HOUSE OF ASSEMBLY

Thursday, 26 September 2019

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

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

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome year 10 legal studies students from Investigator College in Victor Harbor. Welcome to parliament. I hope you find your visit most inspiring and enjoyable.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: INVESTMENT ATTRACTION POLICIES

Mr PATTERSON (Morphett) (11:01): On behalf of the member for Waite, I move:

That the fourth report of the committee, entitled South Australian Investment Attraction Policies, be noted.

In June 2018, the Economic and Finance Committee resolved to inquire into and report on South Australian investment attraction policies. Through this inquiry there was an excellent level of engagement on this topic, with the committee hearing from a wide range of businesses, community groups and industry groups, as well as state and local governments. The committee received 27 written submissions and heard from 47 witnesses across nine public hearings. This included a hearing in Salisbury on 9 October 2018 and another at Murray Bridge on 11 October 2018.

The aim of this inquiry was to examine South Australia's current and previous investment attraction policies, consider future South Australian investment attraction opportunities and also examine best practice models for investment attraction in places in other jurisdictions. For the purposes of the inquiry, investment attraction is defined as the act of facilitating growth in the South Australian economy, either by attracting new businesses and investors into South Australia or by encouraging existing South Australian businesses to expand their operations.

South Australian investment attraction can be achieved in several different ways, which include expanding existing South Australian businesses, moving a business from overseas or another Australian jurisdiction to South Australia, establishing a new office or business arm in South Australia, buying a share in an existing South Australian business or purchasing assets located in South Australia such as land or housing.

Investment attraction is an important indicator of a jurisdiction's overall economic performance. Being able to attract new businesses either setting up here in South Australia or from other jurisdictions to invest in our state, as well as encouraging the existing businesses to invest further, does help to generate employment and, in turn, economic growth.

The inquiry initially set out to examine a number of specific investment attraction programs. By way of reference, in 2017-18, there were 30 different funding streams for businesses in South Australia, through which 932 proponents were offered either a loan or a grant, with $260 million in grants and $162 million in loans offered.

During the course of the inquiry, the South Australian government announced a number of changes to investment attraction policies, including moving the functions of Investment Attraction South Australia to the new Department for Trade, Tourism and Investment and also replacing the existing programs with a new framework for industry assistance which would be focused on economic fundamentals.

Three new funds were created and these will target proposals that have broader benefits for an industry sector or a number of businesses. These funds include the $60 million over four years

Regional Growth Fund and the $100 million over four years Economic and Business Growth Fund, which aims to promote economic growth by 'encouraging growth of existing business, developing new industries, building international connections, and attracting foreign and national direct investment'.

The third fund is the $27.9 million over four years Research, Commercialisation and Startup Fund. One of the submissions we heard from outlined its aims to support South Australian businesses to collaborate with researchers and universities to solve industrial problems, commercialise new products and services, attract research infrastructure investment into the state and encourage the establishment and growth of start-ups. It will also support the activities of the Chief Entrepreneur and the establishment of an innovation incubation and growth hub as part of the former Royal Adelaide Hospital, which is now known as Lot Fourteen.

Members will have noticed much activity occurring there over the short time that it has been running. We have had the national Space Agency set up there, which is very exciting, Mission Control then coming, and also the SmartSat CRC. So they are some of the examples. The CRC will use research from universities to try to commercialise that into a new and exciting growth industry in South Australia.

As I mentioned, the committee heard that these new funds will aim to create a more efficient lower cost business environment to allow all businesses to flourish rather than provide funding to individual businesses. Some of the evidence that the committee collected related to the funds that have now been closed. The committee heard from several businesses about the strengths and also drawbacks of these programs.

To touch on the strengths, these included having a dedicated investment attraction agency or a one-stop shop. By way of example, David McKay, the Chief Operating Officer of Thomas Foods International, whom the member for Hammond knows well, appeared at our Murray Bridge public hearing and confirmed this by saying:

> As you can appreciate, it's better to be having an arm of government perform that function as opposed to a consultant on the outside, because they can just cut through and get answers on infrastructure, whether it's out of ETSA, DPTI, the gas people and so on and so forth. It's significant how quickly and efficiently they can do it and how quickly and efficiently they have done it. So we are big supporters of their function, which is a positive.

He was speaking in regard to a one-stop shop. Other strengths were that by employing staff who have significant experience those staff are able to support businesses navigating the various government approval processes, also focusing on the areas of competitive advantage that South Australia has.

We heard from Deloitte, which provided the committee with a series of reports it produced, which highlighted that South Australia's future economic growth will be underpinned by those industries in which the state has a competitive advantage. Another strength outlined was working closely with the Australian Trade and Investment Commission (Austrade) to help attract overseas investments.

At the 24 October 2018 public hearing, the committee heard from Mr Patrick Kearins, the State Director of South Australia at the Australian Trade and Investment Commission, which is the federal government's trade, investment and education promotion agency. Mr Kearins highlighted the following sectors in which he believed South Australia had a competitive advantage: advanced manufacturing and future industries, international health services, food and agribusiness, tourism, and international education.

The committee also heard that the other aspect of investment attraction was to be proactive and undertake detailed research on investors and potential investors. Not only do we identify our strengths but we also go out and try to attract businesses that take up those strengths. We heard evidence submitted about how to go about this: as they are growing, how are they growing? Where are they growing? What technology are they using? Are they looking at Australia? Are they looking at Asia?

If we think that the answers to all these are yes, then we will start contacting them and start trying to build a relationship with those customers. A proactive approach is very important in terms

of developing a quality pipeline and a pipeline down the road. It is certainly something that does not come off immediately, but it pays dividends in the long term.

The committee also heard of some specific barriers and drawbacks to the previous investment attraction programs. These included overly onerous application processes and ongoing reporting requirements, a perceived focus on picking winners and providing grants to individual businesses instead of improving the overall business environment.

Business SA was one of the witnesses and they stated that they did not oppose direct assistance to businesses in the case of market failures related to government policy interventions; however, recent growth in grants and loans has extended well beyond what is in the best long-term interest of all South Australians taxpayers, including local businesses. There must be confidence to back the ability of all businesses to create opportunities in the right environment and not continue trying to engineer outcomes by picking individual winners through direct financial support.

Other submissions suggested that the prevalence of direct financial assistance to individual firms in South Australia has led to a culture of local firms relying on and expecting financial support from government. Further, this approach has created an opportunity for businesses to forum shop between agencies and obtain multiple sources of and avenues for assistance. There were also discussions and submissions around a focus on investments that would have occurred without government assistance.

Finally, there was a lack of attention paid to supporting businesses already located in South Australia. The committee heard from several respondents to the inquiry that a current drawback of South Australian investment attraction policies was the focus on foreign and interstate investment attraction, while little attention was paid to supporting businesses already located in South Australia.

Regional Development Australia, Murraylands and Riverland, submitted that it was important to strike a balance between local and non-local investment attraction opportunities. They noted by way of example that a recent study in Oregon, USA, through Economic Development for Central Oregon, showed that $300 million of investment made by current businesses operating in the region was 40 per cent greater than those who were attracted to move headquarters or do start-up initiatives. Again, that underlines the importance of also creating an environment for our existing businesses here in South Australia.

Further, the recent Joyce review into South Australia's international and interstate engagement emphasised the need to look to shift the focus from:

> ...providing government subsidies to companies, to curating investment opportunities for investors to consider, and to helping investors to navigate state processes quickly to enable their investment in the state.

I will now touch on some of the broader barriers and challenges to attracting investment to the state. These included red tape and over-regulation; high energy and waste removal costs; a lack of technology infrastructure, such as high-speed internet; a lack of access to appropriately skilled labour and poor coordination of this; and, finally, collaboration across levels of government.

There are also investment attraction issues faced by regional South Australia. Again, we heard from Regional Development Australia that in South Australia 25 per cent of the population reside outside the capital city and contribute 54 per cent to the state's economy through leading industries in agriculture, tourism and mining.

As regional South Australia is such a large part of the economy, it was certainly important for the committee to understand that it faces several additional barriers and challenges in attracting investment and that we certainly should be looking to support our regions. These challenges included workforce shortages; a lack of government infrastructure investment across all areas, including both economic and social infrastructure; some planning and zoning issues; and also a lack of cross-government coordination.

The committee also identified some industry-specific investment attraction challenges as part of the inquiry. Some were faced by early-stage technology companies, where there were issues that other businesses may not face such as access to capital, management expertise and some incubator facilities, but also the speed of decision-making there at the cutting edge of technology. Months count

with these businesses, and sometimes we were hearing back that the process took six to 12 months, by which time it was really too late, untimely. We also heard about opportunities for further investment in the property industry, such as the build-to-rent scheme occurring interstate.

After considering the issues raised, the committee made a total of eight recommendations to help inform this government's new approach to investment attraction. These recommendations will reinforce the strengths but also work to address the barriers of past programs. Several recommendations also support the conclusions of the recent review conducted by the Hon. Steven Joyce into South Australia's international and interstate engagement. The recommendations include:

- ensuring that the Department for Trade, Tourism and Investment continues to provide a one-stop shop for industry and focus on industries where South Australia has a competitive advantage;
- reducing red tape to assist businesses to maximise investment opportunities, particularly in regional areas;
- supporting regional infrastructure projects; and
- exploring opportunities to better support investment in early-stage technology companies and the property industry.

On behalf of the committee, I express my thanks and appreciation to all parties who provided written submissions or who appeared before the committee and provided oral evidence, many of whom travelled considerable distances to do so. I thank the member for Hammond, who sits here today, for also highlighting key issues facing his electorate; he appeared while we were at Murray Bridge.

I also express my gratitude to the City of Salisbury and the Rural City of Murray Bridge, for hosting public hearings at their respective council chambers, and to Beston Pure Foods, for providing members with a fascinating site visit of their Murray Bridge dairy facility. I commend the members of the Economic and Finance Committee for their work and contributions, and I commend the committee's report to the house.

The Hon. Z.L. BETTISON (Ramsay) (11:17): I am not the lead speaker; the shadow treasurer will take that role.

The SPEAKER: I do not believe we have any lead speakers in private members' business, but—

Mr Pederick: You have 10 minutes.

The SPEAKER: Thank you.

The Hon. Z.L. BETTISON: Thank you, Mr Speaker. I rise today to speak on the tabling of the fourth report of the Economic and Finance Committee, which inquired into South Australian investment attraction policies. The Economic and Finance Committee is tasked with examining matters in relation to South Australian finances or economic development. This is a committee with an important role: acting to inform and advise on policy formation directly related to economic growth, jobs and prosperity for the people of South Australia.

Economic growth should be the undeniable bipartisan goal of every member of the South Australian parliament. It was therefore very disappointing when the government members of the Economic and Finance Committee determined to use this committee as a witch-hunt in an attempt to discredit the extensive investment attraction and business development programs developed under the previous Labor government. Furthermore, many of these investment attraction programs—

Mr PATTERSON: Point of order: casting aspersions on committee members' motives.

The SPEAKER: Would the member Ramsay just repeat what she said?

The Hon. Z.L. BETTISON: I used the term 'witch-hunt'.

The SPEAKER: I am going to allow that as part of the political argy-bargy. I do take the member for Morphett's concerns on board, though, and ask the member for Ramsay not to impute improper motives to individuals. I will be listening very carefully to future contributions.

The Hon. Z.L. BETTISON: Thank you, Mr Speaker. Many of these investment attraction and business development programs were closed before this inquiry was even complete, signalling that this Liberal government had already decided to shut down these programs. They were hoping to use this inquiry as a smokescreen to justify this decision after the fact.

I would like to take the time to thank the extremely professional and non-partisan secretariat for their work throughout this inquiry. What emerged from this very detailed inquiry—which received evidence from 27 written submissions and heard from 47 witnesses in nine public hearings across the state—was a different story and indeed a more complex one than the government wanted to hear.

What emerged was that the former Labor government had a clear objective about our goals in terms of investment attraction and that they funded a number of programs to achieve them, programs like the Investment Attraction South Australia agency (IASA) and the Northern Economic Plan whose goal was to increase employment and diversify our economy post the closure of Holden and the resulting dismantling of our vehicle manufacturing industry. We knew that it was important to provide leadership and direction for the future, as well as focus on our areas of strength during this time of economic transition.

The committee tasked itself with the following: (a) an assessment of the former Labor government's investment attraction policies, including their relative successes, challenges and things to improve; and (b) specific details on how to create a more efficient and lower cost business environment to encourage more private investment.

Let me first direct my attention to IASA. IASA's key focus was to capture foreign direct investment, which global examples show leads to job creation and business growth. It was tasked with attracting large interstate and overseas companies to relocate to or expand their operations in South Australia. The agency also provided support to new projects that delivered significant economic benefits to our state.

In the 2017-18 budget, we committed an additional $60 million over four years to attract new businesses to the state, promote job creation and develop key industry sectors. Comprising $30 million of grants through 2017-18 and 2018-19, and $30 million in low interest loans over 2019-20 and 2020-21, some of the early successes of IASA included investment attraction and new jobs at international aerospace company Boeing; IT giant NEC; food processor Ingham's; and IT services provider Datacom.

IASA also had strategic focus on specific growth industries: shipbuilding and defence, renewable education and mining, tourism, food and wine, health and biomedical research, IT and advanced manufacturing. IASA assisted 36 projects, securing and announcing more than $2 billion worth of investment projects in the state and creating approximately 9,000 jobs. Independent estimates and analysis showed that it contributed an extra $9 billion in economic activity over 10 years.

IASA's success was achieved primarily through case management assistance. The committee heard from a number of stakeholders, including Business SA, Costa and Thomas Foods, who reinforced that the key benefit of IASA was a centralisation of functions into a single agency that could assist businesses in navigating government approval processes—a one-stop shop for advice, assistance and support. Costa noted, and I quote:

> …the IASA model therefore provides South Australia with a genuine competitive advantage in its ability to attract capital investment that also creates meaningful and lasting employment.

Vanessa Liebelt, Executive Officer, Murraylands Food Alliance stated about IASA:

> We have seen it in action over the last year. It was Investment Attraction that worked with a number of our large businesses to assist and navigate some of that complexity and actually come to fruition with some of our businesses here today to actually invest and develop and continue operations or expand their operations. It is very important that that level of case management is provided because it helps navigate the complexity.

There was ample evidence to the committee that not only did the IASA model work but it provided South Australia with a genuine competitive advantage. In a very competitive world, it is important that our ability to attract capital investment is there for the future.

So what did the Marshall Liberal government do in the middle of this inquiry? They cut IASA: it was to be there no longer for all South Australians to look for a one-stop shop. They decided to incorporate it into the Department for Trade, Tourism and Investment. What we heard very clearly from many, many submissions is that this one-stop shop gave the personalised case management services, as well as information about the grants and funding, that needed to happen. That is what they wanted.

Let me talk about the Northern Economic Plan, which was a bipartisan plan devised to provide a pathway for the economic and social transformation of northern Adelaide for the next 10 years. It outlined how partnerships between businesses, industry, government and the community could be created to capitalise on those economic opportunities. The NEP included nearly $25 million of new initiatives aimed at accelerating job creation and diversification.

The City of Salisbury told the committee that the NEP and the governance supporting it provided a focus for collaboration on regional economic matters and structure for cross-government and cross-agency coordination. But, alas, when I asked the Minister for Industry and Skills in 2018, he told the estimates committees that the NEP would be subject to review in consultation with stakeholders. That review, apparently, is continuing, but we all know that the NEP is dead.

The two key investment attraction funds—the Small Business Development Fund and the Food Park Business Development Fund—have been cut. This was despite the committee receiving evidence that, under the Small Business Development Fund, $8.7 million had been awarded to over 180 businesses, with the grant reports confirming that 277 new full-time jobs had been created, with almost the same again anticipated to be created from the outstanding grants. That is more than 500 full-time jobs for South Australians that otherwise would not have been created. I think it is important for us to acknowledge the great work by IASA and how important the Northern Economic Plan was and, unfortunately, they are both dead.

We have recently seen a restructure of DTTI and we have seen cuts, cuts, cuts. We heard, though, two key recommendations: a one-stop shop with a single door and to look on the competitive advantage that we have. We also wanted to cut red tape. These were all happening under the previous program, but I do express my concern, and I will leave members with this about the recommendations: if the case management services were so important, why are we cutting case management from DTTI; and, if cutting red tape is a priority, why is the funding for the State Coordinator General being cut at the end of this year? We now have 7.3 per cent unemployment. There are no winners at all.

Time expired.

Mr COWDREY (Colton) (11:28): I rise today to make a contribution to this debate on the fourth report of the Economic and Finance Committee, entitled South Australian Investment Attraction Policies. As has been said, in June last year the Economic and Finance Committee resolved to inquire into South Australian investment attraction policies. We held nine public hearings, received 27 written submissions, heard from 47 witnesses across the inquiry and travelled to Salisbury and Murray Bridge on 9 and 11 October 2018 respectively. The purpose of this inquiry was to scrutinise South Australia's current and previous investment attraction policies, to consider future South Australian investment attraction opportunities and to examine best practice models for investment attraction in place in other jurisdictions.

In contrast to the member for Ramsay's assertions, the government members' interests were simply to improve the activities in investment attraction in this state after hearing for years and years about the faults of the former Labor government's programs. The inquiry initially set out to examine a number of specific investment attraction policies and programs, and at that point in time 30 different funding streams were available to businesses in South Australia.

During the course of the inquiry (as has been noted), and as a result of the Steven Joyce review into South Australia's investment attraction activities, the government announced a number of changes to investment attraction policies, including replacing existing programs and streamlining them into just three new funds. The committee heard that these new funds aimed to create a more efficient, lower cost business environment to allow all businesses to flourish, rather than provide funding to individual businesses. Also, the functions of the Investment Attraction South Australia

unit—previously described as having disappeared—were simply moved into the Department for Trade, Tourism and Investment.

Most of the evidence that the committee collected related to the funds that have since been closed, but there were several businesses, local government organisations and peak bodies who set out the strengths, drawbacks and weaknesses of those programs. The strengths have already been well described, including the one-stop shop or single-agency concept. The staff within Investment Attraction are now within the Department for Trade, Tourism and Investment. Certainly, their skill sets were very well regarded by those in our business community. Focusing on areas of competitive advantage was set out as a clear strength, as was working closely with the Australian Trade and Investment Commission (Austrade) to attract overseas investment.

Negatives and drawbacks to the previous investment attraction programs included a perceived focus on picking winners and providing grants to individual businesses instead of improving the overall business environment in our state, a focus on investments that otherwise would have occurred without government assistance, a lack of attention paid to supporting businesses already located in South Australia, a lack of awareness of the programs offered, and confusion due to the high number of programs and an overly onerous application process and ongoing reporting requirements.

Broader barriers that were identified to attracting investment to the state included red tape and over-regulation, a lack of technology infrastructure, a lack of access to appropriately skilled labour and poor coordination, and collaboration across local, state and federal governments. The committee also heard that regional South Australia faced several additional barriers and challenges in terms of attracting investment. These included workforce shortages, a lack of government infrastructure and investment across all areas, including economic and social infrastructure, planning and zoning issues and a lack of cross-governmental coordination.

After considering the issues raised before the committee, the committee made a total of eight recommendations to help inform the government's new approach to investment attraction. These recommendations reinforce the strengths, but also address the shortcomings and weaknesses of past programs. Several recommendations also support those conclusions reached by Mr Joyce in his review of investment attraction activities.

The recommendations include ensuring the Department for Trade, Tourism and Investment retains the one-stop shop concept; staying focused on reducing red tape to assist businesses and to maximise investment opportunities, particularly in regional areas; supporting regional infrastructure projects; and exploring opportunities to better support investment in early-stage technology companies and the property industry. These recommendations were made to assist the South Australian government and to build on the strengths and ensure new programs can overcome those barriers.

Three new funds were created: the $100 million Economic and Business Growth Fund, the $60 million Regional Growth Fund and the $27.9 million Research, Commercialisation and Startup Fund. These funds all target proposals that have broader benefits for an industry sector or a number of businesses.

Specifically, the Economic and Business Growth Fund promotes economic growth by encouraging the growth of existing businesses in South Australia, and also focuses on developing new industry sectors, building international connections and attracting foreign and national direct investment. The Research, Commercialisation and Startup Fund—similar to what is included in its name—focuses on collaboration with researchers and universities to solve industrial problems and commercialise new products and services and to attract research, infrastructure and investment into our state. Finally, the Regional Growth Fund pursues new economic opportunities for regional South Australia and aims to build and strengthen regional communities.

There are a number of projects that were awarded funding from the Regional Growth Fund in 2019, including projects that went to the Apple and Pear Growers Association, the Coorong District Council, the Mid Murray Council and the Outback Communities Authority. Members will notice a clear change in where those project funds have gone: they have gone to organisations that look after areas or industry groups that look after several businesses.

Two examples of these changes taking positive effects are reflected in the private sector investment and job creation statistics. In June this year, South Australia recorded its highest ever levels of private business investment. Data released by the ABS highlighted that, in the 12 months to June 2019, $12.7 billion worth of private investment was reached—a total investment increase of 3.2 per cent for the year ending in June 2019. Over that very same period, other states recorded negative growth.

By way of job creation since the Marshall Liberal government came in in March 2018, nearly 15,000 more South Australians are in work, of which nearly 10,000 of those who have come to work are employed full-time, and 855,000 South Australians are now employed in our state. These are record levels of employment. The Marshall Liberal government has worked hard to ensure that businesses in South Australia have the right environment to grow economically and to create jobs so that we can keep our young South Australians here in our state.

We have also undertaken some significant reform in the area of skilled migration, with an understanding that one of the biggest weaknesses was providing a skilled workforce, particularly in regional areas and in some of our biggest growth sectors. Earlier this year, the Minister for Innovation and Skills signed two Designated Area Migration Agreements on behalf of the government, which put in place arrangements to more easily allow for people with the appropriate skills, focusing on two areas: the Adelaide City Deal and the Lot Fourteen precinct. They are around sectors like defence, space, advanced manufacturing and technology industries, supporting that innovation hub and the greater programs that are being undertaken on Lot Fourteen.

Importantly, the second is regional South Australia, where we heard time and time again examples of where businesses were just simply not able to access the workforce that they needed to undertake and grow their businesses. For example, it has been noted that two-thirds of South Australian meat processors, including those in regional South Australia, are running under capacity due to serious issues in local skill shortages.

With that, I express my thanks and appreciation to all the parties who provided written and oral submissions to the committee. I thank the member for Hammond for his contribution to the committee's work. I thank the other committee members and also the City of Salisbury and the City of Murray Bridge for hosting us during public hearings. I thank the businesses—Beston Pure Foods and a range of others—that hosted us over that time as well. I commend the committee's report to the house.

The Hon. S.C. MULLIGHAN (Lee) (11:38): I rise to speak on the report of the Economic and Finance Committee and its inquiry into investment attraction policies. No-one could be more disappointed in the outcomes of this inquiry and the report it has had to produce than those members opposite. The Economic and Finance Committee resolved to establish this inquiry because the Liberal members dominating that committee thought they were onto a winner here, that they would be able to use the parliament's resources to conduct an investigation into the investment attraction policies and the funds used to attract and promote business development here in South Australia for political advantage.

I know this, of course, because I attended one of the first Economic and Finance Committee meetings and I successfully moved that we establish an inquiry into online gambling and sports betting. It was the first inquiry that the committee resolved to undertake. Of course, at the next meeting, the Liberal members hastily concocted this idea to try to ensure that they would be able not only to dominate the agenda of the meetings of the committee but to try to score some political points while doing so.

How disappointed they have become. Despite calling witness after witness, public servants from the agencies that had been responsible for superintending the former Labor government's investment attraction programs, they were unfortunately unable to locate any of the dead bodies, figuratively speaking, they had thought they would. In fact, the evidence provided to the committee was overwhelmingly positive when it came to the results and outcomes of the investment attraction policies of the former Labor government.

We heard from business groups when they presented to the inquiry that taxation reform to benefit businesses was important. I thought to myself, 'Gee, I wonder if the $300 million a year of

payroll tax relief delivered by the former Labor government would suffice? Would the $300 million a year in forgone stamp duty revenue every year from the abolition of stamp duty on commercial property transactions and business transactions qualify, or even the more than $200 million a year, each year, that businesses are saving due to reforms introduced by the former Labor government into the WorkCover scheme?'

Of course, despite the Premier repeatedly erroneously telling this place that he intends to bring the biggest land tax reforms to this parliament—they are certainly the biggest in terms of the biggest tax increases in the land tax regime—he fails to recognise the more than $130 million a year of land tax relief delivered by the former Labor government. If we move on to the actual investment attraction policies and programs that were run, the results speak for themselves about what the former Labor government was able to achieve.

The Investment Attraction SA body was established by the former Labor government and has been wound up and the chief executive sacked under the current Liberal government. This is their record: there was $64.8 million in grants and loans from the economic investment fund committed across 21 projects, resulting in 5,921 ongoing jobs, as well as additional capital investment from those organisations of $634 million. That is an outstanding result in anyone's language, an absolutely outstanding result.

If we think about the companies that were in receipt of this assistance, we are talking about the cybersecurity company VeroGuard Systems; Technicolor, a global post-production firm in the filmmaking industry; Babcock, the aviation company; Strike Energy; and PrimeQ. Of course, we only had to wait until the committee took evidence from the member for Hammond out in Murray Bridge to understand just how important these programs were to the regional economy surrounding Murray Bridge. Investments were made in Big River Pork, Blue Lake Dairy, Costa mushrooms, Ingham's and, even more locally, Robern Menz.

These were transformational industrial developments affecting an important regional community and regional economy in South Australia, none of which would have been possible without these investments. Of course, they have since become very popular, particularly with the Premier. He was asked in question time yesterday to name one company that is putting on jobs, and who did he say? Treasury Wine Estates. We should thank the member for Mawson for that because it was due to his advocacy that the former Labor government gave Treasury Wine Estates money for their new bottling and production plant, the same plant that the Premier is now claiming will produce more jobs in the economic recovery that he tries to claim credit for.

Even when it comes to the renewables and energy sector, we have Neoen and also Sonnen. The Minister for Energy is here. He, of course, likes to rebrand former Labor press releases, claim them as initiatives of his own and put those out as achievements of the current Liberal government when, in fact, they were achievements of the former Labor government. Speaking of the Minister for Energy, we have the $6 million that went to Sundrop Farms for their facility up in Port Augusta. I am sure he is not turning his back on the success of that. Of course, we also have the extensive amount of assistance that went to Thomas Foods International—

The Hon. D.C. van Holst Pellekaan: I was fully supportive of that at the time. I advocated your former premier for exactly that.

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: Yes, you should thank the former premier—Jay Weatherill was his name—

The Hon. D.C. van Holst Pellekaan: I did, I advocated—

The SPEAKER: Minister!

The Hon. S.C. MULLIGHAN: —the former member for Cheltenham—

The Hon. D.C. van Holst Pellekaan: —to the former Premier for exactly that.

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —not only for their beef boning room upgrade but, of course, for their better access facilities for their Lobethal plant, a $16 million co-funded project with, of course, somebody who unfortunately, due to factionalism in the Liberal Party, was not able to make the full distance, and that is the former member for Mayo Jamie Briggs, someone we were able to work quite closely with. I have also mentioned Inghams Enterprises, but Primo smallgoods should also get a guernsey.

It was also important to note that these achievements were not only accounted by the Public Service, which continues to this day, but they were verified in a report that was commissioned by the government and completed by Ernst and Young, so you do not have to take my word for it; it has been independently assessed and verified. Of course, it was not only the economic investment fund. The regional development fund had more than 80 projects, which generated $387 million of value added to the economy and over 3,000 jobs in regional communities as well. Then there was the Future Jobs Fund with $44 million of grants and $35 million of loans, generating 4,138 jobs, with a total project value of $562.4 million.

Compare the record of achievement across those three programs with the paltry achievements that we are getting with what replaced them. We had the Premier boasting that he had cancelled 29 job creation and job promotion programs in his first budget, and it is no coincidence that the state's unemployment rate is now 7.3 per cent and the highest for the second month in a row of all states in the commonwealth. That is a shameful record. While we can have the selective quoting of figures saying, 'We have an extra 15,000 jobs,' that comes as cold comfort to the additional 17,000 South Australians who find themselves unemployed under the Marshall Liberal government's regime.

Yes, I would be stonily quiet, too, if I were on the government benches and that was the record of achievement I had to hang my hat on. This is what happens when a government walks away from regional development, walks away from broad-based industry assistant programs that are open generally to the whole community, not just there on a who-knows-who basis, not just there on the basis of, 'Well, I know the president of the Liberal Party, so that will get me a seat at the table to negotiate a $42 million loan for a taxpayer-funded hotel at Adelaide Oval.'

Even more remarkably, what do we see in the *Sunday Mail* but $28 million of taxpayers' funds going to support 20 jobs at an almond processing facility in the Riverland. That is value for money, is it? That is $1.47 million per FTE, supported by taxpayers' funds. It is just remarkable. That is the new policy we have when it comes to this Liberal government and picking winners. That is the shameful economic outcome and legacy they are leaving this state with. That is why I think this report hangs heavy on the current Liberal government and their record of non-achievement in industry development and economic output in this state.

Mr PEDERICK (Hammond) (11:48): I rise to support the fourth report of the Economic and Finance Committee, entitled An Inquiry into South Australian Investment Attraction Policies. It is interesting to witness all the feigned outrage from the other side. I note that they did not have the time or the capacity to provide a dissenting report. From information provided to me, I know that it was discussed, but then the Labor members come in here with all this feigned outrage and yet they have signed off on this very report.

Yes, I was very pleased to host the Economic and Finance Committee in my seat of Hammond in Murray Bridge. They had a look at Beston's food plant. It was a bit sad, really. I would love to have hosted the members for Wright, Ramsay and Lee, but they were no-shows. So the whole Labor contingent were so interested in economic development in this state—and there is a lot going on in my seat of Hammond—that they could not bother to show up. We are an hour south-east of Adelaide, at Murray Bridge; I know to some that is a long way, but to me it is like a walk in the park. It just shows their total disregard for regional South Australia. We are so close to the urban environment.

Be that as it may, I just want to reflect on some of the businesses that are expanding—and some of these are beneficiaries of different investment attraction policies. We have Costa mushrooms with around a $70 million expansion to double their mushroom farm out at Monarto, a huge expansion with 200 jobs coming there. It has been approved. Construction has not started yet.

We have the RES energy Pallamana Solar Farm, which is a $350 million proposal. I have been involved with that because it is in very close proximity to the Murray Bridge airfield. I have had discussions with quite a few people, including the owner of the airfield, in regard to how that solar farm is structured. Yes, some people do not want it there at all, but as a result of RES's good thinking, when I went to them and said, 'You might want to shift some of these panels from the airstrip for emergency landings,' they did so, so I commend them for that. I know it still has not made some pilots happy, but I think we have a far better outcome there than we may have had otherwise.

We have the Ingham's feed mill development, a $40 million project just outside Murray Bridge, which is a great automated feed mill for the many, many chicken farms that surround Murray Bridge, at Monarto, out at Kepa Road. Also down at Yumali, not far from where I am at Coomandook, are the grower sheds, a multimillion dollar investment put in down there. It may be of interest to the house that every chicken shed that goes up—I think they are about 170 metres long, though I stand to be corrected—is an at least $1 million investment, because there is a whole lot of regulation that people investing in the chicken industry have to go through, not the least of which is the CFS requirements. I can understand, as a member of the CFS, why you have to have safety, but they are reasonably onerous.

There is another great development happening in my area, and it is off the back of other investment. This is the best thing, when you have private investors working off other investment. Everyone in here would be aware of the Tailem Bend motorsport park, and both federal and state governments put in some assistance funding, basically on the road entrances there. With that investment by Sam Shahin and the Peregrine Corporation, I know he initially said it was $110 million; now he admits $160 million. I would hate to be his hip pocket, because he just keeps investing, which is great, and it is a significant investment in my electorate. It is a great venue, and I note that the Ultimate Rally was there the other day, and they have events there pretty well every day of the week. They have the Enduro event for the V8s coming next year in September.

When you have these events, you need accommodation. Yes, there has been a caravan park set up out there, and there is some accommodation in Tailem Bend as well, but the beauty of it is that the Tregoning group that are building the new Bridgeport hotel had a conversation with Peregrine, and they are in the process of spending $40 million building a six-storey, at least four star accommodation—I thought initially it was 4½, but I think it is at least four star—with 99 rooms in a very significant place in Murray Bridge. I think the member for Mawson may have stayed in that hotel before.

What happened to the Bridgeport Hotel is a bit sad. Some people talked about the heritage aspect of it, but sadly it has been butchered by different architectural—if you want to go so far as to say that—arrangements with different tinwork and brickwork, which has taken away any heritage aspect. Thankfully, we have the right outcome in regard to that building in that it will be demolished and a new hotel built. The new bottle shop has pretty well been completed and the poker machines are going to be temporarily moved while the new build happens. I salute that private investment coming into my electorate.

The Gifford Hill racecourse opened up recently with an investment of $35 million, and what a fantastic venue. Trainers, jockeys and people involved in the horse industry tell me that not only is this track the best track in South Australia but it is the best track in Australia—not by any major planning, but the track is that good because it has been down about eight years. We were hoping to have the facilities built in that time, but we got there eventually. We have the greyhound track at Murray Bridge, with an investment of $8½ million, another great sporting attraction in Murray Bridge. We have the Tailem Bend solar farm that I opened a few months ago, a $200 million investment, and they are looking at doing another investment this time with panels that rotate to track the sun.

We have just had the recent announcement of the Monarto Safari Park; something I knew for quite a while was going to be announced—we just had to line up all the ducks—a $16.8 million investment into the visitor centre, co-funded by our state government and the federal government. It is great to see Gerry Ryan, head of Jayco, a Victorian investment, coming in with a $40 million investment on camping and glamping facilities so you can sleep among the lions. I think there will be some protection, so you will not actually be sleeping with a lion. It will be a fantastic opportunity for not just local visitors but also interstate and international visitors.

We have massive horticulture investment right throughout the electorate. We can look at what is happening around Lameroo, Parilla, Pinnaroo and north of there at Peebinga. We grow about 80 per cent of the country's potatoes and other products such as onions and carrots with huge multimillion-dollar investment in irrigation industries.

I want to comment on the Thomas Foods International rebuild. It was a real pity that this operation burnt down on 3 January 2018, but now they have their new site secured and they will invest, I believe, at least $200 million up to $400 million. That is buoyed by community infrastructure, and the Marshall Liberal government, and the Morrison federal government are co-contributing, in order to assist with roadworks, water access, gas and power. I believe this will open up a precinct into the future for those vital value-added food industries that contribute so much not just to my region but to the state. Obviously, the Thomas Foods complex is a national supplier.

So I commend the report—and I commend the committee members who did come down to visit me in my seat of Hammond—and wish it a speedy passage through the house.

Mr PATTERSON (Morphett) (11:58): I just sum up by saying that this inquiry certainly outlines some really important issues around investment attraction here in South Australia and how we can best benefit the state long term. Many of the submissions talked about setting in place the necessary environment so that all businesses can prosper, as opposed to selectively choosing direct financial assistance.

I refer to a comment in a previous submission: 'It's great if you are a business that gets direct financial assistance, but if you're not, then you are left behind and how can you compete?' This government's agenda is about setting up the economic conditions and having the right policies in place to encourage investment in all industries. I thank members for their contributions and I note the report.

Motion carried.

Bills

LOTTERIES BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:59): Obtained leave and introduced a bill for an act to regulate the conduct of lotteries in the state, to make related amendments to the Lottery and Gaming Act 1936 and for other purposes. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:00): I move:

That this bill be now read a second time.

The Lotteries Bill 2019 seeks to consolidate the licensing and regulation of lotteries and trade promotion lotteries in this state under a new act and repeals the relevant equivalent provisions under the Lottery and Gaming Act 1936. That is, we are proposing a separate and standalone act to deal with lotteries.

The introduction of this bill contributes to the government's gambling reform agenda, which began last year, following the consolidation of all gambling regulatory and policy functions within Consumer and Business Services and the appointment of the Liquor and Gambling Commissioner as South Australia's sole gambling regulator in December 2018.

Following this change to the gambling regulatory framework, the government began seeking views from industry, the non-government sector and affected government stakeholders on the future of gambling regulation in South Australia, with a view to ensuring that the regulatory landscape moving forward is contemporary and meets the expectations of industry and the broader community. The feedback received throughout this process has informed the drafting of this bill and the associated Gambling Administration Bill 2019 and Statutes Amendment (Gambling Regulation) Bill 2019. These bills will be introduced shortly.

The existing Lottery and Gaming Act 1936 and the Lottery and Gaming Regulations 2008 established the framework to distinguish between unlawful and lawful gaming and for the licensing of certain lottery products (instant scratch tickets, bingo, fundraising lotteries, home lotteries, etc.,) and trade promotions (the sale of goods or service).

Fundraiser lotteries are an important way for groups to raise funds to support their community-minded and charitable objectives, and trade promotions are popular activities for business to promote their products and services. As part of the broad review of gambling in South Australia and feedback received from stakeholders, it has become apparent that the regulation of lotteries, which includes trade promotions, in South Australia is outdated and does not adequately reflect contemporary trends in the industry and developing technologies.

In order to simplify and modernise lottery legislation in South Australia, it is proposed to repeal the relevant lottery provisions from the existing Lottery and Gaming Act 1936 and to introduce a new legislative regime to better regulate lottery and trade promotion products under a modern framework, applying modern drafting standards. The existing provisions governing, for example, what constitutes unlawful gaming, will remain in the current Lottery and Gaming Act 1936. Key changes included in this bill include:

- allowing the commissioner to exempt a lottery, or class of lotteries, from specified provisions of the act;
- providing for the nomination of a person who will be responsible for complying with requirements under the act for licence applications made by an unincorporated association;
- allowing for the renewal of licences;
- allowing the commissioner to add, vary and revoke licence conditions;
- requiring licensees to notify the commissioner of changes to their particulars;
- introduction of expiation fees for a breach of lotteries regulations; and
- renaming the Lottery and Gaming Act 1936 as the Gaming Offences Act 1936.

Furthermore, it is proposed that the enforcement of lotteries regulations by CBS inspectors will form part of the associated Gambling Administration Bill 2019. These changes, along with the proposal to introduce expiation fees, will allow a more balanced approach to enforcement, proportionate to the differing levels of any potential offending.

This bill is the first step to modernising lotteries regulation in South Australia. It will establish a footing to review and update the regulations which provide the mechanism to permit and license certain classes of lotteries and prescribe relevant conditions of rules for conducting such lotteries. I commend the bill to the house and seek leave to insert the explanation of clauses into *Hansard* without my reading the same.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects

This clause sets out objects of the measure.

4—Interpretation

This clause defines terms used in the measure.

5—Interaction with Gambling Administration Act 2019

This Act and the *Gambling Administration Act 2019* will be read together as a single Act.

6—Meaning of lottery

This clause defines a lottery for the purposes of the measure.

7—Prohibited goods and services

The Commissioner may, by notice in the Gazette, prohibit particular goods or services from being the prize in a lottery or otherwise offered or promoted as part of a lottery.

8—Position of authority in trust or corporate entity

This clause defines what constitutes a *position of authority* in a trust or corporate entity.

9—Application of Act

The Act will apply to any lottery in which persons resident in this State can participate and also binds the Crown.

Part 2—Unlawful lotteries

10—Conducting unlawful lotteries

This clause creates the central offence underpinning the licensing regime. The offence of conducting or assisting in conduct of unlawful lotteries is punishable by a maximum fine of $10,000. In addition, it will be an offence to pay money or provide goods connected to an unlawful lottery punishable by a fine of $5,000 or an expiation fee of $315.

11—Participating in unlawful lotteries

This clause creates the offence of participating in unlawful lotteries, punishable by a maximum fine of $2,500 or an expiation fee of $210.

12—Advertising and promoting unlawful lotteries

This clause creates the offence of advertising or promoting unlawful lotteries or proposal of unlawful lotteries, punishable by a maximum fine of $5,000 or an expiation fee of $315.

13—Tickets etc for unlawful lotteries

This clause creates offences of printing or publishing tickets, or selling or supplying tickets, for an unlawful lottery, punishable by a maximum fine of $5,000 or an expiation fee of $315.

14—General defence

It is a defence to an offence against the Part if the defendant proves that the defendant believed on reasonable grounds that the lottery was a licensed lottery or a permitted lottery.

Part 3—Licensed lotteries

15—Application for licence

This clause provides for the grant of lottery licences.

16—Licence may be conditional

A licence may be subject to conditions. Contravention of or failure to comply with a condition of a licence is an offence, punishable by a maximum fine of $5,000 or an expiation fee of $315.

17—Nomination of responsible person for compliance

An unincorporated association or group of unincorporated associations, must in their application, nominate a person or group of persons to the Commissioner, who will be responsible for compliance. A nomination is not effective unless the Commissioner approves it.

18—Term of licence

A licence has effect for a period specified by, or determined in accordance with, the regulations or determined by the Commissioner and specified in the licence, (if there is no such provision in the regulations). A licence of a prescribed class may be renewed in accordance with regulations.

19—Variation of licence

This clause allows applications for the variation of a licence to be made to the Commissioner.

20—Cancellation, suspension or surrender of licence

This clause provides for the cancellation, suspension or surrender of a licence and creates relevant offences to ensure matters relating to the licence are properly finalised.

21—Licensee to notify change of particulars

The holder of a licence must notify the Commissioner, within 14 days, after a change in any prescribed particulars. Failure to do so is punishable by a maximum fine of $2,500 or an expiation fee of $210.

Part 4—Licensing of suppliers of lottery products

22—Interpretation

This clause defines *lottery product* and *supply* for the purposes of the Part.

23—Suppliers must be licensed

It is an offence to be an unlicensed supplier of lottery products, punishable by a maximum fine of $10,000.

24—Application for licence

This clause provides for the grant of licences for the supply of lottery products.

25—Licence may be conditional

A licence under the Part may be conditional. Contravention of, or failure to comply with, a condition of a licence under the Part is punishable by a fine of $5,000 or an expiation fee of $315.

26—Term of licence

A licence granted under the Part has effect until the following 30 June, unless it is cancelled, suspended or surrendered before that day. The Commissioner must renew a licence for a period not less than 1 year if a renewal application is made and the prescribed fee is paid.

27—Cancellation, suspension or surrender of licence

The Commissioner may, by written notice, cancel or suspend a licence. A notice of suspension may specify an action to be taken by holder of licence to remedy any breach of this Act or condition of the licence. A licence holder may also, with consent of the Commissioner, surrender a licence.

28—Licensee to notify change of particulars

The holder of a licence must notify the Commissioner, within 14 days, after a change in any prescribed particulars. Failure to do so is punishable by a maximum fine of $2,500 or an expiation fee of $210.

Part 5—Miscellaneous

29—Commissioner may grant exemptions

The Commissioner may exempt a lottery or class of lotteries from specified provisions of the Act. Contravention of, or failure to comply with, a condition of an exemption is an offence punishable by a maximum fine of $5,000 or an expiation fee of $315. It is a defence if the defendant took all reasonable steps to prevent the contravention or failure to which the prosecution relates.

30—Dishonest, deceptive or misleading conduct

A person involved in the conduct or promotion of a lottery that acts in a dishonest, deceptive or misleading manner is guilty of an offence punishable by a maximum fine of $5,000 or an expiation fee of $315.

31—Restriction on sale of lottery tickets by children

A person must not cause or permit a child under 15 years of age to sell lottery tickets without supervision or accompanied by an adult. The offence is punishable by a maximum fine of $5,000 or an expiation fee of $315.

32—Evidentiary provisions

This clause sets out evidentiary provisions for the purposes of the measure.

33—Regulations

This clause is a regulation making power.

Schedule 1—Related amendments and transitional provisions

The Schedule sets out related amendments to the *Lottery and Gaming Act 1936* to limit that Act to dealing with unlawful gaming (because lotteries are now to be dealt with by this separate measure). The Schedule also sets out transitional measures.

Debate adjourned on motion of Ms Stinson.

GAMBLING ADMINISTRATION BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:05): Obtained leave and introduced a bill for an act to regulate and control gambling activities in the state, to repeal the Gambling Administration Act 1995 and for other purposes. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:05): I move:

That this bill be now read a second time.

The Gambling Administration Bill 2019 seeks to regulate and control gambling activities in the state and to repeal the Gambling Administration Act 1995. The Marshall Liberal government is committed to gambling laws that meet contemporary needs and community expectations while maintaining the right balance between reducing the risks and costs to the community and individuals from harm caused by gambling and the maintenance of an economically viable and sociable responsible gambling industry in South Australia.

The gambling reform measures contained within the Statutes Amendment and Repeal (Budget Measures) Act 2018 provided the critical legislative amendments to complete the first stage of the transition towards a new regulatory framework for gambling in South Australia and was consistent with the conclusions of the administrative review of gambling regulation in South Australia by retired Supreme Court judge Tim Anderson QC that there should be a single regulator responsible for all of the state's commercial gambling legislation.

These reforms essentially transferred the gambling regulatory and policy functions previously overseen by the Independent Gambling Authority to the Liquor and Gambling Commissioner and included responsibility for the supervision of commercial gambling operators across the state, powers to prescribe codes of practice and training requirements and management of the welfare barring and family protection schemes.

From these changes, we saw successful results in ensuring people can apply for and receive a barring order on the same day. Under the previous system, it would take up to 10 days to process a voluntary barring order and months to review an order to determine whether it remains in effect. Such changes will be expanded through this reform, providing for enhanced protection for problem gamblers in South Australia. As required by section 105 of the Statutes Amendment and Repeal (Budget Measures) Act 2018, the second stage of this regulatory transition has involved a review of all gambling-related legislative instruments in the state, with the aim of achieving greater uniformity and consistency in the application of regulatory requirements and processes across the state's gambling industry.

As part of this review, the government has welcomed and considered the valuable input from the state's gambling providers, help services and the Liquor and Gambling Commissioner to enable the proposal of broader amendments to the state's gambling legislation. This bill contains a number of measures to better protect the community from gambling-related harm and to align and consolidate the powers and functions of the Liquor and Gambling Commissioner so that they are consistent across gambling providers.

The bill will align and consolidate various administrative matters under the act across all sectors of the gambling industry, including:

- the commissioner's powers of inquiry and direction;
- the commissioner's powers when conducting proceedings;
- uniform rights for gambling providers to seek a review of a decision by the commissioner before the Licensing Court;
- a streamlined process for the commissioner to prescribe advertising and responsible gambling codes of practice and gambling administration guidelines;

- extending expiation fees to all gambling providers for a breach of a code of practice;
- the appointment of persons as inspectors for the purposes of the gambling acts and providing uniform powers of inspection; and
- simplifying and standardising the legislative powers for compliance, enforcement and disciplinary action.

Furthermore, the bill will:

- strengthen existing harm-minimisation response measures by allowing persons at risk of harm or at risk of causing harm to a family member because of gambling to be barred for a period or an indefinite period (including from the premises of a single gambling provider or from the premises of multiple gambling providers);
- broaden barring order provisions to allow for a barring order, whether self-imposed or enforced by the commissioner or a third party, to be initiated for any period of time and indefinitely, should the circumstances permit, and provide for a formalised revocation process and enable multivenue barring to be initiated at point of contact, whether by licensee or commissioner;
- introduce greater deterrent measures in support of exclusion programs in response to people who may have difficulties resisting the urge to return to venues after being excluded; and
- expand the scope of purposes for which the Gamblers Rehabilitation Fund may be applied, including the facilitation of public education and information programs, providing treatment and counselling programs and undertaking gambling research; and, further, require an annual report to be provided to the Minister for Human Services on the allocation of funds from the GRF.

Due to the substantial rewriting and restructuring of the existing gambling legislation to facilitate the alignment and consolidation of all gambling administrative functions across gambling providers, on the advice of the Office of Parliamentary Counsel, these reforms have been encapsulated under a new Gambling Administration Act, rather than considerable amendments being made to the existing act.

Further, while these reforms consolidate the administrative powers and functions of the commissioner under one act, being consistent with Mr Anderson's findings, each respective gambling act—being the Authorised Betting Operations Act 2002, Casino Act 1997, Gaming Machines Act 1992, Problem Gambling Family Protection Orders Act 2004, State Lotteries Act 1966 and the new proposed lotteries act 2019—will continue to retain the relevant licensing and operational aspects required of a gambling provider.

The measures contained in this bill and associated measures contained in the Statutes Amendment (Gambling Regulation) Bill 2019, being introduced shortly, and the Lotteries Bill 2019, already introduced, represent the most significant reforms to the gaming and lottery sectors in South Australia in many years, bringing South Australia in line with other states, yet increasing the scope of venues and of the commissioner to protect gamblers in a modern and efficient way.

These reforms will improve regulation for business, strengthen harm-minimisation intervention measures and standardise and reform existing regulatory requirements. Importantly, we see a shift in focus of the legislation to acknowledge the harms of those who are problem gamblers. I commend the bill to the house and seek leave to insert the explanation of clauses into *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause is formal.

3—Purpose and objects of Act

This clause sets out the purpose of the Act, being to consolidate various administrative and regulatory provisions relating to different forms of gambling in the State, and to confer various functions and powers on the Commissioner in connection with the administration of gambling. The clause also sets out several objects of the Act. The Commissioner and others exercising powers and functions under the Act are to have regard to the need for gambling harm minimisation in the administration of the Act.

4—Application of Act in relation to gambling Acts

It is proposed that the provisions of the proposed Act will be read together with the provisions of the *Authorised Betting Operations Act 2000*, the *Casino Act 1997*, the *Gaming Machines Act 1992* and the legislation regulating lotteries and gaming in the State. This provision clarifies that the provisions of the proposed Act are to prevail in the event of any other inconsistent provision in one of these other Acts.

5—Interpretation

This clause defines terms used in the proposed Act. The following Acts are defined as *gambling Acts*, which are, among other matters, to be read together with the proposed Act as a single Act:

- the Authorised Betting Operations Act 2000;
- the Casino Act 1997;
- the Gaming Machines Act 1992;
- the Lotteries Act 2019;
- any other Act prescribed by regulation.

In connection with the proposed Act providing for administrative matters in relation to gambling providers under a gambling Act, *gambling provider* is defined as each of the following:

- the holder of a licence under the Authorised Betting Operations Act 2000;
- an authorised interstate betting operator under the Authorised Betting Operations Act 2000;
- the holder of the casino licence under the Casino Act 1997;
- the holder of a licence under the Gaming Machines Act 1992;
- the holder of a licence, or a person conducting a lottery under the Lotteries Act 2019.

Part 2—The Commissioner

Division 1—Functions and powers of Commissioner

6—Functions of Commissioner

This clause sets out the functions of the Commissioner.

7—Inquiries by Commissioner

This clause sets out the circumstances in which the Commissioner may conduct an inquiry for the purposes of carrying out the Commissioner's functions. It also provides that the Minister may request the Commissioner carry out an inquiry. The clause further sets out the reporting requirements once an inquiry is completed.

8—General power to obtain information

This clause makes it a condition of each licence, authorisation or exemption held under a gambling Act to provide certain information set out in the clause to the Commissioner if requested to do so in writing. It is an offence with a maximum penalty of $10,000 if a person fails to provide the required information within the time specified in the request.

9—Powers to make interim or conditional decisions and accept undertakings from parties

Subclause (1) provides that the Commissioner may grant an application under a gambling Act on an interim basis, and may specify that a condition of a licence, approval, authorisation or exemption is to be effective for a specified time, giving any necessary procedural directions in the matter. The clause further sets out various powers and procedures of the Commissioner in the event the Commissioner exercises the powers as set out in subclause (1).

10—Commissioner may give directions

This clause provides power for the Commissioner to issue directions to a gambling provider in relation to any aspect of the operations conducted by the gambling provider, and the manner in which the Commissioner must notify the gambling provider before giving directions.

Division 2—Proceedings before Commissioner

11—Conduct of proceedings

The clause provides that the Commissioner, in proceedings under a gambling Act, must act without undue formality and is not bound by the rules of evidence.

12—Powers of Commissioner

Subclause (1) sets out the powers that may be exercised by the Commissioner, including issuing a summons requiring a person to attend before the Commissioner, producing documents, equipment or items, giving evidence on oath and answering questions. It is an offence with a maximum penalty of $10,000 or imprisonment for 6 months for a person to fail to comply with a request of the Commissioner of a kind in subclause (2), or who misbehaves, wilfully insults or interrupts the proceedings of the Commissioner. Subclause (3) allows the Commissioner to order, on request, the prohibition of publication of the name of a person, an answer given by them in proceedings before the Commissioner or any document produced to the Commissioner. A maximum penalty of $10,000 applies to a person who contravenes such an order. Subclause (5) allows the Commissioner to conduct proceedings at any time and place and to adjourn proceedings.

13—Representation before Commissioner

The clause provides how a person appearing before the Commissioner may be represented.

14—Power of Commissioner to refer questions to Court

The clause provides for the Commissioner to refer certain matters for hearing and determination by the Licensing Court.

Division 3—Codes of practice

15—Codes of practice

This clause provides that the Commissioner may, by notice in the Gazette, prescribe advertising and responsible gambling codes of practice. It sets out the matters that may be provided for in the codes. The Commissioner may designate a provision of a code of practice as mandatory for the purposes of a specified provision of a gambling Act, and determine whether failure to comply with a mandatory provision is a category A, B, C or D offence or expiable offence. The codes may, by further notice in the Gazette, be varied or revoked and the Commissioner must give notice and undertake consultation before doing so. The Commissioner may, at any time, undertake a review of the codes of practice and must seek submissions on the review from the Commissioner of Police, relevant gambling providers, relevant bodies representative of gambling providers and from the public.

16—Offence of breach of mandatory provisions of codes

This clause sets out the level of penalty and expiation for each category of offence for contravening a mandatory provision of the advertising or responsible gambling code of practice.

Division 4—Gambling administration guidelines

17—Gambling administration guidelines

The clause provides that the Commissioner may, by notice in the Gazette, issue guidelines (the *gambling administration guidelines*) that address the following:

- requirements for the approval of systems and procedures designed to prevent gambling by children;
- requirements as set out in the clause in relation to cashless gaming systems and automated risk monitoring systems operated under the Casino Act 1997 and Gaming Machines Act 1992;
- requirements in relation to applications for approval to the Commissioner;
- any other matter relevant to operations undertaken under a gambling Act.

The clause further provides that the Commissioner must give notice before making, varying or revoking the gambling administration guidelines and undertake consultation. The gambling administration guidelines are to be made available to the public on a website maintained by the Commissioner.

Division 5—Delegation

18—Delegation

This clause provides for the manner in which the Commissioner may delegate functions and powers of the Commissioner under the proposed Act or an instrument to another person.

Part 3—Disclosure of information

19—Disclosure of information

This clause sets out limitations on the disclosure of information by the Commissioner or an authorised person obtained in the course of carrying out official functions. An *authorised person* is defined as a police officer, an inspector, a prescribed person, a member of the Gambling Advisory Council or a person who at any time is or has been engaged in the administration or enforcement of a gambling Act (including the former *Independent Gambling Authority Act 1995*).

20—Disclosure of statistical information about expenditure on gambling activities

This clause outlines the manner and circumstances in which the Commissioner may make publicly available statistical information about expenditure relating to gambling activities undertaken under a gambling Act.

21—Publication of determinations—confidential information

The clause sets out the kinds of information required to be excluded from publication of a determination published under a gambling Act.

22—Criminal intelligence

This clause makes provisions in relation to the handling of information classified by the Commissioner of Police as criminal intelligence.

Part 4—Inspectors

Division 1—Inspectors

23—Appointment of inspectors

This clause allows for the appointment of inspectors for the purposes of a gambling Act.

24—Identification of inspectors

This clause requires each inspector to have and produce identification of a kind outlined in the clause.

Division 2—Functions and powers of inspectors

25—Purpose of exercising powers of inspectors

This clause provides that inspectors may exercise their powers under the measure at any reasonable time for the purposes set out in the clause.

26—Power to enter and inspect etc

This clause sets out several powers of an inspector to enter, search and inspect premises, seize things and require persons to answer questions in the circumstances and within the limitations outlined in the clause. It also allows an inspector to be accompanied by an assistant.

27—Power to give directions in relation to gaming operations

This clause empowers an inspector to give directions to a gambling provider or an employee of the gambling provider in circumstances set out in the clause.

28—Power to enter and remain in casino premises

This clause provides that an inspector may at any time enter or remain in the casino premises to ascertain whether the operation of the casino is being properly supervised and managed, or the provisions of this measure, the casino licence and the *Casino Act 1997* are being complied with.

29—Power to ask for evidence of age

This clause provides power for inspectors to ask a person in, about to enter, or in the vicinity of a place at which operations of a kind authorised under a gambling Act are conducted to produce evidence of that person's age that complies with the regulations. There is a maximum penalty of $2,500 or an expiation fee of $210 for a person who fails to comply with an inspector's request.

30—Commissioner and police officers to exercise same powers as inspectors

This clause provides that the Commissioner and police officers may exercise the same powers as inspectors.

Division 3—Miscellaneous

31—Report to Commissioner

This clause sets out the requirements for inspectors to report irregularities, deficiencies or defects in relation to various matters to the Commissioner.

32—Dealing with seized things

This clause provides that any material or thing seized by an inspector must be dealt with in accordance with the regulations. The clause further sets out the matters that may be provided for in the regulations.

33—Offence to hinder or obstruct an inspector etc

This clause sets out a number of offences in relation to a person's dealings with an inspector, with a maximum penalty of $20,000.

34—Inspectors not to gamble

This clause makes it an offence with a maximum penalty of $10,000 for an inspector to engage in gambling at the casino premises or operate a gaming machine on premises subject to a gaming machine licence or special club licence under the *Gaming Machines Act 1992* without being authorised to do so by the Commissioner.

Part 5—Disciplinary action against gambling providers

35—Interpretation

This clause defines terms used in the proposed Part.

36—Cause for disciplinary action

This clause sets out the grounds on which disciplinary action may be taken against a gambling provider. It further sets out the types of disciplinary action that the Commissioner may take, and the matters that the Commissioner may have regard to, in determining whether there is cause to take disciplinary action.

37—Compliance notice

This clause provides for the Commissioner to give a compliance notice to a gambling provider specifying grounds for disciplinary action and that such action may be avoided if the provider takes action as specified in the notice within a specified time. A gambling provider who fails to do so is guilty of an offence with tiered penalties applying to specified gambling providers as set out in the clause.

38—Default notice

This clause provides for the Commissioner to give a default notice to a gambling provider specifying grounds for disciplinary action and informing the provider that disciplinary action may be avoided by payment of a specified sum not exceeding those set out in respect of the various types of gambling providers specified in the clause.

39—Disciplinary action

This clause sets out the manner in which the Commissioner may notify a gambling provider of the Commissioner's intent to take disciplinary action against them of a kind set out in the clause. The gambling provider is to be afforded an opportunity to show cause within 14 days of receiving the notice why action should not be taken against them. The clause sets out other requirements and procedures in relation to taking disciplinary action against a gambling provider. Failing to comply with a requirement, order or direction regarding the taking of disciplinary action is an offence, with a tiered penalty provision applying to specified gambling providers as set out in the clause.

40—Injunctive remedies

This clause gives the Licensing Court jurisdiction to order a person who is believed on reasonable grounds to be about to contravene or fail to comply with a provision of a gambling Act, or a condition of a licence or authorisation under a gambling Act, to refrain from the contravention or non-compliance. A person who fails to comply with an order of the Court commits a contempt of Court.

41—Punishment of contempts

The clause sets out the jurisdiction and procedure of the Court to deal with contempts. It also provides that a contempt of the Court is a summary offence punishable by a maximum fine of $10,000 or imprisonment for 6 months.

42—Effect of criminal proceedings

This clause clarifies that the Commissioner may take disciplinary action whether or not criminal proceedings have been, or are to be, taken in relation to the matters the subject of the disciplinary action and even though a penalty may have been already imposed by the Commissioner; however, the Commissioner must, in imposing a fine, take into account any fine already imposed in criminal proceedings.

Part 6—Barring orders

43—Interpretation

This clause defines terms used in the proposed Part.

44—Barring orders

The provisions in this clause replicates the provisions in section 15C of the *Gambling Administration Act 1995*, but updates the grounds for making barring orders. Under this clause, the Commissioner may make a barring order if there is a reasonable apprehension that the person is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling, and is satisfied that the making of the order is appropriate in the circumstances. A gambling provider may make a barring order in relation to a person if the person is behaving in a manner that indicates that the person is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling and is satisfied that the making of the order is appropriate in the circumstances. A barring order may still be made by the Commissioner or a gambling provider at the request of a person.

45—Variation or revocation of barring order

The powers to vary or revoke a barring order are the same as those currently in section 15D of the *Gambling Administration Act 1995*. The period for which the barring order is to remain in force where no minimum period is specified has changed from 6 months for all barring orders to 12 months for a Commissioner's barring order and 3 months in relation to all other barring orders.

46—Notice of barring order etc

The provisions in this clause replicate those in section 15E of the *Gambling Administration Act 1995*.

47—Contravention of barring order

The provisions in this clause replicate those in section 15F of the *Gambling Administration Act 1995*, with minor consequential amendments.

48—Reconsideration of barring order by Commissioner

The provisions in this clause allow a person who is affected by a decision to make, or refuse to make, a barring order to apply to the Commissioner for a reconsideration of the decision. This provision streamlines and consolidates the process currently set out in sections 15G and 15H of the *Gambling Administration Act 1995*.

49—Powers to remove etc

The provisions in this clause replicate those in section 15I of the *Gambling Administration Act 1995*.

50—Liability

The provisions in this clause replicate those in section 15J of the *Gambling Administration Act 1995*.

51—Delegation

The provisions in this clause replicate those in section 15K of the *Gambling Administration Act 1995*.

52—Register

The provisions in this clause replicate those in section 15M of the *Gambling Administration Act 1995* with a consequential amendment.

53—Winnings of barred person

This clause provides power for a gambling provider to withhold winnings from a person if satisfied that the person is subject to a barring order, but must obtain the person's name and address and inform them of their right to have the decision reviewed. The person may apply within 14 days of the decision to have the decision reviewed by the Commissioner, who may confirm or revoke the decision. If the Commissioner revokes the decision, the withheld winnings must be paid to the person. If the Commissioner confirms the decision the withheld winnings are forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund established under the *Gaming Machines Act 1992*.

Part 7—Review

54—Right of review

This clause sets out the process and manner by which a person dissatisfied with various decisions of the Commissioner under various gambling Acts (as set out in the clause) may apply to the Licensing Court for a review of the decision. The clause further provides the powers that the Court may exercise on a review.

55—Operation of decisions pending review

The clause makes clear that a decision, order or direction of the Commissioner to which a right of review exists continues to operate despite the right of review or the commencement of review proceedings, but that the Court or the Commissioner may suspend the operation of a decision, order or direction or make another order or direction as appropriate in the circumstances.

56—Finality of Governor's decisions

The clause provides that a decision by the Governor under a gambling act is not subject to review or appeal in any court.

Part 8—Gambling Advisory Council

57—Gambling Advisory Council

This clause provides that the Gambling Advisory Council established under Part 2A of the *Gambling Administration Act 1995* continues, and otherwise replicates the provisions of section 5 of the *Gambling Administration Act 1995*.

58—Proceedings

This clause replicates the provisions in section 6 of the *Gambling Administration Act 1995*.

59—Use of staff and facilities

This clause replicates the provisions in section 7 of the *Gambling Administration Act 1995*.

60—Committees

This clause replicates the provisions in section 8 of the *Gambling Administration Act 1995*.

Part 9—Miscellaneous

61—Annual report

This clause consolidates the requirements in other gambling Acts for the Commissioner to report annually to the Minister regarding the performance of the Commissioner's functions during the preceding financial year.

62—Prohibition on participation in gambling

This clause replicates with 1 technical amendment the provisions in section 16 of the Gambling Administration Act 1995.

63—False or misleading statements

The clause makes it an offence with a maximum penalty of $10,000 or imprisonment for 2 years for a person to knowingly make a false or misleading statement in response to a requirement under a gambling Act.

64—Evidence

This clause sets out evidentiary provisions consequent on provisions in the measure.

65—Service

This clause provides for the manner in which documents required to be given to a person under the measure may be given to that person.

66—Regulations

This clause provides that the Governor may make regulations for the purposes of the proposed Act.

Schedule 1—Repeal, savings and transitional provisions etc

1—Interpretation

This clause defines terms used in the Schedule.

2—Repeal

This clause repeals the Gambling Administration Act 1995.

3—Transitional and other provisions

This clause makes transitional provisions consequent on the measure.

Debate adjourned on motion of Ms Stinson.

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

Introduction

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:13): Obtained leave and introduced a bill for an act to amend the Authorised Betting Operations Act 2000, the Casino Act 1997, the Gaming Machines Act 1992, the Liquor Licensing Act 1997, the Problem Gambling Family Protection Orders Act 2004 and the State Lotteries Act 1966. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:14): I move:

That this bill be now read a second time.

The Statutes Amendment Gambling Regulations Bill 2019 amends the Authorised Betting Operations Act 2000, the Casino Act 1997, the Gaming Machines Act 1992, the Liquor Licensing Act 1997, the Problem Gambling Family Protection Orders Act 2004 and the State Lotteries Act 1966.

The introduction of this bill contributes to the government's gambling reform agenda, which began last year following the consolidation of all gambling regulatory and policy functions within Consumer and Business Services and the appointment of the Liquor and Gambling Commissioner as South Australia's sole gambling regulator in December 2018. Following this change to the gambling regulatory framework, the government began seeking views from industry, the non-government sector and affected government stakeholders on the future of gambling regulation in South Australia, with a view to ensuring that the regulatory landscape moving forward is contemporary and meets the expectations of industry and the broader community.

The feedback received throughout this process has informed the drafting of this bill. These amendments seek to better protect the community from gambling-related harm while also supporting an important part of the economy. The new reforms include new harm-minimisation measures as well as the initiatives proposed by key industry and non-government stakeholders. Key changes included in this bill include:

- allowing banknote acceptors to be fitted to gaming machines in clubs and hotels and automated table game equipment in the Casino, bringing South Australia in line with other Australian and New Zealand jurisdictions. The regulations will prescribe restrictions around the denomination of banknotes and amount of money that can be inserted by a player in order to mitigate potential risks to problem gamblers;
- provisions to help struggling sporting and community clubs that hold a gaming machine licence to merge together or transfer gaming machines more easily. This will help regional centres benefit from more competitive venues and consolidate machines in venues that can be better run and supervised;
- requiring unclaimed winnings on gaming machines to be paid into the Gamblers Rehabilitation Fund;
- expanding the scope of the Gamblers Rehabilitation Fund to include public education, treatment and counselling programs and gambling research;
- replacing the current social effect inquiry process with a new community impact and public interest test, better aligned with liquor licensing requirements;
- imposing a fixed maximum number of gaming machines to operate in South Australia;
- enabling the amount of money a person can obtain on any one card within 24 hours when using EFTPOS facilities in a gaming machine venue to be regulated; and
- allowing gaming venues to operate on Christmas Day and Good Friday in line with liquor licensing requirements.

Through these changes, we are looking to maintain support for our vibrant hospitality sector while ensuring there is help available for those who are at risk.

The South Australian hotel industry employs 26,250 people, or thereabouts. The government is confident that the gambling reform agenda, of which these amendments are an important component, will provide the right legislative framework to allow this industry to continue to thrive and allow further investment in our growing state. This bill strikes the right balance between supporting this important part of the economy while meeting the broader community's expectations around responsible and safe gambling through the inclusion of new harm-minimisation measures aimed at better protecting the community from gambling-related harm.

Given the vital role clubs play in our communities, these reforms also aim to minimise red tape to support their activities and help them give back to those communities. I commend the bill to the house. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Authorised Betting Operations Act 2000

4—Insertion of section 2

This clause inserts a new section as follows:

2—Objects

This section sets out the objects of the Act.

5—Amendment of section 3—Interpretation

This clause amends several definitions in the Act consequent on other amendments in the measure.

6—Insertion of section 3A

This clause inserts a new section as follows:

3A—Interaction with Gambling Administration Act 2019

The proposed section provides that the Authorised Betting Operations Act 2000 and the Gambling Administration Act 2019 will be read together as a single Act.

7—Amendment of section 4—Approved contingencies

The clause amends section 4 to provide that the Commission must, before approving contingencies or varying an approval, be satisfied that betting operations in relation to the contingencies does not allow betting in relation to amateur sporting events or sporting events where the only participants are children.

8—Insertion of section 4A

This clause inserts a new section as follows:

4A—Fit and proper person

The proposed section consolidates and expands the fit and proper person provisions currently found in various sections in the Act to make them consistent with the fit and proper person provisions to be enacted in the Casino Act 1997 and the Gaming Machines Act 1992.

9—Amendment of section 5—Close associates

This clause amends provisions dealing with when a person will be taken to be a close associate of a person for the purposes of the Act to make them consistent with the close associate provisions in the Casino Act 1997 and the Gaming Machines Act 1992.

10—Substitution of sections 6A and 6B

This clause deletes sections 6A and 6B, which are now located in the Gambling Administration Bill 2019 and substitutes the following section:

6A—Commissioner may approve staff training courses

The proposed section provides for the Commissioner to approve courses of training to be undertaken by staff involved in betting operations.

11—Amendment of section 12—Approved licensing agreements

This clause makes an amendment consequential on the provisions in the Gambling Administration Bill 2019.

12—Amendment of section 22—Determination of applications

This amendment is consequential on those in clause 8 of the measure.

13—Amendment to section 24—Investigative powers

This clause makes an amendment consequential on the provisions in the Gambling Administration Bill 2019.

14—Insertion of Part 2 Division 6A

This clause inserts a new Division into Part 2 as follows:

Division 6A—Notification of change of prescribed particulars

26A—Licensee to notify change of particulars

The proposed section requires the holder of a major betting operations licence to notify the Commissioner within 14 days of any change in prescribed particulars. Prescribed particulars are defined as any address for service or other email address, telephone number or street or postal address provided by the licensee to the Commissioner for purposes connected with the licence, or other particulars of a kind prescribed by the regulations.

15—Amendment of section 27—Accounts and audit

This clause makes an amendment consequential on the relocation of provisions into the Gambling Administration Bill 2019.

16—Repeal of section 28

This clause makes an amendment consequential on the relocation of these provisions to the Gambling Administration Bill 2019.

17—Repeal of Part 2 Division 9

These provisions are proposed to be relocated to the Gambling Administration Bill 2019.

18—Amendment of section 34—Classes of licences

This clause deletes obsolete provisions.

19—Amendment of section 37—Application for grant or renewal, or variation of condition, of licence

This clause makes a consequential amendment.

20—Amendment of section 38—Determination of applications

These amendments are consequential on those in clause 8 of the measure.

21—Insertion of section 38B

This clause inserts a new section as follows:

38B—Licensee to notify change of particulars

The proposed section requires the holder of a licence under Part 3 of the Act to notify the Commissioner within 14 days of any change in prescribed particulars. Prescribed particulars are defined as any address for service or other email address, telephone number or street or postal address provided by the licensee to the Commissioner for purposes connected with the licence, or other particulars of a kind prescribed by the regulations.

22—Amendment of section 40A—Authorisation of interstate betting operators

This clause amends section 40A to provide that the notice required to be given under the section must be given in the manner and form required by the Commissioner, and that a copy of such notice must be available for inspection on a website to which the public has access free of charge.

23—Insertion of section 40AA

This clause inserts a new section as follows:

40AA—Interstate betting operator to notify change of particulars

The proposed section requires an interstate betting operator to notify the Commissioner within 14 days of any change in prescribed particulars. Prescribed particulars are defined as any address for service or other email address, telephone number or street or postal address provided by the operator to the Commissioner for purposes connected with the authorisation, or other particulars of a kind prescribed by the regulations.

24—Amendment of section 43—Prevention of betting by children

This clause makes an amendment consequential on measures in the Gambling Administration Bill 2019.

25—Repeal of sections 52 and 53

This clause repeals obsolete provisions.

26—Amendment of section 54—Places at which bets may be accepted by bookmakers

This clause deletes an obsolete provision.

27—Amendment of section 60—Prevention of betting with children by bookmaker or agent

This clause makes an amendment consequential on measures in the Gambling Administration Bill 2019.

28—Amendment of section 62A—Prevention of betting by children

This clause makes an amendment consequential on measures in the Gambling Administration Bill 2019.

29—Repeal of Part 5

The provisions in this Part are proposed to be relocated to the Gambling Administration Bill 2019.

30—Amendment of heading to Part 6 Division 1

This clause makes a technical amendment.

31—Repeal of sections 67 to 73

These sections are proposed to be relocated to the Gambling Administration Bill 2019.

32—Amendment of section 73A—Disciplinary action for taxation defaults

This amendment is consequential on provisions dealing with disciplinary action being relocated to the Gambling Administration Bill 2019.

33—Amendment of section 76—Administrators, controllers and liquidators

The amendments in subclauses (1) to (4) are of a technical nature. Subclause (5) inserts a new provision requiring an administrator, controller or liquidator of an authorised betting operator to notify the Commissioner within 7 days of assuming control of a business conducted under a licence or authorisation under the Act.

34—Repeal of Part 7

The provisions in this Part are proposed to be relocated to the Gambling Administration Bill 2019.

35—Amendment of section 84—Offences by bodies corporate

This clause makes consequential amendments.

36—Amendment of section 87—Confidentiality of information provided by Commissioner of Police

This clause inserts a new subsection (2) stating that the provisions in the section apply in addition to those proposed by the Gambling Administration Bill 2019.

37—Repeal of section 88

The repealed section is proposed to be enacted by the Gambling Administration Bill 2019.

38—Amendment of section 89—Evidence

These amendments are consequential on provisions proposed to be enacted by the Gambling Administration Bill 2019.

39—Repeal of section 90

The repealed section is proposed to be enacted by the Gambling Administration Bill 2019.

Part 3—Amendment of Casino Act 1997

40—Amendment of section 2A—Object

This clause makes technical amendments to align the objects of the Act with other gambling Acts.

41—Amendment of section 3—Interpretation

This clause amendments several definitions in the Act consequential on other amendments in the measure.

42—Insertion of section 3A

This clause inserts a new section as follows:

3A—Interaction with Gambling Administration Act 2019

The proposed section provides that the Act is to be read together with the Gambling Administration Act 2019 as a single Act.

43—Amendment of section 4—Close associates

The clause amends the section to make it consistent with the close associates provisions in other gambling Acts.

44—Amendment of section 14—Other transactions under which outsiders may acquire control or influence

The amendments to section 14 provide that appeals against orders made under the section are to be made to the Licensing Court, instead of the Supreme Court.

45—Amendment of section 14B—Approval of designated persons

The clause amends the section to make the provisions regarding whether a person is a suitable person, or a fit and proper person, for the purposes of the Act to be consistent with those in other gambling Acts.

46—Amendment of section 27—Opening hours

The clause deletes section 27(2) which provides that gaming areas are to be closed on Good Friday and Christmas Day.

47—Insertion of Part 4 Division 1AA

This clause inserts a new Division as follows:

Division 1AA—Right of entry to casino premises

27AA—Right of entry to casino premises

The section provides that no person has a right to enter or remain on casino premises except with the permission of the casino licensee.

48—Amendment of section 27A—Gambling only allowed in enclosed areas

This amendment updates an obsolete reference.

49—Substitution of Part 4 Divisions 2 and 3

This clause deletes Part 4 Divisions 2 and 3 and substitutes a new Division 2 as follows:

Division 2—Casino management and staff

28—Interpretation

The proposed section defines key terms to be used in the Division, including special employee, defined as a person employed or appointed by the licensee to carry out any of the following duties in respect of operations under the casino licence:

- conducting authorised games;
- handling, dealing with and accounting for money or gambling chips in the casino premises;
- exchanging money or chips for casino patrons;
- security and surveillance of the casino premises;
- operating, maintaining, constructing or repairing equipment for gambling;
- duties relating to intervention programs for patrons adversely affected by, or at risk of harm from, gambling;
- duties relating to the operation and conduct of gambling in premium gaming areas, including premium player attraction programs;
- supervising the carrying out of the duties set out above;
- accounting;
- any other duties related to the operations under the casino licence specified by the Commissioner for the purposes of this definition and notified to the licensee.

29—Licensee to notify Commissioner of appointment of special employees

The proposed section makes it a condition of the casino licence for the licensee to notify the Commissioner within 14 days of the employment or appointment, or the ceasing of employment or

appointment of a person as a special employee. This provision is not to apply in respect of a designated person or in respect of an administrator, controller or liquidator of the licensee.

30—Commissioner may notify Commissioner of Police of appointment of special employees

The proposed section allows the Commissioner to provide to the Commissioner of Police a notice of the employment or appointment of a person as a special employee, and requires the Commissioner of Police to make available to the Commissioner any information about that person's criminal convictions or other information that is relevant as to whether the Commissioner should issue a prohibition notice in relation to the person.

31—Commissioner may give prohibition notice

The proposed section allows the Commissioner, by notice, to prohibit a person from carrying out duties as a special employee either permanently or for a specified period, and provides other formal provisions in relation to the giving, revocation or variation of the notice.

32—Offences in relation to special employees

Proposed subsection (1) makes it an offence with a maximum penalty of $20,000 for the licensee to employ or appoint a minor or a person of a prescribed class to be a special employee.

Proposed subsection (2) makes it an offence with a maximum penalty of $20,000 for the licensee to permit a special employee to carry out duties unless their appointment has been notified to the Commissioner.

Proposed subsection (3) provides that the offences in this section do not apply in respect of a designated person or in respect of an administrator, controller or liquidator of the licensee.

33—Identity cards

The proposed section sets out the requirements for designated persons and special employees in respect of wearing and producing identity cards while on duty on casino premises, and a range of penalties and expiations for non-compliance with the provisions.

34—Certain staff not to gamble

Proposed subsection (1) provides for an offence with a maximum penalty of $10,000 or imprisonment for 6 months for a designated person or special employee to gamble on the casino premises while carrying out their duties.

Proposed subsection (2) provides for an offence with a maximum penalty of $5,000 for a staff member (other than a designated person or a special employee) who gambles on casino premises while working on casino premises.

35—Special employees and designated persons not to accept gratuities

The proposed section provides for an offence with a maximum penalty of $20,000 for a designated person or special employee to accept a gift or gratuity, other than a gratuity of a kind or given in circumstances approved by the Commissioner.

36—Staff exempt from Security and Investigation Industry Act 1995

The proposed section provides an exemption from the provisions of the Security and Investigation Industry Act 1995 for staff of the casino.

50—Amendment of section 39—Operations involving movement of money etc

These amendments replace the term 'authorised officer' with 'inspector'.

51—Amendment of section 40—Approval of installation etc of equipment

The amendment in subclause (1) replaces the term 'authorised officer' with 'inspector'. The amendment in subclause (2) clarifies that certain approved equipment must not be removed or destroyed without the approval of the Commissioner.

52—Amendment of section 40A—Approval of automated table game equipment, gaming machines and games

The clause inserts new subsections (8) and (9) which provide for the manner in which the Commissioner may vary or revoke and approval made under the section.

53—Substitution of section 40B

This clause substitutes section 40B as follows:

40B—Commissioner may approve certain systems to be operated in connection with authorised games, gaming machines and automated table game equipment

The proposed section provides that the Commissioner may approve certain systems as outlined in the proposed section to be operated in connection with authorised games, approved gaming machines or automated table game equipment. It also requires licensees to provide information to the Commissioner that has been recorded by an approved system. The proposed section further provides for the manner in which the Commissioner may vary or revoke an approval made under the proposed section.

40C—Commissioner may approve staff training courses

The proposed section provides that the Commissioner may approve courses of training to be undertaken by casino staff, and the manner in which the Commissioner may vary or revoke such an approval.

54—Amendment of section 41—Interference with approved systems, equipment etc

Subclause (1) inserts a new subsection (2a) to provide that in proceedings for an offence against subsection (2), an allegation in the information that a particular device was designed, adapted or intended to be used for the purpose of interfering with the proper operation of a system, equipment, machine or game approved under Part 4 Division 4 will be accepted as proved in the absence of proof to the contrary.

Subclauses (2) and (3) replace a general reference to an authorised staff member in subsection (4) to a special employee within the meaning of the definition proposed in section 28.

55—Repeal of section 41A

These provisions are proposed to be enacted by the Gambling Administration Bill 2019.

56—Amendment of section 41B—Compliance with codes of practice

These amendments are consequential.

57—Amendment of section 42B—Provisions relating to authorised games, gaming machines and automated table games

The clause amends several provisions in the section to provide for requirements for gaming machines and automated table games only to be operated if certain criteria as specified in the section are met.

58—Amendment of section 43—Exclusion of children

The clause makes amendments to increase all penalty provisions in the section and provide that all offences are to be expiable.

59—Amendment of section 44—Licensee's power to bar

The amendments in this clause make the provision consistent with licensee barring provisions in other gambling Acts.

60—Amendment of section 45—Commissioner's power to bar

The amendments in this clause make this provision consistent with Commissioner barring provisions in other gambling Acts.

61—Amendment of section 45A—Commissioner of Police's power to bar

The amendments in this clause make this provision consistent with Commissioner of Police's barring provisions in other gambling Acts.

62—Repeal of Part 4 Division 8

The provisions of the repealed section are proposed to be enacted by the Gambling Administration Bill 2019.

63—Amendment of section 47A—Requirement for Commissioner to consult licensee

This clause makes a consequential amendment.

64—Amendment of section 48—Accounts and audit

Subclause (1) removes a provision requiring accounts to be kept in a particular form. Subclause (2) inserts a requirement for the licensee to provide to the Treasurer or Commissioner, on their request, a copy of the audited accounts in relation to the operation of the licensed business.

65—Repeal of section 49

The clause repeals the requirement for the licensee to supply a copy of audited accounts to the Commissioner. Provisions proposed in the Gambling Administration Bill 2019 will allow the Commissioner to request copies of audited accounts.

66—Repeal of Part 6

The provisions in the repealed Part are proposed to be relocated to the Gambling Administration Bill 2019.

67—Repeal of Part 7 Divisions 1 to 5

The provisions in the repealed Divisions are proposed to be enacted by the Gambling Administration Bill 2019.

68—Amendment of section 63—Power to appoint manager

The clause inserts requirements for the Commissioner to consult with the Commissioner of Police before making a recommendation as to the appointment of an official manager, and for the Commissioner of Police to provide such information about criminal convictions and other information as may be relevant to whether or not the Commissioner recommends a person for appointment.

69—Amendment of section 64A—Administrators, controllers and liquidators

The clause inserts a provision requiring an administrator, controller or liquidator to notify the Commissioner within 7 days of them taking control of the casino business.

70—Repeal of Part 8

The provisions in the repealed Part are proposed to be enacted by the Gambling Administration Bill 2019.

71—Amendment of section 69—Confidentiality of information provided by Commissioner of Police

The clause inserts subsection (2) which provides that the section applies in addition to the provisions proposed to be enacted in Part 3 of the Gambling Administration Bill 2019.

72—Repeal of sections 70 and 71

These provisions are proposed to be enacted by the Gambling Administration Bill 2019.

Part 4—Amendment of Gaming Machines Act 1992

73—Insertion of section 2

This clause inserts a new section as follows:

2—Objects

The proposed section sets out the objects of the Act.

74—Amendment of section 3—Interpretation

This clause amends a number of definitions consequential on other amendments in the measure.

75—Insertion of section 3A

This clause inserts a new section as follows:

3A—Interaction with Gambling Administration Act 2019

The proposed section provides that this Act and the Gambling Administration Act 2019 will be read together as a single Act.

76—Insertion of section 4A

This clause inserts a new section as follows:

4A—Provisions governing whether person is fit and proper

The proposed section consolidates the provisions that were previously enacted elsewhere in the Act as to when a person will be considered a fit and proper person for a particular purpose under the Act. The provisions in this section replicate requirements in other gambling Acts so that the provisions regarding fit and proper persons are consistent across gambling legislation.

77—Repeal of Part 2

The repeal of Part 2 is consequential on these provisions being enacted in the Gambling Administration Bill 2019.

78—Amendment of section 15—Eligibility criteria

The clause updates obsolete legislative references, and makes other amendments consequential on the replacement of the requirement for a social effects certificate with a community impact assessment.

79—Amendment of section 16—Number of gaming machines to be operated under licence

The amendments in this clause are consequential on the insertion of proposed Part 3 Division 3C, and will allow the Commissioner to approve up to 60 gaming machines for operation under a gaming machine licence in respect of premises to which a club licence relates in circumstances as outlined in the proposed new Division.

80—Substitution of sections 17A and 17B

This clause deletes section 17A requiring an applicant for certain licences to have a proposed premises certificate, and section 17B which required certain applicants to have a social effect certificate, and replaces them with a requirement for a community impact assessment to be undertaken in respect of the application as follows:

17A—Commissioner to be satisfied that designated application is in community interest

The proposed section requires that the Commissioner may only grant an application for a gaming machine licence or any other applications as determined by the Commissioner (defined as a designated application), if satisfied that it is in the community interest to do so. In determining whether or not a designated application is in the community interest, the Commissioner must apply the community impact assessment guidelines made under proposed section 17B, as well as have regard to the following:

- the harm that might be caused by gambling, whether to a community as a whole or a group within a community;
- the cultural, recreational, employment or tourism impacts of gambling;
- the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises;
- any other prescribed matter.

17B—Community impact assessment guidelines

The proposed section provides that the Commissioner must publish guidelines (the community impact assessment guidelines) for the purposes of determining whether or not an application is a designated application for the purposes of proposed section 17A and whether or not a designated application is in the community interest. The proposed section further sets out the requirements for the publication, content, variation and revocation of the guidelines.

17C—Certificate of approval for proposed premises

The proposed section allows for the Commissioner to grant a certificate of approval for proposed premises if the Commissioner has refused to grant a gaming machine licence on the grounds that proposed premises are incomplete. The proposed section further sets out the requirements, limitations terms and conditions of a certificate of approval granted under the section.

81—Amendment of section 18—Requirements for licence application

This clause makes several amendments to section 18 consequential on the amendments in clause 80 and clause 112 of the measure.

82—Amendment of section 19—Certain criteria must be satisfied by all applicants

The clause amends section 19 to allow for the Commissioner to determine that a person need not comply with a requirement to be fit and proper if the person is found to be otherwise fit and proper. This is to prevent duplication of fit and proper inquiries under other legislation.

83—Repeal of section 20

The repeal of section 20 is consequential on the amendments in clause 112 of the measure.

84—Repeal of section 23A

The repeal of this section is consequential on the removal of the requirement to have a proposed premises certificate.

85—Amendment of section 24—Discretion to refuse application

These amendments are technical.

86—Amendment of section 24A—Special club licence

The amendment inserts a new subsection (6) to clarify that nothing in the section will be taken to prevent the grant of the special club licence to some other person or authority in the event of the licence being surrendered or revoked pursuant to the Act, provided that the other person or authority satisfies the Commissioner of the matters set out in section 24A(1) and otherwise complies with the provisions of section 24A as they apply to Club One.

87—Amendment of section 27—Conditions

This amendment aligns the provisions around the hours during which gaming operations may be conducted pursuant to a gaming machine licence with the opening hours of premises to which a liquor licence relates under the Liquor Licensing Act 1997.

88—Amendment of section 27AA—Variation of licence

The clause deletes subsections (4), (5) and (6) consequent on the removal of the requirement for a social effect certificate, and inserts a new subsection (4) to provide that the Commissioner may, after receiving an application for variation of a gaming machine licence, determine that the application is to be a designated application for the purposes of proposed section 17A.

89—Amendment of section 27A—Gaming machine entitlements

These amendments are consequential on those in clause 91 enabling the Commissioner and other persons under an agreement approved by the Commissioner to hold gaming machine entitlements. The section also provides for further details to be included in the register required to be kept under section 27A(4).

90—Amendment of section 27B—Transferability of gaming machine entitlements

The clause makes a number of changes to the persons to whom and circumstances in which the Commissioner can approve the transfer of gaming machine entitlements held by a person.

91—Amendment of section 27C—Premises to which gaming machine entitlements relate

These amendments are consequential on amendments in clause 90.

92—Insertion of section 27CA

This clause inserts a new section as follows:

27CA—Cancellation of gaming machine entitlements

This section allows the Commissioner to cancel gaming machine entitlements when a gaming machine licence is revoked or surrendered. The cancelled gaming machine entitlements vest in the Commissioner and may be offered for sale by the Commissioner under the approved trading scheme with the funds from such sales to be paid into the Gamblers Rehabilitation Fund.

93—Substitution of section 27E

Current section 27E which is a statement of Parliamentary intention with regard to gaming machine numbers in the State is replaced with the following:

27E—Limit on number of gaming machine entitlements in the State

The proposed section provides that the Commissioner must not, on or after the prescribed day (to be specified by the Minister by notice in the Gazette), allow the total number of gaming machine entitlements in the State to exceed the prescribed number (being the total number of gaming machine entitlements held on the prescribed day).

94—Insertion of Part 3 Divisions 3B and 3C

This clause inserts new Divisions as follows:

Division 3B—Removal etc of gaming machine licence

27F—Removal of gaming machine licence

The proposed section allows the Commissioner, on application, to remove a gaming machine licence from 1 set of premises to another in circumstances as set out in the proposed section.

27G—Commissioner may determine application is a designated application

The proposed section provides that the Commissioner may determine that an application under the proposed Division is to be a designated application for the purposes of proposed section 17A.

Division 3C—Provisions relating to clubs

27H—Dealing with gaming machine licence on amalgamation of clubs

The proposed section provides power for the Commissioner to deal with the gaming machine licenses of amalgamating clubs, as defined in the proposed section.

27I—Transfer of gaming machine licences and gaming machine entitlements

The proposed section allows for the holder of club licences to transfer their licence to the holders of other club licences in circumstances set out in the proposed section to allow them to hold up to a maximum of 60 gaming machine entitlements in accordance with other requirements as further set out in the proposed section.

27J—Commissioner may determine application is a designated application

The proposed section allows the Commissioner, after receiving an application under the proposed Division, to determine that the application is to be a designated application for the purposes of proposed section 17A.

27K—Provisions relating to premises held under a lease

The proposed section sets out further requirements to be met by applicants under the proposed Division if the premises in respect of the licence the subject of the application are held under a lease.

95—Amendment of section 28—Certain licenses only are transferable

The amendments in this clause are consequential.

96—Repeal of section 28AA

The provisions of section 28AA are proposed to be reenacted in proposed clause 112 of the measure.

97—Amendment to section 28AAB—Discretion to grant or refuse application under section 28

This amendment is consequential on the amendments in clause 112 of the measure.

98—Repeal of section 28A

This clause repeals an obsolete section.

99—Amendment of heading to Part 3 Division 5

This amendment is consequential.

100—Repeal of sections 29 and 30

The repeal of these sections is consequential on these provisions being reenacted by clause 112 of the measure.

101—Amendment of section 32—Voluntary suspension

This clause inserts a new subsection (2) which limits the time for which a voluntary suspension of a gaming machine licence will be issued to either 12 months or a longer period determined by the Commissioner. Proposed subsection (3) allows the suspension to be subject to such conditions as the Commissioner thinks fit and of a kind as outlined in the proposed subsection.

102—Amendment of section 32A—Surrender or revocation of certificate of approval

These amendments are consequential on those in clause 80 of the measure.

103—Insertion of sections 34A

This clause inserts a new section as follows:

34A—Suspension or revocation of licence by Commissioner

The proposed section provides that the Commissioner may, by notice, suspend or revoke a gaming machine licence if the licensee does not hold any gaming machine entitlements or the Commissioner is satisfied that gaming operations are not being undertaken.

104—Repeal of Part 3 Division 7

The repeal of this Division is consequential on these provisions being relocated to the Gambling Administration Bill 2019.

105—Repeal of section 38A

This clause repeals an obsolete section.

106—Amendment of section 40—Approval of gaming machines and games

The amendments in this clause give power to the Commissioner to vary an approval made under the section, and provides that the Commissioner must give notice of the variation to the person to whom the approval was given.

107—Insertion of sections 40A, 40B and 40C

This clause inserts new sections as follows:

40A—Commissioner may approve certain systems to be operated in connection with gaming machines

The proposed section allows the Commissioner to approve certain systems to be operated in connection with approved gaming machines as set out in the proposed section. The section also provides

for a review mechanism in the event that the Commissioner refuses to approve a system or revokes a system approval as permitted under the proposed section.

40B—Commissioner may approve courses of training to be undertaken by gaming managers or gaming employees

The proposed section allows the Commissioner, on application, to approve courses of training to be undertaken by gaming managers or gaming employees, and for the variation or revocation of the approvals in a manner set out in the proposed section.

40C—Approvals in relation to responsible gambling agreements

The proposed section allows the Commissioner, on application, to approve an industry body with whom the holder of a gaming machine licence may enter into a responsible gambling agreement. It also provides for the Commissioner to approve the form of the responsible gambling agreement.

108—Repeal of section 41A

The repeal of this section is consequential on these provisions being relocated in the amendments proposed in clause 112 of the measure.

109—Amendment of section 42—Discretion to grant or refuse approval

The clause deletes subsection (6) which is to be relocated to proposed section 4A as inserted by clause 76.

110—Repeal of sections 42A and 43

The repeal of these sections is consequential on them being relocated in the provisions in clause 112 of the measure.

111—Amendment of section 44—Revocation of approval

This clause amends section 44 to provide that an approval under section 40A or 40B cannot be revoked in accordance with the section.

112—Insertion of Part 4B

This clause inserts a new Part as follows:

Part 4B—Applications and submissions

Division 1—Applications

44B—Form of application

The proposed section sets out the requirements for the form of an application to the Commissioner under the Act. The proposed section also gives power to the Commissioner to waive requirements or seek further information in relation to an application, and allows the applicant to vary the application in certain circumstances.

44C—Applications to be given to Commissioner of Police

The proposed section requires certain applications to be given to the Commissioner of Police, and requires the Commissioner of Police to provide information to the Commissioner about criminal convictions and other relevant information in relation to the application.

44D—Notice of certain applications to be given

The proposed section requires certain applications outlined in the proposed section to be notified to the public or on a website as specified in the proposed section.

44E—Commissioner may consider applications concurrently

The proposed section allows the Commissioner to deal concurrently with related applications under the Liquor Licensing Act 1997.

Division 2—Submissions in relation to applications

44F—Commissioner of Police may make written submissions

The proposed section provides for the manner and circumstances in which the Commissioner of Police may make written submissions in relation to an application under the Act.

44G—General right to make written submissions

The proposed section sets out the manner and circumstances in which a person may make written submissions to the Commissioner in relation to an application under the Act.

44H—Further written submissions

The proposed section sets out the circumstances in which the Commissioner may call for or invite a person or body to make further written submissions in relation to an application under the Act.

44I—Conciliation

The proposed section sets out the circumstances in which the Commissioner may endeavour to resolve opposition to an application by conciliation.

44J—Commissioner may refer matters to Court

The proposed section allows the Commissioner to refer an application received for hearing and determination to the Licensing Court.

44K—Hearings etc

The proposed section clarifies that the Commissioner may determine an application either by holding a hearing or on the basis of the application and written submissions without holding a hearing.

44L—Variation of written submissions

The proposed section sets out the circumstances in which the Commissioner may allow written submissions received in relation to an application to be varied.

113—Amendment of section 45—Offence of being unlicensed

The clause inserts new subsections (2) and (3). Proposed subsection (2) provides for the circumstances in which a person will be taken to have possession of a gaming machine for the purposes of the offence in section 45(1) of possessing a gaming machine without being licensed to do so. Proposed subsection (3) provides that a person does not commit the offence of possessing a gaming machine without being licensed if the person possesses the gaming machine in the ordinary course of the person's business involving the transportation or temporary storage of a gaming machine on behalf of the holder of a licence under the Act.

114—Insertion of section 46A

This clause inserts a new section as follows:

46A—Licensee to notify change of particulars

The proposed section requires a licensee to notify the Commissioner within 14 days of the change of any address for service or other address, or any other particulars of a prescribed kind.

115—Repeal of section 47

The provisions of the repealed section are to be relocated to the Gambling Administration Bill 2019.

116—Amendment of section 51—Persons who may not operate gaming machines

The clause deletes subsection (5) consequential on it being relocated to the Gambling Administration Bill 2019.

117—Amendment of section 53A—Prohibition of certain gaming machine facilities

The clause recasts subsections (1), (2) and (3), amending the provisions consequentially on other amendments in the measure, and inserting new prohibitions on certain operations in connection with gaming machines.

118—Amendment of section 56—Minors not permitted in gaming areas

The amendments in subclauses (1) to (3) insert expiation fees to the existing offence provisions. The amendment in subclause (4) inserts a new offence provision for a person who knowingly assists a minor or enables a minor to enter or remain in a gaming area on licensed premises with a maximum penalty of $10,000 and an expiation fee of $1,200.

The amendment in subclause (5) provides that the proceeds of winnings of a minor who operates a gaming machine in contravention of the section are forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund

119—Amendment of section 63—Interference devices

The clause inserts new subsections (2) and (3). Proposed subsection (2) provides that for the purposes of proceedings for an offence against subsection (1), an allegation in an information that a particular device was designed, adapted or intended to be used for the purpose of interfering with the proper operation of an approved gaming machine or an approved game will be accepted as proved in the absence of proof to the contrary. Proposed subsection (3) provides for the circumstances in which a person will be taken to have possession of a device for the purposes of the offence in section 63(1).

120—Amendment of section 64—Sealing of gaming machines

The amendment in subclause (1) is consequential. Subclause (2) inserts 2 new offence provisions. Proposed subsection (3) makes it an offence with a maximum penalty of $5,000 for a licensee to cause a gaming machine to be operated by a person (other than an inspector or approved gaming machine technician) unless it has been sealed. Proposed subsection (4) makes it an offence with a maximum penalty of $5,000 for an approved gaming machine technician, after installing, servicing or repairing an unsealed gaming machine, to fail to seal a gaming machine in the manner approved by the Commissioner.

121—Repeal of Parts 6 and 7

The repeal of Parts 6 and 7 are consequential on the relocation of these provisions to the Gambling Administration Bill 2019.

122—Repeal of section 71A

This clause repeals an obsolete provision.

123—Amendment of section 73BA—Gamblers Rehabilitation Fund

The amendment in subclause (1) make technical and consequential amendments. Subclause (2) removes the current requirement in section 73BA(5) for 85% of money paid into the Fund to be applied towards programs for rehabilitating problem gamblers. The proposed section (5) provides for a list of programs towards which the Fund may be applied. Subclause (3) inserts a new subsection (6) requiring the Minister responsible for the administration of the Fund to provide an annual report on the application of the Fund.

124—Repeal of section 74

The repeal of section 74 is consequential on the relocation of this provision to the Gambling Administration Bill 2019.

125—Amendment of section 76—Power to refuse to pay winnings

The amendment in subclause (1) amends section 76(2) to provide that a person aggrieved of a decision under section 76(1) may apply for a review of the decision within 14 days of being informed of the decision. Subclause (2) inserts a new section 76(4) that sets out what happens to winnings withheld from a person under that section.

126—Insertion of section 76AA

This clause inserts a new section as follows:

76AA—Unclaimed winnings

The proposed section sets out the manner in which unclaimed winnings and residual jackpots on gaming machines of or above the prescribed amount are to be dealt with by a licensee.

127—Repeal of section 80

The repeal of section 80 is consequential on these provisions being relocated to the Gambling Administration Bill 2019.

128—Repeal of section 82

The repeal of section 80 is consequential on these provisions being relocated to the Gambling Administration Bill 2019.

129—Amendment of section 85—Vicarious liability

This clause makes a consequential amendment.

130—Repeal of section 85A

The repeal of section 85A is consequential on these provisions being relocated to the Gambling Administration Bill 2019.

131—Amendment of section 86—Evidentiary provision

This clause makes consequential amendments.

132—Insertion of section 86A

This clause inserts a new section as follows:

86A—Commissioner to recover administration costs

The proposed section provides for the Commissioner, by notice to a licensee, to recover from a licensee of a prescribed class, the administration costs for a relevant financial year. The licensee must pay

the amount to the Commissioner within 28 days of receiving the notice, and the Commissioner may suspend a licence until the licensee pays the amount and may recover any unpaid amount as a debt due to the State.

Administration costs is defined as the cost of administering the Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of a licensee, or a particular class of licensee, in the relevant financial year. The relevant financial year is to be designated by the Minister by notice in the Gazette.

133—Amendment of Schedule 1—Gaming machine licence conditions

The clause makes amendments consequential on other amendments in the measure and also inserts a condition requiring gaming licensees to provide to the Commissioner, on request, information recorded by a system approved under section 40A in a manner and form and within a time specified in the request.

134—Amendment of Schedule 2—Gaming machine monitor licence conditions

The clause inserts a new condition for a gaming machine monitor licence that the licensee must provide to the Commissioner, on request, information recorded by the monitoring system in a manner and form and within a time specified in the request.

Part 5—Amendment of Liquor Licensing Act 1997

135—Amendment of section 7—Close associates

This clause amends provisions dealing with whether a person is a close associate of another for the purpose of the Act to provide consistency across Acts under which the Liquor and Gambling Commissioner has functions and powers.

Part 6—Amendment of Problem Gambling Family Protection Orders Act 2004

136—Amendment of section 3—Interpretation

These amendments are consequential on provisions in the Gambling Administration Bill 2019.

137—Amendment of section 7—Complaints

These amendments are consequential on provisions in the Gambling Administration Bill 2019.

138—Amendment of section 11—Conduct of proceedings

These amendments are consequential on provisions in the Gambling Administration Bill 2019.

139—Amendment of section 13—Notification of orders by Commissioner

These amendments are consequential on provisions in the Gambling Administration Bill 2019.

140—Amendment of section 15—Removal of respondent barred from certain premises

These amendments are consequential on provisions in the Gambling Administration Bill 2019.

Part 7—Amendment of State Lotteries Act 1966

141—Repeal of section 13B

The provisions in the repealed section are to be relocated to the Gambling Administration Bill 2019.

142—Amendment of section 13C—Compliance with codes of practice under Gambling Administration Act 2019

This amendment is consequential on provisions in the Gambling Administration Bill 2019.

Schedule 1—Savings and transitional provisions etc

Part 1—Transitional and other provisions—Authorised Betting Operations Act 2000

1—Transitional and other provisions

This clause makes transitional provisions consequential on the measure.

Part 2—Transitional and other provisions—Casino Act 1997

2—Transitional and other provisions

This clause makes transitional provisions consequential on the measure.

Part 3—Transitional and other provisions—Gaming Machines Act 1992

3—Transitional and other provisions

This clause makes transitional provisions consequential on the measure.

Debate adjourned on motion of Ms Stinson.

SURROGACY BILL

Committee Stage

In committee.

(Continued from 12 September 2019.)

New clause 5A.

The CHAIR: My recollection is that the member for Badcoe had moved new clause 5A and was speaking to that. The member for Badcoe has the call.

The Hon. V.A. CHAPMAN: Mr Chairman, I think, with respect, the member for Badcoe had taken two questions and comments from me and I was about to embark on my third in relation to her amendment.

Ms STINSON: I could be wrong, but my recollection is that I had taken my third question from minister Knoll.

The Hon. V.A. CHAPMAN: Each person has three questions to ask.

The CHAIR: The Attorney has the call.

The Hon. V.A. CHAPMAN: In relation to the resumption of the committee on this bill, for the purpose of those who are following it the member for Badcoe's amendment is under consideration. Essentially, this is a proposal which had been first presented for consideration but which was withdrawn by the member for King. It proposed that parties to a surrogacy agreement, if they were going to seek lawful enforcement, would be required to provide evidence that they had had a working with children check if they were to ultimately succeed in having an enforceable agreement.

It was a proposal that had been identified by the mover of the amendment as being more fulsome and more comprehensive and therefore provide greater safeguards to potential children of an agreement against either their surrogate or receiving parents in some way exploiting or abusing them in the future.

I do not make any further challenge in relation to the importance of protecting children. I would be surprised if there is anyone in this chamber who does not take the view that that is really important. However, there was a good reason why the member for King, having first floated that level of check and that protection from consideration—that is, unfortunately, it does not work. It is not in a workable form that will actually provide the protection that the mover is so keen to present and ask for our support to vote with.

The reason for that is essentially that the obligation to provide a working with children check—which, as members might recall, is more than just a search of any police convictions; it is also of investigations, charges, findings of breach without convictions recorded—is a very much more comprehensive report largely sourced from information by the investigative officers, and they are usually the police.

Why is this defective? There are two reasons: one is that the unit charged statutorily to provide this service on a number basis, and a continuing service, for the future employment of people, is a unit that is established and populated with its statutory role from legislation. That legislation, the child safety legislation, says it has this job and this is what it is to do, and it is to be for employment purposes. Nothing before us introduces a situation, without any consultation, as to charge this unit with having this new job.

The second thing, and probably the most important for the purposes of denying the benefit of this proposal, which otherwise sounds meritorious, is that the police are the people who provide that information—who has been charged; whether they have investigated people; whether they are still investigating people; whether they have investigated a matter, charged, withdrawn the charges, etc. Those people have to have permission to be able to provide all this other body of information about someone. The thing that is stopping them from doing that, and will still stop them from doing that even with the passage of this amendment, is that there is a COAG agreement that prohibits them from providing that information. The reason is—

Mr Malinauskas interjecting:

The Hon. V.A. CHAPMAN: I get shouting from the Leader of the Opposition in relation to this—

The CHAIR: Order! The Attorney has the call.

The Hon. V.A. CHAPMAN: —just in case there is ever a Supreme Court judge who is reading this *Hansard* to find out why on earth the parliament would pass a piece of legislation that cannot actually do what is, I accept, a genuine attempt to protect children and fail to appreciate that, if they want to do that, they are going to have to come into the parliament with the full catastrophe, the full properly prepared reforms that will enable this to happen. One of them is to have this national conversation about whether the police should be either obliged and/or have permission to provide information for purposes other than the employment restricted use that they are to make this information available. We have not had that conversation. It may take a very long time to have it.

Let me say this: if this legislation were to pass with this amendment in it and, frankly, we fail to positively consider the amendment from the member for King, which is foreshadowed, I tell you what we will be left with: we will be left with a bill which provides for surrogacy which purports to have a protection in it for the obligation of a working with children check. It would be like having a dog fence bigger, better, wider and stronger from the member for Badcoe and a lower, less strong fence from the member for King, but the problem with the member for Badcoe's fence is that it has holes all the way along the bottom and the dogs can just run through. In giving us lectures, the member for Badcoe—

Members interjecting:

The CHAIR: Order! Attorney, can I interrupt for a minute. I am going to ask the opposition to cease interjecting. This is a private member's bill and there will be varying opinions. Each and every member is entitled to voice those opinions and put forward those opinions today during the committee stage. I ask that all of you respect the other's opinion. The committee is called to order.

The Hon. V.A. CHAPMAN: Thank you, Mr Chairman. The problem with the presentation of this as being a means by which we protect children is that it is frankly gossamer. It cannot protect children in this form. We would be passing legislation, if the bill is ultimately in favour for this house to pass, with an amendment in it which provides for a working with children check which—even if the unit answered the phone call and said, 'Yes, we have information about that person. There's nothing here,' and the police had a whole lot of information about this person and was not able to provide it to the unit—is a vacuous and simply inadequate provision for all those children.

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: So if you want—

Mr Malinauskas interjecting:

The CHAIR: Leader! Attorney, can I interrupt again for a minute. This is going to be a long day if it continues like this and I want the debate to be in good spirit. The leader, I know, wishes to speak to this shortly and he will be entitled to be heard uninterrupted as well, as the Attorney is. Attorney.

The Hon. V.A. CHAPMAN: In the circumstance where the member for Badcoe wants us, as a parliament, to provide these protections and act responsibly, and tell courts and agencies, including the unit, what we expect them to do, if this is the will of the parliament, all I say to the member for Badcoe is: you have to do it properly. You have to do it in a way that is going to make a difference so that it is going to be effective and not let those dogs just walk through the holes. That is the problem we have here.

I encourage all members to think of better ways you can improve legislation, protect children or otherwise, and bring those to the parliament. But when you do and you have them drafted—and they are perhaps in a bit of a hurry, but nevertheless I am giving an excuse here for the mover of this

amendment—we need to have something which ultimately is able to be applied and enforced, and this will not prevail.

However, let me move to another matter which has been brought to my attention. There has been a general question raised about the need to have history checks of some kind, whether criminal or investigative and criminal, on applicants or parties to these proposed agreements. One of the important and not unreasonable questions raised is: Victoria looked at their surrogacy agreements and decided they should have a child protection measure like this in their legislation, so shouldn't we be following them?

Some have said that since then New South Wales have looked at that and said no. We will not be doing that in ours because we agree essentially with what the recommendations from our institute has set in South Australia, and that is that it would provide a discriminatory measure in relation to different ways people can have children—naturally or IVF, etc. Those arguments have been run; I am not here to repeat them.

I will make this point. I have had correspondence from the Fertility Society of Australia IVF Directors, dated 24 September. The reason it is very important that I inform the house of this is that they have had a task of reviewing the legislation in Victoria, including in that the obligation for the provision of police checks. Mr Rick Forbes, who is the executive committee of the IVF Directors Group Fertility Society of Australia, said as follows:

Dear Ms Chapman

The IVF Directors Group is the body constructed by the medical directors of each reproductive treatment accreditation committee, accredited ART clinics providing assisted reproductive treatments to patients in both Australia and New Zealand. RTAC accreditation is a requirement in both jurisdictions for clinics which provide assisted reproductive treatments to patients. RTAC regulates a strict and rigorous self-regulatory regime. The current proposed amendment to the Surrogacy Bill 2019 proposing police and child protection checks—

The CHAIR: Attorney, can I interrupt you again, please. Standing order 364 limits the time available. We have been watching the clock here. It is limited to 15 minutes. You are coming to that now. Are you able to draw—

The Hon. V.A. CHAPMAN: That is alright. I can continue—

The Hon. S.C. Mullighan interjecting:

The Hon. V.A. CHAPMAN: I am quoting from a letter.

The CHAIR: The Chair has the call here, member for Lee. I am pointing out to the Attorney that her time is drawing to a close. She will need to bring this contribution to a close.

The Hon. V.A. CHAPMAN: Thank you. I indicate in that case that I will be referring to this on the next clause and I indicate that, even if it is completely meritorious, on the objective of what the mover of this amendment is doing it will fail because it will not be able to be implemented. I urge members in those circumstances not to pass laws here that we cannot impose, but if you want to do it you have to do it properly. In the meantime, the member for King has offered to the parliament, I think, a practical resolution to the issue at hand.

The CHAIR: The leader.

Mr MALINAUSKAS: Thank you, Mr Chairman, for the opportunity to address this amendment. I want to ask one question and then follow it up with a statement for the Attorney.

The Hon. V.A. Chapman interjecting:

Mr MALINAUSKAS: I will speak to the amendment, then. The idea from the Attorney-General that COAG positions are unable to be changed and are somehow written into stone and not open to amendment is simply false.

The Hon. V.A. CHAPMAN: Point of order: at no time have I indicated that COAG agreements cannot be changed. I am offended by that allegation—

The Hon. S.C. MULLIGHAN: Point of order: if she would like to make a personal explanation—

The CHAIR: Member for Lee, could you take your seat please. I will see this point of order first.

The Hon. V.A. CHAPMAN: —and I would seek that he withdraw it. I am offended by that; it is wrong and offensive.

The CHAIR: I would honestly need to check *Hansard*, but if the Attorney feels misrepresented and aggrieved then—

The Hon. S.C. Mullighan: She should make a personal explanation.

The CHAIR: No, the Attorney made her point. Everybody is going to have an opportunity. The leader may disagree with that, but he has caused the Attorney some concern with what he has said. I draw you back to the debate on the amendment, leader.

Mr MALINAUSKAS: The simple point that I seek to make is that the Attorney has sought to imply that the existing COAG arrangements are an impediment to seeing a working with children check being put in place, as this amendment proposes. I reject that. I am of the view, and I think a number of people in this chamber would collectively be of the view, that if this amendment necessitates a change to a COAG position in order to ensure that we have a working with children check standard applied in regard to surrogacy, then that is a necessary thing. That would be a good thing to do.

I simply make a broader point regarding the amendment, and also the bill generally, that I would count myself in the category of being inclined to support this bill. I think the aims and objectives of the bill are meritorious. I think trying to put in place a degree of structure and regulation around surrogacy in this state would be a good thing to do, but I am genuinely concerned at the prospect of that arrangement being in place without a high standard of protection, checks and double-checks for the people that it would apply to.

A working with children check, as is being proposed by the member for Badcoe, strikes me as making a lot of sense to satisfy those people in the community who would reasonably expect the parliament to do absolutely everything within its power to prevent a heinous crime, a horrific set of circumstances or a child being brought into this world in an environment that compromises their own wellbeing. That is an absurd proposition. This standard, this amendment, is a reasonable one and it would go a long way to satisfying me that this bill is worthy of support.

I would put to the parliament and the Attorney-General to contemplate this: if, indeed, there is a high order objective to be achieved in the bill by providing a method for surrogacy to occur in this state, and if the view is that it is a good thing, then why not support this amendment? That would maximise the likelihood of this bill passing in the parliament today. It really is that simple. If the Attorney-General and those people who are proponents of the bill want to see it pass and want to see a good outcome here for surrogacy regulation in South Australia, why not support a high standard in the form of a working with children check?

What would horrify me, and what I think would be very unfortunate for those people who would be the beneficiaries of the bill passing, would be to see it fail for nothing more than the Attorney's pride or nothing more than trying to avoid the Attorney having to do the work of seeing the relevant COAG agreements changed. That would be a really, really sad state of affairs. This state has been a leader within the commonwealth on a number of different areas of reform over the years at COAG. A relatively modest and simple thing that I suspect would be supported by other states within the federation would be a very reasonable step for the Attorney and the government to pursue in order to achieve the higher order objective here of seeing the Surrogacy Bill pass.

To the Attorney and to the parliament: do not compromise the success of this bill because of pride. Do not compromise the success of this bill because of a lack of appetite to do the necessary reforms at COAG. I implore the parliament to support this amendment and maximise the likelihood of the bill passing.

The Hon. S.C. MULLIGHAN: I rise to speak in favour of the amendment put forward by the member for Badcoe, and I am grateful that we finally get the opportunity to try to make some progress on the Surrogacy Bill. There were several of us on this side of the chamber who were looking forward

to completing the debate and, indeed, hopefully—touch wood—passing a bill to improve the opportunities for South Australians to participate in surrogacy arrangements.

I will not go into the whys and wherefores of the repeated adjournments and passing over of the opportunities to debate this bill. Clearly, the Deputy Premier and the Leader of Government Business have their own reasons for not bringing this on prior to now, and I am sure that those additional weeks of delay will cause those South Australians some frustration.

However, we find ourselves in the extraordinary situation where we have the member for Badcoe proposing an amendment to this bill which had previously been proposed by the member for King but which, for some reason, had been withdrawn by the member for King. No-one on this side of the chamber can really know what caused the member for King to withdraw that amendment. We are told by the Deputy Premier that it was for a sound policy reason, which, judging by the debate so far, only the Deputy Premier seems to see the merit of.

But I feel that it is regrettable that the member for King has had her opportunity to put forward her view about how this bill should be amended stymied, presumably by the Deputy Premier. Nonetheless, here we are, finding ourselves with an amendment here which, as far as most of us can gauge, seems to enjoy sufficient support across both sides of parliament to enable the bill to be amended and then passed. What a great outcome that would be for people who are supportive of more opportunities for surrogate arrangements to be entered into here in South Australia.

The arguments put forward by the Deputy Premier about why a simple police check would be a preference over having a more thorough working with children check, quite frankly, are rubbish, absolute rubbish. First of all, to continue on from the Leader of the Opposition's comments about the allegedly infallible COAG agreement, the agreement which, much like the tablets brought down from the mount, can never be questioned, can never be altered and must be the foundation of human activity for thousands of years to come and can never brook any questioning or any change—well, that is just rubbish.

I imagine a situation where somebody is invited to the residence of the Governor and they are afforded a commission that made them responsible for the superintendence of law and order matters here in South Australia. By virtue of that commission, they might be a participant in a standing committee of attorneys-general meetings that occur from time to time, usually in Canberra. That person might have the wherewithal to one day put up their hand at that meeting and say, 'Our parliament has a preference that we require these checks when entering into certain surrogacy arrangements and, if we have some arrangements here that are inconsistent with that, then I would like to make it clear to this forum that I will be seeking and working to change that,' and then be so competent and so capable and so coerce her fellow members of that committee that change could be effected. Apparently all those scenarios, following the receipt of the commission from the Governor, are beyond the Deputy Premier.

I find that remarkable. I find it remarkable that a member of the executive, on hearing what instructions they may be about to receive from this parliament, puts up their hand and says, 'I'm sorry, this is beyond me, so you had better not even suggest it.' That is just remarkable. Is this place not sovereign? Does this place not set the law by which we expect these agreements to be entered into?

Then, of course, there is the second rationale put forward by the Deputy Premier, and that is, 'Well, we have a unit that is dedicated towards the completion of these working with children checks but, essentially, they didn't realise they would be up for this, so they can't do it in the future.' Really? Is that really all the Deputy Premier can come up with to try to convince us of the merit of the argument, that they are not currently doing something, so they cannot be expected to do something in the future?

Well, why are we all here? Everything is fine. Nothing needs change, nothing needs attending to, the state does not need any further superintendence. Job done. No laws need changing. We can just sit here and maybe have the odd question, and maybe even get a question up in question time. We can have the odd question time, and go through the motions of responsible government, and then that is it. You have to be joking that that is the best argument that can be put forward by the Deputy Premier. It is just remarkable.

Of course, it is very clear what the choice is: you either have stronger protections for the community when it comes to those people seeking to enter into these surrogacy arrangements or you have weaker projections. I think the message is pretty clear. There are a lot of people in here who want to get this bill passed. They want to see change when it comes to surrogacy arrangements.

No-one buys the false argument from the Deputy Premier that this is about filibustering, because there was no-one on this side who could repeatedly adjourn off and adjourn off and adjourn off this bill. We were ready to go last sitting week, we were ready to go on Tuesday, we were ready to go on Wednesday. We were even promised yesterday afternoon, we were even promised last night—

The Hon. V.A. Chapman interjecting:

The CHAIR: Order! The Attorney will come to order. Member for Lee.

The Hon. S.C. MULLIGHAN: We were even promised last night. But time and time and time again this government has denied this bill the opportunity to have its time. Now, when we finally get its time, we are being confronted with these bogus arguments from someone who quite frankly should know better. It is an outrageous slight on all those elsewhere in the parliament, including on this side, that this is not a genuine attempt to improve surrogacy arrangements in South Australia and that this is not a genuine attempt to make sure that protections are strengthened.

I cannot believe that the Deputy Premier would bowl up these bogus arguments; even worse, I cannot believe she would do it to one of her own backbenchers.

The Hon. V.A. Chapman interjecting:

The CHAIR: Order! The member for Heysen has the call.

Mr TEAGUE: Briefly, I am moved to respond to the contribution of the Leader of the Opposition just now in relation to the test that has been put up and, to a certain extent, amplified by what I would describe as highly unnecessary grandstanding from the member for Lee on the question of what we are debating here and the merits of it.

I propose to return to the merits of the debate and raise the concern I have that, in this context, what we are endeavouring to do is regulate the assisted reproductive treatment that is necessary for a certain group of prospective parents. As has been raised by a number of sources, including experts who have experience in the field, we run the very real risk, in this context, of creating at least two classes of would-be parents—and I would say three.

We see parents who require the assistance of IVF treatment, a process of longstanding nationally, and alongside that we are to compare a group of parents who require going down the surrogacy path. One might put it in terms of a prospective mother without ovaries on the one hand who requires IVF treatment and a prospective mother without a uterus on the other hand who requires surrogacy assistance. We are proposing to go down a path that would treat them very differently, and that is not to even mention prospective parents who do not require assistance with reproductive treatment.

To the Leader of the Opposition, I make the observation that the test that he has propounded begs the question that we as legislators, if we are going to start imposing tests on parents, need to then continue to deal with the landscape around all would-be parents in this state. Do we start to think about imposing parental tests on every prospective parenting arrangement in this state? Do we impose tests to create a system of oversight for all those categories? For the moment, I leave that question for the Leader of the Opposition to answer.

From what I heard, there is no adequate answer; it is a false test. There is no race to the bottom in terms of how we as a parliament might send a signal to the public about how we are concerned about protecting the safety of children born in different reproductive arrangements. I put that out there. Secondly, I am moved to address the remarks of the Leader of the Opposition and the mover, insofar as the time that we come to debate these measures.

The member for Lee may not be interested in the merits of the debate. In fact, the Leader of the Opposition, having made his remarks, has left the chamber. The member for Lee, having made remarks that are critical of the Deputy Premier, is on his way leaving the chamber.

The CHAIR: The member for Lee has a point of order.

The Hon. S.C. MULLIGHAN: It is not only unparliamentary to reflect on the presence or location of somebody either within the chamber or outside the chamber but it is also an offence, which customarily results in the naming of a member and an expulsion from the chamber. I ask that you rule accordingly.

The CHAIR: Member for Heysen, you should not have reflected on the presence or otherwise of a member in the house. It is not the first time it has happened, not necessarily by you, but in times past it has happened. It is against standing orders and you should not have done it, and I direct you not to do it again. Yes, member for Lee, he is not going to do it again.

Mr TEAGUE: I am grateful, Mr Chair. I thank you for your guidance.

The CHAIR: Just remember that, member for Heysen. Back to the debate, member for Heysen.

Mr TEAGUE: I make this point briefly: again, on the merits of the debate, we are here debating the merits of this proposed amendment. We come to this debate at a time when the state of Victoria has been involved in this space now for a considerable period of time with a regime that leads towards a presumption against treatment following a series of superadded checks that are made of would-be participants in a surrogacy arrangement.

As recently as 28 August, the government of Victoria has published feedback in response to consultation about the way in which that regime has operated. As has been referred to by both the government and others in recent times, that feedback is, in my view, worthy of serious consideration by participants in this debate. The feedback shows us that not only would the superadded arrangements create a second or third class of would-be parents but they do not work. As a result, the Victorian government is presently considering withdrawing that entire aspect of the regime. I would invite that the debate return to the merits and that there be consideration of the evidence for and against this kind of superadded condition.

Mr BROWN: As this is a conscience vote, I feel it is important for me to get some thoughts about this on the record so that my constituents can attempt to understand my thinking and why I voted a particular way. Firstly, I pay tribute to the advocacy skills of the member for Heysen: he has again shown why he is regarded in this place as one of the best advocates on the government side. He gets his riding instructions and he comes in here and does an excellent job, as always.

We are being asked by this legislation to create a legal framework that results in an agreement being struck between parties to produce a child and bring a child into this world. As a result of that agreement, a deliberate act of parties, the custody of the child will then be transferred by a court from one party to another. This is very serious, and a very serious piece of legislation.

We are being asked to decide here what standards and safeguards should apply to protect this child from exploitation. It is not COAG that is being asked to decide the standards that apply in this particular case, it is not the screening unit that is being asked to decide the standards that will apply in this particular case: it is this parliament here. All of us will be deciding. We are the ones who must vote to establish standards and safeguards to protect a child.

Yes, we have heard arguments that some people under some circumstances do not have safeguards applied to them, so really why should safeguards or standards apply to anybody? It is this lowest common denominator approach that we have heard about. I reject this utterly. We have to take responsibility and we have to decide the standards and safeguards. I cannot speak for other members of this house, but in my opinion our only option is to apply the highest possible standards.

Near enough is not good enough in this particular case, so I urge all members to support the amendment of the member for Badcoe, which was originally the amendments of the member for King, and I congratulate her on bringing these amendments to the house in the first place. It is disappointing they have been withdrawn, but here we are.

I also indicate to the house—and I understand a number of other members are of the same view—that this is the only standard that I can accept, and should this standard fail to be adopted by the parliament I will find it difficult to support the legislation as a whole at all.

The CHAIR: Member for Kaurna, you will just have a couple of minutes and then we will report progress, but we will be back this afternoon.

Mr PICTON: I will start. I promise not to speak any longer than the Attorney spoke in her contribution.

The CHAIR: There is a 15-minute time limit—

Mr PICTON: I hope it is applied to me in the same way it was applied to her.

The CHAIR: —and she spoke for 15 minutes, member for Kaurna.

Mr PICTON: I think this is an important amendment that was originally proposed by the member for King—and I thank her for that—and now has been picked up by the member for Badcoe, and I thank her for that. This is an important area of law, an area where, once again, technology has not caught up with the law, and it is important for us to consider these very difficult matters. I think it is appropriate that it is a conscience vote; I think it is appropriate that members will agree to disagree on some of the important matters being debated here.

I for one am in support of the member for Badcoe's amendment; I see it as an important safeguard. I look at the system in Victoria, where this has been in place for many years, and I can see that in Victoria clearly a decision has been made by the Victorian parliament that there is some risk, and because the parliament there has decided that there is some risk they have put a number of steps in place to manage that risk. There is a panel that assesses the applications, and the applicants need to have a completed child protection check in Victoria.

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:00.

Petitions

5EBI RADIO

Ms HILDYARD (Reynell): Presented a petition signed by 1,301 residents of South Australia requesting the house to urge the government to commit to reinstating the annual funding of $22,500 to 5EBI Radio.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answer to a question be distributed and printed in *Hansard*.

PAPERS

The following papers were laid on the table:

By the Premier (Hon. S.S. Marshall)—

Murray-Darling Basin Royal Commission—South Australia's Response to the Report September 2019

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

Commissioner for Children and Young People—Public Transport—It's not fine Report
Environment, Resources and Development Committee Ministerial Response—to the Parliament Inquiry into Heritage Reform Report

Question Time

LAND TAX

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:03): My question is to the Premier. If the Treasurer can admit that landowners are worse off under the latest land tax changes, why can't the Premier?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:03): I always enjoy the opportunity to talk about reform. I always enjoy the opportunity to talk about reform—

Members interjecting:

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

The Hon. S.S. MARSHALL: —in South Australia, something that those opposite were—

Mr Szakacs interjecting:

The SPEAKER: The member for Cheltenham is warned.

The Hon. S.S. MARSHALL: —unable to pursue for a long period of time when it came to West Torrens. Of course, there was a half-hearted effort going back about a decade ago. It was ineffective. The only time they ever looked at land tax subsequent to that was when they—

The Hon. S.C. Mullighan: It was saving people money.

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

The Hon. S.S. MARSHALL: —threatened the people of South Australia with putting land tax on every single piece of land, including residential properties in South Australia.

The Hon. A. KOUTSANTONIS: Point of order, sir: this is clearly debate. The question was very specific.

The SPEAKER: I have the point of order. Member for West Torrens, sit down. Premier, be quiet. The Minister for Education.

The Hon. J.A.W. GARDNER: Sir, on the point of order, the question included the term 'why can't'. When a member asks a philosophical question, they will get a philosophical answer.

The SPEAKER: I'm going to allow—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: No, I have taken it to be a point of order on your point of order, member for West Torrens, so I am going to listen very carefully to the Premier's response. I ask that the gesticulation and the commentary and the interjections on my left and on my right cease so that I can listen to the Premier. The Premier has the call.

The Hon. S.S. MARSHALL: They can't take it. When they ask a question about land tax and we start responding, talking about the importance—

Members interjecting:

The SPEAKER: Order! I'm trying to listen.

The Hon. S.S. MARSHALL: —of reform in terms of land tax, they start whingeing, whining, carping, complaining and interrupting the flow of the parliament. The simple fact of the matter is that we on this side of the house are embarking upon—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. S.S. MARSHALL: —the single largest land tax reform in the history of South Australia—a massive cut. They wouldn't know a tax cut if they fell over it. They wouldn't have a clue. They have never been near one.

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: They have never been near one. They want to grind the South Australian economy into the dirt. By contrast—

Mr Malinauskas: Who do you believe? Your Treasurer or your Premier?

The SPEAKER: Leader of the Opposition, be quiet.

The Hon. S.S. MARSHALL: —every day that we have been in this place we have been trying to improve the conditions that we inherited from those opposite by lowering the costs of doing business—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is on two warnings.

The Hon. S.S. MARSHALL: —in South Australia, building confidence, building skills and creating the right environment for businesses, the private sector, to employ more South Australians. And that is exactly what is happening. Captain Negative hates it.

Members interjecting:

The SPEAKER: Order, member for Elizabeth!

The Hon. S.S. MARSHALL: But the reality is that in the last six months 5,000 jobs—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —have been created in South Australia, 5,000 jobs in the last six months. It's more than double what they were achieving under the previous regime and they hate it.

Mr Malinauskas: 7.3 per cent.

The SPEAKER: The leader is warned.

Mr Odenwalder interjecting:

The SPEAKER: The member for Elizabeth can leave for 20 minutes under 137A.

The honourable member for Elizabeth having withdrawn from the chamber:

The Hon. S.S. MARSHALL: Fundamental to reform and moving the state in the right direction is dealing with some tough issues. We don't move away from tough issues. Some just sweep those problems under the carpet or kick the can down the road. They have been doing it for a long period of time.

The Hon. D.G. Pisoni interjecting:

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

The Hon. S.S. MARSHALL: Where did South Australia arrive? At 3.7 per cent. It's the top marginal rate for land tax, the highest in the nation. What were the consequences of this?

Ms Stinson interjecting:

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

The Hon. S.S. MARSHALL: I will tell you. It was taking South Australian investor dollars out of this state and moving them to lower cost jurisdictions. But, more than that, it was repelling people who wanted to come and invest in South Australia, saying to them '3.7 per cent'. More than half the yield you would get in South Australia was going to the government, so it was completely and utterly unacceptable—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee is warned.

The Hon. S.S. MARSHALL: —and that's why we have decided to take on this issue and deal with an issue that those opposite were unable to deal with. They were impotent and, in fact, they are still impotent because—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —weeks and weeks after we have been talking about our position, they still haven't—

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: Premier, there is a point of order. Premier, please be seated. There is a point of order.

The Hon. A. KOUTSANTONIS: The Premier is debating the opposition's view, rather than answering the question the house is asking, and he just agreed, sir.

The SPEAKER: I have the point of order. I'm going to ask the Premier to come back to the substance of the question.

The Hon. S.S. MARSHALL: I'm happy to come back to the substance of the question.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I have been accused of not wanting to debate the opposition's position. They don't have a position. That's the whole fundamental point. They have no idea who they stand for. They are rudderless.

The SPEAKER: Is the Premier—

The Hon. S.S. MARSHALL: They are completely and utterly rudderless.

The SPEAKER: I believe the Premier has finished his answer. He has finished his answer. I will take another one from the leader.

The Hon. S.S. Marshall: Has he got a better one?

The SPEAKER: Order!

LAND TAX

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:08): Will the Premier now apologise to the house for continually insisting that 92 per cent of landowners are better off under these tax changes, which his Treasurer says are a tax increase?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:08): We stand by our reform that will lower land tax. The modelling that has been done that has been verified shows—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —that it will take a whole—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Member for West Torrens, if that was not organic coughing—

The Hon. A. Koutsantonis: Yes, it was, sir.

The SPEAKER: It was? Well, you are on two warnings.

The Hon. S.S. MARSHALL: Ease up. He hasn't had too many questions this week and there is a bit of shuffling going on over there at the moment. I tell you what, it's leaning a bit towards the member for Lee at the moment. The member for Port Adelaide is completely leaped over at the moment it would seem, but it's pretty messy over there at the moment, whereas over here—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —we are resolute that we are prepared to take on the tough issues, arrive at a position, which may not satisfy everybody but is in the best interests—

Mr Szakacs interjecting:

The SPEAKER: The member for Cheltenham, you can leave for 20 minutes under 137A.

The honourable member for Cheltenham having withdrawn from the chamber:

The Hon. S.S. MARSHALL: We are prepared to take on these issues, unlike those opposite with a leader who is floating around like a feather on the breeze—no idea where he is going to land. He wants to basically talk to each group and give a different answer.

The SPEAKER: There is a point of order.

The Hon. A. KOUTSANTONIS: The Premier is not even attempting to answer the question, sir. He is debating.

The SPEAKER: I have the point of order. I had to deal with a number of coughing fits, gesticulations and interjections, so I didn't hear all of the Premier's answer, but I will listen very carefully. Premier.

The Hon. S.S. MARSHALL: Of the modelling we have provided, 92 per cent of individual investors will end up—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —better off.

Mr Malinauskas interjecting:

The SPEAKER: Leader!

Mr Malinauskas interjecting:

The SPEAKER: Premier, be seated for one moment. Leader, I have given you fair latitude for the first six minutes. I cannot tolerate this amount of interjection; otherwise, members, including yourself, may be leaving. The Premier has the call.

The Hon. S.S. MARSHALL: It is difficult, sir, to remember the question with those opposite behaving like they are. It must be very disconcerting to the guests who are with us today in the public gallery. The reality is that the reforms that we are putting forward are going to be a substantial reduction in land tax for this economy. It is going to create more investment—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —intrastate and from interstate into South Australia. As that investment dollar grows so does our economy, and for too long investors—

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

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

The Hon. S.S. MARSHALL: —both within our state and from interstate have been bypassing South Australia because of the 3.7 per cent, but for some reason those opposite want to perpetuate the current scenario, or maybe a different situation, or maybe support it. They don't know. They've got no idea on a fundamental reform for our economy.

The SPEAKER: The Premier has completed his answer. I am going—

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

The SPEAKER: Is the Minister for Education talking to himself? I'm not sure. The leader has the call, and then I am going to swap to the member for Flinders who, as always, has been patiently waiting. Leader.

LAND TAX

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:11): My question is to the Premier. If the Premier has done modelling, can he please advise the house how many landowners are worse off under the latest bill changes to land tax?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:12): We have done comprehensive modelling. We have provided those to one of the big four. I think it was PwC.

Ms Hildyard interjecting:

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

The Hon. S.S. MARSHALL: Their report is on the YourSAy website. We have hardly hidden and buried it. My understanding is that you can actually go down and download it.

The Hon. V.A. Chapman interjecting:

The SPEAKER: Order, Deputy Premier!

The Hon. S.S. MARSHALL: I know that they are busy writing questions up in the dream factory.

Mr Boyer interjecting:

The SPEAKER: The member for Wright is warned.

The Hon. S.S. MARSHALL: But the reality is that this is a tricky situation. We are relying on trying to build a model that will replicate the likely changes and behaviours from the new set of scenarios. We note that the previous government attempted this as well. In fact, they did this only four years ago. They predicted that the aggregation would bring in $30 million. That was the best advice. That was the advice—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: And let me tell you, they screamed.

Mr Picton interjecting:

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

The Hon. S.S. MARSHALL: They didn't do it.

The Hon. A. KOUTSANTONIS: Point of order.

The Hon. S.S. MARSHALL: Well, we are doing it at exactly and precisely the same time that we are—

The SPEAKER: Premier, there is a point of order. One moment.

The Hon. A. KOUTSANTONIS: The Premier is talking about a 2015 tax reform package, not his package, sir. This is debate.

The SPEAKER: So this is debate.

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

The SPEAKER: Yes, yes. The Minister for Education makes a good point. I just require the short version of a point of order. Debate; I have it. I am going to listen carefully. The Premier has the call.

Mr Malinauskas interjecting:

The SPEAKER: Leader, you will be leaving very shortly if this continues.

The Hon. S.S. MARSHALL: Thank you very much, sir.

Members interjecting:

The SPEAKER: The Premier has the call.

The Hon. S.S. MARSHALL: The question was about modelling. I was listening very clearly to the question, which was about modelling, and I think it is fair that I provide information to the parliament on our modelling and modelling that relates to the aggregation issue. We have done our modelling. The previous government did their modelling. They released it in 2015. The former treasurer—

Dr Close interjecting:

The SPEAKER: The deputy leader is called to order.

The Hon. S.S. MARSHALL: —the current member for West Torrens—the aspirant, as I call him—was the treasurer at the time, I believe, at the 2015 tax summit.

The Hon. A. KOUTSANTONIS: Point of order, sir: it is not about me in 2015. It is debate.

The SPEAKER: As an aspirant—it is also a personal reflection. Premier, I ask you to stick to the substance of the question, please. Do not provoke them, member for West Torrens.

The Hon. S.S. MARSHALL: They're all aspirants, sir. They're all aspirants. We just heard it from the member for Lee. You have to be worried when your front bench is saying that you're all aspirants.

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

The SPEAKER: Yes, this is debate, Premier. The Premier will be seated.

The Hon. A. KOUTSANTONIS: The Premier has lost control, sir.

The SPEAKER: I uphold the point of order for debate. It's debate.

Members interjecting:

The SPEAKER: No. I am moving to the member for Flinders, and I will come back to the leader.

The Hon. A. Koutsantonis: It's a lovely blue shirt.

The SPEAKER: The member for West Torrens is on two warnings.

HOME BATTERY SCHEME

Mr TRELOAR (Flinders) (14:14): My question is to the Minister for Energy and Mining. Can the minister update the house on how the Marshall government's Home Battery Scheme is creating more jobs for South Australians?

Mr Boyer interjecting:

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

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:15): Yes, I can answer the question from the member for Flinders. It was a pleasure for me to be with the member for Flinders in his electorate not too long ago. He asked me to come and engage with some of his constituents and local employers, and we specifically discussed the Home Battery Scheme.

We also discussed how beneficial it would be for Ceduna and other small communities to be able to get cheaper electricity, more affordable electricity and more reliable electricity. I know this program will be very good for the member for Flinders' constituents, as it will be for people all over the state and constituents represented by those opposite. They won't say it in this place, but I know that those opposite are very keen for our policies to work for their constituents, and they should—

Mr Hughes interjecting:

The SPEAKER: The member for Giles is called to order. The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: If those opposite want to claim credit for the Home Battery Scheme, we will share that credit. No problem. It won't be hard to prove them wrong, but don't you worry, Mr Speaker.

Members interjecting:

The SPEAKER: Order! Please do not respond to interjections, and please do not interject.

The Hon. D.C. VAN HOLST PELLEKAAN: I am very happy for every member of parliament to be spruiking the Home Battery Scheme because, on this side of the chamber, we want all South Australians to benefit from the Home Battery Scheme—

Mr Brown: Why is it capped?

The SPEAKER: The member for Playford is warned.

The Hon. D.C. VAN HOLST PELLEKAAN: —including with regard to the very important job creation benefits of the Home Battery Scheme, which the member for Flinders asked about. It was a pleasure for me yesterday to be with the Premier to launch the new production facility for Alpha ESS down at Lonsdale. It was a tremendous day to be down there to launch not only their new production facility, where they will shortly employ 80 to 100 South Australians in new jobs that would not exist if it were not for this scheme, but also ShineHub's partnership with Alpha ESS and their virtual power plant.

ShineHub is talking about the capacity to offer South Australians a flat $1 per day electricity bill through their virtual power plant—a tremendous development. As well as a requirement to deliver more affordable, more reliable and cleaner electricity for all South Australians, one of the things we did was bring new jobs into the state. Those opposite might be aware of the new manufacturing facility that Sonnen has at Elizabeth and now the new production facility that Alpha ESS has down at Lonsdale. We are working for all South Australians. Those two areas—

The Hon. L.W.K. Bignell: Kangaroo Island can't get it.

The SPEAKER: The member for Mawson is warned.

The Hon. D.C. VAN HOLST PELLEKAAN: —are Labor-held electorates. We are working for all South Australians with this program. There are 80 to 100 new jobs down there at Lonsdale with Alpha ESS. They will, for the balance of 2019, produce approximately 500 small batteries per month. They will, throughout 2020, produce approximately 1,000 home batteries per month, and they have the capacity in the facility to expand to up to 2,500 home batteries per month.

They recognise the value of this scheme not only to South Australia as a whole but to their customers and to their business. The 80 to 100 jobs are set for the 1,000 batteries per month production level. When they exceed that, the employment will exceed that as well. Others opposite can share and discuss the benefits of it throughout their electorates. The Home Battery Scheme is working for all South Australians—more affordable, more reliable and cleaner electricity throughout the state.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the member for Lee, I welcome to parliament today year 11 students hosted by the member for Enfield. They are from Our Lady of the Sacred Heart College (OLSH). I hope you have found your visit to parliament inspiring. Enjoy.

Question Time

LAND TAX

The Hon. S.C. MULLIGHAN (Lee) (14:19): My question is to the Premier. Does the Premier accept the Treasurer's statement today that the government has no information on how many South Australians will be affected by the aggregation of property interests for land tax purposes?

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

The SPEAKER: The point of order is for a breach of section 97 or commentary?

The Hon. J.A.W. GARDNER: As I see it, he didn't seek leave to introduce information.

The SPEAKER: I respectfully uphold that; however, what I will do is, per my very generous practice, allow the member for Lee to rephrase.

The Hon. A. KOUTSANTONIS: Point of order, sir: those facts were introduced by the Treasurer in the public realm. They are not new facts to the house.

The SPEAKER: If the member for Lee has evidence of that, I am willing to look at it. I also warn him. Since we have to address this here and now, I want the member for Lee to slightly rephrase the question.

The Hon. S.C. MULLIGHAN: My question is to the Premier. Does the Premier accept that the government has no information on how many South Australians will be affected by the aggregation of property interests for land tax purposes?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:20): What I have been advised is that 92 per cent of all individuals, which equates—and I have some more information to provide to the house, which is that 47,800 individuals will be better off. These are the people that you're not sure whether you want to support yet: 47,800 individuals currently paying—

Members interjecting:

The SPEAKER: Order! The deputy leader is warned.

The Hon. S.S. MARSHALL: —land tax will be better off. I am also advised that 7,900 company groups in South Australia will be better off, which represents 75 per cent of all company groups—

The Hon. A. Piccolo: And you don't know what your Treasurer is saying? You haven't been advised?

The SPEAKER: Member for Light!

The Hon. S.S. MARSHALL: —are paying land tax in South Australia. So these are very large numbers. We know whose side we are on with this debate. We are on the side of the vast majority of people who will end up better off in South Australia. It is not just the individual land tax. It is not just the—

Mr Malinauskas interjecting:

The SPEAKER: Leader! You're on two warnings.

The Hon. S.S. MARSHALL: Of course, it's not just those 47,800 individual investors and the 7,900 company groups who will end up better off by our proposed land tax changes but also the economy and jobs in South Australia. If you think about why we're doing this, why are we doing this?

Mr Malinauskas: Because you stumbled into it.

The SPEAKER: The leader can leave for 20 minutes under 137A.

The honourable member for Croydon having withdrawn from the chamber:

The Hon. A. Piccolo: You don't know why you're doing it.

The SPEAKER: The member for Light is warned.

The Hon. S.S. MARSHALL: We know exactly and precisely why we are doing this.

The Hon. A. Piccolo: No, you don't. You have had three attempts at it.

The SPEAKER: The member for Light is warned.

The Hon. S.S. MARSHALL: We are trying to create a more effective and attractive environment in which people can invest, and the current system is not fair. So far we haven't heard anything from those opposite that would suggest—

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

The SPEAKER: The point of order is for—

The Hon. A. KOUTSANTONIS: Our view is debate, sir.

The SPEAKER: —debate. I have allowed, per past practice to be consistent, some compare and contrast to a point. If the Premier deviates beyond a point, I am willing to tolerate, I will rein him into line.

The Hon. S.S. MARSHALL: We know exactly and precisely why we're pushing ahead with this reform, this complex reform: because it needs to be done to create a more fair system in South Australia, to encourage more investment into South Australia, to create more jobs. I won't reflect on those opposite, but there are opponents to what we're doing, but those opponents are yet to explain to the people how somebody that has $20 million or $30 million worth of property, and land in particular, is paying no land tax while somebody else is paying hundreds of thousands of dollars in land tax.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: This is inequitable, and we're not prepared to continue with this situation. What we're putting forward is considered, after looking at every other jurisdiction in the country. It is designed unequivocally to bring more money into this state. When we're sitting at 3.7 and New South Wales is at 2, that is a disincentive for people to invest in the South Australian economy. That is what we are seeking to rectify. What we're doing, going from 3.7 down to 2.4, which is the average of the mainland states of Australia, is creating a more attractive environment for investment to flourish. We're taking the handbrake off the South Australian economy.

We fully appreciate that there are those who are opposed to it. We're also fully aware that there are those who just want to frustrate the process, those that know that we need reform, those that have considered that reform before but shied away because of the complexity. Well, we're not. We're putting the people of South Australia first.

Members interjecting:

The SPEAKER: The Minister for Police and the member for West Torrens will cease this verbal sparring.

LAND TAX

The Hon. S.C. MULLIGHAN (Lee) (14:24): My question is to the Premier. How many of the 47,000 land tax payers the Premier just referred to will save money from the changes to be introduced to the parliament in October?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:24): I have mentioned this to the member for Lee for quite some time, and he doesn't seem to get it. He is the person who is being put up by the opposition as the alternative treasurer for South Australia. Our reforms fall into three parts: one is to lift the threshold from $391,000 to $450,000—

Members interjecting:

The SPEAKER: The member for West Torrens can leave for 20 minutes under 137A for constant interjections.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: If you keep interjecting, you will be named.

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

The SPEAKER: The Premier has the call.

The Hon. S.S. MARSHALL: The second is to put an aggregation arrangement in place that is fair, equitable and comparable with other jurisdictions in Australia. The third element is to take the top marginal rate from 3.7 per cent—not to 3.5 or 3.2 or to gradually drop it over a seven-year period,

as we announced on budget day, but to drop it immediately, on 1 July next year, to 2.4 per cent. It's almost impossible to believe that there are people in South Australia who are arguing against making our state more competitive.

Mr Brown: Why is it a tax increase? Why did the Treasurer say it's a tax increase?

The SPEAKER: The member for Playford is warned.

The Hon. S.S. MARSHALL: Why would anybody say that they would like South Australia to remain, essentially, kryptonite to investment coming into this state?

Mr Brown: Why did the Treasurer say it's a tax increase?

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

The Hon. S.S. MARSHALL: We want to attract, to be a magnet to bring investment dollars in from interstate, to keep investment dollars in our state. It is soul destroying when so much of our capital is going across the border—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —into New South Wales, into Victoria, into Queensland.

Ms Stinson: Do you want to read the InDaily article? You can get up to speed with what your Treasurer is saying.

The SPEAKER: The member for Badcoe is warned.

Ms Stinson: We've got a copy. We can bring it over.

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

The Hon. S.S. MARSHALL: It is soul destroying to see this capital from South Australian sources going into other jurisdictions. We are stopping that. We are putting an end to that. We are going to be bringing money in from interstate and we are going to be stopping money going out of South Australia because we are making it a more attractive place to invest, to create jobs, to grow businesses—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —and to make a more prosperous state.

ALMOND INDUSTRY

Ms LUETHEN (King) (14:26): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on how the state government is growing jobs in the almond industry?

Mr Brown: A million dollars a job.

The SPEAKER: The member for Playford can leave for the remainder of question time.

The honourable member for Playford having withdrawn from the chamber:

The SPEAKER: Minister.

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:27): Yes, I can, and I thank the member for King for her very important question. We know her strong advocacy not only for the electorate of King but also for the horticulture sector up in King. It's a great day for horticulture over the weekend. I was up in the Riverland on Saturday, and I had a cracker of a weekend. I was up there to celebrate Almondco's 75th birthday. The celebrations were celebrated not only for what the almond industry means for South Australia—

Members interjecting:

The SPEAKER: The member for Reynell is warned.

The Hon. T.J. WHETSTONE: —but for what it means for jobs. The almond industry at the moment is probably one of the most buoyant horticulture sectors going around in the Murray-Darling Basin. What I would say is that, in the days preceding the 75th celebration of their history, the big announcement was at the dinner on Saturday night, and that was that the Marshall government has committed $28.55 million to Almondco, through the cooperative scheme, to allow them to expand.

That expansion will not only give them the capacity to deal with the increased plantings within South Australia, or within the Murray-Darling Basin—because Almondco is one of Australia's leading almond processors; it's actually the second largest—but what it's actually doing now is giving the capacity not only for value-adding, the processing facility and the new sorting room, but also for its environmental credentials. It is now investing heavily in its water treatment and re-use water capacity on its site at Renmark.

It will create 50 jobs through construction and 30 ongoing, additional full-time production jobs. It already employs 170 South Australians. What I would say is that the expansion at the Renmark headquarters site is a shot of confidence in the arm, not only for the almond industry but for another regional community that is looking to be the headquarters of the almond sector here in South Australia.

As I said, the expansion increases the capacity for processed nuts here, from 28,000 tonnes to 45,000 tonnes. For many in this chamber to understand the number of nuts in 45,000 tonnes, it is significant. The Almondco facility will now process and pasteurise, and not only supply 50 per cent of its production domestically but provide 50 per cent of its product globally, and we are looking to increase that.

I would also like to congratulate Brenton Woolston, the general manager of Almondco. I have worked very closely with him over a number of years, and planning for this expansion has been of paramount importance to him for a number of years. I also congratulate Simon Lane, the chairman of Almondco. He has been there for more than a decade and has shown great leadership with his board, and that has highlighted the importance of good leadership, particularly in a co-op scheme. We have seen co-ops through South Australia's horticultural industries come and go; sadly, that has been a stain on what the co-ops have meant.

Almondco has shown that they are one of three big co-ops in South Australia. We know that the CCW co-op within the wine industry is another shining light within the sector. Again, Almondco continues to grow and continues to invest and support some 110 South Australian growers, 160 growers in total. It is a great South Australian business. It is a business that is supporting one of the shining lights in the horticultural sector in South Australia. We know that it is good news for South Australia, it is good news for Renmark, it is good news for the Riverland, it is better news for the almond growers but, more importantly, #RegionsMatter.

The SPEAKER: The member for Lee.

Members interjecting:

The SPEAKER: Member for Light, be quiet.

LAND TAX

The Hon. S.C. MULLIGHAN (Lee) (14:31): My question is to the Premier. Why can't the Premier concede that his proposed land tax changes will raise more money for the government?

The Hon. J.A.W. GARDNER: Point of order, sir: that is almost a direct repeat of a previous question, with one or two words replaced, and is therefore out of order.

The SPEAKER: I believe it was slightly different. I do take the point of order. Is the Premier willing to answer the question?

Members interjecting:

The SPEAKER: I have allowed the question, so be quiet and let's listen.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:31): I am very happy to answer this slightly altered question. Again, it's clear to me that the opposition has no questions—

The Hon. A. Piccolo interjecting:

The SPEAKER: Member for Light, you have been doing it all day. You can leave for the remainder of question time.

The Hon. S.S. MARSHALL: —no questions whatsoever. There are members—I'm not allowed to name them of course—who sit there and must be bursting to ask a question in their portfolio area—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —and they haven't heard anything, even when half the front bench gets thrown out they are not allowed to ask a question because the member for Lee—

Mr PICTON: Point of order: debate.

The SPEAKER: The point of order is for debate. The member for Light is leaving, so I will let him leave.

The honourable member for Light having withdrawn from the chamber:

The SPEAKER: I ask that the interjections cease so that I can hear the Premier.

The Hon. S.S. MARSHALL: I'm not so sure it was debate at all, sir. It was really an observation as to what's going on.

Members interjecting:

The SPEAKER: Premier, I asked that the interjections cease so that I could listen to whether in fact debate was occurring. I thank the member for Lee for his assistance. It's not required but I thank him, and I will listen to the Premier's answer if he can come back to the substance of the question. Premier.

The Hon. S.S. MARSHALL: This gives me an opportunity to go through it one more time and just explain to people—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —what some people find extraordinarily difficult to understand.

The Hon. S.C. Mullighan interjecting:

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

The Hon. S.S. MARSHALL: And that is that since getting elected to this parliament 18 months ago—

Ms Stinson interjecting:

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

The Hon. S.S. MARSHALL: —determined to change the fortunes of South Australia, determined to change confidence levels in South Australia, the job creation levels in South Australia and the investment levels into our state. We have been very busy since we got elected trying to improve the landscape that we had inherited from those opposite. We have worked very hard to lower costs, and principal amongst those is halving the emergency services levy. Some opposite find that hilarious, but let me tell you that when people receive their emergency services levy bill they are very happy to see it halved—$90 million going back into the economy.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: What happens when $90 million goes back into the economy? People get to spend it on what they want to spend it on. They love the fact that their emergency

services levy bill has halved. Small business loves the fact that we have cut all payroll tax out altogether.

The Hon. S.C. MULLIGHAN: Point of order: the question was about the Premier's admission of increasing land tax revenue to the government.

The SPEAKER: Yes, I have a point of order for debate. Premier, I ask you to come back to the substance of the question, thank you.

The Hon. S.S. MARSHALL: Those opposite for some reason assert that a $70 million reduction in land tax revenue, envisaged from 1 July next year over the coming three years, is somehow an increase. They repeat it time and time again, as if they say it often enough it becomes the truth. It is like something out of a George Orwell novel.

The reality is: take a look at the budget papers. The budget papers contain elements last budget and elements this budget which, combined, will deliver land tax cuts effective from 1 July next year and over the subsequent three years will reduce land tax take into South Australia from these measures by $70 million.

That is $70 million that will be going back into the economy, back into the pockets of ordinary South Australian mums and dads and businesses—don't forget businesses pay land tax as well. They will be able to put more money back into their programs to update their plant and equipment to employ more South Australians. That's what this is about: a fairer system. Those people who are opposed to it are yet to offer a single plausible explanation—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee can leave for 25 minutes under 137A.

The honourable member for Lee having withdrawn from the chamber:

The Hon. S.S. MARSHALL: —why somebody's exact amount of land assets should be paying completely different rates of taxation. It makes no sense and they know it. So they come in here, changing a word, changing an adjective and trying to ask exactly the same question, but our response is exactly the same.

We are happy to answer every question in this entire question time on land tax. It's not a problem at all. But some over there, when all their colleagues get thrown out, must be saying, 'When are they going to let me ask a question?'—not referring to anybody in particular. It must be humiliating.

Members interjecting:

The SPEAKER: If these interjections on my right continue, someone will be paying the price today.

MURRAY-DARLING BASIN PLAN

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:36): My question is to the Minister for Environment and Water. Does the minister accept responsibility for the decision to agree to the revised socio-economic criteria and, therefore, responsibility for the delivery of the 450 gigalitres of environmental water to South Australia?

Members interjecting:

The SPEAKER: The member for Mawson is warned for a second and final time. The Minister for Environment and Water has the call; I would like to hear the answer.

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:36): If this royal commission has done anything for South Australia, it has allowed the deputy leader to ask a question in question time, even when there's no-one left on the other side—

Members interjecting:

The SPEAKER: Minister, be seated for one moment. The minister has the call.

The Hon. D.J. SPEIRS: Thank you for your protection, Mr Speaker. I 100 per cent take responsibility for making the decision to agree to the socio-economic criteria because we know that that agreement around the socio-economic criteria secured the agreement of all the other states to stay at the table. For the last—

Members interjecting:

The SPEAKER: Order, member for Elizabeth and member for Cheltenham!

Mr Patterson interjecting:

The SPEAKER: The member for Morphett can leave for 20 minutes under 137A.

The honourable member for Morphett having withdrawn from the chamber:

The Hon. D.J. SPEIRS: For the last nine months, what we have not had from the opposition is what their alternative is to the Murray-Darling Basin Plan, because they don't support the Murray-Darling Basin Plan, which means they do not support—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —the fundamental concept of environmental water. The deputy leader's lack of support for the Murray-Darling Basin Plan is a disgrace.

Dr CLOSE: Point of order, sir.

The SPEAKER: Minister, please be seated. The point of order is for debate?

Dr CLOSE: Debate, misleading and also offensive to me personally.

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

The SPEAKER: Point of order on the point of order.

The Hon. J.A.W. GARDNER: The mechanism for accusing another member of misleading the parliament is not the one that was just used.

The SPEAKER: Yes, it is by substantive motion. If the deputy leader wishes to pursue that course, she would have to do it by substantive motion. What I would suggest for the flow of question time is that I would ask the minister to refrain from personal reflections on any member. I am not accusing him that he will, but I would ask him not to entertain personal reflections on any member because what they may do is lead to quarrels and reduce the decorum of the house. If the minister could stick to the substance of the question, I would appreciate it. Minister.

The Hon. D.J. SPEIRS: I think it is important to highlight that the South Australian Labor Party does not support the Murray-Darling Basin Plan as a collective, because they don't. All the evidence shows that.

The SPEAKER: Minister, be seated for one moment. The member for Kaurna has a—

Mr PICTON: Point of order: debate.

The Hon. D.J. SPEIRS: Mr Speaker, I would like to make a comment about—

The SPEAKER: One moment. I will deal with these one at a time.

Members interjecting:

The SPEAKER: Members on my left, be quiet. Member for Kaurna, point of order is for?

Mr PICTON: Debate.

The SPEAKER: For debate. Okay, I have the point of order. I will allow some amount of compare and contrast. I understand that members on my left may not agree with what the minister is saying. I am prepared to tolerate it to a level. Minister, you had something to say?

The Hon. D.J. SPEIRS: Mr Speaker, I do. There is no workplace in Australia that would put up with the sort of commentary that I get from the member for Mawson on a regular basis, the innuendo and the offensive comments, and I think—

Members interjecting:

The SPEAKER: Members on my left—

The Hon. D.J. SPEIRS: —that he is unworthy of this place.

The SPEAKER: —and, minister, with all respect, if there is a point of order, if there is something you take offence to, it needs to be raised at that time. I can't take an impromptu speech about what the member for Mawson might or might not be saying—

The Hon. L.W.K. Bignell: Oh, so we get a Rolls Royce and he went for a Mazda.

The SPEAKER: I don't need your help. I am trying to assist here. Minister, if there is something that you've taken offence to, I ask you to tell me what it is so I can ask the member to withdraw it; if not, let's get on with it, please.

The Hon. D.J. SPEIRS: I'll get on with it, Mr Speaker. As I was saying, I take full responsibility—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —for all decisions made at the Murray-Darling Basin Ministerial Council on 14 December 2018 and I do so because that has secured water for South Australia. It has secured a pathway to water for South Australia and we've got—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —projects up and down the Murray-Darling Basin and activity occurring like we have never had in recent times, like we have never had since the Murray Darling Basin Plan was established in the mid-2000s. We have secured the agreement of all the jurisdictions who find themselves around the table as part of the Murray-Darling Basin Plan. We have kept those states at the table and we have water secured, coming across the border into South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —to the Coorong, to the Lower Lakes, water that can sustain our agricultural economy, water that can sustain our tourism economy, water that sustains towns like Renmark and Loxton and Waikerie right down through to Goolwa. These towns rely on the survival of the Murray-Darling Basin Plan. What I have achieved was an historic agreement and that is what minister Littleproud described it as. It was an historic agreement—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —because it kept everyone at the table. It secured—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: The member for Mawson continues to scream and shout about this—

The Hon. L.W.K. Bignell: I haven't said a word.

The Hon. D.J. SPEIRS: —but at the end of the day—

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —we have a plan which is delivering water for our environment and the River Murray in South Australia today. We would like it to be healthier, but it is relatively healthy compared to what it would be under a scenario with no Murray-Darling Basin Plan. That is the scenario that the South Australian Labor opposition cleave to see occur.

The SPEAKER: The Minister for Education, my peripheral vision is very good. I call the member for Florey.

PEDAL PRIX

Ms BEDFORD (Florey) (14:43): My question is to the Minister for Education. Can the minister inform the house of the benefits of the Pedal Prix to participating schools and students?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:43): I thank the member for Florey for this question. I think it is an excellent opportunity to talk about the Pedal Prix, the human-powered vehicle race which for many, many years—I think decades, indeed—has been supporting South Australians, in particular, I think, South Australian students in not only an opportunity for health and exercise but also in STEM education. It is very valuable. There is a range of schools across South Australia that participate as school-based teams in the Pedal Prix. A number of them are supported financially by their schools but also some seek sponsorship from the community.

I have more than a sneaking suspicion that the member for Florey may herself have over the years contributed to teams such as The Heights School, I am guessing, and possibly Modbury High. There may well be others that the member for Florey has contributed to. As the schools engage with their local community, I think it also gives our students a great opportunity to engage in entrepreneurialism, fundraising and social benefit of a range of factors.

I have some evidence of this from not just the member for Florey's own personal support for some of the schools that are in and have been in her electorate but also from the member for Kavel, the member for Stuart and the member for Davenport, who were just telling me yesterday of the support they give to schools in their electorate who participate in the Pedal Prix. I know that the member for Hartley (the Speaker) and I have both over the years occasionally supported Norwood Morialta High School. Norwood Morialta, in this year's Pedal Prix, is one I am particularly proud to reflect on because, out of all the schools in South Australia, they were the third highest placing team, which we are very proud of in Morialta and Hartley and the Premier's electorate of Dunstan.

This year, the Pembroke School team was the leading school. The member for Florey's and the member for Newland's favoured team—Modbury High School—was the 15th highest placing school out of very many dozens of schools across South Australia. Mount Barker High School, the member for Kavel will be pleased to know, placed in the top 30 as well. All those other schools supported by members across this house did very well, but not as well as Norwood Morialta High School. It's important to know that.

I thank those members who support it and the businesses and communities who support it. The University of South Australia have done an enormous body of work over many years as the main sponsor and leader in this event. I am also advised, and I just note now, that the member for Florey's engagement has indeed extended further. I believe that about nine years ago she might have been waving the flag at the beginning of the race. It must have been very early in her parliamentary career. This is something I know the member for Florey has supported for a long time.

The government is very pleased that our schools continue to engage with it. The way that it builds STEM skills and community engagement, helping teams that are designing their own vehicle, is something that can be well built into the curriculum, helping in science, technology, engineering and maths. I commend all the students, all the teachers and all the sponsors who have been involved in Pedal Prix this year and over the decades of its existence.

JOB CREATION

Mr MURRAY (Davenport) (14:46): My question is to the Premier.

Members interjecting:

Mr MURRAY: Just listen up. Can the Premier update the house on how the development of future industries is creating jobs for our state?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:46): With pleasure, and I thank the member for Waite for his excellent question. He like all of those on this side of the house—

Members interjecting:

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

The Hon. S.S. MARSHALL: —is very concerned about growing the size of our economy and creating more jobs for our next generation, and we are working harder than ever to do exactly and precisely that. We are obviously looking at some of our traditional sectors, like mining and agriculture, tourism and international students, but we also have our focus on future industries for this state, and today I had the great pleasure of speaking at the Defence Industry Cyber Summit, a national cyber summit being held in South Australia.

Most recent statistics say that Australia will need another 18,000 cyber professionals in Australia by 2026. This is a great opportunity. Many people who look at cyber actually think of the threat. Sure, it is a threat. There are always attacks on data in the government sector, in the private sector and on individuals, but the flipside of the threat is the opportunity to develop products and companies who are going to address this growing threat, and that's precisely what we are going to do.

The South Australian government, on behalf of the taxpayers, is investing $8.9 million to establish the Australian cyber collaboration centre on Lot Fourteen. This is a best practice centre dealing with the critical nodes that we have already—the AustCyber critical nodes that we have in South Australia—of defence and small business, two incredibly important sectors of our national economy, but we will be looking at other sectors as well.

Today, at the Defence Industry Cyber Summit—a sell-out event—it was a great pleasure for me to welcome the Hon. Larry Hogan, who is the Governor of Maryland. Some of you might recall that I have spoken about Governor Hogan before, whom I met when I visited the United States earlier this year. I was over for the US-Australia defence dialogue, but I made a detour to go to Maryland because they are the undisputed cyber capital of the US. He was very generous in reciprocating and coming here to speak at our summit today. He spoke specifically about the opportunity of developing a skilled workforce for fantastic jobs and the transformation that has occurred in Maryland.

But, more than that, we felt very honoured today that South Australia was able to sign an MOU with Maryland so that we can work collaboratively in looking at some of these incredible opportunities in the cyber sector. It was a great honour to have the Governor of Maryland here. He is here for another day before he heads off interstate, but we welcome him here to South Australia.

We are also looking at other new future industries. Sir, as you would be aware, earlier this week we launched our Hydrogen Action Plan, which built on the work that was done by the previous government with their hydrogen pathway. We supported that and now we are developing it through 20 key actions because we believe this is also a great opportunity for our state. It's a clean source of stored fuel energy that we can deploy. It is of great interest, in particular in our region, in both Japan and Korea and they are opportunities that we will continue to look for.

We are looking at not just future industries around tech but also the creative industries. In this area, I would like to commend the Minister for Innovation and Skills, who looks after the screen sector. He is passionate about the screen sector. He has been to auditions. He hasn't got a part yet, but he's still passionate. The *Mortal Kombat* film in South Australia is not just about acting but about some of the post-production work, some of the great jobs that are being created and the $70 million injection into our economy from the *Mortal Kombat* film.

MURRAY-DARLING BASIN PLAN

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:51): My question is to the Minister for Environment and Water. In agreeing to the revised socio-economic criteria, did the minister receive any commitment from the New South Wales and Victorian governments not to

abandon the Murray-Darling Basin Plan and their obligations in it to provide environmental water to South Australia?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:51): I would be keen to—

Members interjecting:

The SPEAKER: Sorry, the Premier has the call.

The Hon. S.S. MARSHALL: I would be keen to answer this because—

Members interjecting:

The SPEAKER: The deputy leader is warned. The Premier has the call.

The Hon. S.S. MARSHALL: I would like to answer this question because I was the one who wrote to the Prime Minister when we received the reports in January. There were two reports we received in January: the Australian Productivity Commission report—

Dr Close interjecting:

The SPEAKER: Deputy leader, I ask you to cease interjecting. The Premier has the call.

The Hon. S.S. MARSHALL: Just listen to the answer.

The SPEAKER: I'm trying to.

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. S.S. MARSHALL: Two reports were received in January this year. There was the Australian Productivity Commission report and the royal commission report done by Bret Walker SC into the Murray-Darling Basin. They were both received. I wrote to the Prime Minister immediately, asking him to convene the first ministers of all the basin jurisdictions: Queensland, New South Wales, the ACT, Victoria, ourselves of course and the commonwealth. That wasn't possible before New South Wales went into caretaker mode and then soon thereafter the commonwealth went into caretaker mode, but it was convened in August of this year.

In fact, in a single week, there were two very important meetings held with regard to these documents. One was the water ministers' meeting, which I think was held on 4 August or thereabouts, and then there was the meeting that was held with all of the first ministers: the Premier of Queensland, the Premier of New South Wales, the Premier of Victoria, Chief Minister Barr and the Prime Minister. This was an important meeting. What was resolved at that meeting was that all of the jurisdictions would stay at the table, and this was under—

Members interjecting:

The SPEAKER: Order! The member for Wright is warned and called to order for a second time.

The Hon. S.S. MARSHALL: This is and has always been a fragile plan because at any point in time people can get up and leave the table. Some think that the best way to keep people at the table is conversationally swearing at them. We don't think that's the case. We actually think—

Members interjecting:

The SPEAKER: Order! The member for Wright can leave for the remainder of question time.

The honourable member for Wright having withdrawn from the chamber:

The Hon. S.S. MARSHALL: This is a particularly difficult piece of legislation. It was probably 100 years in the making. The 2007 Water Act was actually put in place in the Howard government. It took several years then to negotiate what that Murray-Darling Basin Plan would be, and it is still fragile and people can get up from the table and leave. But let me tell you this: South Australia's interests are best served by keeping every single jurisdiction at the table. This concept—

Members interjecting:

The SPEAKER: Order!

Mr Malinauskas interjecting:

The SPEAKER: Leader!

Mr Malinauskas interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —which is advanced by those opposite of megaphone diplomacy might get them into the media for a short period of time, but our interests are much greater than the short-term political grab on television, on the radio, in the newspaper.

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: We are here to protect the health of the River Murray. The entire state depends on the health of the River Murray. It is the backbone of our South Australian economy.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: It supports river communities, jobs, tourism opportunities, and it is nothing unless we protect the health of the River Murray, and that is exactly and precisely what we have done. That is why we worked so hard, and I commend the Minister for Environment and Water, who has worked very hard with every single one of his cabinet colleagues to make sure that we arrived at a position which kept every person at the table. I congratulate him on his outstanding work and leadership.

LYMPHOEDEMA COMPRESSION GARMENT SUBSIDY

The Hon. G.G. BROCK (Frome) (14:55): My question is to the minister representing the Minister for Health. Can the minister please update the house on the progress, development and implementation of a business case and funding options for assistance with respect to a subsidy for compression garments for people suffering from lymphoedema?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:55): This topic has come up once before, I believe, from the member for Frome. He did get an answer from the Minister for Health and Wellbeing on this topic, and I will make sure that I bring back another answer to this question. I think it is quite similar to the previous question, so the answer might be quite similar, but I will make sure that I get an answer back for him.

MURRAY-DARLING BASIN PLAN

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:56): My question is to the Minister for Environment and Water. Will the government today commit to pursuing SA's constitutional water rights through the High Court of Australia?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:56): I am not in a position to make that commitment today. We have a very clear pathway forward with the Murray-Darling Basin Plan, and that involves keeping that plan intact, keeping the other jurisdictions at the table and getting water into the river.

Members interjecting:

The SPEAKER: Order, members on my left! You asked your question.

The Hon. D.J. SPEIRS: It is not in order to respond to interjections, but the Leader of the Opposition was saying earlier, 'Where is the water?' Well, there is far more water on its way here now than ever there was under—

Dr Close interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —the South Australian Labor Party. We have New South Wales putting out tenders, looking for efficiency projects, talking in their communities about those opportunities. We have Victoria doing likewise. We have the Australian Capital Territory undertaking work towards projects as well. That is the first time since the plan was formed that these states are even considering that. In fact, it would have been anathema for that to have occurred before 14 December 2018.

We gave those jurisdictions confidence in the plan, confidence that their communities would not be undermined as a result of social and economic loss. South Australia and our Riverland is the case study for how you can advance efficiency projects and still continue to grow your regional economy. So I ask the opposition: why do they believe that what has happened in South Australia with efficiency projects historically can't occur interstate to enable us to deliver water into the river, and why is the South Australian Labor Party so focused on compulsory buybacks, ripping water out of communities—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: No, compulsory buybacks, because to achieve some of the recommendations of the royal commission the only pathway to that is compulsory buybacks, and that would rip—

Members interjecting:

The SPEAKER: Order!

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. D.J. SPEIRS: —the heart out of regional communities.

Mr Malinauskas interjecting:

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

The Hon. D.J. SPEIRS: I have travelled with the Minister for Regional Development to stand on farms where compulsory buybacks have been undertaken, and that has literally seen vines—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —wither in communities and fewer people working in the local mechanic workshops, fewer kids in primary kids, fewer people shopping at the IGA, and that is what buybacks do to communities, and that is the approach of the South Australian Labor Party.

Dr Close: Voluntary buybacks.

The Hon. D.J. SPEIRS: The deputy leader yells out, 'Voluntary buybacks.' Sorry, but voluntary buybacks have the same social and economic impact that compulsory ones do. They still remove farms from the landscape, they still remove kids from our primary schools, they still diminish the viability of regional towns, and that is a tragedy that I will not allow to unfold in South Australia's Riverland. It is a tragedy that would force New South Wales, Victoria, Queensland and the ACT away from the Murray-Darling Basin Plan. As a consequence of that, we would get far less environmental water flowing down the river, sustaining our irrigators, sustaining our regional towns and securing the environmental sustainability of the Coorong, the Lower Lakes and the Murray Mouth.

AMBULANCE RAMPING

Mr PICTON (Kaurna) (15:00): My question is to the Premier. Premier, before you said the Coroner will conduct a full investigation into the Flinders Medical Centre ambulance ramping death last week, did you seek clarification that a coronial inquest will be held, or was that a presumption you made?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:00): It was a presumption. In fact, I think they were my exact words: 'I presume that the Coroner will look at this matter.' My understanding is that SA Health have referred the matter to the Coroner. Of course, it's a matter for the Coroner as to whether he—

Mr Picton: So we don't know there will be an investigation.

The SPEAKER: Order!

The Hon. S.S. MARSHALL: That is a matter for—

Mr Picton: There might not be an inquest.

The SPEAKER: Member for Kaurna, be quiet.

The Hon. S.S. MARSHALL: That is a matter for the Coroner, but I presume that he will undertake an inquiry. There are options for us to direct the Coroner to make an inquiry, but in the first instance we have referred that matter from SA Health to the Coroner, and he will make a decision.

JOB CREATION

Mr CREGAN (Kavel) (15:01): My question is to the Minister for Innovation and Skills. Can the minister update the house on how the state government is growing jobs and apprenticeships in new industries and strengthening the economy?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (15:01): I thank the member for Kavel for his question and his interest in the new economy and new job opportunities in South Australia. We are creating more jobs and strengthening the economy by ensuring that we have a modern, skilled workforce here in South Australia. We are delivering new training opportunities that lead to real careers and providing employers with the skilled workforce they need.

To date, over 80 projects have been co-designed with industry under Skilling South Australia, with a value of more than $15 million. The innovative projects that industry is designing are exciting, particularly in those sectors that haven't traditionally used apprenticeships before. Those sectors have grown, with people coming in from universities and building those sectors. One such sector is the IT sector.

Last Thursday, I was delighted to launch a new project at DXC Technology, a $214,000 Skilling South Australia project, involving up to 40 participants, to boost industry capability and also increase flexibility in the IT workforce. The two-stage associate professional IT career pathway will offer students a Certificate IV in Information Technology at TAFE SA, with practical work experience at DXC's new digital transformation centre.

Those who successfully complete the certificate IV will then have the opportunity to continue with a two-year diploma paid traineeship under a training contract with the DXC Adelaide computer support and service centre. We are ensuring that South Australia has the skills to meet the expected demand for technology in South Australia, as we expect over 4,000 new tech-savvy jobs to be in demand over the next five years.

Managing Director of DXC Technology Australia and New Zealand, Seelan Nayagam, said that over 150 DXC digital technologists and enterprise solution experts in South Australia will gain employment in their new digital transformation centre, and DXC expects this to grow to 300 within the next 24 months. This is fantastic news for jobs here in South Australia and jobs in the new economy, and it is critical that we equip our workforce to meet the skilling needs of our state's existing and emerging and new industries.

Grievance Debate

HEALTH SERVICES

Mr PICTON (Kaurna) (15:03): South Australians deserve and expect high-quality public healthcare services. Year after year, we had the Liberal Party of South Australia say that they were going to fix everything in the public health system. They said that things would be a nirvana under their leadership.

Now we are almost two years into their running our public health system and we have the evidence of what is going on: they are running our public hospitals into the ground. We have seen the latest stats on what is happening with ambulance ramping in the state, and it is nothing short of disastrous. It is the worst ambulance ramping we have ever had in the history of this state.

When they took office, there were about 1,000 hours per month when ambulances were delayed at hospitals. Certainly, it was not good enough and needed to be improved; however, what has happened since then is that it has only gone up and up and up and the delays and pain for patients have got worse and worse and worse, to the point where the last month of data, for August, showed over 2,000 hours when ambulances with patients were stuck outside our public hospitals.

These are patients who need to be in the public hospital, receiving care from doctors, from nurses, but were outside. Not only does it affect those patients; it also affects all the other patients in the community who are waiting for an ambulance to arrive but they are all stuck with patients at Flinders, Lyell McEwin, RAH, QEH, so they cannot respond to the other emergencies happening in the community. The waiting times at our emergency departments are getting worse, but also the waiting times in our communities are getting much worse.

In the last couple of weeks, we have had some awful examples of what this can mean. Last week, we had reported a horrible death of a woman at Flinders Medical Centre who died while being on the ramp for over an hour at that hospital. She should have been inside that hospital. She should have been receiving the full gamut of treatment from doctors and nurses at our second largest hospital in the state. Unfortunately, she was stuck on the ramp and lost her pulse while on the ramp and died shortly afterwards.

As the Premier himself said, that is not acceptable; however, that is going to continue to happen, sadly, if this ramping crisis continues. We have seen more examples this week, when we had another case reported of a man who was at Flinders Medical Centre as well, ramped for 2½ hours, who decided to leave the hospital rather than continue to be ramped there and continue to be in indignity while waiting at that hospital. When we start seeing people with difficult conditions leaving our hospitals, that is only going to increase the risk for them.

We have also seen the death of an ambulance volunteer. Down on the South Coast, an ambulance volunteer, somebody in his 30s who gave his time to help the community, had a heart attack. His family called an ambulance, and even though of course he gave his time to the Ambulance Service an ambulance did not arrive in time for him, and he died, unfortunately, as well. This is happening time and time again.

A few weeks ago, we saw at the Lyell McEwin Hospital a case of a very significant infection that a patient had there. They needed to go to the ICU, and they needed to have an operation immediately to address that infection, but the ICU was full. The hospital was completely full; they were stuck in a resus room in the emergency department rather than going to the ICU, rather than getting that emergency operation they needed, which potentially could have saved their life. We were contacted, and the media was contacted, by a whistleblower in the hospital raising concerns that this is happening time and time again and that patients are suffering for it.

This, of course, comes after what we heard earlier this year when a cluster of nine deaths occurred at the end of last year. That was when ramping was not as bad as it is now. I worry: what is going to be happening this winter, this peak period that is happening at the moment, when ramping is the worst it has ever been in this state? How many other patients are we going to be hearing about in months' time? What is the government's response to this? 'We are going to cut staff.' The Premier has broken his promise not to cut doctors and nurses. He is cutting doctors and nurses from our hospitals. There are not idle doctors and nurses sitting in our hospitals.

They are going to save money by cutting doctors and nurses, but ultimately it will be patients who are paying the price with longer waiting times. They have put corporate liquidators in charge of our hospitals, they are hiking ambulance fees, but they are not actually putting more money into our Ambulance Service. They have closed beds at some of our major hospitals, they are outsourcing work to private hospitals and they have delayed and downgraded an upgrade to the Lyell McEwin Hospital. All of this is a sign of what downgrading is happening under their health system, and patients are paying the price.

RIVERLAND FIELD DAYS

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:09): I would like to speak about some of the fantastic weekend events up in the electorate of Chaffey. In particular, a week or so ago we had our 62nd year of Riverland Field Days. It was a great opportunity for me to go to the field days, as I always do, with the annual stand my office and I have there. It was a great day to celebrate the hospitality of the Riverland and to showcase some of the great initiatives and work, the complementary stalls and stands and the machinery. What it really showed me was the camaraderie of the Riverland and the ag sector.

Obviously, the field days have been around for a long time. If we look back in history to 1958, the Riverland Field Days used to be called the 'gadget day'. Once upon a time, the primary producers and the agriculturalists would invent gadgets and tools to help their trade and to help them on farm. Today, because of mechanisation and the like, we now have a lot of industry stands and tractor stands—all the equipment—come along, as well as the great Riverland food and all the complementary stands and the service sector. They all had great weather to showcase what they did.

It was great to see the Premier up there for the second year in a grow. He was there talking and listening to people and their concerns, and by and large he was warmly greeted while he was there. It was his second visit in two years. The last time that we had a Premier at the field and gadget days was 2001 and the opening of the field and gadget days by the Hon. John Olsen. It is great to see that the Premier committed his time to one of the great calendar events. There were 13,000 visitors. I was also part of the safari trail, and that gave me the opportunity to engage not only with the young ones coming to get their show bags but also with their parents, who always came up and gave a good conversation piece, with raffles and the like.

I was also fortunate enough to make an announcement, under the Regional Growth Fund, about the weather station network. We have previously seen weather station networks through AG Excellence Alliance in the Mid North, and the rollout of 42 weather stations has been very successful. We have now seen the funding put in place for a further 30 weather stations. Those weather stations give real-time information and data to our primary sector, but primarily it is so that we can coexist.

When the dryland farmers need to spray, they can understand what the weather conditions are like, as well as the inversion layers and the wind shifts, so that they do not have spray drift and do not impact on the vineyards on the neighbouring properties. I think it is a great initiative, a great tool and it is a great part of ag tech in agriculture. Peter Cousins and GPSA were there to support the announcement. Peter Cousins has been instrumental in the rollout of these weather station networks, and I commend his good work.

The Premier and I also visited the Riverland footy grand final and the clash between the Waikerie Magpies and the Renmark Rovers. The Waikerie Magpies have been absolutely stupendous for a number of years, with their power and their winning formula—I think it is three consecutive grand finals. The Premier tossed the coin. He backed the Magpies, as he does, and I backed the Rovers to win by seven points, but I was a little out. The Rovers got up in the last quarter and never looked back. It was a great game of country footy. The Riverland footy league is as strong as it has ever been. It was a spectacle to watch and showed that the capacity of country footy is up and about and on great display.

From there, I went to the Waikerie Institute where I was fortunate enough to listen to the Australian String Quartet. I was joined by the President from the other place, the Hon. Andrew McLachlan. We had a great evening listening to some of Australia's best string musicians, as well as the wind instrumentalists who came along and entertained us for a number of hours. It really highlights one of the great things about the Riverland.

I would also like to acknowledge Margot Kranich from Loxton, who was announced as the 2018 Citizen of the Year. She is a German and English teacher at the Loxton High School and has 30-plus years of service to the community. Will Gillett was the Young Person of the Year. He is the deputy head prefect at the Loxton High School and a great, outstanding young fellow who also

completed work experience in my electorate office. It really does show that Waikerie's hospitality was out and about, as it always is. It was a great weekend.

NATIONAL BROADBAND NETWORK

The Hon. Z.L. BETTISON (Ramsay) (15:14): I rise today to talk about a key concern for constituents in my electorate of Ramsay, and that is the state of the National Broadband Network. The NBN will remain as one of the most embarrassing legacies of the Abbott/Turnbull/Morrison federal Liberal governments. I am certain that every electorate office in the nation, regardless of political persuasion, could provide numerous examples of households, businesses, schools and even government agencies and departments that have suffered from the shambolic mess that is currently the NBN.

Six years of flawed technology choices have created a delivery disaster for Australians. The Liberal's underperforming fibre-to-the-node version of a multitechnology mix model had experts from across the industry warning from the outset that this would be expensive, inequitable, inefficient and unsustainable in the long term. There is little doubt that the Labour Party's original vision 12 years ago for fast, reliable and affordable broadband for all Australians has been botched by the federal Liberal government.

Laurie Patton, former CEO of Internet Australia, the peak not-for-profit consumer body representing internet users in Australia, described the current system as a dud and noted that in the event that the Coalition retained office, 'It would be well advised to adopt Labor's plan.' Ranked 62nd in a recent global ranking of broadband speeds, Australia currently languishes behind developing countries, including Kosovo, Kazakhstan and Barbados. The ABS estimates that there are still up to 1.3 million Australians without any broadband access at all, and 183,000 premises of the fibre-to-the-node network are currently unable to achieve minimum speeds of 25 megabits per second, a number that is likely to grow to more than 230,000 as the NBN rollout nears completion.

The ACCC, ACMA and the Productivity Commission have also contributed to the discussion and, in summary, concluded that Australia needs better broadband. Dealing with the greatest infrastructure bungle in Australian history is not going to be quick, simple or inexpensive. Adopting fibre-to-the-node was a foreseeable error given the known state of Telstra's ageing copper wires, and experts agree that any copper lines used in the NBN rollout will eventually need to be replaced by fibre-optic cables.

What is lacking is a comprehensive policy to assess the damage, improve quality, affordability and accessibility, and futureproof our infrastructure. Some of the areas that Labor has previously highlighted that need to be urgently addressed are:

- a digital inclusion drive to get more elderly and low income households connected, making our country more modern and inclusive;
- improving speeds and reliability for fibre-to-the-node households by fixing in-home cabling problems that degrade service quality for households on the copper NBN; and
- the establishment of an NBN service guarantee to set service standards for fault repair and installations. This will better safeguard small businesses and consumers against unreasonable and excessive periods of NBN downtime, providing economic benefits to businesses across the country.

An article in the *Financial Review* noted that Telstra's chief of networks and IT said that rapidly developing video streaming technology and the endless consumer demand for video streaming meant that only fibre-optic technology to the premises would reliably support the demand going forward.

An example of how our homes and demands are changing is our televisions. When the first large-screen TVs came out everybody had standard definition video, 1.5 megabits per second. However, as the screens got bigger, standard definition looked more and more ugly and was superseded by high definition, a video stream that can use between three megabits and eight megabits per second. Just switching one household television from standard definition to high

definition increases internet consumption three times. The emergence of ultra definition TV, or 4K, requires up to five times the speeds of high definition.

This does not factor in multiple uses such as kids streaming while you are watching TV and doing something on your laptop. As technology advances, we are all going to require greater capacity in our internet speed. We need a solid, well advised and supported plan to get Australia's internet out of the technological abyss in which it currently resides.

DOMESTIC AND FAMILY VIOLENCE

Mrs POWER (Elder) (15:19): I rise to share with the house a fantastic trip I made to Port Pirie last Friday in my role as the Assistant Minister for Domestic and Family Violence Prevention. I attended the launch of a research report called 'Young country women's experience of intimate partner violence', a joint project by Uniting Country South Australia and UniSA. It was a valuable opportunity to gain further insight into how living in a rural and regional location impacts experiences of intimate partner violence.

There is no doubt that those living in a regional community have a different experience from those living in urban communities. This is something that we, the Marshall Liberal government, are very aware of. In fact, those living in country areas have been identified as one of the key target groups outlined in our domestic and family violence framework released earlier this year, called Committed to Safety.

Along with this framework, we are continuing to deliver on our election commitments, including delivering nine new safety hubs across regional South Australia to improve the safety of South Australians living in regional communities. The safety hubs are the first government-led hubs in our state and deliver a key Liberal government election commitment. Most importantly, they are tailored to suit the unique needs of different regions and different locations.

Just last month, we opened our first safety hub in Murray Bridge, which means women in that region now have better access to the support and information they need if experiencing violence or if feeling at risk of violence. It is clear that to the Marshall Liberal government #RegionsMatter, as do the people in them. It was important to make the time and the trip to visit Port Pirie for the launch of the research report last week.

The research project describes experiences of women aged 16 to 24, conducted by Dr Catherine Mackenzie with support from Ms Tanya Mackay. Dr Mackenzie is a research fellow at the Australian Alliance for Social Enterprise with an overarching research interest in social justice and inequities and how these may be overcome. Her findings on this project align with the work that we are doing as a government under our Committed to Safety framework.

Similar broad themes were identified, including young women's tendency not to recognise violence in their relationships unless physical violence is used and being unsure where to find support. Some young women living in regional areas did not even receive help when they sought it. In fact, we heard an example of somebody who was dating a young gentleman and it was that young gentleman's mother who was the support network in that community. Of course, that gives rise to a lot of complexities.

Importantly, a key finding included young women describing forming intimate partner relationships in similar ways as young urban women—for example, through social media, dating apps and messaging apps—and with experiences of internet-based abuse. By undertaking this research, Dr Mackenzie was able to make recommendations to Uniting Country South Australia in best supporting these young women, specifically in country areas.

I congratulate Uniting Country SA on leading this project with the University of South Australia to understand the ways that we can best support people living in regional communities. Ending domestic and family violence requires everyone in our community and in our state to take action. It was fantastic to see the work being done as to how Uniting Country SA, in collaboration with other services, can better understand and address the issues in this region.

Some of the recommendations that came out of the report include building the capacity of youth workers and domestic violence workers to increase their understanding of intimate partner

violence among young people and to also raise awareness in the community about what support is available. This was an absolutely crucial message coming through.

I would like to say a special thankyou and acknowledge Liz Malcolm, the General Manager of Operations, Tracy Holden and Simone Kemp from Uniting Country SA for their work on this project and putting together a successful launch; Professor Ian Goodwin-Smith and Dr Catherine Mackenzie for their academic insights and research; and especially a big thankyou to Ms Georgina Axford, who, as young woman from a country area, shared her own perspective, and Ms Trix Sanson, a Uniting Country SA Reconnect worker. Congratulations to all involved in the launch and to all the people out in our regional areas who are working to make South Australia a safer place.

LAND TAX FORUM

The Hon. A. KOUTSANTONIS (West Torrens) (15:24): At the beginning of the week, Labor held a forum on land tax in your electorate, sir, which was patronised by what I would call middle Australia, what I would call working middle Australians who have worked hard their entire lives and not invested in shares or other forms of equities or bonds, but they put their money in property, bricks and mortar, things that they could see.

What struck me on that day was one gentleman who made a remark that touched me in a way that I identified with. My father never saw me play sport on the weekend, not once. This man got up and said, 'I gave up parenthood, basically, to build my family's security for their future. I didn't get to see my kids play soccer.' My dad never saw my brother bowl a single ball, never saw my family on weekends because they were working. They were working to pay off mortgages and to build property because a lot of postwar migrants invested in things they could understand, they could see, they could touch, they could feel and they knew—bricks and mortar.

They feel aggrieved because your government is telling them that they are better off under aggregation, that they are wrong, that there is a loophole they have taken advantage of, that they are, in effect, tax cheats. They are not. They are hardworking middle Australians who were trying to get ahead and this government is branding them as frauds and tax cheats who deserve to be hit even harder. Even worse, Mr Speaker, your government is claiming that these people somehow are avoiding tax, that they are somehow in a way cheating their neighbours. They are not.

Unemployment this quarter has reached 7.3 per cent, the highest in the mainland by nearly 1 per cent. The most recent BDO survey on confidence shows that businesses in South Australia have lost faith in the South Australian economy, yet this government has delivered now two economic statements and one Mid-Year Budget Review, three in total. This is now the Premier's economy. This is now the Premier's doing. At what point do we say that the reforms that the government is implementing are not working? At what point do we say that what the government is attempting to do has failed?

In a concession today, the Treasurer informed the people of South Australia what the Premier has refused to do: the most recent bill on land tax is a revenue measure, it will raise more taxes, it does not cut taxes. Indeed, the savings the government is talking about are from last year's budget. The Treasurer said that this measure is because of a GST writedown. Importantly, the Treasurer made those comments while the Premier denies them.

Also importantly, the Premier told the house yesterday that the Liberal Party was unanimously behind these measures: the member for King, the member for Newland, even you, sir. Despite the claims of precedent that you will be using to vote down the measure, the Premier has told this parliament that there is unanimous support for these measures. Given that the Treasurer has conceded that this is a tax increase, I would like now to see the spirit of the Liberal Party come to the fore.

What we keep on being told in the backrooms outside this chamber is that the reason individuals join the Liberal Party is that they can express their own opinions and not be tied down by some sort of union solidarity concept where everybody is forced to vote the same way. We will see that in action because this parliament will have to consider the Premier's massive tax increase. This parliament will have to vote on whether or not these tax increases are justified.

The truth of the matter is that the Premier has no mandate for these tax increases, but the Premier is claiming complete support from his own party. I suspect the reason the Treasurer conceded today that this is a revenue measure is that yesterday in this house, when the Premier was asked if the Treasurer was safe in his position for the remainder of this term, the Premier would not concede to this house that that was the case.

What we have now is a Premier and a Treasurer arguing with each other in public. This is not a good sign for our economy, especially when we are languishing with an unemployment rate of 7.3 per cent. The government needs to act. The government needs to unite and stop fighting amongst themselves.

KING ELECTORATE COUNCILS

Ms LUETHEN (King) (15:29): I rise today to speak about the collaborative approach I am taking in my electorate to work with local councils to deliver for the King constituents. Our King local councils include the City of Playford, City of Salisbury, City of Tea Tree Gully and, on the very fringe, the Town of Gawler. It has been pleasing to achieve a number of outcomes recently from these collaborations and from working with some of the excellent staff across these councils.

Over the past year, I have been speaking regularly with the One Tree Hill Soccer Club president, Nigel Staker, about how the club is forced to play seniors matches away from its usual home. This is due to insufficient space to cater for a full-sized pitch and broaden the sporting facilities in One Tree Hill. I have been speaking to council about this issue since my election.

As a result of advocacy from me, from the club and from our community, the City of Playford is currently conducting a review into the sporting facilities at One Tree Hill, and I have been told just recently that this is progressing well and that a report will be due by the end of the year. Secondly, I regularly meet with the Salisbury mayor, Gillian Aldridge OAM, to discuss how we can make progress together. I love listening to the council's ambitions for the wider area and how I can help assist to match these ambitions.

A win we have achieved through collaboration is a commitment to a safety crossing at the Tyndale Christian School. I approached council for support after parents were becoming increasingly worried about the traffic along London Drive and the dangers this presents to students attempting to cross the road. I have been advised that council has now completed a survey in the area, with discussions from the school, and are looking at an emu crossing at the newly created pedestrian ramps near the current bus stops. Council advises me that this will cost around $40,000 and that it will be designed this year for construction in 2020-21.

Finally, as I have previously mentioned in this house, work on the South Australian District Netball Association car parking expansion has begun finally at Golden Grove. This project is a joint venture between the City of Tea Tree Gully and the state government. I was excited to head down to SADNA last week to speak with the association president, John Adams, about his development and hear from him just how much it is going to help the 400,000-plus people who flock through the courts there each year.

I have also engaged in conversations with the City of Tea Tree Gully council staff about ways in which, working with DPTI, it can address congestion issues along Surrey Farm Drive near Pedare Christian College. We are trying different tactics, such as changes to light sequences, and exploring how to improve traffic flow to match the estimated student growth at the site. I think it is really important that we need to futureproof for the number of students who are coming to this very successful triangle of schools. In addition, I have been doggedly following up on my campaign to improve traffic and safety at the Greenwith Primary School. I met with staff to discuss the latest plans, and I hope to communicate a positive update to our community soon.

Finally, I am keen for collaboration with the City of Tea Tree Gully on finally fixing every bit of Golden Grove Road. Whilst I was a councillor, the staff told me that they would complete the landscaping, drainage and paths when the state government prioritised and funded an upgrade to the road. Well, now we have—the state government—committed the $20 million, and now it is time for the state and council to deliver on everything the residents have been waiting for for over 20 years.

It is common practice for local government to pay for infrastructure, such as footpaths and drains, and the last thing residents need now is a political gameplaying council delaying delivery of outcomes for a long overdue and much-wanted project in Golden Grove. This is certainly a project for which state and council collaboration will be in the best interests of residents.

Ministerial Statement

MURRAY-DARLING BASIN ROYAL COMMISSION

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:34): I table a ministerial statement, titled South Australia's Response to the Murray-Darling Basin Royal Commission.

Bills

SURROGACY BILL

Committee Stage

In committee (resumed on motion).

New clause 5A.

Mr PICTON: Before we broke off for lunch and question time, we were discussing the amendment from the member for Badcoe, which essentially was a discussion about the fact that there is clearly a risk involved here. It is something that we need to consider. The member for King originally proposed a similar amendment to the member for Badcoe's. She now has an amendment that is solely focused on a police check. The member for Badcoe's amendment is focused on a working with children check.

All of us who are quite often involved in discussions with constituents about the difference between the two know that there is a clear difference between a police check and a working with children check. A working with children check checks multiple databases; it checks around the country and obviously identifies things that will not have gone through the court and legal process to reach the high bar of having to be on a police check.

If the parliament is minded to say that there is a risk here—and I think that there is—then a police check sets a higher bar for something to come up than a working with children check. A working with children check is being discussed as though it is some sort of onerous, unprecedented check that no-one has to do. Go and talk to people in the community because—

The Hon. Z.L. Bettison: 350,000.

Mr PICTON: —350,000 South Australians already have one of these. They would get the tick immediately because, if you want to help your surf lifesaving club, your library, your school or your CFS brigade, chances are you probably already have one of these, and 350,000 South Australians already have one. If we are making somebody who volunteers for reading in a school get one of these, I do not think it is such an onerous request to deal with what is hopefully a very small risk here but is a risk all the same. I think it is important that we as legislators consider the worst case scenario possible and consider that in our drafting of this legislation.

I did have a look at what is the case in Victoria. It is very true that in Victoria there is a legislative requirement that if you have a surrogacy agreement it is more onerous than here, in that you have to go to a Patient Review Panel to get approved, which is not being proposed here. As part of that application process to apply to the Patient Review Panel, you not only have to get the police check, as is being suggested now in the revised amendment by the member for King, but you also have to get what they call a child protection order check.

A child protection order check is essentially the same as we are talking about here, so there is already precedent for this in Victoria. If the Victorian system only checks that database in Victoria, that is a bit of a shortfall because clearly we now have a national system. All the states and the commonwealth have spent a lot of money setting up a national system and database to make sure that this information can be shared across the country.

I guess we could go down the path of having just a South Australian child protection check, as the Victorian parliament have sought to implement there, but that would seem a bit of a shame when you have a system already in place and when you have processes around the place nationally.

I would like to support this legislation. I supported the legislation when we previously debated the surrogacy legislation in this parliament. That legislation has passed, so we do have surrogacy legislation on our statute book. I am happy to support these changes to our surrogacy laws that the Attorney-General is putting up; however, I do think that it is important that this amendment be carried so that we address what I think is a risk that we need to consider in this parliament.

I think that there is precedent for it in Victoria. There is a system already in place that can deal with it. I think that the bureaucratic stumbling blocks that the Deputy Premier is trying to put up in place of it that are really trying to stymie it can easily be navigated. I think that there are a number of people in the parliament who would like to see this reform addressed, but who would like to see the issue the member for Badcoe has raised addressed also, and would be uncomfortable if that risk were not addressed somewhere in our legislation.

I hope that members will see the benefit in supporting this legislation so that we can get these changes done, and we can do so in a way that addresses what risk is here, which we should consider. As minimal as it may be, it is something that the parliament can deal with, and I hope it gets the support.

Dr CLOSE: I rise to speak briefly on this amendment, and in doing so indicate my support for the bill and for the intent of the bill, and congratulate the Attorney-General on bringing to the house in order to regularise and make more straightforward the process of surrogacy in South Australia. I am sure there will be many couples and many people who will be very grateful that this is happening.

I have thought long and hard about this amendment, and I have listened to many of the contributions from members on both sides. I have not heard all contributions, but the member for Heysen made probably the most cogent speech that I heard in the argument as to why this amendment would not be supported. I started from a position of thinking that the state does not necessarily have a role to intrude on the question of whether someone is fit to be a parent. I accept the caution that he raised, that we are in complex moral territory in separating some future parents into one group and other future parents into another group, and I accept it that is a caution that is well made and right to have been raised.

On the other hand, I have also reflected on the unique experience that surrogacy is—the experience for the intending parents, of course. However, the experience I wish to focus on is the experience of the woman who is carrying the child. I am lost in admiration for the generosity of women who choose to be surrogates. I try to resist overpersonalising my view about legislation, because it is a mistake to think only from your narrow experience. I would have found that very difficult. Having carried two children, the idea of in any way being parted from a child who has been a part of me would be too difficult for me.

The fact that there are women who are prepared to do that in an act of generosity is remarkable, and I understand that the people who were involved in the consultation process were notable in their very high calibre of ethics and good intent in being prepared to be the carrying person, the woman. However, I think that in part of that process of making the decision that you are prepared to do that—less so, of course, when a sister is doing it for a sister or extended family, more so when doing it for an unknown couple—is the idea that you would want to know everything you could know about what might happen to the child that you have carried for nine months, that you felt move and kick and that you have gone through the process of giving birth to.

You would want to be reassured in every way that you could be reassured that this will be good for this child, that this is something that you will never live to regret having done. It seems to me that that makes the difference that entitles us in this chamber to choose to legislate for a working with children check. As the member for Kaurna said, it is a check—I have one—that most of us in this chamber will have through our interactions with schools and other programs with young people. I certainly had one as the minister for education and child protection.

It is not an onerous assessment. It should not stray in interest beyond the question of whether the person receiving the check has matters that would be of concern in their treatment of children. I think that is something we can offer to women who are considering going through this extraordinary process. It will assist them in feeling confident that it is the right decision.

In saying that, I acknowledge, of course, that no guarantee is delivered with the working with children check—of course there is not—but it is an exploration of the kinds of questions that I think a woman carrying a child for someone else would want to have asked and answered by experts. Having acknowledged the difficulty and moral complexity of this amendment, it is my determination to support it.

The CHAIR: The member for Heysen can speak again. He has the call.

Mr TEAGUE: I rise very briefly and really more in response to the remarks of the member for Kaurna and I respect and have listened carefully to the contribution from the deputy leader. In the context of the member for Kaurna's remarks, it was not clear to me—and I might have referred to it only briefly in my contribution prior to the adjournment—whether the member for Kaurna was aware of the consultation process that is ongoing in Victoria.

I want to be very explicit about that. I have to hand a document headed 'Summary of consultation', dated 28 August 2019, which refers to the Minister for Health in Victoria, the Hon. Jenny Mikakos MP, having announced on 3 July this year:

> …the Victorian Government would undertake further consultation on the option of removing the requirement for women (including surrogates) and their partners (if any) to undergo police and child protection order checks prior to accessing assisted reproductive treatment.

I read from the opening paragraph of that document. It makes clear that the process of consultation is underway. The very clear indication that has come from that consultation is that the process of mandatory checking that has been in place in Victoria for some time has significant detrimental aspects to it, is not working and is likely to be brought to an end for those reasons. I just want to make clear that the Victorian experience ought not be regarded as some sort of precedent for us to follow in this state. I commend this relatively short document to members interested in participating in the debate on this aspect.

Mr ODENWALDER: I rise to make a very brief contribution on the amendment brought by the member for Badcoe to this bill. I want to state from the outset that this is a bill that I want to support. We debated some of these changes in the last parliament. My memory of it is becoming increasingly vague, but I do think that there is some tidying up to do. I think that this bill goes a very long way towards that, but I want to echo some of the concerns of some other members of this place in regard to this bill.

Those concerns are significantly ameliorated by the amendment first brought by the member for King. I think we should not forget that. It was a brave move to bring it in, trying to amend and improve the Attorney's bill. I know how hard it is to improve a bill brought in by the Attorney; I have been there. Ultimately, you were not successful, but the member for Badcoe grabbed the baton. I am not going to go over again the debate that was traversed by people like the member for Playford, the member for Kaurna and the member for Lee, but it is important to have these protections within the bill. What is the check called?

Ms Stinson: Working with children.

Mr ODENWALDER: The working with children checks; I forgot the name of the check. It is important to have those. I have not had the experience of being a minister of the Crown and being involved in COAG meetings—I am not lucky enough yet, Attorney—but I do understand that these are agreements; agreements can be changed. I do not think it is insurmountable for someone of the Attorney-General's wit to get into a room and try to change the rules in order to accommodate this simple but significant change.

I am not going to traverse the ground that others have. I rise simply to say that this is a bill I want to support, but this is a bill that I will not support without the safeguards proposed by the member for Badcoe.

The Hon. V.A. CHAPMAN: I seek to make a personal explanation.

The CHAIR: Attorney, you have the call.

The Hon. V.A. CHAPMAN: During the course of the debate on this matter, the most recent contributor and other members have suggested that as Attorney-General and in my attendance at CAG, that is, the Council of Attorneys-General, this is a determination as to the terms of the agreement which we are discussing. I wish to place on record that the correct position is that this is a COAG agreement—that is, a council not of Attorneys-General but obviously of the premiers and the Prime Minister. Some other members have made that mistake. It might be quite inadvertent, but I just make the point that this is not within the purview of me as Attorney-General meeting at the national meeting. It is a leaders of government and Prime Minister COAG agreement that we are traversing.

The committee divided on the new clause:

Ayes 19
Noes 24
Majority 5

AYES

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

NOES

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

PAIRS

Brock, G.G.	Duluk, S.

New clause thus negatived.

Clause 6.

The Hon. A. PICCOLO: I move:

Amendment No 1 [Piccolo–1]—

Page 6, line 4 [clause 6(1)]—Delete 'a primary' and substitute 'the paramount'

The reason I move this amendment is to make the language in this bill consistent with the language in both the Assisted Reproductive Treatment Act, section 4A, and the Family Relationships Act 1974, sections 10EA and 10HB, and also to make it consistent with the Adoption Act, section 1(1)(a). The purpose is to make sure that in any court orders the welfare of the child is paramount.

The Hon. V.A. CHAPMAN: As I am the proposer of the bill, we have no objection to that amendment.

Amendment carried; clause as amended passed.

Clauses 7 to 9 passed.

Clause 10.

The CHAIR: Member for King, you have the first amendment.

Ms LUETHEN: I will move the amendments in my name in schedule 3. Firstly, I commend the Attorney-General for introducing a surrogacy bill establishing a framework for non-commercial surrogacy arrangements which intend to keep the best interests of children as the priority. Surrogacy is a complex and sensitive subject raising many ethical, legal and other issues and implications, and it is a conscience vote for our members. The Attorney-General has been generous in her time and conversations with me—

The Hon. A. PICCOLO: Point of order. This is not a second reading contribution time.

The CHAIR: She is moving her amendment and we—

The Hon. A. PICCOLO: It would be good to get to the amendment.

The CHAIR: I am sure we will get to it. As I have already indicated today, member for Light, each and every speaker is allowed up to 15 minutes. Member for King, just before you continue, we are just checking whether you can speak from there or whether you need to be in your place. We might ask that you move back to your place, member for King.

The Hon. V.A. CHAPMAN: I rise to indicate—and I do not want this to be any reflection on the member for King—that I was assuming, for the purposes of this debate, that she could move from her position to where she could seek advice. I do not want there to be any reflection on the member for King.

The CHAIR: Absolutely not, no reflection on the member for King. She came down to the front bench to deliver but it is always best to speak from your place. Member for King, you are moving amendment No. 1 to clause 10 standing in your name. I am happy for you to begin again.

Ms LUETHEN: I move:

Amendment No 1 [Luethen–3]—

Page 7, after line 15 [clause 10(3)]—Insert:

(ea) the surrogate mother must provide to each intended parent a criminal history report in respect of the surrogate mother provided by South Australia Police, or the Australian Crime Commission or an Australian Crime Commission accredited agency or broker, within the 12 months prior to entering a lawful surrogacy agreement;

I commend the Attorney-General for introducing this Surrogacy Bill establishing a framework for non-commercial surrogacy arrangements which intend to keep the best interests of a child as a priority.

Furthermore, I wish to thank the Minister for Human Services for her collaboration on this bill. Last sitting week, we also explored if it would be possible to screen participants with working with children checks. Unfortunately, I was advised that working with children checks cannot be used for surrogacy purposes without further lengthy changes to acts and agreements, causing a delay to this bill. Therefore, while it is an attractive idea to pursue with the safety of children in mind, we can choose to pursue how we could make this work in the future. Until then, we as legislators must consider what is workable.

I am keen to focus my efforts on what we can deliver today, as there are people entering into these contracts today in South Australia without any screening checks. These amendments will deliver real, practical change to the steps we are taking to safeguard children in South Australia today. I also take a special moment to thank the Hon. John Dawkins again for his tireless work on this bill over a decade. Thank you, the Hon. John Dawkins, for your persistence on this important issue and for listening to South Australians who desperately wish to have a family.

My amendments are solely designed to protect children from harm. It is my position that when we look at legislative reform we must always consider not only the benefits to the community,

but also cast our minds to consider if the reform could pose any harm to our community's most vulnerable people. A question is: could those in our community who seek to harm children gain access through this process of surrogacy? Today, they can. We must consider this risk because the reality is that, far from being a rare, isolated event, child abuse is pervasive in our community.

My amendments will ensure that surrogate mothers and intended parents who have been convicted of a serious child abuse offence produce a criminal history check before they enter into the agreements for surrogacy. The type of check I am proposing in these amendments will work from day one if this legislation is passed. These two amendments in my name have the same policy behind them, so I will speak to them together.

The CHAIR: Member for King, my understanding is that you have moved amendment No. 1, so you should speak to that in the first instance, as there is another amendment to deal with in between.

Ms LUETHEN: This amendment deals with what constitutes a lawful surrogacy agreement in South Australia. Under clause 10(3) of the bill, for a surrogacy agreement to be lawful a number of criteria must be met by or in respect of the surrogate mother. These requirements already include that the surrogate mother must be over 25 years of age and not have impaired decision-making capacity, they must be a citizen or permanent resident, they must not pregnant at the time of the agreement and they must undergo counselling.

The amendment before us adds a new requirement to this list for a surrogate mother to produce a criminal history report. This report may come from the South Australian police (what we know as the police check) or from the Australian Crime Commission or from an Australian Crime Commission agency or broker. The report is required to be provided by each surrogate mother prior to entering a surrogacy agreement.

This amendment replaces others previously filed in my name in this place. I filed this amendment after careful consideration of the contributions and discussions I have had with many members in this house, including the Attorney-General, the Minister for Child Protection, the Minister for Education, the member for Davenport, the member for Kavel, the member for Waite, the member for Heysen, the member for Narungga, the member for Badcoe and the member for Ramsay.

I am moving these amendments so that we look out for individuals who have been previously convicted of serious crimes, especially looking out for those who have convictions against them for serious child abuse. These amendments take on board the important recommendation made by the South Australian Law Reform Institute under part 18—Risk assessment: recommendation 32. An excerpt from this recommendation is:

> Included in the information exchanged should be any information that will enable the other parties to the lawful surrogacy agreement…to consider whether or not a party might pose a risk to the child or another party…Any check must be obtained prior to accessing any surrogacy related fertility procedure AND prior to entering into a surrogacy agreement. The parties should be advised of this requirement as part of their…legal advice obtained in the process of receiving their lawyer's certificate.

I feel very strongly about the addition of this screening process and I have canvassed this amendment widely in my King community. People living in the King community have told me they overwhelmingly agree that we should be screening surrogates—the women doing the surrogacy—and the intended parents because they agree that every possible action must be taken to minimise the risk that people who have been found guilty of serious abuse offences against children are put off and prevented from entering this arrangement. This screening process will flag people who have been convicted of heinous crimes like child sexual abuse.

I have been so pleased that so many members on both sides of this House of Assembly in South Australia are in support of some screening taking place. This week, as I dropped off my son at school, I asked one more parent what they thought about this amendment to the surrogacy process. One mother I spoke to this week said, 'Well, it makes perfect sense.' She asked me why anyone would argue against this. I told her there was an argument that parents participating in the surrogacy agreement would feel offended, or that participating in the screening process might make them feel stressed. She very quickly replied that this process is foremost about the best interests of and safety of children and that their safety must always come first. I agree.

It is always a balance between rights and risks, and I do appreciate the argument that naturally conceiving parents are not subject to these conditions; however, today we have the opportunity to introduce a safeguard to protect children and that is why we are having this debate. I would like to read you a diary excerpt from a survivor of child sexual abuse who has given me her permission to share a page from her diary which describes how a child being sexually abused feels. I do this because this gives vulnerable children a voice in this place today:

Mar 18 1998

I just want it to end. I don't know how to make him stop. I wish we would move far far away so he can't hurt me anymore. I can't stop thinking about what happened last week. Playing over over in my head. I cry almost every night. It was awful. I just want to lock myself in a room and never come out so he can't hurt me. I feel like I am living in some scary movie that won't end. The crazy look in his eyes scares me the most. It is difficult to write what he did but it seemed like it was never going to end. He usually can only hurt me for 10-20 minutes or he might get caught. It was different last week, he had hours.

This is what I am trying to prevent and I am asking members for support to do. This amendment is aimed at preventing children from ending up in this very situation. I have been told by Repromed that they facilitate approximately five surrogacy arrangements in South Australia each year already, today, and that there is no police screening in place. They also told me they welcome the proposed new surrogacy legislation because it gives all parties more certainty. I propose that my amendments will add more certainty, too—certainty to children born in this arrangement and the broader community that we as a government are looking out for every opportunity to prevent predators from using this process as a means to access innocent and vulnerable children.

I am sure that no-one in this chamber wants a convicted Australian paedophile to become an intended parent in surrogacy arrangements. I certainly do not. I have read all that the Attorney-General has given me on this topic, I have listened to the thoughts of representatives from Repromed, and I have read letters on this topic from IVF directors and Surrogacy Australia. The argument they put forward against screening checks is that they can be offensive, unfair and humiliating, cause delays and add cost. Repromed have told me that intended parents are spending in the ballpark of $100,000 participating in the surrogacy process today, and a screening check is just over $60. I do not see this additional cost of $60-plus as overwhelming in the scheme of things.

Surrogacy Australia wrote to me and asked me to consider that they are against checking because they are working to reduce the barriers of engaging in surrogacy, and this is why they do not support police checks, as they state in their correspondence that the current process is too long and complicated. I encourage them to look for ways to streamline the processes without letting convicted child abusers into these arrangements. In South Australia, our government has been proud to introduce better protection for children through the new screening laws that came into effect from July—new stronger, nationally consistent screening laws for people wanting to work or volunteer with children.

I propose that screening should also apply to this group of intended parents and surrogates entering into these arrangements. I do so because I am aware of the reality of who abuses children. The reality is that they are not strangers and, in over 90 per cent of cases for child sexual abuse, it is people whom the children know and trust. This is well-documented, but it is very uncomfortable to think and talk about, which is often why the community might choose to deny this is the reality. So let's bust some myths.

Sexual abuse of children is most often not perpetrated by strangers: it is the people who are closest to the child. That is why this proposed amendment is so important. The most common feedback from my constituents—you could call this the pub test—is that the screening is a no-brainer. Once again, I thank people living in King, not only the many who have given me feedback on this, for also giving me the opportunity to be here and speak on this topic today. My observation during deliberation on this topic is that there has been a difference in the grassroots community constituent views on this, and this differs from organisations who participate in providing services.

I know and have met many survivors of child abuse, child sexual abuse and child rape who tell me that they support me in taking steps to do everything we can to prevent abuse of children because the adverse effects of child abuse cast a shadow over their lifetime. It has been well documented that the sexual abuse of children has a range of very serious consequences for victims,

including depression, post-traumatic stress disorder, antisocial behaviour, suicidality, eating disorders, alcohol and drug misuse, postpartum depression, parenting difficulties, sexual revictimisation and even homelessness. These are just some of the manifestations of child sexual abuse amongst victims.

I acknowledge again that this topic of child sexual abuse often makes people feel uncomfortable, but brave leaders should never be silent about hard topics. We know that child sexual abusers go to enormous lengths, efforts and cost to seek out ways to access children to abuse, and they are patient. One mother told me a story of a child sexual abuse predator who groomed her children and her family over 10 years before he drugged and raped her daughters, and we have heard of convicted child sexual abusers going overseas to access children through surrogacy. They will go to enormous lengths. We have also heard of child abusers who abuse while they are on bail.

To keep children safe, our state government are already checking and screening foster carers, kinship carers, basketball coaches, school volunteers, scout leaders, children's party entertainers, religious ministers, bus drivers and many other workers and volunteers. I do not understand any reluctance to screen surrogate mothers and intended parents. We must start dispelling myths that child sexual abuse is not a widespread issue. I am glad that across both sides we are having more courageous conversations around this topic. This discussion is giving a voice to children who are being sexually abused.

Let me look at one more piece of research to show how close to home this is. The Australian Institute of Criminology has published a report of an analysis of 65 research studies across 22 countries. This report yielded high prevalence rates of child sexual abuse in Australia. This report states once again that only 10 per cent of child sexual abuse is perpetrated by strangers, and I have a couple of other of their observations.

The report noted that most parental sex offenders are male, 55 per cent are non-biological fathers and 45 per cent are biological fathers. Child victims in Australia are mostly young children of primary school age. Only 8 per cent of offences involved a single occasion. More than half of the offenders (57 per cent) committed between two and 50 different offences. When we look at those convicted, repeat incidents are more likely and it is more likely that the victim will disclose. In the majority of sexual offences admitted, 86 per cent were penetrative. Regardless of the child's age, this is child rape.

In this research, a unique offender profile is described, which I think is important to consider here. Firstly, the offender usually is in a marital or de facto relationship. Secondly, they have participated in long-term intimate relationships in the past. Thirdly, they generally maintain steady employment and they are often the financial breadwinner in the family unit.

I share this research because it helps us to understand the reality, the risks and the prevalence of child sexual abuse. We must talk about this issue if we are to act and find new ways to safeguard children where we have the opportunity to do so, and today, in this place, we have this opportunity. I know and I acknowledge that we cannot screen all parents in our community right now, but we have the opportunity to introduce a law to screen these surrogates and these intended parents.

I do apologise for making people feel uncomfortable. The sexual abuse of a child is appalling to think about; however, for us it is just a moment of feeling uncomfortable, but for victims it can be a lifetime. Members, this is our opportunity to work together, as we have been doing through this debate, on a common goal to help South Australian children grow up more safely and reach their full potential. This is an opportunity to be brave together on a really hard topic.

I thank the members on both sides who have spoken with passion about the best interests of the children in this arrangement. I acknowledge that this suggested screening process is not foolproof and will not flag all child sexual predators because we know that so many are not caught and convicted, but this is one of the reasons I am so passionate about advocating for children to have the language and knowledge to speak up through protective behaviours education so we can identify more of what is going on early on and stop children from being hurt.

I distinctly remember standing in the front yard of one King resident's garden when I asked him what was most important to him for me to focus on and he told me that we must convict more child sexual abusers. This was a very brave comment from him and I told him, 'You can have peace of mind. I will do everything I can for you to champion this cause of preventing child sexual abuse and holding abusers accountable.'

I reiterate that these amendments provide us with the opportunity to minimise the risk of a person with convictions for serious child abuse gaining access to one more child, and that matters because if, through this, we save just one more child from a life of abuse that matters, because that vulnerable child matters. That they live a life free from abuse matters more than the inconvenience of an intended parent or a surrogate having to go online to pay just over $60 to have a screening check. As I mentioned in my second reading, I also received a statement from Fighters Against Child Abuse Australia, who say that their 120,000-plus members also agree.

As I mentioned, the main argument that has been raised in this place against police checks is that it will cause stress to surrogates and intended parents. However, let's just think about the impacts on children who are victims of abuse. We have talked about that and they are lifelong. Our community and our government spend millions on social and health issues, and it is time to focus on prevention. I seek support from members on both sides to back the proposed amendments I am moving today, which will introduce mandatory screening. This can work from day one if this bill is passed.

Finally, please ask yourself the question: do I want a convicted paedophile entering a South Australian surrogacy agreement? Right here, right now, we can take one step forward and create a safer South Australia for children to grow up in and help more people become parents. As Nelson Mandela said:

> We owe our children, the most vulnerable citizens in our society, a life free from violence and fear.

I refer to the Declaration of the Rights of the Child. Principle 1 states:

> The child shall enjoy all the rights set forth in this Declaration.

The second principle is:

> This child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.

People living in King have given me this voice in parliament, and I intend to use it on their behalf and on behalf of children so that they have a voice in this place. People in King support me and I hope you will, too, on this important conscience vote.

Ms STINSON: Can the member for King outline the differences between a national police check and a working with children check in terms of what material is recovered through each process?

Ms LUETHEN: A police check includes criminal convictions, and the working with children check, which I have looked into quite extensively, includes convictions that have not been found. Member for Badcoe, I think you did a good job earlier in actually walking us through the elements and the strengths of the working with children check, and I agree, it is a very good check. My main concern, and the reason that I have changed by amendment, is that it does not work from day one if this legislation is passed.

If I can just add that I do agree with points that you have made in this place about the strengths of the working with children check, and I think it would be worthy to pursue whether amendments can be made in the future. If I can close by saying that the key reason I am focusing today on the police check is that currently there are surrogacies taking place in South Australia without any screening checks, and I wish to rectify that immediately.

Ms STINSON: I do thank the member for King for her generous reflections there. I have another question, and that is around the fact that this particular amendment is targeted at a surrogate mother. Some of the representations that have been made by lobby groups and others reflect on the necessity for a surrogate mother to be subject to a police check, as opposed to the intended parents.

I realise that you have another amendment that is doing exactly the same thing but for intended parents. I just wonder what your rationale is for insisting on a surrogate mother being subject to a national police check?

Ms LUETHEN: Thank you for the question. I am really taking the advice that the South Australian Law Reform Institute made in its recommendation that I referred to earlier when I was speaking in terms of all parties making the other parties aware of their history.

Mr SZAKACS: My question is for the member for King. In your contribution in support of this amendment, you noted information that had been provided both to you and publicly around both the potential and the actual pursuit of surrogacy arrangements by individuals in overseas jurisdictions in pursuit of child exploitation. I am interested in any information you have to hand about whether there have been any prosecutions brought under division 272 of the Commonwealth Criminal Code that relate to overseas sexual offences.

Ms LUETHEN: Thank you for your question. I am unfortunately not privy to that information.

Mr SZAKACS: Thank you for your answer. Can I clarify your reference to 'not privy'. Does that mean that the information is not in a position to be disclosed today, or that you are unaware or have not been provided with such information?

Ms LUETHEN: I do not have an answer to your question.

Mr SZAKACS: To clarify, do you not have an answer to my first question or my second question?

Ms LUETHEN: I do not have information to provide you about the question you have just asked.

The CHAIR: That is three questions from the member for Cheltenham. Any further questions or contributions on the amendment?

Mr TEAGUE: Again, I rise very briefly to make specific reference to the South Australian Law Reform Institute's significant contribution to this topic and this debate. It is a 350-page report dated October last year. I want to make specific reference to its recommendation No. 32. Before I do that, I want to acknowledge the sincerity and thoughtfulness of the member for King in bringing the amendment. I have listened very carefully to her remarks and particularly her motivation in respect of doing all that might possibly be done to prevent a risk of harm to children. I very much respect that.

I want to highlight, with direct reference to recommendation 32, that the South Australian Law Reform Institute made a recommendation in terms of the desirability of:

> …the full and frank exchange of information between the parties to a lawful surrogacy agreement (that is the surrogate mother, her partner (if any) and the intending parents) and with the Accredited Independent Counsellor(s)—

who may be engaged, and that that ought to happen—

> prior to a surrogacy agreement being entered into so that all parties can properly assess whether or not to enter such an agreement and/or the agreement is appropriate and will be in the best interests of the child.

It goes on to say:

> As part of this process, each party should (if possible) obtain and provide to the other parties and the Accredited Independent Counsellor(s) either a Working with Children Check (though SALRI notes there may well be difficulties at this stage with such a requirement) or a National Criminal History Check.

Against that background, I highlight the role of the counsellor in the process at the core of the recommendation of SALRI. In that respect, I make reference to clause 10 of the bill, the central role of the requirement for counselling and, as the result of that counselling, the provision of the counsellor's certificate as a precondition to entry into a lawful surrogacy agreement.

That is so much as to make clear that what we are talking about in terms of this regime is the entry into what would be an enforceable surrogacy contract. In that respect, it is unlike the Victorian regime, which provides presently for a process of checks that might have the result of leading to a presumption against treatment if any risks were identified in the process of checking.

Here we are talking about a process by which a lawful agreement might be entered into, and the amendment that is proposed would have a place as one of those preconditions to the enforceability of the contract.

Recommendation 32, in my view, ought necessarily be read very much in that context. It is with those aspects in mind that in my view the counselling process and in due course the issuing or not of the counsellor's certificate—and I mention briefly the requirement for a lawyer's certificate as well—have the important role to play in terms of determining whether or not a prospective surrogate mother and prospective intending parents are appropriate, ready and able to enter into a lawful agreement.

It is for that reason that I have a difficulty with the proposed amendment. I wish to make those observations, while otherwise really agreeing and very much amplifying all the concerns that have been expressed by the member for King in the context of the need for us to do all we can to protect children relevantly as we legislate in this state.

Mr MURRAY: I rise to make a series of brief observations insofar as this bill generally and more particularly this amendment are concerned. I am of the very strongly held view that the maximum protection that can be afforded by us to children in our care, however that manifests itself, is obviously paramount. In my experience, the maximum way to achieve that is the utilisation of working with children checks.

At the risk of going over old ground, I have very personal experience with regard to what is possible for people who are on bail or who have been unsuccessfully prosecuted for offences which ordinarily or would otherwise render them prohibited from the point of view of working with children. In the event that a regime simply focuses solely on the police check, there will be people who are, as I said, on bail or who have been unsuccessfully but repeatedly prosecuted for offences who will derive a police check.

Having said that, I am mindful, on the advice of the Attorney-General, that it is not possible for a working with children check to be applicable in this situation—more is the pity. I have no basis, no training and no formal advice to counteract that, and as a result I am forced to adopt the view that the working with children checks cannot apply in this situation. That said, it is my view that, in the event this bill is to pass, a police check is nonetheless better than nothing, and it is on that basis that I will be supporting this amendment.

But I reiterate that the best way forward, in my view, is to ensure that the surrogacy arrangements put in place under the auspices of this bill should be done with the processes put in place by working with children. Given that they cannot occur, my view, from my own perspective, is that the bill should not pass in its current form without that sort of provision. But, mindful of the fact that it is quite possible that it will do so, I intend to support, as the next best thing, this particular amendment.

Ms STINSON: I have one more question for the member for King. Do you accept that there are people who are listed in child protection records, including CARL records, as being unsuitable to be carers who would actually pass a police check—essentially, that there are people who would not get a working with children check but would pass a police check?

Ms LUETHEN: I do not absolutely know the technical answer to that, but what I can say is that at no point—and hopefully I have made it clear—am I saying that a working with children check is not a good check. It is, but the advice I have received is that it will not work, changes have to be made and it is something that we should pursue, perhaps after this bill is passed. What I am absolutely focused on is making sure that, if this bill is passed, we screen out people who have been convicted, from the moment this bill is passed. That is what I am focusing on: that we introduce a safeguard that is not in place today.

The Hon. A. KOUTSANTONIS: First of all, I want to say that I applaud the intent of the member for King and the member for Badcoe. My remarks are in no way a personal reflection on them, but that answer simply does not satisfy me. The idea that the member for King can tell this house, after we pass a measure that she has just told us cannot confirm that people who may be subject to accusations or evidence that would not qualify them for a working with children pass or

qualification would not be covered with a police check, and that we can somehow fix that later—no, we cannot. Once it is law, it is law.

The Hon. V.A. Chapman interjecting:

The Hon. A. KOUTSANTONIS: I notice the Attorney-General is scoffing. We cannot change the intent of this house once it is out of our hands, so I would caution members that, while the intent of the member for King is noble, perhaps the devil is in the detail. While we do not have a hybrid process here—and I make no reflection on that—it seems to me that, from the answer the member for King just gave the house, it makes it almost impossible to support her amendment. It is not a fix: it is simply a hope, and strategies built on hope fail.

Our job here is not to legislate on the basis of hope. Our job is to legislate on the basis of facts, and the facts are—as confirmed by the member for King and not disputed by anyone else, and articulated exceptionally well by the member for Badcoe and the member for Waite—that there are people who will qualify for a surrogacy under this bill who will not qualify for a working with children clearance. I think that completely changes the intent of what the member for King and the member for Badcoe are attempting to do. This parliament is voting for an amendment to the bill in the hope that it gets fixed somewhere else. Where is this somewhere else? Where?

The Hon. V.A. CHAPMAN: Point of order, Mr Chair: I have listened to this in the hope that the member was going to express a view of his disappointment about a vote that we have already taken. The fact is that there is an amendment in relation to police checks that is before the house, and while the member continues to make this sort of comment, he is reflecting on a vote of parliament and presenting it as a suggestion that the member for King's amendment is in some way deficient, relative to a vote that has already been taken. So I would ask that the Chair bring the member back to the substance of the matter.

The CHAIR: Thank you, Attorney. The member for West Torrens is well aware of the standing orders in this place, I am sure. He is continuing his contribution. Just be mindful of how you go about that, member for West Torrens. You have the call.

The Hon. A. KOUTSANTONIS: I found that grossly offensive, but that is the normal course for the Attorney-General. Again, I say that I while I accept the noblest of intentions of the member for King and the member for Badcoe, I am concerned by the answers given to this parliament about the outcome of the amendment, if successful.

As we have heard from the member for Waite, the member for King now, and the member for Badcoe, there is this contradiction in what we are contemplating, which is that a police clearance will not cover people who would not receive a clearance for working with children under the definitions ascribed earlier. I make no reference to the committee's vote on that matter in any way, Mr Chair of Committees.

All I am saying is that the member for King herself has articulated, I think, something that is quite valid: that she is concerned that her amendment does not go as far as she would like, that the member for Badcoe has legitimate concerns and she saw some value in the member for Badcoe's amendment—

The Hon. V.A. Chapman: You voted against it.

The Hon. A. KOUTSANTONIS: Who is reflecting on the vote of the house now?

Members interjecting:

The CHAIR: Order! Everybody has been very respectful today and will continue to be.

The Hon. A. KOUTSANTONIS: Sorry, sir, that is incorrect—everyone bar one.

The CHAIR: I am encouraging—

The Hon. A. KOUTSANTONIS: I have not made a single interjection in this debate.

The CHAIR: Order! I am encouraging everybody to continue the debate in a respectful manner. Members for West Torrens, you have the call.

The Hon. A. KOUTSANTONIS: Thank you, sir. I do not know how I have offended anyone with my remarks thus far. Again, I am concerned about what the member for King has informed the house. I am informed by my friend the member for Waite, without doing him any political harm by calling him my friend—

Members interjecting:

The Hon. A. KOUTSANTONIS: Davenport? Did I say Waite? My deepest apologies. That is a slur on the member for Davenport.

The CHAIR: Could Hansard note that correction, please: it is the member for Davenport.

The Hon. A. KOUTSANTONIS: Yes, please, Hansard. There will be sackcloth and ashes afterwards. The problem that the member for King has articulated and that the member for Badcoe has exposed, together through their respectful asking and answering questions of each other, has exposed to the committee a problem, a deficiency. That deficiency will not be remedied by assurances by the executive, because this parliament is supreme, and hope will not suffice.

Unless a member can give us an ironclad guarantee, I fear we are heading down a path that all of us will regret—other than a few who believe that we are legislating some safeguards, even though the proponents of those legislative safeguards have told the committee that they are not sufficient and someone will fix it. Well, we 47 are the ones who were meant to fix it, and if we are not proposing to fix it now it ain't gonna get fixed. Who are we hoping does this for us?

I would urge members to consider that, and that the Attorney-General will perhaps inform the house what this strategy built on hope is that will fix this remedy that the member for King has nobly articulated to the parliament, and the member for Badcoe has exposed, and the member for Davenport has so cleverly articulated to the house: that we are left with this problem where we all want to do the right thing, but we have no legislative ability before us to do it.

Mr TEAGUE: I will briefly respond to the member for West Torrens. I am with the member for West Torrens at one level in that he seeks an ironclad guarantee. He seeks a counsel of perfection on this topic. He is essentially coming clean on, really, his opposition to this entire landscape. I would ask those members who have been active in the debate to just reflect on clause 28 of the bill—and no-one is seeking to amend clause 28.

There is a limitation of liability on the Crown. The Crown does not accept liability for the outcome of lawful surrogacy agreements. The concept of a lawful surrogacy agreement has been perfectly acceptable to the member for Badcoe and it has been perfectly acceptable to the member for King in moving amendments.

As we proceed through this debate, which is entirely about creating an enforceable arrangement, we must grapple with the fact that there is no guarantee. The Crown does not accept liability. Frankly, to address the member for West Torrens' point directly, life does not have the sorts of guarantees that the member for West Torrens is seeking to impose upon would-be participants in a surrogacy arrangement.

I make no reflection on the member for West Torrens, but I say about that argument that it is a barren argument. It is an empty argument. It is an argument that vacates the entire space in which this debate occurs and it says, 'I'm going to wash my hands of it because, unless you can give me a guarantee that life does not provide,' with respect, 'I will not participate.' I think it is about as cynical an abrogation of responsibility as one can come across.

To make that argument, one needs first to traverse grounds that include the most cynical abrogation of one's responsibility as a legislator in this place. I just wish to make that very clear, because there has been—

The Hon. A. Koutsantonis: These aren't personal reflections?

The CHAIR: Member for West Torrens, you are speaking to me. Have you taken offence at something the member—

The Hon. A. Koutsantonis: Yes, I have. Why haven't you?

The CHAIR: It's not for me to take offence.

The Hon. A. Koutsantonis: Really? You are just the Chair; you just work here. Of course it's your job. You just lectured us five minutes ago that it is not for debate and then you sat through that, watching it.

The CHAIR: Thank you, member for West Torrens. The member for Heysen.

Mr TEAGUE: I emphasise that, if any honourable member on any debate in this place abrogates their responsibility to participate in a responsible way, they have failed in their duty as a legislator. The core point here that ought to be central to this entire debate is that we are participating in a process that would provide for an enforceable arrangement between a surrogate and intending parents who require that assisted reproductive treatment.

It does not come with ironclad guarantees; it comes with the hope of the participation in that great, big, uncertain, lacking-in-guarantee adventure that life is all about. In this place, in the debates in this place and in the legislation that we make, we ought to have our eye very clearly on that prize at all times. It is with those remarks that I commend this aspect of the debate and encourage members' participation in it.

The CHAIR: For the information of the house, standing order 125—Offensive words against member:

> A Member may not use offensive or unbecoming words in reference to another Member. Subject to Standing Order 137, if the Member referred to takes objection to what he/she considers to be offensive or unbecoming words, the Speaker requests the Member uttering the words to withdraw them.

Member for West Torrens, ideally you would have stood in your place and asked that he withdraw. I suspect that the member for Heysen was talking about the points you had made rather than you as a member.

The Hon. A. Koutsantonis: I am sure you would say that, sir.

The CHAIR: Member for West Torrens, we will let the record speak for itself. I am sure it will become clear when we review *Hansard*.

Ms COOK: Firstly, I want to make a couple of remarks and offer my absolute support and thanks to people who are prepared to involve themselves in the process of giving in surrogacy. What a huge commitment and sacrifice; I know people who have personally, and I know the journey they go through. It really is such a selfless thing. I know many of us in this place can put ourselves in that position as well of being so desperate and wanting to being a parent. In the process, I take with great responsibility the knowledge that we need to make sure that we get the legislation right.

I have to say the debate sometimes has confused me in terms of where people sit within the parliament. It is not about whether they support surrogacy. I feel quite comfortable knowing where people are with that. I think it is about at what level they believe that the check needs to happen. Given that we now have the amendments at a level of a national police certificate, I want to ask the member for King, the mover of the amendment: what level of clearance does she understand to be acceptable for parents and carers who are going to be in that supportive role of caring for children, be it a foster-parent, an adopted parent, a carer, in their home? How is that being applied to the test of you putting up a national police certificate?

Ms LUETHEN: To clarify, is your question about people participating in surrogacy agreements or other agreements?

Ms COOK: To clarify, there are police certificates and there are working with children checks, and they are applied at a different level. I am asking you: at what level are those certificates or clearances applied for all different types of parenting and how is that test being applied for you, when you say a national police certificate is now the test that should be applied to a surrogate and a surrogate parent?

Ms LUETHEN: I am not aware of the others in those situations. What my amendment reflects, both the first amendment and the second amendment that we will get to, is that I am asking in this particular amendment for the surrogate mother to provide each intended parent:

…a criminal history report in respect of the [surrogate mother] provided by South Australia Police, or the Australian Crime Commission or an Australian Crime Commission accredited agency or broker, within the 12 months prior to entering a lawful surrogacy agreement…

Ms COOK: So if a foster-parent is required to undertake a working with children check, which has a number of higher levels that are required, why is it that a surrogate parent or someone involved in surrogacy should not be required to undertake the same test?

Ms LUETHEN: I thank the member for her question. We are not here today to talk about the types of parents. I am here to talk about what applies to this Surrogacy Bill and the amendments that I have moved. I am absolutely focused on delivering in this legislation our solution about what is achievable, workable and practical if this legislation is passed today.

Ms COOK: What is the actual barrier, from your point of view, to apply a working with children check? What changes have to happen for that? Why can we not do that?

Ms LUETHEN: I think we have talked to this point during the debate numerous times, and you could perhaps reflect on some of the comments that the Attorney-General made prior to this point of your asking the question today. I have been advised that the working with children check is not workable today, and we have had discussion about referring to COAG agreements that are in place and an act that would need to be changed, and you can refer to earlier comments.

The CHAIR: Member for Hurtle Vale, I will allow one more.

Ms COOK: In your heart, do you believe that that is absolutely the right thing to do? You have not been persuaded. You believe this yourself. This is your belief.

Ms LUETHEN: Thank you for the question again. The advice that I have received is that today in South Australia Repromed has said at least five families are going through the surrogacy process. In South Australia today, there is no screening in place. I have been advised that the working with children check requires significant changes to legislation and COAG agreements. So, while it is a good idea, it will not work from day one, and my intention is to put checks in place from day one that will stop and flag convicted paedophiles from entering this process.

Ms COOK: Does Repromed support your amendment, though? Do they support that amendment?

The CHAIR: Member for Hurtle Vale, you have had your opportunity.

The Hon. A. KOUTSANTONIS: My question is to the member for King. Does Repromed, who was quoted by the member, support the amendment that she is proposing now?

Ms LUETHEN: I did not quite hear your question. Can you repeat it?

The Hon. A. KOUTSANTONIS: Does Repromed, the fertility agency you quoted, support the amendments that you are moving now?

Ms LUETHEN: I have not asked them specifically if they support my amendments. I have had a general conversation with them.

The Hon. A. KOUTSANTONIS: Have Repromed corresponded with the member and informed them that they do not support criminal history checks as advocated by the member for King?

Ms LUETHEN: I would have to check my emails to see if I have correspondence, but I did have a meeting with them earlier on in the week to hear about their experience in this field.

Mr BOYER: I have a question about spent convictions. Can the member for King tell us what spent convictions does the criminal history check take into account when compared with the spent convictions that the working with children check would take into account?

Ms LUETHEN: Thank you for the question. I am not aware of the detail of that, but I could bring back that information.

Mr PEDERICK: I want to reflect on police checks and when they have been found necessary. Obviously, we have criminal history checks for working with children as well. It is sad that

the world has come to a place where we have to contemplate both in a whole range of fields. It is very sad, but it is a fact of life and I believe that we must. In fact, as I indicated in my speech on surrogacy to this place in another sitting week, I certainly support surrogacy. I may not have come to that position unless I had been on the Social Development Committee back in 2006, noting the cost of what people were doing to achieve parenthood and also the emotional turmoil they went through.

I must say that when looking at the amendments around children's safety—and children's safety is paramount—initially I was of the understanding that, with the counselling processes that people go through and that sort of thing, there are enough procedures in place to keep children safe. In regard to the amendments moved by the member for King, I have come to a position where I will support those amendments. I say that because I understand the difficulties around the child safety check and also because having a police check is quite a common requirement, especially to do with hosting billeted schoolchildren.

Years ago—and it is quite a few years since I went to school, as people will notice—we used to go to Adelaide, for instance, for various sporting events and we would just be billeted out, no problems, no questions asked. The same applied when we hosted people at our area school at Coomandook: they would just come and stay—simpler times—but the trouble is that there are some disgusting people out there and we need to protect our children.

Only a few years ago, my boys' school wanted to billet some school students from interstate. I said, 'Well, what's the requirement?', and it was interesting that, even though I only saw those students once because it was a sitting week, my wife, Sally, and I had to make sure we had a current police check in place. We made sure we had it in place. I do not think it is onerous. Yes, it is another level as far as children's safety is concerned, but I certainly think that something is better than nothing. I say that as someone who supports the bill.

I understand that some people probably will not support the bill however it goes through here, but that is up to their conscience and that is fine. Initially, I thought that it was a lot of bureaucracy, but at the end of the day, when I reflected on what needs to be in place, it is not that difficult. There are so many different groups—whether volunteer organisations, ministers of religion or other people who work with children who have to have either a police check or a working with children check—that I think having the police check is probably somewhere we can go in this.

I note that someone has quoted that people can spend up to $100,000 to have a surrogate, so it is not too big an impost and it puts in that level of security to do our utmost to make sure that children are safe. I know from conversations I have had with various members that people say, 'Oh, but we have to do our utmost'. We can do our utmost, but whatever we do—and we have seen it in various cases over history—whether there are police checks or child safety checks, evil people find a way. I would like to think that we can guarantee to stop that, but people with evil intent find a way. In closing, I reiterate that I support both amendments moved by the member for King in this area.

The Hon. V.A. CHAPMAN: I thank the member for her amendment. One of the questions raised in consideration of this amendment is the effect of spent convictions. I refer members to the Spent Convictions Act 2009 and perhaps remind members that this relates to the capacity to have your criminal history cleansed, sanitised, but that it can only be for an 'eligible adult offence', where a term of imprisonment was not imposed, or a sentence of imprisonment was imposed but the sentence was 12 months or less. An 'eligible juvenile offence' is essentially where there has been a sentence of less than 24 months.

An 'eligible sex offence' means a sex offence, being either an eligible adult offence or an eligible juvenile offence, for which a sentence of imprisonment is not imposed, or a designated sex-related offence. In short, I think the member and others listening to the debate could be reassured that, if you have a sexual offence history, it is not eligible to be spent. In other words, whilst someone might have spent convictions, they are not able to erase their prior sexual offences. I hope that helps those considering this matter.

Mr BOYER: I have a question on that theme in terms of acquittals. Does the criminal history check countenance acquittals? If not, does the working with children check instead cover any acquittals?

The Hon. V.A. CHAPMAN: If it assists the committee, I am happy to indicate that we are talking about a police record of convictions. An acquittal obviously would not result in a conviction or quashed convictions, and for obvious reasons. We are talking about people who have gone through the legal process and are convicted. The police check will have to disclose those for the purposes of a criminal history.

Mr BOYER: Thank you, Attorney, but does the working with children check take into account or assess any acquittals? I understand your answer is that the National Criminal History Check does not because they are not convictions because, by their nature, they are acquittals, but what about the working with children check?

The Hon. V.A. CHAPMAN: My understanding in relation to the working with children check is that if there has been an investigation, then that is in the capacity of being provided by the police intelligence to the relevant unit. That is a matter for police compilation and they may also gather that information from child protection agencies. That is my understanding.

The committee divided on the amendment:

Ayes 31
Noes 12
Majority..... 19

AYES

Bell, T.S.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Ellis, F.J.	Gardner, J.A.W.
Gee, J.P.	Harvey, R.M.	Knoll, S.K.
Luethen, P. (teller)	Malinauskas, P.	Marshall, S.S.
McBride, N.	Mullighan, S.C.	Murray, S.
Odenwalder, L.K.	Patterson, S.J.R.	Pederick, A.S.
Piccolo, A.	Pisoni, D.G.	Power, C.
Sanderson, R.	Speirs, D.J.	Szakacs, J.K.
Tarzia, V.A.	Whetstone, T.J.	Wingard, C.L.
Wortley, D.		

NOES

Basham, D.K.B.	Bedford, F.E.	Brown, M.E.
Close, S.E.	Cook, N.F.	Hildyard, K.A.
Hughes, E.J.	Koutsantonis, A. (teller)	Michaels, A.
Picton, C.J.	Stinson, J.M.	Teague, J.B.

PAIRS

Duluk, S.	Brock, G.G.

Amendment thus carried.

Ms STINSON: I move:

Amendment No 2 [Stinson–1]—

Page 7, after line 27 [clause 10(4)]—Insert:

(da) each intended parent must not be a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*;

I am to happy outline to the house the purpose of the amendment, and then I am happy to take any questions on it. This amendment is not contingent on the earlier amendment I put forward to proposed clause 5A; it stands alone quite separately and is not dependent on the other.

This amendment seeks that each intended parent must not be a prohibited person under the Child Safety (Prohibited Persons) Act 2016. Essentially, that means that a person who has been found guilty of a serious offence, a serious sexual offence, a sexual offence against a child, cannot be party to a surrogacy agreement. I think that is perfectly sensible. I think that reflects what many in this house have said in their public contributions so far, and certainly even the intent that I am sure the member for King is also trying to achieve, which is that someone at least with a conviction is not permitted to be a party to a surrogacy agreement.

I am happy to furnish members with the list of offences that are covered for a person to be declared as a prohibited person. It does go to some pages, but I am happy to provide that or even read it in if anyone particularly wants me to do that. Considering that the Child Safety (Prohibited Persons) Act went through this place not too long ago, I imagine that most members would be quite familiar with the kinds of offences that are covered. They are serious offences, including things like murder and rape, as well as sexual offences against adults and sexual offences against children.

To be honest, considering that our legislation at both state and federal levels talks about the interests of the child being paramount, I cannot see how this amendment would not be supported. This amendment simply provides that someone who has been convicted of a serious offence cannot enter into a surrogacy agreement. I think that is a perfectly reasonable point of view that reflects the views of this house, but of course I am more than willing to answer any questions about the operation of this and how it would ensure a greater level of safety and security for children born through surrogacy agreements, as intended by this bill.

The Hon. V.A. CHAPMAN: I thank the member for bringing the amendment to the attention of the house. I would like to grant some reassurance that of course persons who are convicted of the long list of heinous crimes that have been indicated by the member for Badcoe would, if they have a conviction, be disclosable pursuant to the criminal check that we have just passed by way of amendment to the house. In fact, that would be a disclosable obligation.

As a result of that, it would not cover the notice, I think for all the reasons we have discussed in relation to applicability of the working with children check deficiencies, if I can generously describe them as that. I reassure the house that the amendment from the member for King that was just passed would list the convictions in relation to those heinous crimes.

Ms STINSON: To respond to that, there is a distinction in relation to the amendment that was just passed, which was the member for King's amendment, and that is that the national police check would need to be disclosed to parties. In relation to the amendment just passed, it is for the surrogate mother to be the subject of a check and to expose that. However, the effect of the amendment that I am putting forward is that each intended parent must not be a prohibited person under the Child Safety (Prohibited Persons) Act of 2016.

To use layman's terms, that would amount to a ban on a person who had a serious conviction, as defined by the Child Safety (Prohibited Persons) Act, being able to be a party to the surrogacy agreement. It is not simply a matter of having to disclose that a criminal history of any kind has been recorded. It is a matter of a great deal more certainty. Under this amendment, what I am proposing is that, if a person has been convicted of a serious offence and has been declared as a prohibited person under the aforementioned act, they would not be able to be party to a surrogacy agreement.

It is not simply that they would have to hand over a police check that showed a list of possible offences that may range in seriousness and that that may need to be discussed or disclosed to parties in the agreement. This is a lot more absolute than that. It is saying that, if you have a serious offence—I am not talking about driving offences or anything like that—such as murder, rape, sexual offences against adults or sexual offences against children, a person who has been declared a prohibited person because they have that record is not able to be a party and is effectively banned from being a party to a surrogacy agreement. That is what I am putting to the house.

While it is entirely consistent with the amendment that has been accepted, which was put forward just now by the member for King, it does actually mean that people who are guilty of the most serious offences in our community will not be able to be a party to a surrogacy agreement. I cannot see why a surrogate mother, or an intended parent for that matter, would want to be part of

a surrogacy agreement with someone once they had knowledge that that person was a prohibited person.

The prohibited person declaration is important. At the moment, it is mainly used in the working with children check system. It is not just a flag to potential employers or volunteer agencies that this person failed to obtain a working with children check; it is much more serious than that. It is that their case has been looked at, their offences and convictions have been looked at, and a declaration has been positively made that this person should not be around children—not for volunteering purposes, not for work purposes and, I would contend, not for surrogacy purposes either.

If we apply this standard when we are talking about people who are volunteering for not-for-profit organisations and dealing with children, and if we apply this standard in the workplace when we are talking about workers who have contact with children, then why would we not apply this standard—the prohibited persons test—to someone who seeks to be party to a surrogacy agreement?

I really struggle to see how anyone could justify why a convicted murderer, a convicted rapist, a convicted adult sex offender or a convicted offender who has abused children should be considered for a surrogacy agreement. I cannot imagine that parties would want to be part of such an agreement, and I cannot imagine that our community would say that it is acceptable for convicted serious violent offenders or serious sexual offenders to be able to enter a surrogacy agreement.

The committee divided on the amendment:

Ayes 21
Noes..... 22
Majority..... 1

AYES

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

NOES

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

PAIRS

Brock, G.G.	Duluk, S.

Amendment thus negatived.

The CHAIR: The member for King has her second amendment on schedule 3 and she has the call.

Ms LUETHEN: I move:

Amendment No 2 [Luethen–3]—

Page 8, after line 4 [clause 10(4)]—Insert:

(fa) each intended parent must provide to the surrogate mother a criminal history report in respect of the intended parent provided by South Australia Police, or the Australian Crime Commission or an Australian Crime Commission accredited agency or broker, within the 12 months prior to entering a lawful surrogacy agreement;

My amendment is to screen intended parents and offer a practical, valid, workable criminal history screening from day one if this legislation is passed. It will highlight risks to children from day one to all parties involved in surrogacy, as per the South Australian Law Reform Institute recommendations.

Mr SZAKACS: The member just referred to this clause operating to exclude persons who are convicted of an offence which poses an unacceptable risk to children. Is the member putting to the house that this clause, and every offence that would be disclosed thereunder, would pose an unacceptable risk to children?

Ms LUETHEN: Can you please repeat your question?

Mr SZAKACS: The member in her contribution noted that this clause would prevent or shine a light on offences to be disclosed which have been committed by prospective parents, which would pose an unacceptable risk to children. Does the member put to this house that all offences, which will be disclosed under this clause, in her opinion, are offences committed by a person who would pose an unacceptable risk to children?

Ms LUETHEN: I thank the member for his question. I think you are asking: will all the offences that might be disclosed as part of the criminal history check be offences that could pose risks to children? I would say that, based on my experience of what could be offences, probably not, though what it will highlight is the risks that could pose harm to children and make the parties who are participating in this surrogacy agreement aware of what those offences are so that they are fully aware of the history of each of the parties, as recommended by the SA Law Reform Institute.

Mr SZAKACS: In such an important matter as this committee drawing conclusions about offences which would or would not pose unacceptable risks to children, why has the member erred on the side of a catch-all criminal history check disclosure rather than prescribing certain offences that would pose unacceptable risks to children?

Ms LUETHEN: Thank you for your question again. I will refer you to previous answers that we have given. I have sought advice on what is a workable way to highlight the criminal history of people participating and this is a workable practical solution based upon the advice I have received.

Mr SZAKACS: Chair, on a point of clarification, I think the member has misheard my question. This question is in relation to this clause, which deals with a different cohort of individuals from the member's previous amendments, so my question is specifically in relation to this cohort of individuals. Why has the member erred on a full disclosure of a criminal history check? Her own response to my previous question was that there were certain offences that would not pose unacceptable risks to children. In fact, there would be certain offences which would be deemed to be trifling. Why has the member not erred to prescribe the offences that would be deemed to be unacceptable in terms of this cohort of individuals?

Ms LUETHEN: I have recommended the criminal history check, as recommended by the South Australian Law Reform Institute, because it is available today. As a parent of two children, if I were participating in this sort of process, whether I was the surrogate or I was going to be an intended parent for someone else, I would want to know what the history had been of the intended parent who was party to this before I went into an arrangement like this. So it is to make all parties aware of any potential risks to bearing and raising and looking after children in the future. I think I have answered it here in terms of this amendment. It is about the intended parents being fit people who do not pose a harm to the children coming in to this agreement.

Mr SZAKACS: The member, then, in her response made a point that a prospective surrogate has every right to feel satisfied that prospective parents are fit and, I think, to paraphrase, proper to be parents. Is the member satisfied that a criminal history check is the highest possible standard available to prospective parents or surrogates to be satisfied of such content?

Ms LUETHEN: I am satisfied, based on all the advice I have received, that it is a practical, valid, workable check that can be introduced today, if this surrogacy legislation is passed, from day one, to highlight any threats to the child or posed risks.

Mr PICTON: In my reading of this amendment from the member for King, there are two distinct differences between this amendment and the alternative amendment proposed to (fa) by the member for Badcoe. One, as we have discussed previously, is in terms of police check versus working with children check. The other difference is in relation to where the information is provided.

In your amendment, it is being provided just to the intending surrogate mother. In the member for Badcoe's amendment, which deals with the working with children check, that would be provided to both the surrogate mother and to the counsellor involved. I am just wondering if the member for King can outline why she has decided that the counsellor should not also be provided with the criminal history check information?

Ms LUETHEN: I did ask questions about this previously in preparing my amendments, and my understanding is that the counsellor would not be able to enforce anything upon the participants in the surrogacy agreement. So I am really following the recommendations of the Law Reform Institute in terms of the parents and the surrogate being informed.

Mr PICTON: Can I ask the member for King if she has thought through whether there could there be a situation where the information is provided to the surrogate mother? That information could have some serious offences on that disclosure but from what I can see this amendment does not actually stop that arrangement from going ahead even if there was a serious disclosure of a conviction for, say, paedophilia on that disclosure. There could still be the arrangement proceeding despite that criminal history check with that serious offence being provided to the mother.

Ms LUETHEN: It is my understanding—and I talked about this earlier today—that this is not a foolproof screening process. I think perhaps the member for Heysen also spoke about this before. This is not foolproof, but what I am hoping it will do is make all parties aware of any threat or risk that is posed and make parties informed, as per the recommendations that we have received, and hopefully also deter parties who might pose a risk to children from becoming involved in this process.

Mr PICTON: My last question to the member for King is: has she considered whether there are any other means by which that could be strengthened? Based on her comments in her previous answer—she is saying this is not a foolproof screening in that there still could be people who have serious offences who could get through this—did she consider whether there would be ways of tightening that so that it would not just be up to the parties themselves to determine, in the case of a serious offence, whether that proceed?

Obviously, this has been a debate in terms of making clear in some of the legislation and some of the amendments that certain people and certain offences would be specifically excluded from the act whether or not the parties agreed, because of the nature of those offences by the people. Has the member for King considered that, or would she consider any further amendments that would tighten that up?

Ms LUETHEN: I have considered it, and it is up to the house if it wishes to propose further amendments.

Sitting extended beyond 18:00 on motion of Hon. J.A.W. Gardner.

Amendment carried.

Mr PATTERSON: I would like to ask questions, now that the amendment has been carried, in regard to clause 10(2)(b), which provides:

> a person, or both persons…on whom parentage of the child or children born as a result of a lawful surrogacy agreement will be conferred in accordance with this act.

Where there are both persons, it is silent in terms of how long they have been in a relationship. Is there any guidance in relation to the length of a relationship?

The Hon. V.A. CHAPMAN: The answer to that is no. I think the member is probably getting to whether, for example, they have been married for a certain period of time or have cohabited for a certain period of time, and the answer to that is no.

The Hon. A. KOUTSANTONIS: If a surrogate, on giving birth to the surrogate child of donor parents, decides to keep that child, what is the process under the act for the biological parents gaining custody?

The Hon. V.A. CHAPMAN: The member raises a question I have been asked a number of times, and that is: how do we deal with it if the surrogate mother—for whatever reason—says, upon the birth of the child, 'I want to keep the child'? The child will remain with the mother. The child can be the subject of Family Court proceedings in respect of any determination, as they have jurisdiction to do in any other custodial dispute. Irrespective of the marital status of a parent or parents of children, or donor parents, the Family Court is the jurisdiction.

The Hon. A. KOUTSANTONIS: Not being a lawyer, I am at a disadvantage here. The surrogate parents may have a fertilised embryo, which is then transferred to the surrogate. The surrogate then carries that child through to birth. Birth is given and the child is born. The only connection to the child is the surrogate mother and this act. The biological parents of the child would then have to make orders in the Federal Court or the Family Court, another jurisdiction, to attempt to get access to the child.

What grounds would that family have to gain access to a child who is biologically theirs, even though the surrogate would claim, under this act, that she has a greater right to that child than the parents do? Under what circumstances, other than just saying that you can go to a court, could we be assured that that process would give some comfort to the biological parents?

The Hon. V.A. CHAPMAN: To be clear, we have a surrogate mother who must be over the age of 25 years. We have potentially a donor parent of the sperm, a separate donor parent of the ovum and we have the receiving parents. All of these are potential parties. There is a recent Family Court of Australia case that suggested, on an overseas transfer of a child, that even the father of the donor sperm does not have his rights extinguished. So each of them can make an application for residency, custody or decision-making in some way in relation to the child of 'team baby', for lack of a better word, which has just been referred to in the report. That is the jurisdiction. The jurisdiction is bound by its law, the Family Law Act, and that case would have to be determined on the paramount interests of the child.

The Hon. A. KOUTSANTONIS: I do not think that answers my question, because my reading of the act reinforces my view that the surrogate has primacy in this area. Unless the biological parents, to keep that child, can prove some form of misconduct or inappropriateness by the surrogate mother, I am not sure that they would have the rights that we might all expect to have in relation to our biological children, and that concerns me.

I am not a woman, but there is obviously a very emotional attachment that mother and baby form over a period. I think men see that through their relationships with their partners. I think women are better able than I to understand, contemplate and express this. I think it would be perfectly natural for a surrogate mother to perhaps want to keep that child. The only connection that that mother would have would be, to use the term the Attorney used, to carry it—to be the surrogate. But, biologically, that child has no relationship to the surrogate, and the surrogate parents would then have to make an application to a court to get their child, because this legislation gives no certainty to the outcome and gives primacy to the surrogate about whether or not they wish to keep that child.

I do not know how this works in practice, whether the child is taken away at birth or whether there is a period of transition. I am not sure if it is a negotiated contract or if there is a negotiated period, but I imagine it would be a very traumatic experience, and also a joyous one of the same time. I do not know how this is being contemplated. Again, without wishing to offend the laissez faire legislators in the building, I do want some assurances about what people's rights are here, because I can imagine the heartache of knowing that someone else has your child and you have to wait for a process.

This is not because of a marriage breakdown or a relationship breakdown: this is because the surrogate is being given authority through this piece of legislation to have primacy and custody pending a Family Court deliberation. I assume that within that Family Court deliberation you will have to make some argument about the fitness or otherwise of the surrogate mother to keep that child.

Given the act that we are contemplating now makes the surrogate the prime concern, I do not know what the outcome in here is. That might be for good reasons. Maybe the drafters of the bill feel it is best decided by a court if there is a dispute. That is a perfectly legitimate point of view to have; it is not my point of view. My point of view is, if we are going to enter into these types of arrangements, that there need to be very clear understandings of what happens when something goes wrong, that is, a breakdown in the relationship between the surrogate and the biological parents, which I could contemplate quite naturally and normally happening.

I would like the Attorney to explain to and satisfy the committee that the biological parents have not just a standing to make an application but this does not then degenerate into some detailed, expensive court process which then leaves a child without its parents and a surrogate dissatisfied by losing a child with whom there is a normal and natural bond. Yes, sure, this is all difficult to try to make perfect, as the member for Heysen claims in the laissez faire view of contracts where there is no government regulation anywhere. However, my concern is what protections and safeguards are we putting in place, other than a standing to make an application to a court, to get access to your baby?

The Hon. V.A. CHAPMAN: There is a lot in that but, in short, can I confirm that this proposed legislation, which is to set out the rules that are to apply if one wants to access a lawful surrogacy agreement that gives some entitlements to declarations of interest via a court process, does not override the jurisdiction of the Family Court to determine a dispute in relation to the placement or arrangements of the residence of a child. That remains, and the member might be quite correct in his assessment if a child is born and the surrogate decides to keep it. She may have actually donated the ovum for that child or there may be both donors and it may have nothing to do with the receiving parents. These circumstances will be different and they will be matters that will need to be determined by the Family Court if that dispute remains.

I cannot answer for every variation of what would apply in that regard, but they are matters of jurisdiction that would remain, and that is the case now where people can enter into arrangements to have a child, hand it over or not, have a dispute about it, and go off to the Family Court. This law does not override or interfere with the opportunity to have the Family Court determine an issue in relation to the paramount interests of the child. If the member is suggesting that there is some higher level of expectant entitlement of the surrogate mother, I think the answer to that is, no, they do not have a prima facie interest. However, they are entitled, subject to an order of the court, to retain the baby until the Family Court determine it.

Mr PICTON: To follow on from the member for West Torrens, whatever their view on this I think people would agree that this is an important issue to discuss, how it would evolve in legislation and in practice. My understanding from what the Attorney is saying is that in the situation where you have a surrogate mother who has decided to keep the baby—and I think particularly the member for West Torrens is mostly concerned about where that surrogate mother is not the donor of the ovum, I think it is fair to say—the intended parents, from what I understand from reading this and listening to the Attorney, would not be able to be inserted onto the birth certificate, the Youth Court would have no jurisdiction to decide matters of the birth certificate and it would be left to the Family Court, but the Family Court's deliberations would not be in terms of the birth certificate but in terms of custody arrangements.

The intending parents, who may be, particularly in the example given by the member for West Torrens, the donors, the best they could argue for before the Family Court is a custody arrangement rather than an arrangement in our state jurisdiction which covers birth certificates.

The Hon. V.A. CHAPMAN: I will try to answer this directly, to the narrowness of what is being asked. I think for the reassurance of members here, this process is designed to be able to create a lawful arrangement for which there can be enforcement. For example, if the surrogate agrees to carry a child—and she has ticked all the boxes, she is over 25, etc., and she is entitled, for example, if necessary, to get an order to recover her costs, reasonable expenses in relation to the

surrogacy—none of this process interferes with or creates a situation upon her giving birth to that child which allows that child to be taken away from her. They are matters that will be determined by the Family Court if there is a dispute about it.

This is designed to bring about an accessible and enforceable process for the terms and conditions upon which the parties enter into that agreement and the registration of birth certificates and the information for birth certificates. That is what this is designed to do. It is to enable some capacity to provide a system of enforcement, if I can put it in those terms, which every other area that we have discussed that has these jurisdictions is currently doing. In fact, in South Australia they are already doing it, but they do not have the umbrella of protection of this. That is what we are trying to do here.

We are not trying to take away the right of any of the relevant parties to apply to the Family Court, the same as any other child the subject of a dispute over their residence or access arrangements. That remains with the Family Court.

Mr PICTON: I accept that that will remain with the Family Court in terms of custody. I guess my question is that, under the arrangements proposed here by the Attorney, in terms of the state's jurisdiction, the state's side of it—which is the birth certificate, the Youth Court—the intending parents would not be part of that if the surrogate mother decided to back out of the agreement. The Attorney said that this is to legislate for enforceable agreements, but that does not seem particularly enforceable to me. That may be wrong or right, but I am just trying to get clarity on that. I would also ask whether—

The Hon. V.A. CHAPMAN: I might just answer that question. I do not think there is any surrogacy law in Australia that says that a surrogate mother who has given birth can be forced to have the child removed—that is, taken away from her at birth. I do not think there is anywhere in Australia that allows that, and we are not proposing it here.

Mr PICTON: If I could finish my question, what I was about to say was: can the Attorney outline what the situation is in other states, given that we have a number of states that have surrogacy laws that have been in place for some time. I am not suggesting taking the baby away. Are there situations where other states have mechanisms in relation to the birth certificate that are not what is being proposed in this legislation?

The Hon. V.A. CHAPMAN: I have to take that on notice and provide that between the houses, if this matter passes here. I am happy to do that. As I say, the surrogate mother, who is the birthing mother for the purposes of explaining her position in what could be up to five relevant parties, remains the lawful mother until such other interventions occur. That may be by the Family Court, if there is a dispute, or it may go through a process where they present their position to the Youth Court and they get an order for the registration arrangements of the new receiving parent regime, assuming it all goes well.

If it does not go well, then they, like any other family, will have to resort to the Family Court for their relief and the Family Court will make those determinations based on its statute law, but with a paramount consideration for the interests of the child.

Amendment carried; clause as amended passed.

Clauses 11 to 17 passed.

Clause 18.

The Hon. A. PICCOLO: I move:

Amendment No 2 [Piccolo–1]—

Page 11, after line 36—Insert:

(2a) An applicant for an order under this section must provide to the Court (whether in an application or in proceedings under this section) such of the following information as is known to the applicant:

(a) the identity of the donor of any human reproductive material used in relation to the lawful surrogacy agreement and resulting in the birth of a child (being a donor who is not the surrogate mother or an intended parent);

(b) any other information prescribed by the regulations.

This amendment requires that genetic information be recorded and held and at a later stage enables that information to be made available to a child when attaining the age of 18.

The Hon. V.A. CHAPMAN: I indicate to the house that, whilst this obligation is there under other legislation, the member is seeking to have this same provision inserted and I have no objection to the same.

Amendment carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21.

The Hon. A. PICCOLO: I move:

Amendment No 3 [Piccolo–1]—

Page 14, after line 39—Insert:

(fa) if known, the identity of the donor of any human reproductive material used in relation to the relevant lawful surrogacy agreement and resulting in the birth of a child (being a donor who is not the birth mother or an intended parent);

This amendment requires a court, having had that information recorded, to notify the Registrar of Births, Death and Marriages so that that information is available in the relevant format at a later date for a child attaining the age of 18 to access that information.

The Hon. V.A. CHAPMAN: Whilst this material is obliged to be provided under other legislation, again this is being sought to be inserted in this legislation to cover the specific arrangement in relation to parental arrangements, and I have no objection to the same.

Amendment carried; clause as amended passed.

Remaining clauses (22 to 32) passed.

Schedule 1.

The Hon. A. PICCOLO: I advise the house that I do not intend to proceed with my amendment. I will explain. I had discussions with the Attorney. What I have tried to do through the other amendments is to have consistency right across all legislation. This one would introduce a new area, which probably needs a bit more work, so in between the houses I will have further discussions with the Attorney to see if we can come up with some appropriate wording to have consistent laws right across the family relationships areas, which could be introduced in the upper house. I would hope to proceed to enable a child under 18 to have some sort of access, subject to appropriate criteria, to information about their birth.

The CHAIR: Just to be clear, member for Light, you are not proceeding with the amendment in your name?

The Hon. A. PICCOLO: That is correct.

Schedule passed.

Title passed.

Bill reported with amendments.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (18:12): I move:

That this bill be now read a third time.

In doing so, I just have a brief comment, if I may, and that is to thank all members of the house for their careful consideration of this matter. I think that we have made progress here today that is going

to be important for South Australian parents. I am talking about people who do not enjoy the same privilege that most of us have, and that is the opportunity to have a family, if we wish to, without the need for significant intervention or cost. Some of us are privileged to have that, and some of us are not. We have passed legislation here tonight that will have the benefit of putting that in a way that will provide a secure and accessible regime of protection for all the parties concerned.

I thank Joanne Kreis, who has had the carriage of the development of this legislation for years. I know that it has been a challenge. I thank the Hon. Mr Dawkins, who has had the carriage of the promotion of this legislation for decades, which is challenging. I do very much appreciate that, whilst everyone does not always get everything they want with legislation, it is fair to say that I think there has been a level of goodwill in relation to an important social initiative. I thank members sincerely for that.

Ms STINSON (Badcoe) (18:14): I seek to make a third reading contribution. I take this bill extremely seriously. I am glad that my party declared it as a conscience vote, because the issues that we are examining and assessing support for in this bill are for some members, of course, highly personal and traverse areas of intimate personal experiences and faith values.

The creation of a life in whatever way is the ultimate responsibility. It should not be entered into lightly, although of course sometimes circumstances escape us. I solemnly believe that we should all do what we can to protect children, whether born to biological parents or surrogates, whether brought up by foster kinship or adoptive parents, whether in same-sex relationships or opposite-sex relationships, whether in single parents households, dual parent households, shared custody or in extended family care arrangements. The pain of not being able to have a child is quite devastating for many people and we are indeed fortunate in this era to have science at hand to assist us.

I also just want to reflect on some of the comments that were made by members on both sides about the generosity extended by women who do become surrogates. That is such an awesome thing to do for another person. I think many of us would not be able to do it. We would find it too painful to have a child in our belly and then pass that child to another person. As many others have reflected on, the generosity and strength of character that it would take to do that should absolutely be commended. I hope that this bill, in its passage, does provide some comfort to people who seek to enter these arrangements. I personally have a great deal of admiration for someone who would bring a new life into the world on behalf of someone who has not had the ability to do that.

It has not gone unnoticed by members of this house that as a state, we take differing approaches in terms of securing the safety of children depending on the way they are brought into this world and the circumstances of their care. For example, a foster parent is required to undergo a national police check, a working with children check, interviews, training and other screening and assessment to ensure they are a fit and proper person to care for a child. Kinship carers are also subject to such an approval process while, of course, biological parents, no matter their circumstance, are not required to undergo such a process.

It has not gone unnoticed that as a state we apply working with children checks to schoolteachers, to sports coaches, to children's charity volunteers and to a host of others, while we do not expect that of a person with full-time care of a child even if they are not related to that child. Indeed, I have served on many boards—I am sure those opposite have as well—and held jobs that have required a working with children check, despite the work actually involving no contact with children. The approach to applying police checks, working with children checks and other screenings is patchy and inconsistent.

Reflecting now on the contribution from the member for King, I thank her for all her genuine work on this. I know that this process has not been easy, but I commend her for the many hours of work that she has put in to trying to get a good result here. Reflecting on her particular comments—and I do not want to verbal her here—that she hoped or envisaged that maybe in future there may be amendments in order to lift the standard that is applied under this bill to a different level, I do not feel that the inconsistencies that are so far applied across our system are a good enough reason to apply the lowest standards when new situations arise requiring regulation or legislation.

Surely, if we are to achieve any form of consistent approach, we should look to the several pieces of legislation across South Australia and commonwealth statute books, speaking of the needs of the child, the protection of the child and the best interests of the child as being paramount. If the needs of a child really are paramount—that is, the interests of a child ultimately trump the desires and wishes of adults—then that should be reflected in our approaches. We should be going to some lengths to ensure the highest level of protection for children even if it comes at the inconvenience of individual legislators, adults or existing systems.

I understand that it is a long and emotional journey for people who arrive at the position of wanting to have children through surrogacy, and I think we all in this place have friends and family who have faced fertility difficulties and are familiar with the physical and mental toll such difficulties take. There are many options that are considered and agonised over before a person or people reach the point of embarking on a surrogacy arrangement. Then there are further hurdles to clear in terms of health checks, negotiating relationships with family and friends, medical procedures, legal compliance and much more before a surrogacy arrangement under this bill can be entered into.

I understand that adding another check seems unfair, and for families with only the very best of intentions for their children, which are of course the vast majority of applicants, it must also seem an unfair impost. However, from the friends and family I have spoken with, and even those who have stories that have been published in the media, filling out an online form and waiting less than a month for a clearance or obtaining a national police check is the least of the worries they have along this journey.

For some people, I realise it may be more complicated than that if a conviction is exposed that requires explanation, but we all need to do what we can to ensure that parties to such a serious undertaking as surrogacy are fully informed and fully consent to the birth of a child. We also owe it to all the children to ensure their safety. Unfortunately, I do not think we have completely achieved that objective of doing all we can on this occasion, but I hope that in future we might.

It is the case that in so much of our law we are legislating for the few, for the small minority of people who will do, or seek to do, the wrong thing, and we do that to protect the vulnerable. Our entire criminal justice system is built on prosecuting the small number of offences and protecting the small number of people who are victims of crime, and that does mean that some liberties are infringed and it does mean that some inconvenience is caused, but it is the small price we pay for the protection of those who cannot protect themselves.

My concerns about the exploitation of children are not concocted. There have been cases of paedophiles seeking to enter surrogacy arrangements. Members would be familiar with the case of David Farnell of Bunbury in WA, who was convicted of 22 child sex offences. He had two surrogate children through an overseas arrangement, and that situation was exposed in 2014. There is also an instance of abuse reported in *The Age* in 2016 which involved an unnamed Victorian man who pleaded guilty to sexually abusing his infant surrogate daughters. The man was said to have a decades long history of accessing child pornography and had been abusing his young nieces before he became the biological father of surrogate twins. The man and his wife had become surrogate parents using a donor egg and a surrogate from a clinic in Asia.

In 2016, the Australian House of Representatives Standing Committee on Social Policy and Legal Affairs tabled a report on its 'Inquiry into the regulatory and legislative aspects of international and domestic surrogacy arrangements'. In a section of the report, citing a submission by Federal Circuit Court Judge John Pascoe, it notes:

> …a number of cases have emerged of persons who have applied for and become surrogate parents of children born offshore despite convictions for serious offences against children.

That report goes on and is quite interesting, and I would recommend it to others to read if they are interested in further research on this issue.

Many may say, and have in the time that I have been speaking with members of the community about this, 'Why would a paedophile go to all the trouble of surrogacy?' That is because paedophiles do not think like you and I. They are not law abiding. They do not love children. They do not care for children or act in their best interest. The shocking and terribly uncomfortable fact is that

paedophiles will and do go to great lengths to obtain access to children, particularly exclusive access to a child. And what more exclusive access is there than a child who is legally your own?

Yes, it is an extreme approach, but we have seen the lengths that paedophiles will go to, even in our own state, most notably Shannon McCoole. This is not a person who was involved in any sort of surrogacy arrangement whatsoever, but McCoole is a person who from a young age had a sexual attraction to children. He set about getting all the qualifications necessary to be a legal child protection sector worker. He paid all the course fees, he did all the years of study, he applied for jobs, he completed interviews, he sat the psychological testing and he did the professional development. He built close relationships with his colleagues, all so he could exploit children and create a worldwide international enterprise of child exploitation.

In my experience, particularly as a court reporter, paedophiles are not stupid. In fact, they are among the more intelligent in the criminal community, and we need to be smarter than them. Is a working with children check or a police check a guarantee that nefarious criminals will not exploit the system? No, of course not, but it is a step that we can take to give ourselves the best chance of deterring, detecting and rejecting anyone who does not have a child's interests at heart.

For those reasons, I am of course disappointed that more members in this place did not support a range of amendments that might have brought things to a higher point, but I am hopeful that might be achieved in future. The member for King, as I said, should be congratulated on putting forward her initial amendment for the working with children check, which I picked up after it was dropped, and for progressing the amendment in relation to the national police check, which was successful.

I have had to weigh my genuine commitment to child protection and my desire to see a rigorous though not onerous check with my desire to support the opportunity for people to have children through surrogacy. I do support those people who need to use surrogacy, but I also feel that the protection of children has not been adequately addressed in this bill. I hope it might be revisited in future and I look forward to speaking with like-minded members of this place.

Although I am really troubled by having a surrogacy act that does not provide what I feel is an appropriate, achievable and desirable level of protection for children from a minority who will seek to exploit them, obviously I have expressed my support for the bill overall. I support it because I do hope that people who have been unable to give birth to children themselves biologically have an additional avenue to bring children into their lives—children to raise, children to love.

I hope that my concerns about the deficiencies of this legislation are never realised, and I hope that every single person who seeks to use this legislation will be, of course, a loving parent whose life is filled with joy by their children and that their children's lives are, in turn, as fruitful and filled with love.

Mr MURRAY (Davenport) (18:26): I want to put on the record a number of things, the first of which is my very deeply personal empathy with and experience of the need for people to access reproductive technology and the love and joy that that brings. I am a supporter of this bill, with the caveat of it being able to encompass and embrace the checks that a working with children check provides. There is some ideology at play here: I want to discriminate. I want to discriminate against people who have convictions or who are on bail, for example, for matters of child sexual abuse, child pornography and the ilk.

As I said, in my time as a voluntary sports administrator, I have had situations where people on bail, subsequently found guilty and subsequently convicted of child sexual offences, sought to circumvent the deficiencies that exist with police checks. I want to discriminate against those people in this instance, and I make the point that we discriminate against them on a routine basis in schools and in other voluntary capacities without blinking an eye, and we do so because the rights of children are paramount. This bill seeks to make that very point in clause 6, where it talks about the best interests of the child being paramount.

We all know here today that there is a better way of ensuring protection for children than simply a police check. I have voted for a police check because, in the event that this bill gets through, it is better than nothing, but I am astounded—astounded—that we have a situation where the vast

majority, if not all of us, know that there is a better methodology that is already applied here in South Australia on a daily basis. There is a better methodology provided and readily accessible for us to discriminate against people who should not be a party to a surrogacy agreement.

Many of us would have recently received correspondence from a variety of reproductive associations, from interstate in particular. I spoke to one of the people who took the trouble to write to us earlier today and I asked the same question: was there a belief on their part that convicted child sex offenders or those on bail for an offence of that ilk should be enabled to be a party to these agreements? Their answer was no. These are the same people writing to us suggesting we do not legislate to have this protection.

Now it turns out that, from a practical perspective, they make an assessment themselves about whether or not a working with children check is required. I am working on the basis, as I explained earlier to the house, of advice I received from the Attorney-General that we cannot avail ourselves of the working with children safety framework in this particular instance, and as a result we are forced to forgo the protection it would otherwise provide.

It appears to me that the processes used interstate to assess surrogate parents will, by definition, as a result of that be incapable of being enforced in this jurisdiction. To reiterate, the advice that I am reluctantly forced to accept is that we cannot avail ourselves of the data we have on hand that enables us to discriminate on a daily basis, particularly within our education system, churches and other voluntary attempts as well.

In my view, as a result this bill, notwithstanding the joy it would otherwise bring to many people, and the regulation that it seeks to provide, with the enormous amount of work, does still pose an unacceptable risk, given the deficiencies of that check. I am opposed to the bill and would ordinarily vote against it, but I give notice that I have agreed to be paired with someone who would vote for the bill.

So I am voting against the bill and I would appreciate not just my comments but a recording of the fact that I wish to vote against the bill on the basis that it represents an unacceptable risk to children, notwithstanding its merits otherwise. It is an abrogation of our collective responsibilities, and in particular our failure to address ourselves to and avail ourselves of the information we have today, which works. In so saying, I will cease my commentary.

The Hon. S.C. MULLIGHAN (Lee) (18:32): I rise to make a few brief remarks about the Surrogacy Bill. There has been some heated debate on a number of different pieces of legislation over the last few days, mostly due to my involvement, if I am honest, and during the constant driving, again mostly from this side, I have made a number of references to a frustration I had that we were talking about other pieces of potential legislation, other bills, rather than the Surrogacy Bill, which we are now discussing.

I made the comment on a number of occasions that I honestly thought that we would be dealing with this bill until its finalisation last sitting week, a couple of calendar weeks ago, so that we could provide some certainty and, in my view, some better access for South Australians who find themselves otherwise confronting barriers to having a child. I will not go into the well-worn paths of describing why it is important for people who genuinely want to have a child to be given that opportunity; I think we can all readily understand why that is a noble thing for them to pursue and, importantly, for us to facilitate, particularly when there are the sorts of biological impediments that many people encounter in their lives.

I very much wanted to see the passage of the bill, and I really only had one caveat. I guess that caveat was placed on my thinking through the pretty challenging and robust journey we have had as a state over the course of the last more than 10 years now about confronting, I believe in a way that no other jurisdiction has had the courage to confront, the real underbelly of people in our community who have been prepared to exploit children.

At times, it has been extremely difficult for us to grapple with the fact that unfortunately there are some people who live in our community who are willing to do the most dreadful things to children, despite the impediments that we as a parliament—I say 'we', even though I have only been in parliament since 2014—often previous parliaments, have placed in the way of individuals who have

sought to exploit children. There has been a concerted effort over at least the last decade, if not more, to try to prevent those people who would otherwise exploit children from exploiting children.

I am fortunate in that I have not had the experience, for example, that the member for Davenport has had where they have been in a position of responsibility and they had to head off at the pass somebody who tried to put themselves in a position where they might be able to exploit a child. Nonetheless, I find myself in the position, as the other 46 of us do as members of the House of Assembly, of trying to decide on a law which will provide greater access to children as a result of passing this bill, again, I stress, for very noble, worthwhile and supportable causes.

My only caveat, really, was to require that the people involved in a surrogacy arrangement would be subjected to a working with children check to provide that greater level of comfort to the community and also to me, as somebody being asked to make a decision on this, that we were doing all that we could to minimise the risk of people trying to use the path of surrogacy as a way to gain direct access to a child. I am sorry to put it so coldly or clinically, or to give the impression that there might be some people in the community who would be so calculating as to go to that extent and that effort—let alone that expense—of engaging in a surrogacy arrangement in order to be the caregiver or other role player in a surrogacy arrangement.

To be honest, I did not give as much thought to this bill as I have had to do in recent days because I had a lot of comfort when the member for King moved her initial amendments about requiring a working with children check. I do not see it as my particular role to impose particular judgements on who should or who should not have access to a surrogacy arrangement. As long as we are satisfying ourselves that the safety of the child is protected as much as we can, then that is a responsibility that we have collectively discharged as a parliament.

I was surprised that an alternative amendment was then placed that, instead of requiring a working with children check as required by the member for King's amendment, just a police check would be required. Again, as I have said, I have not had the experience that the member for Davenport has had, but the member for Davenport provides an instructive example about how somebody with a clear police check—if I can put it like that—can navigate around the concerns of someone to try to establish their bona fides in order, for example, to become a sporting coach or, perhaps, in this instance, become a party to a surrogacy arrangement.

If, for example, they are charged with but not yet convicted of a criminal offence that involves the exploitation of a child in some way then it is likely that they can pass a police clearance but not a working with children check. I would have thought that, given this extremely painful and arduous journey we have been on as a state in trying to confront our child protection demons as a community, we have created and placed importance on a working with children check for so many people in our community—I think we are up to over 150,000 volunteers now, for example, who are required to have a working with children check, let alone all the people who are engaged in professions, including teachers and taxidrivers, caregivers and so on—that when we were trying to establish the bona fides of somebody who wanted to be a party to a surrogacy arrangement we could also insist on a working with children check.

I think it is really regrettable that we have a settled bill now, if I can put it like that, that we are about to vote on that does not include that protection. I am quite genuinely upset that, without that protection, I now find that I cannot support this bill. That is despite supporting all the intents of the bill and that is despite supporting opening up the access to surrogacy arrangements for many more South Australians who have up until now not been able to access surrogacy arrangements, and that really does disappoint me.

I am actually hoping that my opposition to the bill does not make the difference and that it still means there are enough people in this place to see this bill pass. For those people who have been locked out of surrogacy arrangements previously, there is a large part of me that really wants them to have access to those arrangements and experience all the joys and all the fulfilment that parenting a child can bring. But, unfortunately, there is still enough of me that is so caring and so deeply passionate about the need to make sure that we are taking every single measure possible to protect children from exploitation, even those children who have not yet come into the world, that the absence of a working with children check means that I cannot support the bill.

I really hope that the assurance that we have received collectively from the Deputy Premier about how challenging it is to ask an administrative unit of a department to take on a different role or an additional role to what they have previously, or the incapacity for her to imagine that a national partnership agreement or a similar agreement reached between the Standing Committee of Attorneys-General cannot be changed, does not mean that there are a number of people like me in this place who have to go and vote against this bill, which causes the bill to fail. If that is the case, not only will I be extremely disappointed that I have not been able to support this bill that I have been passionate about supporting otherwise but it will place an extremely heavy burden of responsibility on that member who has provided that advice to the parliament.

If there is any inkling or any iota of a suggestion within the Attorney's mind that perhaps it is not quite so hard as we have been led to believe that a working with children check could be supported, then that is something that the Deputy Premier will have to think about. But, unfortunately, I am not going to be able to support this bill at the third reading, and I can advise the house that that genuinely aggrieves me very deeply.

The house divided on the third reading:

Ayes 36
Noes..... 5
Majority..... 31

AYES

Basham, D.K.B.	Bedford, F.E.	Bell, T.S.
Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brock, G.G.	Chapman, V.A.	Close, S.E.
Cook, N.F.	Cowdrey, M.J.	Cregan, D.
Ellis, F.J.	Gardner, J.A.W. (teller)	Gee, J.P.
Harvey, R.M.	Hughes, E.J.	Knoll, S.K.
Luethen, P.	McBride, N.	Michaels, A.
Patterson, S.J.R.	Pederick, A.S.	Piccolo, A.
Pisoni, D.G.	Power, C.	Sanderson, R.
Speirs, D.J.	Stinson, J.M.	Szakacs, J.K.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	Wortley, D.

NOES

Brown, M.E.	Koutsantonis, A. (teller)	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J.	

PAIRS

Hildyard, K.A.	Malinauskas, P.	Marshall, S.S.
Murray, S.		

Third reading thus carried; bill passed.

At 18:49 the house adjourned until Tuesday 15 October 2019 at 11:00.

Estimates Replies

GOVERNMENT ADVERTISING

In reply to **the Hon. A. KOUTSANTONIS (West Torrens)** (25 July 2019). (Estimates Committee A)

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): I have been advised the following:

Please refer to the response provided in omnibus question 3.