuate—

Members interjecting:

The SPEAKER: Order!

The Hon. T.J. WHETSTONE: —and while they're fluctuating, this government is looking after the numbers, but we're also growing the tourism industry around it. The Minister for Environment and Water—

Members interjecting:

The SPEAKER: Member for Hurtle Vale, order!

The Hon. T.J. WHETSTONE: —is doing a great job, too, growing the—

Members interjecting:

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

The Hon. T.J. WHETSTONE: —nature-based tourism industry. He is doing an outstanding job. What—

Members interjecting:

The SPEAKER: Order, members on my left and right!

The Hon. T.J. WHETSTONE: —I can say is that visitors are drawn between May and August when tens of thousands of cuttlefish are brightly coloured. They come to spawn, and so people are given the opportunity to nature dive. They are—

Members interjecting:

The SPEAKER: The member for Reynell is warned.

The Hon. T.J. WHETSTONE: —able to go out there and view these spectacular sites while the cuttlefish are spawning. I'm also advised that large numbers of visitors are attracted to the region during the CuttleFest event in June. What it's doing is—it's important not only to completely understand why the giant cuttlefish aggregate in those small areas in the northern Spencer Gulf but to understand that this is an industry based around nature. It is a nature-based tourism industry. It's also likely that they are attracted to the shallow, rocky areas along the coast as it provides optimal habitat for their egg laying. I can attest to that myself; having dives along the coast of the west coast, I have seen cuttlefish in action, and it is—

Members interjecting:

The SPEAKER: Order!

The Hon. T.J. WHETSTONE: —a great sight to behold. So maybe those opposite, while they don't care for cuttlefish, might need to don a mask and snorkel—

Members interjecting:

The SPEAKER: The member for Reynell is warned for a second time!

The Hon. T.J. WHETSTONE: —and get over to the west coast and have a look at the cuttlefish. But what—

Members interjecting:

The SPEAKER: Order!

The Hon. T.J. WHETSTONE: —I would say is that—

The Hon. L.W.K. Bignell: I tried—

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

The Hon. L.W.K. Bignell: —and they kept pushing me back in the water!

The Hon. T.J. WHETSTONE: What I am saying is that while there is a permanent fishing closure for cuttlefish, squid and octopus, it has been in place in the waters of False Bay at Whyalla since 1998. I commend both the recreation and commercial fishers for the great stewardship that

they are showing. They are missing opportunities for commercial catch while those waters are closed. They respect the cuttlefish and the vulnerability that they show with declining numbers.

What it's also telling us is that during the temporary closure, recreation and commercial fishers have taken heed and they are not fishing. Any giant cuttlefish inadvertently caught must be returned immediately, gently. I guess these results are great news for the giant Australian cuttlefish population, now part of the nature-based—

Mr Picton: Time!

The Hon. T.J. WHETSTONE: —tourism industry here in South Australia. So I thank the Minister for Environment, I thank my—

The SPEAKER: The minister's time has expired.

The Hon. T.J. WHETSTONE: —PIRSA and SARDI staff, and hashtag #RegionsMatter.

COMMISSIONER FOR VICTIMS' RIGHTS

Mr PICTON (Kurna) (14:49): My question is to the Attorney-General. Does the Attorney-General stand by her decision to sack, over the phone, long-serving and highly respected victims' rights commissioner, Mr Michael O'Connell?

The Hon. J.A.W. GARDNER: Point of order: that question contained argument.

The SPEAKER: The argument that something happened, minister?

The Hon. J.A.W. GARDNER: The characterisation in the way that the member put it is not accepted and is entirely objectionable as per the standing orders. If the opposition don't respect the standing orders, then that is their concern.

The SPEAKER: Which part of the question, respectfully?

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: The accusation that an action had happened in a certain characterisation is inaccurate.

The SPEAKER: Could I hear the question again?

Mr PICTON: Yes. Does the Attorney-General stand by her decision to sack, over the phone, long-serving and highly respected victims rights' commissioner, Michael O'Connell? And everything in there is true.

The SPEAKER: I didn't need the explanation. I'm going to allow the question. Deputy Premier.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:50): Again, I don't accept the premise of the alleged facts, which are clearly not factual from our perspective, in relation to the question.

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: Let me just put the position very clearly. Mr Michael O'Connell for some 20 years was in charge in relation to victims and then later became a commissioner of long standing. In fact, I think he was appointed originally by the Hon. Trevor Griffin, not as a commissioner but as the director or executive in relation to victims. So, he had a longstanding commitment to that position and it was expiring within a short time after the change of government.

It is correct that the government determined that there would not be a renewal of that contract and that Ms Bronwyn Killmier would be appointed, after a selection process that took place. We thank Michael O'Connell, as I have in the past, for his service. I am very pleased to report to the parliament that Ms Killmier is working very hard. She has already cleaned out the office in the sense of dealing with a complete new program of data management and file management for victims—

Mr Picton interjecting:

The SPEAKER: The member for Kaurana is warned for a second and final time.

The Hon. V.A. CHAPMAN: —and is well underway to placing her focus on domestic violence and regional support to victims particularly. I'm pleased to report to the parliament that she is doing an excellent job.

The SPEAKER: The member for Enfield, then the member for Kavel.

SENTENCING ACT REFORM

The Hon. J.R. RAU (Enfield) (14:52): Thank you very much, Mr Speaker—

Members interjecting:

The SPEAKER: Order! I can't keep up with the anticipation in here. Member for Enfield, please.

The Hon. J.R. RAU: You wait until you hear the question. My question, surprisingly, is to the Attorney-General. Is the Attorney-General still of the view that the Sentencing Act 2017 allows court-ordered home detention for serious offences like terrorism and murder?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:52): I won't hold the member for Enfield SC in suspense on this matter. Although I think he probably would know the answer and any legal opinion on this matter, I would refer him to section 70 of the Sentencing Act.

ANZAC SPIRIT SCHOOL PRIZE

Mr CREGAN (Kavel) (14:53): My question is to the Minister for Education. Can the minister update the house on the progress of the Anzac Spirit School Prize program?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:53): I am very pleased to advise that I can. There were a number of things that were undertaken under the former governments that didn't go very well. There were a number of things undertaken under the Rann government in this case that were in fact good ideas. It was an important initiative, I think, of that government and one that this government fully supports and will indeed be continuing and seeking to enhance.

I appreciate the member for Kavel's particular interest in this matter. I understand the member for Kaurana was at the Nairne RSL on Sunday for the centenary of armistice Remembrance Day service, where I understand there were a number of young people who would have seen the 27 names on the monument and been able to read the description:

Their matching feet are noiseless on the road,

Their unseen strength can help you bear your load.

Giving young people inspiration by quotes such as these at Remembrance Day ceremonies such as the one in Nairne, and others that I am sure all members attended throughout the state, is tremendously important.

The Anzac Spirit School Prize is part of the work that we are doing in the education department to ensure that year nine and year 10 students are engaged with the stories of Australia, our past and our service men and women. Particular good news that I have to share with the house this week is that, during 2018, significant increases in the number of entries were received. I understand that the students who were successful had a very reflective and important time in Vietnam as part of that process. Indeed, I believe eight of them were in attendance on Saturday night at the state dinner to commemorate the centenary of armistice. I am advised that they were very appreciative of that opportunity.

The materials for 2019, the 12th year of the Premier's Anzac Spirit School Prize, were launched on the weekend, and I encourage all members to have a look at the posters. The poster for 2019 profiles the Vickers Vimy bomber plane and the Smith brothers, who were extraordinary aviation pioneers. I think we have seen some media in recent days about the Vickers Vimy potentially

not having the pride of place that it should, but I can assure the house that the government, the History Trust and the education department are utterly committed to ensuring that the centenary of that flight is given the recognition that it deserves.

The Anzac Spirit School Prize poster talks particularly about this. The purpose of the Smith brothers and the Vickers Vimy biplane being part of the school prize theme is to encourage students to consider the postwar and interwar years and the impact of war on Australian society. The story of the deeds of the Smith brothers provides an inspirational story for students to learn about those two South Australians who served in World War I and are recognised for remarkable accomplishments after the war. Indeed, I imagine that we will be talking a little bit more about that accomplishment over the next 12 months.

I encourage all South Australians who haven't yet visited that biplane and had a look at it to understand that this is one of the most significant artefacts in museums around the world—and we have it here, right in Adelaide. The Anzac Spirit School Prize will encourage them to do that, but it will also encourage students to look into the stories of not only World War I but also, this year, World War II. I have a connection with those families, and I remember meeting one of the students this year who had engaged with the descendants of World War I veterans and nurses. Those families terrifically appreciated the research that the students had done into their families' pasts.

This is a tremendously important initiative. I thank the member for Kavel for his interest, and I look forward to seeing the work being done by those students in the coming year. I hope there are as many next year as there were this year. Again, I remind the house: this is an important initiative and this government will continue to support it.

MENTAL HEALTH SERVICES

Ms BEDFORD (Florey) (14:57): My question is to the minister representing the Minister for Health. How long will it be before a specialist psychiatrist is recruited to care for the now neglected mental health patients in the north-east Centre for Disability Health?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:57): I will go to the Minister for Health and get a specific answer. It is a very specific question. I acknowledge the member for Florey's genuine interest in health and in the north-east. Given that the question was looking for a particular time line, I will take it on notice and get back to the member with an answer.

MENTAL HEALTH SERVICES

Ms BEDFORD (Florey) (14:58): Supplementary question: following the opening of the five-bed mental health ward at the Lyell McEwin health service, where has the sixth bed gone from the short stay unit that was closed last year?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:58): I will say it again: I will be very happy to take the question on notice and get an answer from the health minister for the member for Florey.

LEGAL SERVICES COMMISSION

The Hon. S.C. MULLIGHAN (Lee) (14:58): My question is to the Attorney-General. Does the Attorney-General stand by her decision to cut funding to the Legal Services Commission in the recent state budget? Have services to domestic violence victims provided by the commission been quarantined from cost savings?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:58): In relation to the second question, domestic violence services are largely delivered, including court legal services, via the Victim Support Service. They are currently being reviewed by the Commissioner for Victims' Rights as to where they might best be placed, how they might continue to be delivered and whether they are actually under a structure that is appropriate. I mention that because the Victim Support Service provides very valuable advice, particularly on what we are expecting to deal with in the Redress Scheme. The court legal services within that area are under a contract that is usually provided by social workers, not lawyers, so, yes, we do need to tidy up some of that.

In relation to the first question, the minister might be surprised to know that, although the previous government had cut out \$3 million to the Legal—

The Hon. S.C. Mullighan: Which minister?

The Hon. V.A. CHAPMAN: The former minister. The previous government cut out \$3 million to the Legal Services Commission. When I met with the chair, Mr Abbott QC, and the chief executive of the Legal Services—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —post the budget to assist them in relation to a very significant slice that had been taken out by the former government, they sought assistance to support the voluntary separation of a number of their staff. We acceded to that, to the extent that consideration was given. The Treasurer agreed that it be something to be supported, and so nearly an extra \$1 million has been allocated since that time to the Legal Services Commission. We value their support, and for that reason I will be going up to the Riverland shortly to provide the reintroduction and reinstalment of regional community legal services because we understand the significance of the importance of legal services to our South Australians.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (15:00): My question is to the Attorney-General. At what stage of the SAPOL probe by detectives into the Attorney-General's conduct will she stand aside: at the end of the initial assessment, at the beginning of the investigation or after she is charged?

The Hon. J.A.W. GARDNER: Point of order: that question is entirely hypothetical and contrary to standing orders.

The SPEAKER: Yes, it is hypothetical. I will allow the member for West Torrens to amend the question.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: My question is to the Attorney-General. Has the Attorney-General received any advice to stand aside pending the conclusion of SAPOL's probe into her conduct?

The SPEAKER: That question is in order.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:01): Only from you.

RENEWAL SA

The Hon. A. KOUTSANTONIS (West Torrens) (15:01): My question is to the Attorney-General. On whose instruction was the Attorney-General's public statement relating to an ICAC investigation into Renewal SA staff published on the government's website?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:02): I don't recall it was an instruction from anybody, but—

Members interjecting:

The SPEAKER: Order! You have asked the question.

The Hon. V.A. CHAPMAN: —I am happy to have a look at that, in relation to the history of this matter, but let's be absolutely clear. I have had advice on this matter. Whatever the ALP or the opposition want to run in relation to this matter is their business. We on this side of the house have important business to do. We have set an agenda. It's at a cracking pace and we are not going to be abandoning it for him.

OFFSHORE PATROL VESSEL PROGRAM

Mr COWDREY (Colton) (15:02): My question is to the Minister for Industry and Skills.

Members interjecting:

The SPEAKER: Order!

Mr COWDREY: Can the minister update the house on the construction of offshore patrol vessels here in South Australia?

The Hon. D.G. PISONI (Unley—Minister for Industry and Skills) (15:02): I thank the member for Colton for his question. I know that Henley Beach and surrounding suburbs—the entire electorate of Colton—is a very desirable place to live, but it will be even more desirable when it is so close to such a big source of work for South Australians at Osborne.

It was my absolute pleasure to represent the Premier this morning at Osborne to celebrate the start of construction of the \$4 billion offshore patrol vessel program. It's important for the house to understand that this is happening just 12 months after contracts were signed—just 12 months. When I was talking to the Americans, who are out here from the Naval Shipbuilding College, they said that it was unheard of that such a large contract could be signed and then started within such a short time. I thank the Minister for Defence for his work in achieving this.

It is such an exciting time in South Australia that marks a significant milestone for the program and Australia's continuous shipbuilding strategy, which will grow our economy and create thousands of jobs for decades to come. I joined the Hon. Christopher Pyne, the Minister for Defence; her Excellency Dr Anna Prinz, the German Ambassador to Australia; and Rear Admiral Mark Hammond. The member for Playford would be interested to understand that he is an Ingle Farm High School boy, who has come back to South Australia for this momentous occasion; and Peter Lurssen, managing partner of Lurssen Shipbuilding, to mark this momentous occasion this morning.

South Australia is an important contributor to the Australian naval shipbuilding industry. The offshore patrol vessel program is the first step in Australia's continuous naval shipbuilding program. The first offshore patrol vessels will be built right here at the Osborne naval shipyard before transferring to Western Australia. The program is expected to create 400 direct jobs, plus many more flow-on jobs and also within the supply chain. More importantly, it will see an end to the boom-bust nature of naval shipbuilding and help preserve and enhance the shipbuilding skills required when the future frigates commence here in 2020

Our high-tech manufacturing future is looking bright, with significant opportunities on the horizon. The Marshall government is supporting workforce training to ensure that we have the necessary skills needed by our growing industry sectors. As an example, through our \$203 million—

Mr Malinauskas interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —Skilling South Australia investment, we have announced two new higher apprenticeships developed by industry here in South Australia: the Diploma of Applied Technologies, where students will be paid to be trained in a pathway in defence manufacturing, studying things such as robotic systems, cloud-based data and computer-aided design tools; and a cybersecurity traineeship right here in South Australia.

Just last month, we celebrated the cutting of the Australian steel for the offshore patrol vessels, which was an important precedent for using Australian content on this project and future naval shipbuilding projects. Using an Australian supply chain for the offshore patrol vessels program will preserve industrial capability and ensure that it is ready to support the larger, more complex Future Frigate Program.

We have a strong and positive relationship with offshore patrol vessel, German designer and prime contractor Luerssen, which has established a local base at the ASC south shipyard. The Premier recently met with Luerssen during the Euronaval 2018, and representatives from South Australian companies saw firsthand the company's world-class shipbuilding facilities and capabilities. It is also an excellent chance for our local supply chain to engage—

Mr Malinauskas interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —with Luerssen to explore new future opportunities for collaboration.

The SPEAKER: Order! The minister's time has expired.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (15:07): My question is to the Attorney-General. Will the Attorney-General make the legal opinion of the Crown Solicitor regarding her public comments about an ICAC investigation available to detectives in South Australia Police probing her conduct?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:07): I have made a number of statements about this, and I will not be waiving legal professional privilege for anyone, nor will I be suing—

Members interjecting:

The SPEAKER: Order! The Deputy Premier has the call. The member for West Torrens is on two warnings.

The Hon. V.A. CHAPMAN: Just so that we are absolutely clear—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: He is on two warnings.

The Hon. V.A. CHAPMAN: —I haven't had any requests from police in relation to this matter at all, let alone to seek legal advice. So it is hypothetical, but I just want to reassure the house that, should there be any request in relation to assistance on any inquiry which, as I have said, is currently an anonymous indication that there is a preliminary assessment in some way being considered—or has been considered; I'm not sure if it is even current—then of course I will provide and would expect our government to provide whatever assistance we could. In relation to the matter, the opinion has been provided. I have confirmed that it is under legal professional privilege, and this idea that 'we'll show you ours so you have to now show us yours' is just rubbish.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (15:08): My question is to the Attorney-General. Can the Attorney assure the house she will not exercise her right to silence when South Australian police detectives question her about her conduct?

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

The SPEAKER: Postulating a state of affairs that does not exist. I uphold the point of order. I will give the member for West Torrens one more.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (15:09): My question is to the Attorney-General. Will the Attorney-General make all documents available—

An honourable member: Will?

The Hon. A. KOUTSANTONIS: Will. Will the Attorney-General make all documents held by her and her agency available to South Australian police to assist them in their probe?

The SPEAKER: That question is in order. Deputy Premier.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:09): It is entirely hypothetical, so I won't—

Members interjecting:

The SPEAKER: Order! I am trying to listen to the answer.

The Hon. V.A. CHAPMAN: I refer to my previous answer, but the question is hypothetical.

ATTORNEY-GENERAL

The Hon. A. KOUTSANTONIS (West Torrens) (15:09): My question—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: My question is to the Attorney-General. Has the Attorney sought advice or taken any steps to seek indemnity as part of SAPOL's—

The Hon. V.A. Chapman: Sorry, could you start that again?

The Hon. A. KOUTSANTONIS: Okay. My question is to the Attorney-General. Has the Attorney-General sought advice or taken any steps to seek an indemnity as part of SAPOL's probe into her conduct?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:10): Again, it's hypothetical, but since reading this in the paper this morning—

Members interjecting:

The SPEAKER: Order, members on my left! I am trying to listen to the answer. I am trying to listen to this answer, please.

The Hon. V.A. CHAPMAN: —or last night, have I sought any advice or indemnity? No.

EMERGENCY SERVICES VOLUNTEERS

Dr HARVEY (Newland) (15:10): My question is to the Minister for Police, Emergency Services and Correctional Services.

Members interjecting:

The SPEAKER: Order!

Dr HARVEY: Can the minister outline to the house how the Marshall government is recognising our emergency services volunteers?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:10): I thank the member for the very important question and know that the member for Newland is a very passionate advocate—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —for emergency services, particularly those in his electorate, which include Kersbrook, Paracombe and Tea Tree Gully CFS. Last Thursday, I was very proud to join His Excellency the Hon. Hieu Van Le AC and Mrs Lan Le in hosting a reception at Government House to recognise the exceptional service of our CFS and SES volunteers. I note that the shadow minister for police, emergency services and correctional services was unfortunately a late withdrawal, as he was yesterday from the police graduation. It was great to see—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —many CFS and SES volunteers from all across the state—

Members interjecting:

The SPEAKER: Order, members on my left and right! Minister, please do not provoke the opposition.

The Hon. C.L. WINGARD: —at Government House to join in celebrations for the work that they do. I note that those opposite are heckling at a time we speak about our CFS and SES volunteers and the wonderful work they do. Whilst not everyone could be there for a number of reasons, we acknowledge all the people—

Members interjecting:

The SPEAKER: Order! I will be sending members out.

The Hon. C.L. WINGARD: —who do an outstanding job. The Governor's afternoon soiree, if you like, at Government House was in recognition of everyone who contributes to the CFS and SES.

The Hon. L.W.K. Bignell: Gone in the summer reshuffle.

The SPEAKER: The member for Mawson can leave for half an hour.

The honourable member for Mawson having withdrawn from the chamber:

The Hon. C.L. WINGARD: The volunteer efforts of all members of the CFS and SES make a more compassionate and caring society and a more caring South Australia, and we thank them for it. The afternoon was a wonderful opportunity not only to acknowledge the commitment and passion of our volunteers but also to recognise the support provided by their families.

It was great to have family members there as well because, as we speak to people, often a partner, husband or wife, might be in one of the volunteer services and they inadvertently rope in their partner to come along and help in an official or unofficial capacity. We thank them very much for the work they do and what they give back to their community. Volunteers do not do it for recognition: they do it to serve their local community and keep us safe. While those opposite may not care for that—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —on this side of the house we value it immensely. The event was one that had been far too long in the making. I hope to recognise our volunteers a lot more into the future. In the last financial year, the CFS and SES responded to approximately 15,000 incidents—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —with volunteers contributing over 525,000 hours of their own time. This is an extraordinary feat, and they should all be incredibly proud of their service to South Australia. Whilst generally operations are the focus of the work they do, I am aware of a lot of good work that is done outside the day-to-day operations and would like to take this opportunity to mention a few of the programs that have been happening.

The 2018 SES State Training Challenge, which was recently held at the former Royal Adelaide Hospital site on North Terrace, was run exceptionally well. The challenge served as a great opportunity for SES members to practise their skills in the continuous exercise over the weekend, and it was a great success. The 100th anniversary of the creation of the Pinnaroo CFS brigade was marked on 15 September, while Salisbury CFS brigade celebrated its 75th anniversary in October. Alford CFS members were recognised for their commitment recently, with 11 members receiving significant service medals.

I was up in Loxton when the Loxton SES, a wonderful facility, was opened in October. The education minister was with me at the Montacute CFS when they opened a new facility after 60 long years. The CFS has had a strong presence on the interstate and international stage as well, with three CFS members deployed to assist the Canadian government with fires in British Columbia. Our CFS and SES volunteers do a marvellous job, and we thank them ahead of what will be a testing few months.

*Grievance Debate***ATTORNEY-GENERAL**

The Hon. A. KOUTSANTONIS (West Torrens) (15:14): Ray Finkelstein QC is a distinguished Australian lawyer and jurist. He was appointed to the bar in 1975, was solicitor-general of Victoria and then appointed to the Federal Court. He made silk in 1986. The independent advice written by Mr Finkelstein QC, who served on the bench with our own ICAC commissioner, the Hon. Bruce Lander QC, should send a chill up the spine of every government member.

The Attorney-General is bringing the state to the brink of a constitutional crisis. We have an Attorney-General who is facing a probe into her conduct by detectives of South Australia Police, a probe into the way she has conducted herself. This parliament is given privileges for a reason, and that reason is so that the government can inform the public and that we can have a debate here that can be seen without fear or favour by any South Australian.

This is the chamber where the first law officer or the then transport and infrastructure minister responsible for Renewal SA could have made a statement informing the people of South Australia why two executives of Renewal SA were on leave. We now know why. Instead of availing themselves of what the constitution and the parliament give them—that is, privilege in this place to make those statements—the Attorney-General has recklessly abandoned statutes and gone out in the public and broken an act she administers, an act that is assigned to her.

We rely on the Attorney-General, whoever that is, to be in regular communication with the ICAC commissioner, to be in regular communication in Executive Council with the Governor. We rely on the Attorney-General to be trusted by our police, by our ICAC commission and by our judiciary. What we have here is an esteemed former Australian Federal Court judge writing an opinion that is scathing, and I do not know why there is not a larger clamour on government benches about what has occurred.

Let me read out the conclusion. Any member can get a copy of this; it has been tabled in the Legislative Council. The conclusion by His Honour is that:

The Attorney-General's statement does tend to suggest that a particular person (the chief executive identified by the media) is subject to an investigation under the ICAC act. For this reason, in my opinion, there was a contravention of s56(a) when the Attorney-General uploaded the statement on her website.

These are the facts we have. We also have another piece of advice from His Honour that says the ICAC commissioner has no power granted to him by this parliament to make retrospective approvals for public statements.

We know from published reports in InDaily that the ICAC commissioner had a conversation with the Attorney-General. They both agreed, according to the recollection of the Hon. Bruce Lander QC, that no-one would mention an ICAC inquiry. Then, of course, there is the Attorney-General's public statement. This is the first sentence:

In respect of questions about Renewal SA executives that the government has received from both the media and the opposition, I confirm that:

- I have enquired of the Independent Commissioner Against Corruption, Mr Bruce Lander QC, as to whether there is any further information that can be made available on this matter. He confirmed that there is not.

Anyone reading that can know that she is talking about an ICAC investigation and identified Renewal SA executives, and she was not authorised to do so and is still not authorised to do so.

It is important to note that the ICAC commissioner's approval is only for the media to publish the Attorney's statement, not for the Attorney to make the statement. The Attorney-General needs to release the advice she is relying upon to the parliament to clear it up—at the very least to her colleagues.

South Australia Police are independent. There is an act guarding very fervently their independence, and they are probing this matter. It could become an investigation and there could be charges. While every member on the backbench sits and lets this Attorney-General stay in this

portfolio, they are abandoning the oaths they took to keep this parliament above, I think, the very best standards the people of South Australia expect.

NATIONAL AGRICULTURE DAY

Mr BASHAM (Finniss) (15:20): I rise today to note that next Wednesday 21 November is National Agriculture Day. This will be the second year Australia officially marks the day that celebrates the contribution of our farmers and agricultural industries to our society, economy and way of life. Agriculture is the most essential foundation of human civilisation. In other words, we would not have civilisation without it. Let's never lose sight of this fact or the importance of farmers and the industry to our state and nation, as depicted here in the pattern of the House of Assembly carpet with the wheat and grape motifs.

Let's also acknowledge that 2018 has been a tough time for many primary producers with the drought and other poor conditions that many are facing. Farmers are great at planning and coordinating as they work through these tough times, but they need some support, and it is great to see the support of both federal and state governments assisting those farmers. Moving to some statistics about farming in Australia, there are about 135,000 farms, including 85,000 with an estimated value of agricultural operations greater than \$40,000 per year. There are a lot of people who earn a living from farming.

Australian farmers manage about half the nation's land mass. National on-farm production is valued at more than \$60 billion per year and it is a very fast-growing industry at that, with an increase of 2.8 per cent each year. Agricultural exports are valued at more than \$51 billion, making it Australia's second largest export industry. In South Australia, there are almost 9,500 farms with an estimated value of more than \$40,000 per year. A total area of more than 47.5 million hectares is under farming. We have 32,300 people in jobs directly supported by agriculture, fisheries and forestry. The agriculture, food and wine industries generate \$22.5 billion in South Australia in revenue and more than half of our state's merchandise exports.

The tough seasons that we have had in South Australia have seen below average or very below average rainfall in many parts of South Australia, especially in pastoral areas and other areas, including eastern Eyre Peninsula and parts of the Mid North and the southern Mallee. It has also been a relatively dry year in the seat of Finniss on the Fleurieu Peninsula, which is seeing downturns in cropping forecasts right across South Australia. Another big hit to areas that are not directly in drought is the increase in hay prices. Hay prices have tripled in the last 12 months, resulting in significant costs to dairy farmers in particular and others who buy a lot of fodder to manage their businesses.

It is great to see the South Australian and Australian governments commit to drought programs, including support for South Australian councils. There is also extra support in the farm business support schemes to help farmers access support. A fodder register has been set up to allow farmers to identify where fodder may be available for them. So there are many things out there helping our farmers in this tough year.

One thing we need to call out, particularly with the Queensland and New South Wales governments, is the fodder subsidies that they are offering in those states, which are distorting the market here in South Australia. We have heard anecdotal claims that it is cheaper to deliver hay to Longreach than it is to Fleurieu Peninsula, which is just unreasonable and unfair. Agriculture Day is such an important time of the year to celebrate these wonderful farmers, and I thank them for what they do for our country.

GOODALL YOUTH SCHOLARSHIP FUND

The Hon. Z.L. BETTISON (Ramsay) (15:25): I rise today to talk about the challenge of young people transitioning from primary school to secondary school. Evidence shows that how well students cope with that transition can have ongoing implications for their emotional and academic development. A student's sense of belonging to a school has also been seen as an important factor when adjusting to a new school.

Knowing this, I am proud to inform the house of a positive new initiative of the Rotary Club of Salisbury called the Goodall Youth Scholarship Fund. Indeed, I am privileged to be a long-term

honorary member of this Rotary club. As the new member for Ramsay, they invited me to come along to a meeting and I was absolutely delighted to be offered honorary membership. The Goodall Youth Scholarship Fund has been developed via a capital and perpetual fund in regard to small scholarship grants.

The Goodall Youth Scholarship Fund is named in honour of a local Salisbury businessman and charter member of the Rotary club, which was established more than 55 years ago by the late Alan Goodall. It is also supported by his wife, who contributed significantly to the Rotary Club of Salisbury, the late Betty Goodall, as well as esteemed local councillor and club member the late Brian Goodall. The fund committee is being supported by the patron, Mrs Kaye Goodall, who is the wife of the late Brian Goodall.

The Rotary Club of Salisbury trialled the program with Pooraka Primary School in 2017 and, following its success, will issue in late 2018 scholarships through a number of local primary schools. The grants will be of the magnitude of \$250 per student and can be used by a new high school student to purchase the uniform of their new school, study resources, technology or other items that help them transition from primary school to secondary school with confidence.

The Rotary club will accept an application from key school staff, such as the principal, the student counsellor or youth worker, regarding the potential value of this transitional support and the need of the family for financial help to give the student the best possible transition from primary to secondary school. We know that students from socially disadvantaged backgrounds, as well as those with problem behaviours and fewer friendships prior to starting secondary school, are more vulnerable during this transition period. These scholarships are about providing strategic financial support to the student at this critical point.

A small investment at this time will help to make a major change in a number of young people's lives in Salisbury. As many members of the house will know, Rotary has youth service as one of its five avenues of service—that is, Rotary members finding ways to support and develop our young people, to give them a hand where it is appropriate, to develop leadership skills, to support the Interact and Rotaract clubs and to help build a resilient youth community.

We like to thank community organisations like the Rotary Club of Salisbury, because it is fantastic to see them step up and support what will be a long-term sustainable contribution to our community through this fund. This fund will be launched this Sunday at the Salisbury Bowling Club, the home of the Orange Bowl, at 3 o'clock. The Rotary club will host an afternoon tea event where a number of Salisbury business and community leaders will be asked for their support to build the capital base of the fund. I myself have already contributed to be one of the foundation members of the fund. The patron of the fund, Mrs Kaye Goodall, said:

...this is also about the young person knowing that outside their family, indeed even outside their school, it is the whole of the community that cares about their success...

As the local member and an honorary member of the Rotary Club of Salisbury, I commend to the house the Goodall Youth Scholarship Fund. I encourage those members who may live in the north, and indeed any of the members in this place, to contribute. I congratulate the Rotary club on their collaboration with our schools and on taking a leadership role in helping young people in our community.

CHILD PROTECTION

Ms LUETHEN (King) (15:30): I am proud of this Marshall Liberal government, which is dedicating a budget and introducing legislative and policy changes that will head to building better, safer communities in South Australia. Yesterday, when speaking about eliminating violence against women and children, I asked for support to 'stop it at the start'.

On behalf of the government, I recently attended a child protection forum organised by my constituent Lorelle Molde and MC'd by Lauren Novak. At this forum and panel discussion, there was overwhelming community support for primary prevention and early intervention initiatives in South Australia. This makes me extremely heartened and hopeful, because we must find a way to break the cycle of violence in our homes. We must work together to stop the sexual abuse of one in five children in Australia.

Through research on child sexual abuse in Australia, I have found that child sexual abuse does not discriminate. It knows no socio-economic or cultural barriers. I also learned that 95 per cent of children who are sexually abused are abused by someone they know and trust. Only 3 per cent of victims will disclose and only 2 per cent of perpetrators will be convicted. Parents do not like to think about, contemplate or talk about child sexual abuse, but we really need them to do so.

Child sexual abuse is not like a child falling over and scraping their knee. When this happens, there is no-one saying to the child, 'Don't tell anyone. This is our secret,' 'No-one will believe you,' 'Don't tell anyone or I will kill you or hurt your mum/sister/brother/pet,' or, 'If you tell, this will destroy our family.' The Liberal Party believes South Australians deserve to be safe, happy, healthy and protected. I am advocating for the South Australian Keeping Safe: Child Protection Curriculum to be effectively delivered across the state and have good support from our minister. The Keeping Safe curriculum, if taught effectively, teaches children in an age-appropriate way:

- that all children have a right to be treated with respect;
- that all children have the right to be protected from harm;
- about safe relationships;
- how to deal with situations in a fair and respectful way;
- to recognise abuse and tell a trusted adult about it;
- to understand what is appropriate and inappropriate touching; and
- to understand how to keep themselves safe.

The Keeping Safe curriculum is mandated in all public preschools and schools in South Australia and is a world-class, evidence-based child safety program. In addition, parents can also teach protective behaviours, but the sad fact is that not all children are safe in their homes.

For interested parents and carers, there are many great, fun protective behaviour books written by Australian authors which I highly recommend. I have my own library of these books in my office, and I invite community members to visit me and have a look at these resources. Some of my favourite books are *Koala and Bunny* by Al Smith, *Some Parts Are Not For Sharing* by Julie Federico, *Everyone's Got a Bottom* by Tess Rowley, *The Parent's Helping Hand Book* by Holly-ann Martin from Safe 4 Kids, and *Some Secrets Should Never Be Kept* by Jayneen Sanders.

To stop it at the start, we can and must work collectively to advocate for early intervention. It makes social and financial sense for governments to act. The Blue Knot Foundation tells us the annual budgetary cost of unresolved childhood trauma in Australia could be as high as \$24 billion. It is time to act and stop it at the start.

MULTICULTURAL FESTIVALS

Ms HILDYARD (Reynell) (15:34): I rise this afternoon to speak on a number of recent events I have had the pleasure of attending. As shadow minister for multicultural affairs, I am very fortunate to be able to meet with many different groups within our South Australian community and to share in an array of remarkable cultural events.

I have been honoured to attend a number of absolutely lovely events celebrating Diwali, including with the Hindu Council of Australia (SA), and Deepavali, celebrating with the Adelaide Tamil Association. Celebrating these festivals has meant enjoying some extraordinary music and dance, great conversations about the meaning of this celebration, excellent food and reflection on what the Festival of Lights means.

The message of victory of light over darkness, good over evil and knowledge over ignorance is a simple one but a very powerful one. We do live in challenging times, and all of us face deep challenges from time to time. For some, it sometimes feels as though the darkness in the world could overwhelm them. But it is clear from all the people I have met at these celebrations that, although these dark, negative voices can sometimes feel the loudest, together as a majority we are filled with light, hope and wisdom.

The sense of the light we create when we work together was proudly on display when I recently attended Welcome to Australia's excellent Walk Together and Unity Festival. I am very proud to be a Welcome to Australia ambassador and believe deeply that when we wholeheartedly welcome new people to our Australian community, and when we treat those who seek to call our shores home with compassion, we are a better, kinder and stronger nation. Thank you to everyone who organised this year's Walk Together event, particularly those young leaders whose wisdom and drive to include everyone in our South Australian community give me great hope for the future. I hope that all those who celebrated Diwali and Deepavali had a very special time with those who are close to them.

Along with Labor Senate candidate Emily Gore, I had a fantastic time at the Oktober is Over event last Sunday. Thank you to the incredible Bund der Bayern performers, volunteers and group leaders, particularly the wonderful Reinhard Struve for including Emily and me in the celebration. It was a privilege to join them and to speak with the group and to acknowledge the joy they have brought to our community through their performances for almost 60 years. I look forward to supporting their continued efforts to bring people together through their work and thank them for their incredible contribution to our state. I also very much enjoyed the Schuhplattler, or hitting of the shoes, very ably demonstrated by Reinhard and his fellow dancers.

Last month, it was my absolute pleasure to host Pakistani Australian Connections of South Australia (PACSA) here in our Parliament of South Australia, together with my colleagues the Leader of the Opposition, Peter Malinauskas; the Member for Torrens and the Hon. Russell Wortley MLC. Some great conversations and connections were made, and I look forward to growing this friendship. It was great to be able to share the stories of this building with new members of our community and to answer many questions about the way our political system works in this state. I thank PACSA for providing support and help 24/7 to new Pakistani arrivals—families, individuals, students—to settle in Adelaide and to engage in every aspect of South Australian community life. They do incredible work and I admire and share their fine values of inclusion, connection, support and collaboration.

I also recently attended the Dozynki Polish Harvest Festival. The celebration of harvest was an incredibly positive and happy one, which members of our South Australian Polish community and broader community greatly enjoyed. But the day was bittersweet, as we celebrated without Paul Zajac, an extraordinary leader of the Polish community, who recently and suddenly passed away. My husband and I were very blessed to sit with him a few months ago at the Tatry 60th anniversary celebration.

He was incredibly kind and engaging and had a clear passion for our community. He was the perfect host who made us feel instantly welcome and part of a beautiful celebration. From talking with him, I grew to know that he was someone at the heart of the Polish community who would always have made everyone feel welcome and who lifted people up and played a huge role in keeping many rich traditions alive in the sharing of the Polish culture in South Australia. I know that his enduring leadership, kindness and passion to include people will be greatly missed. My love and condolences to Paul's family, friends and everyone whose lives he touched. May he rest in peace.

FARMLAND ACCESS RIGHTS

Mr ELLIS (Narungga) (15:39): I rise today on behalf of a farming family of Yorke Peninsula, on behalf of the farming community of Yorke Peninsula and on behalf of the farming community of the state at large.

Astute observers may have noticed an excellent article in the 2 November edition of *The Advertiser* featuring Paskeville farmers Neil and Jackie Harrop celebrating what appeared to be the end of an almost two-year courtroom battle over access to their generational freehold farmland. Unfortunately, the exploration company has since indicated that it intends to renege on that out-of-court settlement, forcing the Harrops back to court to ensure that their own freehold farmland be remediated to the condition that the miners found it in before they forced their way in.

Heaven knows that that should be the absolute bare minimum that a miner feels morally compelled to do. Adding insult to injury, the mining company launched a civil claim against the Harrops, alleging that they held up mining operations and cost the exploration company money in the process. I feel compelled to vouch that the Harrops did no such thing and acted as respectful

hosts, despite the fact they never wanted the miners on their land to begin with. They then found that their unwelcome guests had the audacity to accuse them of such a thing.

Surely someone who intrudes upon another person's property with the aid of a court order would be going to extraordinary lengths to do the right thing by that person. Unfortunately, that did not happen in this case. Of the 22 court-ordered conditions, the mining company failed to meet a litany of them, including failing to rehabilitate compaction on the land, drilling more holes than the court allowed and refusing to pay the correct compensation thereafter. It is extraordinary. Competing land uses are a complex conundrum, but adhering to court-ordered conditions should be non-negotiable.

I find it extraordinary that this company received barely a slap on the wrist in this case and were allowed to continue drilling and operating as if nothing had happened. To my mind, this example alone, never mind a plethora of other examples, highlights the need for an independent regulator for the mining industry, separate from the department, that can enforce conditions upon mining companies without the need for small family farming businesses to have to haul large mining corporations to court in order to have their rights upheld.

This new government is the party of business, and these viable, successful family-owned businesses cannot operate without certainty—no business can. Landowners in regional South Australia need stronger rights so that they can operate their business, confident in the knowledge that they will be able to continue to do so without the interference of government or courts. As I have publicly stated, I believe the current mining bill before the house does not go far enough. This is a view shared by more than 300 farmers from practically every district across the electorate who recently attended a farmers' forum in Maitland to discuss access rights by mining companies on prime agricultural farming land.

My support for the act's new provisions that are currently before the house will be contingent upon being able to ensure that what happened to the Harrops can no longer happen or be inflicted upon my community, or indeed upon any other farming community in this state. In its current form, I will find it very difficult to support the mining bill. Landowners in regional South Australia need stronger rights, and Neil and Jackie's ordeal is the best example of why this is the case.

Parliamentary Procedure

SUB JUDICE RULE

The SPEAKER (15:43): Before I call the Minister for Education, I wish to make a statement about the sub judice rule. In light of the reference in the house yesterday to the sub judice rule, I take the opportunity to bring to the attention of members the application of the rule.

The rulings by numerous Speakers of the House of Assembly clearly establish the existence and operation of the sub judice rule. Unlike other parliaments, where the sub judice rule is set out in standing orders or forms part of an ongoing resolution of the house, in the House of Assembly the sub judice rule is established by precedent and practice. I quote Speaker Lewis from *Hansard* of 27 November 2002, at page 2,010, where he sets out the application of the sub judice rule:

The restriction on debate which the house imposes on itself is to avoid substantial danger of prejudice to proceedings before a court. It is the chair's view that such a restriction is a wise one...To the question of prejudice, it is unlikely to result from mere reference to a matter but from canvassing the issues or prejudgment of those issues in the parliament. The danger of prejudice is greater in cases where a jury is involved, or might be involved. Judges are less likely to be influenced by public or parliamentary debate...

In earlier years, the tendency was to restrict debate on any matter before a court, but in more recent time the focus has been on whether there was a danger of prejudice to proceedings. The extent to which the rule is applied by other parliaments, commissions, tribunals, and so on, varies considerably. Regard should be had to the interests of persons who may be involved in court proceedings and, as I have already pointed out, to the separation of responsibilities between the parliament on the one hand and the judiciary on the other.

The rules should not be applied to a generality of cases in such a way as to inhibit members in discussing penalties for offences and the like. The chair acknowledges that. For example, discussing penalties for drug offences is not ruled out simply because some cases are before the courts. However, after due consideration and consultation, I believe it more important that the right of the house to legislate on any matter is paramount and is therefore not prevented, even if it deals expressly with current litigation.

I now refer to the *House of Representatives Practice, 6th Edition*, that succinctly captures the nuances of the application of the sub judice rule. I quote from page 521:

Notwithstanding its fundamental right and duty to consider any matter if it is thought to be in the public interest, the House imposes a restriction on itself in the case of matters awaiting or under adjudication in a court of law. The application of the sub judice convention is subject to the discretion of the Chair at all times and as a general rule, matters before criminal courts should not be referred to from the time a person is charged until a sentence, if any, has been announced.

In respect of the operation of the sub judice rule, it is an assembly practice to accept the word of a minister that a matter is, in fact, sub judice if the Speaker has no other means of determining the matter. Other members' assurance may be relied upon, although the word of a minister with responsibility in the area would normally be regarded as more authoritative. Should a minister rise on a point of order to advise the house that a matter is in the courts, it is usually the case that, and I quote Speaker Oswald at page 163 of *Hansard*, 20 October 1999:

...based on custom, the chair is bound to accept the word of the minister that the matter is before the courts and is, in fact, sub judice. The chair is guided by the Minister in this regard, and the minister must stand by her advice to the chamber.

Bills

STATUTES AMENDMENT AND REPEAL (BUDGET MEASURES) BILL

Final Stages

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

No. 1. Clause 63, page 17, lines 11 and 12—Leave out the clause.

Consideration in committee.

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

That the Legislative Council's amendment be agreed to.

Members reflecting on the debate in the *Hansard* of the Legislative Council will discover further detail about the government's position on the matter.

Motion carried.

TOBACCO PRODUCTS REGULATION (E-CIGARETTES AND REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Dr HARVEY (Newland) (15:49): I am very pleased to continue speaking on the bill. I was talking about some of the risks and the impact that tobacco smoking has on our community. When e-cigarettes first turned up on the scene, my first reaction was that, at face value, they may have some ability to help reduce that impact, but of course there is a lot more work to be done in properly considering that.

Electronic cigarettes, known as e-cigarettes, are battery-operated devices that vaporise liquid into a fine aerosol to be inhaled. The liquid usually contains a flavouring and often contains nicotine. E-cigarette products, including liquids, are available for sale in South Australia through physical and online stores. South Australia is one of only two Australian jurisdictions that has not regulated e-cigarette products. Currently in South Australia, e-cigarettes can be sold to children, promoted through advertising and used in enclosed areas.

The World Health Organization report on e-cigarettes released in August 2016 concluded that evidence of the safety of e-cigarettes, and the capacity to aid smoking cessation, has not been established, and that there are possible risks from active and passive exposure to electronic cigarette vapour. The report also expresses concerns about the risk that electronic cigarettes may serve to initiate young people into nicotine use and smoking.

In 2017, Australia's National Health and Medical Research Council (NHMRC) recommended that policymakers should take action to minimise the harm to users and bystanders until evidence of the safety, quality and efficacy of these products have been produced. I have looked at some of the various reports on this matter, and there is quite a lot of work going on right around the world. A number of projects are happening right now in Australia that are funded by the commonwealth government. In fact, I know of a particular project happening right here in South Australia. A lot of questions are being raised. For example, the two major solvents used in e-cigarettes—this is often the liquid that the nicotine and flavouring are dissolved in—are usually propylene glycol and vegetable glycerin.

Studies of these solvents in e-cigarettes have shown a variable degree of the release of small amounts of potential carcinogens including formaldehyde, acetaldehyde and acetone. These can vary depending on the battery output voltage of the device. Some of these compounds, more so the flavouring ones, have been approved for use in food, but what is obviously different is that their safety in the context of being consumed is quite different from being inhaled as an aerosol deep into the respiratory tract.

Some studies have looked at some of the biology of the airway showing that, whilst there are some of the more damaging effects that you might see following tobacco smoke, including oxidative stress and other damaging effects that are not so much seen, there is some evidence of damage of the cell layer that lines the airway and also some restriction of oxygen supply to those cells and constriction of the airways.

While it is increasingly accepted that the levels of toxic and potentially carcinogenic substances from vaping are significantly lower than tobacco in cigarettes, and also that e-cigarettes are likely to result in fewer respiratory health issues compared with tobacco products, there is a significant gap in our overall understanding of the risks and the potential for harm reduction. There is also an increasingly significant gap in our understanding of the impact that vaping can have on bystanders. There is some limited evidence showing that there can be some negative impact. It is likely, though, that that will be less than tobacco smoking; nevertheless, there is still a significant lack of understanding of the degree to which these devices can affect people in the vicinity of someone using them.

As I alluded to earlier, when a particular family member, who used to smoke like a train, like a chimney, stopped doing that and started using an e-cigarette, my first reaction was, 'Well, perhaps on face value that might be a good thing,' but there is actually very limited evidence that they do help people to cease smoking. The fact of the matter is that many users of e-cigarettes also smoke tobacco cigarettes. Unless that smoking of tobacco is reduced to at least 90 per cent, then there is no real evidence of any health benefits for the person smoking.

If the objective is to cease smoking, generally the medical profession would recommend Therapeutic Goods Administration approved nicotine replacement therapies and prescription medications that have been tested for safety and efficacy. As yet, no e-cigarette has been approved by the TGA as a nicotine replacement therapy. In fact, the risk of nicotine dependence with e-cigarettes is much higher than it is with those approved nicotine replacement therapies, so there are certainly a number of concerns there.

The governments of Queensland, New South Wales, Victoria, Tasmania and the Australian Capital Territory have all legislated to restrict the sale, promotion and use of e-cigarettes in a similar manner to tobacco products. Western Australia has banned the sale of e-cigarettes and has successfully prosecuted a retailer for the sale of e-cigarettes under its tobacco control legislation.

The bill is broadly in line with the recommendations of the Select Committee on E-Cigarettes. The final report of the select committee contained 20 recommendations covering seven areas: sale, use, promotion, product safety, enforcement, research and taxation. The select committee concluded that e-cigarettes should be regulated in the interests of public health as there is a lack of scientific consensus on the safety of e-cigarettes. It recommended amending the existing act to regulate e-cigarettes in a similar way to tobacco products.

It is pleasing to note that tobacco smoking rates among the entire population, including younger people, have fallen in recent decades. In 2007, 23 per cent of people aged 15 to 29 were

current smokers, and by 2017 that figure had reduced to 14.7 per cent. It is particularly pleasing that 86 per cent of high school students now have never smoked. That figure was much less before. These reductions have come as a result of public health measures aimed at reducing smoking, including the establishment of more smoke-free areas, bans on tobacco advertising and excise tax increases for tobacco products.

To continue this downward trend, we are undertaking legislative reform as a key part of the government's approach to improving the health of the community. The sale, advertising and promotion of e-cigarettes have the potential to undermine the gains we have made in this area by creating a gateway for young people to develop nicotine dependence that progresses to tobacco smoking. The South Australian government is not prepared to leave the door open to that possibility.

The bill establishes a regulatory regime for e-cigarettes that aligns with the way tobacco products are regulated. It also balances adult access to these products for the protection of public health, including safeguarding our young people. These safeguards include the following: sales of e-cigarettes to children; the retail sale of e-cigarette products without a licence; indirect sales of e-cigarettes, such as internet sales; e-cigarette sales from temporary outlets, sales trays and vending machines; the use of e-cigarettes in areas that are smoke-free under the act; advertising, promotions, specials and pricing promotions for e-cigarettes; and retail point-of-sale displays of e-cigarettes. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 14 November 2018.)

The CHAIR: We now proceed to the examination of the Auditor-General's 2017-18 report in relation to the Minister for Education. I remind members that the committee is in normal session. Any questions have to be asked by members on their feet and all questions must be directly referenced to the Auditor-General's 2017-18 report.

Dr CLOSE: For the benefit of the advisers, whom I welcome into the chamber, I can advise that I will be asking questions only from Report 5, and I will start on page 80. My first question under the Department for Education relates to the significant events and transactions dot points. The first refers to all STEM works being due for completion by the end of December this year. Are we on track to complete all of them by the end of December?

The Hon. J.A.W. GARDNER: We do not have the specific and most up-to-date advice on that here, but I will bring back an answer as quickly as I can. No significant delays immediately come to mind, but I get a monthly update on infrastructure and, as the member would well know, sometimes there are various things that delay projects. Sometimes it is a matter of a builder having issues, sometimes it is a matter to do with the weather, sometimes it may even be complete but there is a delay with handover. The honourable member knows the sorts of things I am talking about. I am not immediately aware of, or I certainly do not recollect, any delay past December, but we will double-check and bring back an answer.

Dr CLOSE: The second dot point refers to the completion of the Adelaide Botanic High School being anticipated to be for term 1 in 2019. I understand that there is no reason to think that will not take place; however, I am interested in the status of the project in terms of both the completion of the building itself and the preparation for what will happen inside the building. At what stage is the department in terms of identifying staff for teaching and support work in the school? I think the principal and at least one deputy principal have been appointed.

The Hon. J.A.W. GARDNER: Again, we do not have the detailed advice here that the member asks for, but I will seek specific information in relation to staff and completion. The member correctly identifies that the principal has been in place for some time, and I can advise the member that the governing council of the Adelaide Botanic High School no longer consists of me alone. It is a responsibility I enjoyed tremendously.

In particular, the principal came to me to seek my endorsement, as the governing council of the Adelaide Botanic High School, for the new school uniform, which was launched with great fanfare last week. I must say that I share the chagrin of one of the students modelling the uniform regarding the potential proximity in colours to the Port Power football team.

Member for Port Adelaide, j'accuse. I think you may have had something to do with those colours being on their way to the Adelaide Botanic High School prior to my entering the office on Flinders Street. At any rate, a governing council is now in place, including families from the school and, I understand, staff as well. It is on the cusp of being a fully operational school.

Dr CLOSE: While I would not hesitate to own such a decision had I made it, I do not think I had anything to do with it. I was quite pleased when I saw the pictures, but we should not bring partisan football support into this chamber. My second question relates to enrolment policies, the multiple specialisations that have been identified, the expected proportion of students who will be allowed to enrol from out of zone and the basis on which they will be so allowed. Has that consideration been finalised yet?

The Hon. J.A.W. GARDNER: Matters relating to enrolment can change and continue to change from year to year. The Adelaide Botanic High School operates, as the member knows, on a single zone with Adelaide High School. There is a capacity management plan; I think that is the correct term in relation to it. It has been seeking to enforce the zone for new enrolments outside those special programs. The special program at Adelaide Botanic to do with health sciences is as last announced. There is a cohort of year 8 students whom I had the great pleasure of meeting alongside the Premier a little while ago as they were having a look at the facilities. They are very excited about that opportunity, and some of them were on the telly.

In relation to how that is conceived in the future, as the member would recall from estimates, some people have suggested changes to that zone from time to time. The Adelaide High School zone has changed from time to time and the capacity management plan and the nature of its enforcement have adapted as well, so I am not saying that cannot happen again. I think on the books there is the most recently gazetted plan, which has been there for several weeks, if not months, and I do not think I have anything on my desk expecting any immediate changes to that.

Dr CLOSE: It was more about the out-of-zone enrolment, but I will not pursue it. We can talk about this as it gets closer to 2019; that is fine. The next dot point refers to the two public-private partnership (PPP) schools in the north and the south that have been announced for some time. Have the locations for each of those yet been identified and made public?

The Hon. J.A.W. GARDNER: I am trying to remember when the last PPP projects were at the stage that these ones are now. There was obviously a budget allocation for land to be purchased this financial year, and there is a significant and heavy involvement of Treasury in the management of these projects. Rather than give you half an answer now, I will seek a fuller answer and see what I can bring back.

Dr CLOSE: The final dot point under 'Significant events and transactions' refers to the Building Better Schools program and notes that some of the projects will now include providing facilities for year 7s in the secondary schools. Can the minister make a comment, either positively or uncertainly, about whether there will be money provided to Unley High School in addition to their current allocation in order to allow year 7s to fit on to their campus?

The Hon. J.A.W. GARDNER: The advice I have is that Unley High School currently has a project of \$20 million. That is on the list I have here. That is currently the allocation available. I think the list is correct, but it is as announced last year in terms of the quantum of funds currently dedicated to Unley High School as part of the capital works project, the Building Better Schools project, if you like. If there are any other enhancements to that project, then we will deal with that in due course.

Dr CLOSE: Are there any other schools currently identified as receiving Building Better Schools funding that have now been considered for additional funding in order to facilitate year 7?

The Hon. J.A.W. GARDNER: It might assist the member that this will be an answer that will be applicable for this question and potentially others that she has, but the year 7 to high school

transition is a significant reform. The member knows we have several hundred—500 and change—public schools across South Australia. Well north of 100 of them have a high school component.

The change is mooted to happen in 2022. This was a deliberate decision, prior to the election, of the Liberal Party to announce a long lead-in time, as recommended by the Secondary Principals' Association following some preliminary advice from people in Queensland and Western Australia. That advice was certainly reinforced by advice the department has had since the election from conversations they have had with the departments in Queensland and Western Australia that you want to take your time and get this right.

Points of transition and transitions from primary school to high school are critically important. The member would have read some of John Hattie's work where he identifies particularly the dangers at transition points of engaging students, so we are making sure that we do get this right. We are not rushing it. That preamble is to give a little bit more weight to my statement that the work is ongoing on exactly what some of these projects may need to look like.

No doubt, over the next three years there will be plenty of opportunities for us to talk in great detail about specific schools and specific projects. However, at this stage, that is one body of work. What will the Department for Education and the government's approach to transitioning year 7 to high school look like in detail as one broad body of work? When you make one stage at one school, of course there are impacts on other schools as well, so we are not rushing this and we will take the time to get it right. If there are further announcements in relation to details of the transition, we will make them in good time.

Dr CLOSE: I am now moving on to the next page, page 81, which describes the funding split between government and non-government schools. I take advantage of the data that sits there to ask: with the recent signing of the agreement with the commonwealth government on funding, will there be a requirement for additional funding on top of what has currently been budgeted for the state government's contribution either to government or non-government schools?

The Hon. J.A.W. GARDNER: The \$716 million announced on Monday of last week, I think it was, is new money for public schools over and above what was in the budget papers. I identify that I think the year 7 cost in the budget papers was also new money over and above what was in the budget previously, so there is a cohort of funds. That year 7 cost in the budget papers did include a small amount for non-government schools as well. I think the detail of that was probably identified in the Budget and Finance Committee, from memory. In broad terms, about seven-eighths of it is for public schools. Indeed, that \$716 million, up until 2026-27, is new money to the budget as well from the state government to our public schools.

Dr CLOSE: On page 82, we have the education staffing breakdown. There is a reference to preschool workers, being 1,346 in 2018, which is an increase on both 2016 and 2017. Can the minister advise how many additional staff were put on as a result of the changes in the ratios that came into place a little while ago?

The Hon. J.A.W. GARDNER: I will take that on notice.

Dr CLOSE: On page 84, there is a comment at the bottom that states:

This year, Education advised us this continues to be a challenge—

this is the automatic approvals that the Auditor-General has some concerns about—

and it has implemented formal notification to the Education Directors for those sites that repeatedly appear in the top 10 monthly sites with high automatic approval levels.

Which are those 10 sites?

The Hon. J.A.W. GARDNER: I do not have the names here. I will take that on notice and bring back an answer for the member.

Dr CLOSE: Thank you. On page 85, underneath the graphic, the third sentence says:

In response Education advised it would review the existing processes to ensure debts were pursued and/or written off promptly.

When will that review take place, and will it be an external or internal review?

The Hon. J.A.W. GARDNER: Member, can you repeat the last part of the question?

Dr CLOSE: When will the review take place, and will it be an internal or external review?

The Hon. J.A.W. GARDNER: I am advised that we will be looking at this process during this financial year. There are things that come up on a case-by-case basis, but there will be some extra analysis of the processes in this financial year internally.

Dr CLOSE: Over on page 86—of course, some of these matters are a little groundhog day for me, except I am in a different role, but the old—

The Hon. J.A.W. GARDNER: You are copying my questions?

Dr CLOSE: No, I am just being reminded of the Valeo system. There is a sentence that says:

Education advised it would make changes to align the Valeo application passwords with the ISM settings and would request that NEC implement default profiles for the database and operating system by 31 July 2018.

Has that in fact happened?

The Hon. J.A.W. GARDNER: I believe this is what the member is asking about; if not, she can point it out to me and I will fix it. My advice is that the department has now applied the commonwealth's ISM password setting to the default Valeo application database and operating system. I believe that has taken place since the beginning of this financial year.

Dr CLOSE: Further down on that page, there is reference to an IT disaster recovery plan and the finding that the education department has none. Could the minister advise, for my information, what an IT disaster recovery would look like, what it would feature and also what the department is contemplating to remedy that fault?

The Hon. J.A.W. GARDNER: The member asks what the plan looks like or what the disaster would look like?

Dr CLOSE: The purported recovery plan, what would be its features?

The Hon. J.A.W. GARDNER: The department has advised me that proposed disaster recovery plan requirements have been discussed with NEC, which has provided disaster recovery design and pricing for key business systems, including Valeo. The department's ICT services directorate is reviewing the proposal and seeking approval to proceed with the formal disaster recovery design, which would no doubt identify some of the particular features the member is asking about. In the interim, the department is relying upon rebuilding its current systems from the available backup tapes. I think all members would agree that we are hoping that, in the years ahead, we can do a bit better than that.

Dr CLOSE: In the event a disaster occurred without that disaster recovery plan in place, I presume the department has some means for recovery. What would be the situation if it occurred now?

The Hon. J.A.W. GARDNER: As I said quite recently, on the occasion the member foresees the department relies upon rebuilding its current systems from the available backup tapes. As I suggested, I hope that we can do a bit better than that in the future.

Dr CLOSE: If I turn to page 89, there is a reference to an increase in student material and services charges and an increase in students. There is an \$8 million increase in student and other fees and charges, primarily due to a \$4 million increase in student material services charges and an increase in students. What percentage increase does this represent of the material and services charge? Has it gone up significantly across the schools, or is this more as a result of an increasing number of students who are paying the fees?

The Hon. J.A.W. GARDNER: Again, rather than giving you half or even two-thirds of an answer, it is a combination of indexation of student numbers and other things. We will come back and give you a little bit more detail. We anticipate, of course, that the changes to School Card,

announced probably at the beginning of this year rather than late last year and continued by the new government, will also have some impact on this in the years ahead.

Dr CLOSE: True. If we can turn to page 90, there is a reference again to Adelaide Botanic High School and a statement that there was a \$33 million increase in the total spent for the Adelaide Botanic High School. What comprised that \$33 million? Was that a timing issue rather than an additional \$33 million being spent?

The Hon. J.A.W. GARDNER: We will come back with a breakdown of the timing, but certainly my recollection—and I think the advice I am getting; it is Chris's recollection, too—is that this was an increase in expenditure on Adelaide Botanic High School that was announced during the 2017-18 year, so the member herself may have more immediate recollection of some of the detail of the reason for that increase. She may well have signed a document related to it.

An honourable member: For a big cheque, perhaps

Dr CLOSE: Yes, a big cheque, no doubt. We will get the answer back. It may relate to the additional student capacity that was decided on after the initial decision to have the school. If we can turn to the next page, under 'administered items' there is reference to the subsidies of \$13 million to DPTI for student travel concessions on metropolitan and country transport services. That reminds me of the review of transport for students in the country that I believe the minister had committed to. Could the minister give me a summary of when that will be undertaken, who is undertaking it and whether, within the terms of reference, any reviewer will be able to contemplate spending additional money on the service?

The Hon. J.A.W. GARDNER: I will answer the question, but I note that it is a reasonably long bow the member draws from this item to the government's election commitment. However, it is an important election commitment and I am pleased to be able to talk about it. I had a look at the previous review that was undertaken in 2014, I think, possibly 2015, or maybe both. Some of the focus on that was potentially, I would suggest, not necessarily what the member for Frome expected when he demanded it of the former government in return for serving in their cabinet, and certainly no changes were forthcoming.

The government did believe that it was useful to have a review to establish how one might ensure that fair provision of transport services for students in South Australian schools to attend their schools might better be established. The work to commence that review has started, and the Department for Education is working with the Department for Transport and with Treasury, and officers in those departments will be doing that work.

There will be an opportunity for people to make submissions to that review in the not too distant future. When those details are finalised, we will absolutely be publicising them, because we would like people to have their say on how best they think we should be doing this work. Any outcomes of that review will be a matter for the reviewers to suggest what they will.

Dr CLOSE: I would like to turn to TAFE now, if I may.

The Hon. J.A.W. Gardner: You may.

Dr CLOSE: Thank you. Having asked many questions about education, I may have to put on notice some questions relating to TAFE. There is a reference on page 448, under the ASQA section, to developing a quality teaching and learning framework. When will that be completed?

The Hon. J.A.W. GARDNER: The first draft has been provided to the Academic Board and the executive, and I anticipate that being with the new board very soon.

Dr CLOSE: On page 448, the next sentence refers to what, at the time of writing the document, was a likely forthcoming additional assessment audit by ASQA, which of course we now know has occurred. What is the deadline for TAFE to respond to their questions about the six courses?

The Hon. J.A.W. GARDNER: It is 30 November.

Dr CLOSE: The document then turns to the Nous and Moran-Bannikoff reviews. When will the full response from the government be either tabled in parliament or provided publicly? Currently, many of the responses are that the government is considering what they will do.

The Hon. J.A.W. GARDNER: When you say the 'full response', a broad response has been provided, and it was provided on budget day; the member is no doubt familiar with it. There are further accents to some of it. As to some of that response, the information is provided there, but there are some matters that are details still to be considered and a body of further work is ongoing. We are not necessarily going to package things up—well, we might—in a beautiful video fly-through and present it to the public, or we might release information and government responses as they are being done.

Dr CLOSE: Nearly halfway down page 450, on the lack of segregation and no independent checks of new HPI contracts and processed claims, starting with the words 'TAFE SA' there is a response from TAFE SA:

...it would ensure there was clear segregation of duties, including a reconciliation between a report on HPI payments from the payroll system and HPI claims provided...

Has this now happened, subsequent to the preparation of this document? If not, when will that occur?

The Hon. J.A.W. GARDNER: I am advised that, in relation to the lack of segregation, no independent checks of new HPI contracts and processed claims, a new report has been developed to provide the HR manager, service delivery, a summary of claims provided to Frontier (the government's payroll system vendor) for loading. Claims are loaded by Frontier into the CHRIS 21 payroll system for processing. The post-pay run report from CHRIS 21 of all claims and documented evidence of any variances in claims processed versus claims loaded by Frontier—for example, manual pay recoups and amendments to incorrect claims made before the pay is run—is validated and signed off each pay period by the HR manager, service delivery.

Dr CLOSE: On page 452, and I suspect this is my last question, there is the question of no formal independent review undertaken of altered grades. This is something that I recall having to answer questions about. The response came from TAFE that it would:

...develop a policy or procedure outlining a grade change process. This would involve an automated grade change report to cross check grade changes...

Has this policy been finalised since the preparation of this document?

The Hon. J.A.W. GARDNER: I think I remember asking something not entirely dissimilar. I will provide as much of an answer as I can, despite the potential for the time to run out, with the indulgence of the house, but I think this probably highlights the benefit of the process, as the member referred to before.

I am advised, in relation to the lack of independent review of altered grades, that TAFE SA has developed a process to generate an automated report that crosschecks the grade changes in the student information system against the grade changes in the approved smart forms to identify any discrepancies. The process identifies who is responsible for reviewing the report and at what frequency.

Dr CLOSE: I would like to take this opportunity not to ask a question but to thank the minister and his advisers.

The CHAIR: Time has expired. I thank the Minister for Education and the deputy leader for the manner in which that examination was undertaken. We now proceed to the examination of the Auditor-General's 2017-18 report in relation to the Minister for Industry and Skills. I remind members that the committee is in normal session. Any questions have to be asked by members on their feet and all questions must be directly referenced to the Auditor-General's 2017-18 report. Welcome to the minister's advisers. I call for questions.

The Hon. Z.L. BETTISON: The Auditor-General's Report into this agency is, of course, limited by virtue of its having reported on the department of state development, which was split on 1 July. As a broad reference, I refer to Part B of the report, page 399, citing the significant event of machinery of government changes to the previous department of state development. My first

question is: during that period from when you were appointed as Minister for Industry and Skills, what advice did you receive regarding the impacts of that separation?

The Hon. D.G. PISONI: Can you refer to commentary of the Auditor-General that justifies that question?

The CHAIR: It would be preferable to reference a page number.

The Hon. Z.L. BETTISON: I did, page 399.

The Hon. D.G. PISONI: There is no commentary from the Auditor-General about the minister's views on the—

The Hon. Z.L. BETTISON: I beg to differ. It is very clear. On page 399, he talks about significant events and transactions, and a key part of that is obviously the change.

The CHAIR: So the question is, member for Ramsay?

The Hon. Z.L. BETTISON: The question is: during the period when the minister was appointed, what advice did he receive on the impacts of that separation?

The Hon. D.G. PISONI: I still would like to see the reference of the Auditor-General to any concerns raised by the impacts. I cannot really respond to any concerns that were maybe raised by the Auditor-General about the impact of it.

The CHAIR: What I might ask the member for Ramsay to do is to be a little bit more specific. It is a very general question. Can you be a little bit more specific, please.

The Hon. Z.L. BETTISON: There were significant machinery of government changes moving from DSD to the current stage of the Department for Industry and Skills. What do you believe were the impacts of that change?

The Hon. D.G. PISONI: It is spelt out in the Auditor-General's Report. On 1 July, following the state election, DSD's name changed to the Department for Industry and Skills. A new department, the Department for Trade, Tourism and Investment, was established. International Engagement and Health Industries South Australia transferred from DSD to DTTI (the Department for Trade, Tourism and Investment).

Investment Attraction SA was abolished and the functions transferred to DTTI, and Arts SA and Aboriginal Affairs and Reconciliation transferred from DSD to the Department of the Premier and Cabinet. That is the entire commentary of the Auditor-General, who spells it out quite accurately. Obviously, it is exactly what happened and he makes no commentary on it. Regarding the heading Significant Changes, I suggest it refers to the fact that it did change significantly, but it is certainly not suggesting that there was fire and brimstone, it was just a simple shift of functions from one department to several other departments in a reconfiguration of the machinery of government.

The Hon. Z.L. BETTISON: Following on from that question, did you receive any advice about the potential impacts of the machinery of government changes?

The Hon. D.G. PISONI: Yes, the advice I received is that this would be a great idea for getting much better outcomes for South Australians by having one department, one minister and one CEO. Of course, under the previous government, we know that the CE of DSD in particular had to answer to six different ministers. In opposition, we made the decision—and I thank the Premier for his leadership in this—that we wanted to streamline the way government operated. We did not want CEs to be getting conflicting advice from different ministers on the way they run their departments.

We wanted the focus, particularly in my department, to be on marrying up the needs of industry with the government's responsibility of delivering skills in South Australia so that those industries can grow. We know that is important. Just this morning, I was out at Osborne representing the Premier. The first block was being made. The minister, the Hon. Christopher Pyne, did the first bit of welding.

An honourable member interjecting:

The Hon. D.G. PISONI: He did: he pushed the button. He had a white hard hat on, he had his safety glasses on and he had his high-vis jacket on.

The Hon. Z.L. BETTISON: Following the same area of reference, what advice did you receive regarding the success of the agency in its previous form? I seek leave to make a quote.

The CHAIR: To put some context into the question?

The Hon. Z.L. BETTISON: Yes.

The CHAIR: Go ahead.

The Hon. Z.L. BETTISON: The then department for state development's CEO, Mark Duffy, told this parliament's Budget and Finance Committee last November, 'This agency has performed extremely well on a whole range of fronts.' He then went on to positively comment on the interventions made in Whyalla, Leigh Creek and the closure of Holden. What advice did you receive regarding the success of this agency in its previous form?

The Hon. D.G. PISONI: The advice is that we need to do better; we can always do better, and that is the difference between this side of the parliament and that side of the parliament. They were happy with the status quo for 16 years, yet we know there were massive opportunities to run this government in South Australia for South Australians. The advice I was given was that this would deliver much better outcomes for industry in lining up their skills in South Australia.

Do not forget that we are walking the walk on this. We are putting an extra \$200 million into skills funding over the next four years. On average, that is \$1 million extra a week to train South Australians. We are putting a stop to the decline we saw under the previous government—a 66 per cent drop-off since 2012 in the number of apprentices and trainees in South Australia—and we are building new training opportunities and new apprenticeship opportunities for South Australians with real investment of taxpayers' money.

The Hon. Z.L. BETTISON: Did you have discussions with Mr Duffy regarding the wisdom or otherwise of splitting the agency?

The Hon. D.G. PISONI: The Premier took charge of the design of the government and, of course, I cannot go into cabinet deliberations, but it is a government decision. Obviously advice was taken and accepted about the benefits of the new style of government, the new structure of government that we have in South Australia. I know it is difficult for the member for Ramsay to come to grips with the fact that they are no longer in government, but governments actually make these decisions. The people of South Australia decide who governs them and then the government makes these decisions.

The Hon. Z.L. BETTISON: What advice did you receive regarding the proposal to axe most of the employment assistance programs that Mr Duffy referred to when he was talking about the success of the interventions?

The Hon. D.G. PISONI: Can the member refer to where the employment programs are referred to in the Auditor-General's Report?

The CHAIR: Do you have a specific reference to that?

The Hon. Z.L. BETTISON: I refer to note 2 in the DSD financial statements, which I understand is an attachment.

The CHAIR: Do you have a page number?

The Hon. Z.L. BETTISON: There are no page numbers in regard to the financial statements.

The Hon. D.G. PISONI: From what I can see from what the member is referring to, there is no reference to savings targets or the continuation or otherwise of particular programs, so the member's question is not related to the Auditor-General's Report.

The Hon. Z.L. BETTISON: I refer the minister to pages 408 and 409 of the Auditor General's Report, other grants, which talks about previous grants under the Our Jobs Plan. Going to one of those programs, the Jobs First Employment Projects fund, you have advised this house previously

that Bedford industries received \$491,000 in 2017-18. My question is: did you receive advice regarding the proposal to axe most of these employment financial programs?

The Hon. D.G. PISONI: The Auditor-General's Report does not speak about any particular program. Certainly I cannot see the reference to Bedford Industries in the Auditor-General's Report.

The Hon. Z.L. BETTISON: You axed many programs that were covered under 'other grants' in this report—skills and employment grants and subsidies—

The Hon. D.G. PISONI: Point of order, sir: the Auditor-General's Report does not refer—

The CHAIR: I take your point of order, minister, thank you.

The Hon. D.G. PISONI: —to the continuation or otherwise of the programs.

The CHAIR: Thank you, minister, I take your point of order. You need to ask a question in relation to the report. We are talking about page 408, other grants. You began with commentary rather than a question, member for Ramsay.

The Hon. Z.L. BETTISON: I will move on. In the absence of that fund, you advised that Bedford should apply for other forms of assistance. What applications have been made and have they been successful?

The Hon. D.G. PISONI: There is no reference to that question in the Auditor-General's Report, sir.

The CHAIR: Member for Ramsay, I am looking under 'other grants' and I have not seen Bedford mentioned there at all. I stand to be corrected, but I cannot see that.

The Hon. Z.L. BETTISON: As I said previously, it was a core function of the department, which is what has changed, and obviously there has been a change to the department, so I am talking about what was a core function of the department, which is employment programs.

The CHAIR: But you have been specific about a particular program.

The Hon. Z.L. BETTISON: Yes, I was talking about a specific program. If I recall, it was under the JFEP, which is referred to on page 409.

The CHAIR: It is the top line of page 409, JFEP and grants to the Tauondi College for workers' development. Is that what your question relates to?

The Hon. Z.L. BETTISON: I related it because that is where Bedford industries received \$491,000 in 2017-18 as part of that program. It has been axed. My question was with regard to what advice was received from Mr Duffy prior to axing that program.

The CHAIR: Does the minister want to answer?

The Hon. D.G. PISONI: Sir, there is no reference in the commentary whatsoever.

The CHAIR: I think we will move on. We have probably spent enough time on that particular line of questioning.

The Hon. Z.L. BETTISON: I move on to questions about the automotive transformation program in Part B, page 409. The report states that \$3 million under the Automotive Transformation Taskforce initiative in 2017-18. The program in this area included the Automotive Supplier Diversification Program and the Automotive Workers in Transition Program. What advice did you receive regarding the value of these initiatives?

The Hon. D.G. PISONI: There is no commentary about any decision around the continuation or otherwise of these programs.

The CHAIR: I think what the minister is saying is that it was a decision of government, Member for Ramsay—without putting words in his mouth.

The Hon. Z.L. BETTISON: I disagree with the minister. It is detailed quite clearly that these programs are here. We now know that these programs have been axed. I am simply asking: what advice was received?

The Hon. D.G. PISONI: Chair, I just want to remind the member that this period is for the 2017-18 financial year and these programs were operating in 2017-18 financial year.

The CHAIR: So the questions are relevant.

The Hon. D.G. PISONI: No, the question is not relevant. The member is claiming that the programs were axed. The facts are that these programs were in operation in 2017-18.

The CHAIR: You are saying they were in operation for a time during the financial year?

The Hon. D.G. PISONI: Even if you pull the bow as far as you possibly can, you cannot pull it into the 2018-19 financial year because we are not addressing the 2018-19 financial year at this Auditor-General's examination.

The CHAIR: For the most part, during that 2017-18 period these programs were operating. Minister and member for Ramsay, we are halfway through the examination of the Auditor-General's Report and I do not feel we have come very far yet. That is up to you entirely, of course. Member for Ramsay, a question.

The Hon. Z.L. BETTISON: Well, let me express my disappointment. We are obviously talking about the fact that you have made significant changes, which you decided to make as a government. I acknowledge that. The whole of the reference to the Auditor-General—

The Hon. D.G. PISONI: Point of order: can we have a reference to the Auditor-General's Report when the member preambles a question, please?

The CHAIR: I take your point of order, minister. Member for Ramsay, this is not the opportunity to make a speech. You have 13 minutes left in which to ask questions that the minister can really answer in whatever way he sees fit.

The Hon. Z.L. BETTISON: I refer to Part B, page 409. When you make decisions you obviously reference previous outcomes, and that is why I am asking you today, in reference to that area—particularly about the automotive transformation, The Automotive Supplier Diversification and the Automotive Workers in Transition programs—what advice you received regarding the value of these initiatives.

The Hon. D.G. PISONI: There is no reference to the advice the minister received or even the actions of the minister in the Auditor-General's Report, sir.

The CHAIR: Member for Ramsay, you have asked that question in relation to advice on a number of occasions. The minister can answer in whatever way he pleases.

The Hon. Z.L. BETTISON: It appears so.

The CHAIR: Yes.

The Hon. Z.L. BETTISON: It appears so. Let me move on to Part B, page 403, which refers to the Unique Student Identifier System (often known as USI). Recently, you announced that the government has signed up to the national partnership on the Skilling Australians Fund. There was reference to the USI in the Auditor-General's Report. Will all new apprenticeships and traineeships under the Skilling Australians Fund have a USI?

The Hon. D.G. PISONI: The Auditor-General has noted that DSD 'noted that not all participant students will require a USI as they can undertake individual training units without it'. I am happy to check, but I am not sure that anything has changed since then. We can check that and get back to you.

The Hon. Z.L. BETTISON: What else is the department tracking, apart from the USI?

The Hon. D.G. PISONI: We are tracking employment outcomes. We still have a lot of work to do, but I was very pleased today to see that, for another month, we are steady on the trend figures for unemployment at 5.5 per cent, another downward trend in the seasonally adjusted figures. We know that they are not as reliable, but it is still good to see that figure fall. An extra 12,400 people are in work in South Australia now compared with the same period last year.

We track employment outcomes in the department, and we track industry requirements. This is new to the department: we actually go out there and talk to industry about what they need to grow in South Australia, what they need to take on more apprentices and trainees and whether there are deficiencies in the training system in South Australia—'Tell us what you need.' Just recently, there have been two examples. There is a diploma of advanced technology focusing on the digital skills needed in Industry 4.0, particularly in the defence space, where a lot of our economy will be growing in the future. We track where those new skills are needed and we act on that. Cybersecurity is another new traineeship we have developed. That is two in a month.

We track the NCVET figures. We compare what South Australia is doing with other states, and we compare what South Australia is doing with our own targets. We are very focused on getting outcomes. We are much more interested in the outcomes we achieve than the process of getting there. I think that for too long South Australians have complained about a previous government that spent all its time on processes and processing rather than on outcomes. We are focused on the outcomes; that is what we are doing.

We know that you cannot manage what you do not measure, so we are measuring what we are doing, and we are very pleased with how we are tracking. We have got off to a flying start. We are nine months in, and we have significantly changed the confidence of the business sector. I am getting anecdotal reports at the moment that training figures are up. Obviously, we will wait for figures to come in, particularly in crucial areas.

I was at an engineering firm at Port Adelaide just the other week. He placed an ad looking for a boilermaker, and there were 63 other ads on Seek looking for boilermakers. We have a skills shortage in South Australia, and we are addressing it. That is another way of measuring where the demand is: through those very practical measures coming from industry.

The Hon. Z.L. BETTISON: How many people under the national partnership on Skilling Australians Fund with a USI are currently in the system?

The Hon. D.G. PISONI: The issue of the USI that the Auditor-General raises, that there is a requirement for students to register for a USI and obtain a qualification, has been in place since 2015. That was implemented by the previous government. It is speaking about the process; it is not actually talking about the numbers. I do not think your question is relevant to the commentary that has been provided by the Auditor-General.

The Hon. Z.L. BETTISON: I disagree. Very clearly at the top of page 403 it says: 'Compliance audits could be improved to ensure the existence of accredited training participants.' While there is some commentary about improvements that are made, my question very clearly is in relation to what you are doing now because this has been raised by the Auditor-General in relation to the nine months you have been in government. As I asked, what else are you doing apart from tracking the USI? How many people in the national partnership with a USI are currently in the system? I think he has made it very clear that the compliance audits could be improved.

The Hon. D.G. PISONI: I have been advised that the Auditor-General is referring to the manual management of that system. It has been recommended that that be upgraded. I am advised that is what the department is doing.

The Hon. Z.L. BETTISON: How frequently does the commonwealth government provide their contribution to the Skilling Australians Fund?

The Hon. D.G. PISONI: Can you identify where the Skilling South Australia fund is referred to in the Auditor-General's Report?

The Hon. Z.L. BETTISON: It is very clear to me that the Auditor-General has talked about the Unique Student Identifier. It is a very important part of the audit process. He said it could be improved to ensure that there is existence of accredited training participants. I am very clearly asking how this then links in, which you waxed very lyrical about two questions ago, with how many people have signed up. You opened it up. How many people have this Unique Student Identifier? Therefore, it is very clearly linked to what he is talking about.

The Hon. D.G. PISONI: I raised that in response to your question about what we are doing. Obviously what we are doing is now. This report refers to the 2017-18 financial period and there is no reference to Skilling South Australia in this report.

The Hon. Z.L. BETTISON: If I can continue on this topic, recently we have had reports about safety concerns with the Ai Group in Victoria creating allegedly unsafe work practices for their workers and apprentices. Minister, given that you have very ambitious targets of 9,000 apprenticeships in 2018-19, what data are you using to track from a safety perspective?

The Hon. D.G. PISONI: Can you point me to where I can see a reference to that in the Auditor-General's Report?

The Hon. Z.L. BETTISON: My concern comes back to the Unique Student Identifier. I asked you what other data that attracted. My concern is about what safety units are covered and whether that is determined in the USI.

The Hon. D.G. PISONI: Can you refer me to where I can see that reference in the report.

The Hon. Z.L. BETTISON: Part B, page 403, the title very clearly says, 'Compliance audits could be improved to ensure the existence of accredited training participants.' My concern not only concerns the number of people who are participating, given your focus on increasing the targets, but I raise the issue of safety, which obviously would come from the USI as well.

The CHAIR: Before I call the minister, the question is around accredited training participants and the compliance audit. A number of questions ago, the minister responded by saying that was a manual upgrade. It was referring to a manual upgrade, I think, so to my mind that has already been answered.

The Hon. Z.L. BETTISON: Manual upgrade or not, there would obviously be safety units in accredited training. My concern here, and the Auditor-General has raised it, is about compliance of audited training. The minister has an ambitious target to increase the number of apprenticeships and traineeships, and I am trying to understand. If you have not improved the Unique Student Identifier, you cannot tell me what other data is collected here. How do we know that we will not be here next year with the minister again talking about the compliance audits that need to be improved?

The Hon. D.G. PISONI: I have to put on the record that I have answered the member's question about the Auditor-General's reference to the Unique Student Identifier and the need for there to be improvements. I have explained that is being actioned now despite the fact, I understand, that it was pointed out by the Auditor-General on several occasions under the previous government but not acted upon. That question has been answered. The member's expansion on that question is not relevant to the Auditor-General's examination.

The CHAIR: Unfortunately, time has expired. I thank the minister and the member for Ramsay for their participation. We now proceed to the examination of the Auditor-General's 2017-18 report in relation to the Minister for Energy and Mining. I remind members that the committee is in normal session. Questions have to be asked by members on their feet, and all questions must be directly referenced to the Auditor-General's 2017-18 report. I welcome the minister, the member for West Torrens and the minister's advisers.

The Hon. A. KOUTSANTONIS: I understand that this audit report goes over a period for the last financial year where the agency undertook a restructure. Could the minister give a brief outline of the new structure of the agency?

The Hon. D.C. VAN HOLST PELLEKAAN: Which—

The Hon. A. KOUTSANTONIS: I was just trying to actually ask for information. It is the Auditor-General's Report 5, Part A: Executive summary, page 43, Grants paid by DPC. Obviously the agency is no longer in DPC but is a new stand-alone agency. Can the minister give a breakdown of what the agency structure is now?

The Hon. D.C. VAN HOLST PELLEKAAN: Yes, shadow, I am very happy to do that in general terms. I am advised that there is not any particular specific, detailed Auditor-General type of information that is available in these reports on the topic.

In terms of the broad overall structure, as I am sure the shadow would know, this broad body of work has changed its name a few times: mineral resources and energy, we have it as energy and mining, and there have been a few others. This broad body of work—and the people in the structure who have done this very important work—has previously been in state development and PIRSA, and it has previously and most recently been in Primary Industries.

The Liberal government took a decision when in opposition that, if we were elected, this area of work was important enough to be its own stand-alone department and that the people were very capable to be in their own stand-alone department. They did not need to be part of another department or subordinate to another department in any way. The then leader of the opposition and me as the shadow discussed and agreed and, after the election, it was implemented.

As I expect people would know, we started to operate that way as quickly as practicable after the election. We did the technical changeover with effect on 1 July this year, so that is likely to be part of the Auditor-General's Report that we will be discussing in about a year's time. With regard to the structure of that previous division in our department, there have been minimal changes. There has been some evolution, but no significant change as part of the process to make it a stand-alone division.

I have found that the people with whom I have engaged from the bottom to the top of the organisation, but primarily the senior leaders who were all in this area of responsibility under the previous government and now under the current government, have all transitioned exceptionally well. I do not doubt for a second that they did the very best they could for the previous government, and I know that they are doing the very best they can for the current government.

The Hon. A. KOUTSANTONIS: I was asking more about the organisational chart, but that was a nice little speech anyway. I reference the annual report, Part A: Executive summary, page 122, consultants. Given that the agency was for a large part in the Department of the Premier and Cabinet, there are no consultancies listed for the new agency. My question is: have any probity officers been employed, contracted or seconded to the agency since the reorganisation?

The Hon. D.C. VAN HOLST PELLEKAAN: I will give some facts with regard to consultants and contractors, and then I will come to the key question at the end. The department engages consultants and contractors in the ordinary course of business to carry out tasks that require specialist skills and knowledge not available within the entity. Contract details are regularly reported on by the department and are disclosed in the audited financial statements and the agency's annual report. In 2017-18, what we call now the department expended \$2.7 million on consultants, a reduction of \$3.2 million expended in the previous financial year. The department's expenditure on contractors in 2017-18 was \$10.7 million, compared with \$9.0 million in 2016-17.

With regard to probity officers, the probity officers were not specifically changed before the end of the financial year to the very best of my knowledge. I am happy to take that on notice and check it and come back, if necessary. However, the overall machinery of government changes I have no doubt were undertaken with complete and proper probity considerations. With regard to the technical change, which occurred on 1 July this year, no doubt that will be the subject of the next Auditor-General's Report.

The Hon. A. KOUTSANTONIS: On the same reference, I was not casting any aspersions on the machinery of government changes or the need for probity officers. What I was simply asking was: in terms of the consultants hired by the agency from 18 March to 1 July, were any probity officers contracted within the DPC budget of consultants by agency for direct use within your agency?

The Hon. D.C. VAN HOLST PELLEKAAN: Member for West Torrens, we do not have a breakdown for that period from the election through to 30 June. But from time to time, as I am sure was the case under the previous government, probity officers were contracted in. All those engagements, I am advised, have been and are available on the website, so it would be possible to have a look at the website to see what was there from that election through to the end of financial year time. But we do not have a particular breakdown on that. I am advised that all those types of engagements have already been made publicly available.

The Hon. A. KOUTSANTONIS: Again on the same reference, under 6.7, consultants, on page 122 of Part A: Executive summary, what is the process a minister undertakes to procure a probity officer?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised, shadow—and I am more than happy to try to help you—that that is really not a question that is relevant to this report. That is a topic that the Auditor-General would consider and certainly would have reported on, if the Auditor-General had any concerns in that regard. I would be quite confident that in the period from the election through to 30 June this year the system that was used would have been very similar to the system that was used before the election on 18 March. That is the advice I have, and I would be more than happy to—and I will—look into that to see if there is any more information that I can or should share with you.

The Hon. A. KOUTSANTONIS: I am not quite sure what that means because the Auditor-General does not just report on things that he has concerns about, he just reports on functions and how money is allocated and makes sure that procurement processes are followed. The reason I ask this is that I would like to know if the probity officers who were in place when the government procured the use of the stand-by generators are still in place.

The Hon. D.C. VAN HOLST PELLEKAAN: Procured the use of them?

The Hon. A. KOUTSANTONIS: Procured them for the state.

The Hon. D.C. VAN HOLST PELLEKAAN: You mean fulfilled the contract that you entered into?

The Hon. A. KOUTSANTONIS: Yes. There was a procurement process that was undertaken to procure, I think, 276 megawatts of generation. There were probity officers contracted throughout that process. Are those same probity officers in place now, or has that contract concluded?

The Hon. D.C. VAN HOLST PELLEKAAN: I am not quite sure, but I will talk openly about this. As I understand it, your question was whether probity officers were engaged for the procurement process of the generators. The procurement process is something that was undertaken by the previous government. The previous government had lease, and lease options, and purchase options. The previous government took up the purchase offer, as we know. We said that we would honour that commitment. The previous government committed to buy them. We said, 'Okay, if that's what has happened, the current government will do that.' That purchase technically takes effect on 30 November.

The Hon. A. KOUTSANTONIS: My question is: are the probity officers still engaged in that process?

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that the probity officers who were involved with this project through to procurement have not changed.

The Hon. A. KOUTSANTONIS: Thank you.

The Hon. D.C. VAN HOLST PELLEKAAN: Hang on. Just in case it is part of your question—and maybe to save a bit of time—with regard to the current government's process of seeking expressions of interest from people who might like to lease the generators, we will have appropriate probity officers in place to oversee that process as well.

The Hon. A. KOUTSANTONIS: Given that the minister has opened up about the sale process or the lease process of the generators, inviting further questions on it, what I will ask him now is this: he talked about the procurement of probity officers as a future event to occur rather than something that has occurred. Given the announcement was made, I think a few weeks ago, of the government's intention to lease the generators, have probity officers been put in place yet for that process, or is that yet to come?

The Hon. D.C. VAN HOLST PELLEKAAN: I am quite confident that will be the subject of the next Auditor-General's Report.

The Hon. A. KOUTSANTONIS: Again, given that the minister, not the opposition, voluntarily brought up the procurement process and invited debate on it, I take it by his language that there are no probity officers in place for that, so the next obvious question to ask is: have any probity officers been involved in any discussions the minister has had with potential bidders, and has he declared with the Cabinet Office all those meetings and the probity officers who were present when he had discussions with AGL, Origin and any other retailer that may be looking at purchasing these generators?

The CHAIR: Before I call the minister, bearing in mind, member for West Torrens—

The Hon. A. Koutsantonis interjecting:

The CHAIR: Yes, I understand the minister invited questions, but the reality is your question refers now to 2018-19, as I would understand it, rather than the report—

The Hon. A. Koutsantonis interjecting:

The CHAIR: Hear me out—we are examining today.

The Hon. A. Koutsantonis interjecting:

The CHAIR: I am just pointing out, member for West Torrens, that what we are examining today is the 2017-18 report. Minister, your call.

The Hon. D.C. VAN HOLST PELLEKAAN: I am comfortable for the shadow to ask his questions.

The Hon. A. Koutsantonis: Thank you.

The Hon. D.C. VAN HOLST PELLEKAAN: The reality is that that will be the subject of next year's Auditor-General's Report, and it is also a question that I have been asked in question time in this place and that I have answered in question time in this place.

The Hon. A. KOUTSANTONIS: Given the minister is happy to answer these questions—

The Hon. D.C. van Holst Pellekaan: I said happy for you to ask.

The Hon. A. KOUTSANTONIS: Okay, given that you are happy for me to ask these questions, which energy retailers did the minister speak with before he made his public announcement of the government's intention to lease the generators?

The Hon. D.C. VAN HOLST PELLEKAAN: My answer is exactly the same as I have given in question time previously.

The Hon. A. KOUTSANTONIS: I do not know why there is reticence. If the minister has done nothing wrong, I am sure there will be no problem in letting us know who he spoke with. I think it would be important if, for example, AGL were given advanced notice of generators to be leased, their competitors, especially given that all of their competitors are publicly listed companies—

The CHAIR: Can I bring the member for West Torrens back to the 2017-18 report, please.

The Hon. A. KOUTSANTONIS: Sir, I am only following the example of the minister in talking about future years.

The CHAIR: Yes, he invited questions, but it could be that at some point the Chair might rule the question out of order if it is not specifically referring to this report—2017-18, please.

The Hon. A. KOUTSANTONIS: That is a very interesting analysis you just gave me. When the minister was talking about the 2018-19 financial year, I did not hear you interrupt him to say we should be talking about the previous year, but thank you very much for your guidance.

The CHAIR: I am reminding—

The Hon. A. KOUTSANTONIS: Both of us?

The CHAIR: —everybody here.

The Hon. A. KOUTSANTONIS: The wisdom of Solomon. Thank you very much, sir.

The CHAIR: My pleasure. Member for West Torrens, you have the call.

The Hon. A. KOUTSANTONIS: If we can get back to the core issue here, the minister will not tell us whether or not he has spoken to energy retailers in advance regarding that procurement. How has he notified the market that the government intends to lease the generators? Is that through a public call? Has the government engaged a contractor to handle the sale, or is that being done internally by the agency or another arm of government?

The Hon. D.C. VAN HOLST PELLEKAAN: Two things, Chair: (1) I would caution the shadow minister on his assumptions, and (2) the answer to that question is one that we can canvass in 12 months' time.

The CHAIR: Member for West Torrens, you have the call.

The Hon. A. KOUTSANTONIS: Thank you very much, Mr Chair. If I can again turn to PACE Gas, which I think is on page 43.

The Hon. D.C. VAN HOLST PELLEKAAN: Sorry, which report?

The Hon. A. KOUTSANTONIS: Part A: Executive summary, page 43. Grants and subsidies paid by Department of the Premier and Cabinet increased by \$46.3 million. There was quite a commitment to gas exploration—a very impressive commitment—and there was a series of programs. Can the minister explain why those programs are not continuing?

The Hon. D.C. VAN HOLST PELLEKAAN: The unfortunate reality is that the previous government had no PACE Gas money in the budget for the current financial year. The shadow minister's question relates to an increase from the last financial year over the financial year before that. The answer to that is about the timing of the payments.

The other part of his question is why, from the last financial year to this financial year, given that there is no harm in touching on that subject in this financial year. It is because the previous government had no money in their budget. The previous government actually stopped PACE Gas grants in the current financial year. That explains the change between the current financial year and the last one, and the change between the last one and the one before that.

The Hon. A. KOUTSANTONIS: Again, I thank the minister for allowing debate on these matters. That is an interesting analysis: because the new Treasurer did not announce any new funding for PACE Gas, that is somehow the fault of the previous government. I think that is an interesting analogy and one that I will be repeating to the industry—that somehow it is my fault there is no new money for PACE, not the fault of the current minister. Has the minister received any analysis, other than from the Auditor-General, about the success or otherwise of the program, from his agency?

The Hon. D.C. VAN HOLST PELLEKAAN: I can talk about the program, but the reality is that the question in the Auditor-General's Report examination was: has the minister sought any advice or got any information other than what is in the Auditor-General's Report? It means it is a bit of a silly question.

The Hon. A. Koutsantonis: That's not actually what I said. I will ask you again.

The Hon. D.C. VAN HOLST PELLEKAAN: The shadow can repeat the question then.

The Hon. A. KOUTSANTONIS: Has the minister received any advice from his agency about the success or otherwise of the PACE Gas program; that is, did it actually increase gas flows to South Australia? Did it actually encourage investment? Did it actually create more contracting jobs? Did it actually assist South Australian producers in getting more gas out of the ground and into the state? Has the state entered into any contracts with that PACE Gas?

The Hon. D.C. VAN HOLST PELLEKAAN: And just one clarification: the minister, the second time he asked the question, did not—

The Hon. A. Koutsantonis: I'm not the minister; I'm the shadow minister.

The Hon. D.C. VAN HOLST PELLEKAAN: The shadow minister did—

The Hon. A. Koutsantonis: I know you're confused by this, but you actually won.

The DEPUTY SPEAKER: The member for West Torrens, order!

Members interjecting:

The DEPUTY SPEAKER: Member for West Torrens and member for Hammond, order!

An honourable member interjecting:

The DEPUTY SPEAKER: Yes, we only have eight minutes left. Minister, you have the call and you are able to answer that question however you see fit.

The Hon. D.C. VAN HOLST PELLEKAAN: The second time the shadow minister asked the question he left out the words 'other than from the Auditor-General', which were words that were in his first question. Having clarified that for the chamber, I can certainly share some information with regard to the PACE Gas program.

The Plan to Accelerate Exploration, or PACE Gas, was introduced to bring forward investment in projects that could deliver gas to local users. Two grant rounds, worth \$47.78 million, have been awarded to a range of Cooper and Otway basin projects to build a strong portfolio. Grant recipients are targeting 217 petajoules of new supply, with an upside potential to unlock 1,950 petajoules. Round 1 grants aim to deliver additional gas to market by the end of 2019, while round 2 grants are due to deliver by the end of 2020.

The Hon. A. KOUTSANTONIS: Can the government inform the house how much of that gas was contracted within South Australia?

The Hon. D.C. VAN HOLST PELLEKAAN: No, that is not advice or detail I can get for you at the moment, but I am happy to take that on notice.

The Hon. A. KOUTSANTONIS: It was my understanding that, as part of the PACE Gas grant program, gas that was extracted under this program would have to be contracted or offered for sale in South Australia first, and that would be monitored by the agency. I am just wondering: did the minister give an assurance to go and have a look and come back, or was that something where records were not kept?

The Hon. D.C. VAN HOLST PELLEKAAN: I try to remain as friendly as possible. The answer was that that is not advice or detail that I have here with me, but I am happy to take the question on notice.

The Hon. A. KOUTSANTONIS: On page 284 in Part B of Report 5 of 2018, the Auditor gives us two paragraphs. He makes an adverse finding about Treasurer's Instruction 15, Grant Funding, and he claims that it 'increases the risk the grant agreement will not establish an appropriate level of accountability on the entities that receive grant funding'. Has the minister written to the Auditor-General to clarify the inadequacies within the deeds that were signed by those recipients of the grant funding?

The Hon. D.C. VAN HOLST PELLEKAAN: Shadow, the process really has not changed. The department has engaged, in writing, with the Auditor-General to look into those matters. What I can share with you is that administration of the electricity plan gas incentives for 2017, or PACE Gas, is the responsibility of the resources and energy group, which transferred to the new Department for Energy and Mining on 1 July 2018. As part of the recent machinery of government changes, Treasurer's Instruction 15, Grant Funding, provides the requirement to establish appropriate accountability on the part of non-South Australian government entities that receive a grant from an administrative unit.

The audit review of the PACE Gas grant program found areas where the grant funding agreements did not address the requirements of Treasurer's Instruction 15 (TI 15), particularly around the requirements on financial reporting and advice of changes to the nature and/or scope of the activities conducted by entities in receipt of grant funds. In response, the Department for Energy and Mining outlined a detailed listing of all monitoring and accountability controls contained in the PACE Gas agreements that aligned to all the areas of Treasurer's Instruction 15 the Auditor-General's office highlighted as not being addressed in the PACE Gas agreements.

The PACE Gas agreements were prepared by the Crown Solicitor's Office and the CSO has been alerted to the Auditor-General's office's concerns regarding compliance with TI 15. Whilst the agreement does not contain restatements of some of the requirements of TI 15 there are, however, clear provisions within the agreement that enable the minister to require the grantee to provide information at the minister's request, including the provision of financial information in accordance with TI 15. In addition, the Petroleum and Geothermal Energy Act 2000 and the associated regulations apply to all the PACE Gas grant funding recipients and include specific requirements of notifications of operations and activities and changes to these activities.

There is also the statutory requirement for annual reports, both compliance-focused reports and financial reports, to be provided by all operators. Further, the Department for Energy and Mining has advised that each of the PACE Gas grant recipients are ASX listed entities and obliged by law and ASX listing rules to prepare and publicise financial statements on a half-yearly and annual basis.

The Department for Energy and Mining has formed the view that the finding raised by the Office of the Auditor-General is of low risk and that there are sufficient compensating controls and accountability mechanisms in place to minimise any exposure intended to be managed, as outlined by TI 15. While I am very happy to share that information and put it on the record, I am sure that the former minister and the former treasurer would have known every little bit of that.

The Hon. A. KOUTSANTONIS: I refer the minister to page 285 of Part B: Agency audits, annual report of the Auditor-General on the Renewable Technology Fund. There are a number of details there about managing conflicts of interest. First, can the minister give the parliament a response to the Auditor's claims about there being sufficient processes put in place to manage conflicts and, secondly, were there any surplus funds that were returned to Treasury from the Renewable Technology Fund and do any surplus funds remain with the agency?

The Hon. D.C. VAN HOLST PELLEKAAN: I will answer the first part while I get some advice on the second part. While there was ongoing verbal disclosure to the probity adviser and affected parties excluded themselves from relevant parts of meetings to manage potential conflicts diligently, in future the Department for Energy and Mining will ensure that appropriate documentation of such actions is made for future projects and programs through meeting minutes. The gist of that is that everything was done properly and that it seems that perhaps the documentation needs to be done slightly differently.

With regard to the retention or handing back of money from the RTF, the advice I have is exactly what I thought, but I wanted to be sure: all the RTF money is fully committed, so none of it was retained and none of it was handed back.

The CHAIR: Time has expired. I thank the minister, the member for West Torrens and also the minister's advisers.

Progress reported; committee to sit again.

Personal Explanation

LEGAL SERVICES COMMISSION

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:35): Before I move on to another matter, I seek leave to make a personal explanation.

Leave granted.

The Hon. V.A. CHAPMAN: Today, in question time I was asked a question in respect of Legal Services Commission funding and, in particular, for services for domestic violence victims. There are two matters on which I seek to advise the house; one is that reference to the review of victim support services generally was referred to the Commissioner for Victims' Rights, and she is part of the Attorney-General's Department. There are other persons in the Attorney-General's Department who are reviewing the matter, and she has been consulted in relation to the services that are currently provided. I wanted to be absolutely clear on that.

The second part of that question related to extra funding for the Legal Services Commission of \$1 million. I made reference to the Treasurer agreeing that it is something to be supported. I want to be absolutely clear that the Treasurer had not provided the extra money. That was allocated from

funds within the Attorney-General's Department. If anyone reading this were to have the impression that the Treasurer was generously giving extra money to the Attorney-General's Department, it may have been misunderstood from that.

Matter of Privilege

MATTER OF PRIVILEGE

The SPEAKER (17:37): I rise to make a statement regarding the matter of privilege raised earlier this morning in regard to the member for Lee. I make the following statement with regard to the matter of privilege raised by the Attorney-General in this house earlier today. However, before addressing that matter I wish to outline the significance of privilege as it relates to this house and its members.

As we have heard in the past, privilege is not a device by which members or any other person can seek to pursue matters that can be addressed by debate or settled by the vote of the house on a substantive motion. As we have heard, McGee in *Parliamentary Practice in New Zealand*, in my view, makes the test for whether or not a matter is a matter of privilege by defining it as a matter that can 'genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties'.

Generally speaking, any act or omission which obstructs or impedes the house in the performance of its duties, or which obstructs or impedes any member or officer of such house in the discharge of his or her duty, or which has a tendency, directly or indirectly, to produce such a result, may be treated as a contempt and therefore be considered to be a matter of privilege even though there is no precedent of the offence.

I refer to the matter of privilege raised by the Attorney-General made in relation to an allegation of misleading of the house that has been made in relation to the member for Lee's grievance debate in the house yesterday concerning question time. I quote that part of the member for Lee's grievance which is the subject of this matter of privilege:

Today, we had the Deputy Premier repeatedly refusing to answer questions by bogusly claiming that the questions were being put in a manner to threaten some sub judice behaviour of this parliament. That is just wrong, and we know it is wrong because the Deputy Premier herself put these same questions to a government during a question time previously in regard to the Hillier matter.

The Attorney-General asserts that the member for Lee has misled the house by the use of the words, 'That is just wrong,' when those words are deemed either to relate to rulings by the Speaker on matters of sub judice or to reference questions asked by the member for Bragg of the previous government.

I have carefully read the *Hansard* from yesterday, perused questions asked by the member for Bragg to the then attorney-general of the former government on the Hillier matter and had the opportunity to consider an explanation provided to me by the member for Lee. In respect of the first assertion, that the words 'That is just wrong' were directed to the rulings by the Speaker on matters of sub judice, I find it difficult to accept that the words 'That is just wrong' were to be interpreted to apply to the rulings of the Speaker and I therefore reject that assertion.

In respect of the second assertion, I am of the view that the member for Lee was making a reference to questions that related to the behaviour of departments and government agencies. In support of this view, I quote the member for Lee:

Well, today there was question after question after question about what the department of corrections had done, what the Parole Board had done and what other agencies of the government had done, namely, the Attorney-General and the Minister for Police—for the short time that he was here.

It is clear to me that the member for Lee was making a connection between a line of questioning concerning the behaviour of departments and government agencies in the current instance with that same line of questioning asked of the former attorney-general on the Hillier matter.

In the Chair's opinion, this is not a matter of privilege for the reason I stated above. In the Chair's view, the conduct complained of cannot, to apply the test, 'genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties'. Therefore, I decline to give the matter

the precedence that would allow the Attorney-General to immediately pursue the matter. However, my opinion does not prevent any member from pursuing the matter by way of substantive motion.

Bills

TOBACCO PRODUCTS REGULATION (E-CIGARETTES AND REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Dr HARVEY (Newland) (17:41): I was speaking about some of the aspects of the bill. The bill includes a requirement to license the sale of e-cigarette products in line with the licensing of tobacco products. This means that the only additional revenue from this proposal would be from current e-cigarette retailers who do not currently hold a tobacco merchant's licence under the act and who wish to continue selling e-cigarettes. While the exact number of specific e-cigarette retailers is not known, the number is estimated to be relatively low compared with tobacco retailers. In relation to enforcement, these products will be brought within the regulation of the act in the same way tobacco products are regulated. An extension of current enforcement activities will be required to achieve compliance for the regulation of e-cigarettes.

It is also worth noting that, under this bill, shisha tobacco has been included in the definition of a tobacco product. Shisha tobacco is smoked through a water pipe and usually contains tobacco sweetened with fruit or molasses sugar, which gives it a fruity aroma. The Tobacco Products Regulation Act 1997 already incorporates shisha under the definition of 'tobacco product' in the act. Consequently, offences relating to tobacco products, such as smoking in a smoke-free area or selling tobacco to minors, also extend to shisha products.

The government is including a specific definition for shisha tobacco to make it clear to those businesses involved in the sale or use of shisha that the tobacco legislation extends to these products. Clear legislative protections against the sale of shisha to minors and the use of shisha in smoke-free areas support both compliance and enforcement.

In summary, it is clear from a lot of the research that has been done to date in this area that e-cigarettes cannot be assumed to be completely safe. Whilst it is quite likely that they pose much less of a risk than tobacco smoking, there is still much more work to be done to understand the impact of e-cigarettes on health; its potential role in acting as a gateway to tobacco smoking, particularly for young people; its potential role in tobacco smoking cessation; and in a number of other areas. Therefore, it is appropriate that these products be regulated. I commend the bill.

Mr PEDERICK (Hammond) (17:43): I rise to speak to the Tobacco Products Regulation (E-Cigarettes and Review) Amendment Bill 2018. I want to make a brief contribution with regard to this legislation. The bill seeks to amend the Tobacco Products Regulation Act 1997 to enhance the operation of the act and address the lack of regulation of electronic cigarettes, commonly known as e-cigarettes, in this state. The bill aligns with the recommendations of the Select Committee on E-Cigarettes and the positions of leading public health bodies, including the National Health and Medical Research Council, on the need for governments to act to regulate e-cigarettes. It will also bring the e-cigarette legislation in South Australia in line with interstate legislation.

The fact that South Australia is the last state in Australia to regulate e-cigarettes is a stark demonstration of the former Labor government's low priority on public health. Even after receiving a bipartisan select committee report in February 2016, they left office two years later without legislating in this area. The bill introduces a range of administrative enhancements to ensure that the legislation is up to date and to improve the functioning of this important legislation. These amendments emanate from an independent review of South Australian tobacco control legislation, which was completed in 2017.

The legislative review of the act in 2017 identified opportunities to improve the operation of the act, including consistency between the act and its regulations, between tobacco control and other South Australian legislation and between tobacco control legislation in other jurisdictions, and also identifying provisions that are no longer relevant. The bill addresses the review recommendations, which will strengthen the operation of the act more broadly. It also includes increases in penalties

and expiation fees for more than 40 offences. It is interesting that maximum penalties and expiation fee levels have not been adjusted since 1997.

We have seen a lot of debate about where this regulation should be. The safeguards under this legislation include bans on the following: sales of e-cigarettes to children; the retail sale of e-cigarette products without a licence; indirect sales of e-cigarettes, such as internet sales; e-cigarette sales from temporary outlets, sales trays and vending machines; the use of e-cigarettes in areas that are smoke-free under the act; advertising, promotion, specials and pricing promotions for e-cigarettes; and also retail point-of-sale displays of e-cigarettes.

Just as the member for Newland indicated, there is a discussion around shisha tobacco, and that has been included in the definition of a tobacco product. I have always been intrigued with the smoking of shisha tobacco, which is smoked through a water pipe and usually contains tobacco sweetened with fruit or molasses sugar, giving it a fruity aroma. That will also come in under the legislation.

With regard to licensing and enforcement, the bill includes a requirement to license the sale of e-cigarette products in line with the licensing of tobacco products. This means that the only additional revenue from this proposal will be from current e-cigarette retailers who do not currently hold a tobacco merchant's licence under the act and wish to continue selling e-cigarettes. While the exact number of specific e-cigarette retailers is not known, the number is estimated to be relatively low compared with tobacco retailers: approximately 30 to 50 new licences.

In relation to enforcement, these products will be brought within the regulation of the act in the same way tobacco products are regulated. An extension of current enforcement activities will be required to achieve compliance for the regulation of e-cigarettes. With that contribution, I commend the legislation and look forward to its passage through the house.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (17:49): I will not say much now. I will make a short contribution at the third reading stage. It is my understanding that the shadow minister would like to go into committee.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr PICTON: In relation to consultation that has occurred, a question was raised in the other place regarding any consultation that had happened in relation to tobacco companies or their representatives. I have received an answer on notice since the debate in the other place from the Minister for Health and Wellbeing saying, 'Neither my office nor my department have received representations from tobacco companies on the Tobacco Products Regulation (E-Cigarettes and Review) Amendment Bill 2018.'

This says that no representations have been made. Can the minister clarify if that means that there have been no discussions, no consultation, no meetings and no engagement of any type between the government and tobacco companies in relation to this bill or in relation to other public policy matters?

The Hon. D.C. VAN HOLST PELLEKAAN: Despite the fact that I do not quite make a link between that question and clause 1, which is the short title, I am happy to confirm that I am advised that there has been absolutely no communication whatsoever on this bill between the minister and those tobacco companies.

Mr PICTON: Have there been any discussions between the government and tobacco companies on any matters since the election, including whether any ministers have attended events with tobacco companies, such as fundraisers?

The Hon. D.C. VAN HOLST PELLEKAAN: I am not able to get any advice on that here at the moment. I am not aware of all the ministers' or government MPs' diaries. I am not sure if that is even relevant to the bill, given that there has already been a commitment made that there has been

no communication whatsoever with regard to this specific bill. I can assure you that I have not had anything to do with tobacco companies or accepted any hospitality or anything like that, but I really cannot answer the question any better than that.

Clause passed.

Clause 2.

Mr PICTON: In relation to when this legislation is to be enacted, I am wondering if the minister can outline—presuming that this is hopefully going to pass within the next seven minutes—when the government would seek to have this legislation in place and, in particular, when penalties under these provisions would be in place for retailers and the like.

The Hon. D.C. VAN HOLST PELLEKAAN: My advice is that it is the Minister for Health and Wellbeing's intention that this bill, this legislation, will come into effect, in the first quarter of 2019 and that all penalties and fines would apply from that point onwards. We have certainly said as a government that there is some consultation to do on some of that.

The other thing to be sure is clear in my answer is that the six-month transition period for online sales, signage and in-shop marketing commences when the legislation comes into effect, so that would last through the first six months of its actual implementation.

Sitting extended beyond 18:00 on motion of Hon. J.A.W. Gardner.

Mr PICTON: To clarify with the minister, it is the intention of the minister that the bill be enacted in the first quarter of next year and that there be a six-month grace period, so within at least, at the very latest, nine months presumably of 2019 all provisions of the bill would be enacted and they all would be able to be enforced; is that correct?

The Hon. D.C. VAN HOLST PELLEKAAN: Yes. It is very important to have this 100 per cent right. I am advised, as I said before—and I will overlap a bit and perhaps add a bit more—that it is the Minister for Health and Wellbeing's intention to have the new legislation come into force during the first quarter of 2019. The bill will be fully implemented from that point in time, with the exception of a six-month transition period that applies to online sales, which, under this legislation, are prohibited.

There will be a six-month transition period—a period of grace, as you said—and that will also apply to signage and in-store retail marketing material, which will also have a six-month transition period. So everything will be in place from whenever the legislation is enacted, which is expected to be the first quarter of the next calendar year except for those two things, which, whenever it commences, will have a six-month grace period from that point onwards.

Mr PICTON: And then after that they all will be—

The Hon. D.C. VAN HOLST PELLEKAAN: Yes. Just to be very clear for the shadow minister, from six months after the legislation is actually enacted the transition period for those two components will have expired, and from that point onwards it is expected that everything will be operating fully within the legislation.

Clause passed.

Clauses 3 to 6 passed.

Clause 7.

Mr PICTON: One of the additional things the government has added into the previous government's bill is in relation to shisha, which was discussed in the second reading. Obviously the government is saying that this is to clarify arrangements in terms of shisha. Has the government, SA Health or its officers identified any sites that they believe are currently in breach of the Tobacco Products Regulations?

The Hon. D.C. VAN HOLST PELLEKAAN: The intent of this with regard to shisha is not about changing the legislation or regulations but about clarifying it. It is the intention to deal with shisha-supplying businesses in the same way as tobacco and now in the same way as e-cigarettes.

This was an opportunity to make it more explicit with regard to the way that shisha-providing businesses are dealt with. With regard to the last part of your question—

Mr PICTON: Have you identified anything?

The Hon. D.C. VAN HOLST PELLEKAAN: —is the government aware of any particularly problematic businesses in this area, I will say up-front that I am not aware of any. I am advised that there is not a list handy, even if one may or may not exist. I am happy to take it on notice to see whether there is information like that that could or should be provided to the shadow minister by the minister.

In addition to that, the SA Health enforcement team has undertaken a number of enforcement actions in an attempt to increase the compliance of shisha businesses with tobacco laws. Along with numerous meetings with business owners, they have undertaken over 40 inspections of 17 shisha bars between 2016 and 2018. This has resulted in three expiation notices being issued, as well as using multiple directives to make changes to improve compliance.

I say again that, with regard to specific business outlets, I do not have that information with me. I am happy to take it on notice and, if I could or should supply that afterwards, I am happy to do that as soon as possible. I presume that having that list would not change the opposition's opinion on whether or not it would support this legislation.

Clause passed.

Remaining clauses (8 to 33) and schedule 1 passed.

Schedule 2.

Mr PICTON: In relation to this schedule, and for those following at home, this is where the penalties under the act have been changed and slightly increased generally for a whole range of offences. As I understand it, the minister has said that this is subject to a further review and that he might come back with further changes to the penalty provisions.

Can the minister provide an update in terms of when he expects that that is going to come back to the house or the council in terms of amendments to the other penalty provisions following the minister's review. I think you were chatting, but when are you going to come back with the next lot of changes to this?

The Hon. D.C. VAN HOLST PELLEKAAN: Good question, shadow. As I said, it is the government's intention to do further consultation on the penalties. As you would be aware, there were some views canvassed in the other place on that. With regard to when will the government come back, I do not have a specific date but, again, I am advised that it is the minister's intention to have this legislation enacted in the first quarter of 2019, so the penalties would have to be settled by that point in time. That is probably the best guide I can give you in regard to time lines.

Mr PICTON: I think in the other place there was some discussion as to whether the government had indicated and discussed if some of these could be put as higher in this current bill. Can the minister outline whether he is aware of where the discussion is in terms of making any of these provisions higher at this stage before that review takes place later on?

The Hon. D.C. VAN HOLST PELLEKAAN: No. It is my understanding that in the other place—and not reflecting on the outcome from there—there was discussion about should the penalties be linked directly to CPI or should they be increased and then linked to CPI. The minister has not made any commitment in regard to that or indicated in any way where he intends to land, but he has said that he will consult on those matters between now and the enactment of the new legislation should it pass this chamber.

Mr PICTON: This will be my last question for the week, pre-empting what the outcome of the answer might be. What communication does the government have planned in terms of communicating these changes to these penalties? I guess they will probably need to communicate with e-cigarette people and tobacco retailers for the new penalties that will be in place.

The Hon. D.C. VAN HOLST PELLEKAAN: I am advised that the minister intends to deal with the retailers and the public. Of course, retailers have licences, or perhaps some will shortly have

to have licences that they did not have before. They will be advised or consulted with in writing. The public will be advised. We will try to get the message out through commercial and other media opportunities. There is no intention whatsoever to consult with the tobacco companies, just linking that answer back to something we discussed before. The minister will do everything that he possibly can to seek information and provide information to the sector, but the focus of that will be on the retailers of shisha, e-cigarettes and tobacco, and the public at large.

Schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining)
(18:09): I move:

That this bill be now read a third time.

I want to be very brief. A lot of this has been canvassed in both houses. As both the minister representing the minister and a local member of parliament, I want to make it very clear that e-cigarettes in particular are just being brought in line with normal, current, existing tobacco sale requirements. I have had people contact my electorate office, and I know that other members of parliament have as well, asking why we are outlawing e-cigarettes. It is very important for people to understand that we are not outlawing e-cigarettes.

We are saying that people who are not entitled to buy tobacco cannot buy or use e-cigarettes. We are just trying to bring it in line with existing requirements in regard to tobacco. We are trying to tidy up or perhaps clarify the rules and regulations as they apply to shisha. People who are below the age at which they can buy tobacco might feel aggrieved because previously they could get e-cigarettes in South Australia and from when this bill is brought into effect early next year they will not be able to, but this is not about outlawing e-cigarettes.

This is not about preventing people trying to use e-cigarettes as a way of helping them quit smoking from being allowed to do that. Anybody who is legally smoking can legally use e-cigarettes. It is a very important thing to get clear, and I just want to make that abundantly clear. We are just bringing the rules into line; we are not outlawing e-cigarettes.

Bill read a third time and passed.

At 18:11 the house adjourned until Tuesday 27 November 2018 at 11:00.

*Answers to Questions***FIREARMS LICENCES**

418 Mr ODENWALDER (Elizabeth) (17 October 2018). Can the minister provide the number of current firearms licence holders in regional South Australia and metropolitan Adelaide as at 31 September 2018?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

South Australia Police can advise that as of 24 October 2018, there were 64,648 firearm licence holders in South Australia.

- 24,621 recorded as residing in metropolitan South Australia;
- 39,922 recorded as residing in regional South Australia; and
- 105 not defined as either regional or metropolitan (interstate).

FIREARMS LICENCES

419 Mr ODENWALDER (Elizabeth) (17 October 2018). Can the minister provide the number of current firearms licence holders for security work purposes as at 31 September 2018?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised:

As at 30 September 2018, there were 305 firearm licence holders who hold a Category H firearms licence for security work purposes.

SOUTH AUSTRALIA POLICE

422 Mr ODENWALDER (Elizabeth) (17 October 2018). Has the minister had any discussions with SAPOL regarding the outsourcing of any aspect of police operations, other than that already outlined in the budget?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have very regular discussions with SAPOL about all aspects of police operations and when those discussions result in recommendations for major change, they are discussed in cabinet prior to being advised to the parliament and publicly.

POLICE NUMBERS

423 Mr ODENWALDER (Elizabeth) (17 October 2018). How many sworn police officers (FTE) currently work in prosecutions?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised:

At 30 September 2018, there were 175 sworn police attached to the Prosecution Services Branch, of which 165 are police prosecutors.

POLICE NUMBERS

424 Mr ODENWALDER (Elizabeth) (17 October 2018). What rank are the sworn police officers working in prosecutions?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised:

Sworn staff that work within prosecutions range from brevet sergeant through to superintendent, with sworn prosecutors holding the rank of brevet sergeant through to senior sergeant first class. The managerial staff structure within Prosecution Services Branch includes the ranks of superintendent, chief inspector and inspector; however, the officers holding these ranks are not prosecutors.

ADELAIDE REMAND CENTRE

433 Mr ODENWALDER (Elizabeth) (17 October 2018). Can the minister provide an independent scoping report which clearly outlines a case for 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):

As part of the 2018-19 budget process, cabinet made the decision to transfer the operation of the Adelaide Remand Centre to a private provider based on a range of considerations and advice.

ADELAIDE REMAND CENTRE

434 Mr ODENWALDER (Elizabeth) (17 October 2018). Was the decision to privatise the Adelaide Remand Centre based on an internal report?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

Cabinet decided to transfer the operation of the Adelaide Remand Centre to a private provider based on a range of considerations.

SMOKING IN PRISONS

436 Mr ODENWALDER (Elizabeth) (17 October 2018). What provisions will be in place to protect prison staff during the transition to a non-smoking workplace?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised:

Following the Marshall Liberal government's commitment of smoke-free prisons by 2019, the Department for Correctional Services has increased staff across emergency management and increased the state's available tactical options in response to emergency situations.

This includes:

- Ensuring that all prison Emergency Response Groups are fully staffed and all vacancies are filled.
- Research, procurement and roll out a range of equipment that aid in the resolution of emergency incidents.
- A range of desktop and live emergency exercises have taken place and will continue to be undertaken throughout the smoke free implementation phase.
- Meetings and combined training for departmental staff with South Australia Police and STAR Group will continue to take place.
- Updated command and control training is being delivered to senior managers.
- A local implementation manager will be assigned at sites to ensure all risks are identified and mitigated.

The department is also working with SA Health to ensure there are a range of smoking cessation supports, this will include both pharmacological supports such as nicotine replacement therapy and diversionary activities for prisoners.

SMOKING IN PRISONS

437 Mr ODENWALDER (Elizabeth) (17 October 2018). Has any money been set aside for any legal challenge to the enforcement of a smoking ban in prisons?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

No.

MOBILONG PRISON

439 Mr ODENWALDER (Elizabeth) (17 October 2018).

1. How many FTE's will be required when the new beds are operational?
2. Can the minister detail the expected increase in prisoner numbers over the next four years?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

1. The Department for Correctional Services is continuing to plan for the commissioning of 40 additional beds at Adelaide Women's Prison by the end of 2019 and 270 additional beds at Yatala Labour Prison in 2021 and when the planning is complete, decisions will be made about the specific number of FTEs required in each case.

2. The prisoner population is affected by a complex variety of factors. Projections, therefore, are based on a range of factors including previous trend data, current legislation and existing policies.

Going forward, the average daily prisoner population is projected to be:

- 3,204 in 2018-19
- 3,289 in 2019-20
- 3,388 in 2020-21
- 3,511 in 2021-22

PORT AUGUSTA POWER STATIONS

In reply to the Hon. A. KOUTSANTONIS (West Torrens) (18 October 2018).

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

The Department for Energy and Mining identified and assessed the options available to the state government and sought advice from a wide range of sources including the Australian Energy Market Operator and other industry stakeholders. The department then provided advice to me as part of a thorough and methodical process to determine the best future for the generators. The advice included information about the South Australian electricity market including the solar thermal plant at Port Augusta and the Barker Inlet power station.

The state government will undertake an open lease by tender process to operate the generators for a 25-year period subject to strict controls to ensure that they operate to help deliver more affordable and reliable power in South Australia.

The lease by tender will not include any government offtake agreement to provide electricity for the State Government's electricity load. As such, the agreement with SolarReserve for the Aurora Solar Energy Project located near Port Augusta is unrelated to the lease by tender process for the generators.

AGL's Barker Inlet power station is currently under construction with civil works well advanced on the northern side of the existing Torrens Island power station.