HOUSE OF ASSEMBLY

Wednesday, 14 October 2020

The SPEAKER (Hon. J.B. Teague) took the chair at 10:30 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.

Personal Explanation

MEMBER'S REMARKS

The Hon. S.C. MULLIGHAN (Lee) (10:32): Just before we commence proceedings this morning, I seek the leave of the house to make a personal explanation.

Leave granted.

The Hon. S.C. MULLIGHAN: It had occurred to me to raise this initially as a matter of privilege but I thought it would be more expediently dealt with if I dealt with it as a personal explanation. Yesterday in question time, the member for Stuart, also the Leader of Government Business, made a false and misleading statement regarding comments I was alleged to have made during a talkback radio interview last week. In responding to a government question from the member for Colton, the member for Stuart—

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

The SPEAKER: The member for Lee will resume his seat. The Deputy Premier on a point of order.

The Hon. V.A. CHAPMAN: The assertion that the statement was misleading must come with a substantive motion, so I would ask the member to remove the word 'misleading' or that you rule that he not be able to continue with his personal explanation and that he put it in its proper form.

The Hon. S.C. Mullighan: Another attempt to silence dissent. I am just about to substantiate it. Why don't you just let someone else speak in the chamber?

The Hon. V.A. CHAPMAN: You know the rules.

The Hon. S.C. Mullighan: I know the spotlight is not on you and that aggrieves you greatly.

The SPEAKER: Order, member for Lee! I think the Deputy Premier has made her point. Member for Lee, the opportunity to make a personal explanation extends to identifying where you feel you may have been misrepresented, not to debate the nature of the matters that have been raised by others beyond that point. You can identify where you feel you have been misrepresented.

The Hon. S.C. MULLIGHAN: Yes, and I will correct it.

The SPEAKER: The member for Lee has the call.

The Hon. S.C. MULLIGHAN: Thank you. Yes, I will substantiate it and I will correct it as is my right according to the standing orders, as offensive to the Deputy Premier as that may be.

The SPEAKER: Member for Lee!

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

The Hon. S.C. MULLIGHAN: In responding to a government question—

The SPEAKER: The Deputy Premier on a point of order.

The Hon. V.A. CHAPMAN: I am offended at the suggestion that I am offended by this aspect of his contribution. You have ruled on the matter and advised the member how he might proceed, and I would ask him to withdraw and apologise.

The Hon. S.C. MULLIGHAN: No. I am sorry, sir, but there will not be one.

The SPEAKER: Order! There will need to be somewhat greater particularity.

The Hon. V.A. CHAPMAN: I am happy to do that. The member asserted that he would be proceeding with this matter notwithstanding my being offended by that process. I have accepted—

The Hon. D.C. van Holst Pellekaan: No, he said 'offensive'.

The Hon. V.A. CHAPMAN: Yes, absolutely.

Members interjecting:

The SPEAKER: Order! If there are words that the Deputy Premier takes personal offence at that are directed to the Deputy Premier, then the Deputy Premier might identify those words.

The Hon. V.A. CHAPMAN: I do not have the transcript, but it is words to the effect 'notwithstanding that the member is offended by my right to do so'. Words to that effect are what he said. I am not offended by the determination that you, sir, have made, or by the right of the member to make a personal explanation.

But he was brought into order, I suggest, by you to explain that he is here to identify a circumstance where he may have been misrepresented, not to make assertions that the member for Stuart or anyone else has made false or misleading statements. That is the crux of how you have assisted him, to remind him about what his obligation is. I take no offence at that, but I do take offence at him suggesting in some way that I am in any way wanting to impede his right to make a personal explanation.

Members interjecting:

The SPEAKER: Order, members on my left! The Deputy Premier now has those matters, I think, quite substantially recorded on *Hansard* in relation to both the characterisation and the Deputy Premier's view about them. The member for Lee has the call in circumstances where he has sought the opportunity to make a personal explanation. I will be listening carefully. The member for Lee has the call. The member for Lee will continue a personal explanation. There will be no gratuitous reflection—

The Hon. S.C. MULLIGHAN: I would never do so, sir.

The SPEAKER: —on members in the course of a personal explanation. The member for Lee has the call.

The Hon. S.C. MULLIGHAN: I will particularise my grievance against the member for Stuart—

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order, sir.

The Hon. S.C. MULLIGHAN: —and I do so thus.

The SPEAKER: The Minister for Energy on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: The member for Lee has just made it very clear that, while seeking to make a personal explanation, he is not going to make a personal explanation because his own words were: 'I will particularise my grievance against the member for Stuart.' That is inadmissible in a personal explanation.

Members interjecting:

The SPEAKER: Order! The point of order is well made. If the member for Lee has matters that are relevant to the scope of a personal explanation, the member for Lee may make them. The member for Lee may not debate the matter nor particularise the nature of his grievances against members in this house. The member for Lee has the call, again, for the purposes of a personal explanation.

The Hon. S.C. MULLIGHAN: Thank you, sir. In responding to a government question from the member for Colton, the member for Stuart stated that I had participated in a radio interview last week on radio FIVEaa. This much is correct. However, he also said, and I quote, 'It seems the member for Lee'—

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order, sir.

The Hon. S.C. MULLIGHAN: —'had a case of temporary amnesia during his FIVEaa interview'.

The SPEAKER: Order! The member for Lee will resume his seat. The Minister for Energy on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: A personal explanation is for a member to explain what he or she has done that he or she wants to correct, not what somebody else has done.

The SPEAKER: For the moment, there is no point of order. The member for Lee is identifying the relevant events. The member for Lee has the call.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker.

Ms Cook interjecting:

The SPEAKER: Order, member for Hurtle Vale!

The Hon. S.C. MULLIGHAN: The minister continued reading to the house from a prepared document and claimed that I said, and I quote from the member for Stuart's words:

> I also suspect that this interconnector is a strategy by SA Power Networks which you remember…used to be ETSA before it was privatised by John Bannon.

Those were the words the member for Stuart claimed that I said on radio FIVEaa. I thought that odd yesterday. I reviewed the transcript of last week's interview. It confirmed that I said no such thing. I have also reviewed the audio recording from the interview. It confirms that I said no such thing. Mr Speaker, in seeking to make his point to the house yesterday, the minister misrepresented the comments I made on the radio. What I actually said in the interview, in response to a question about what my view on the interconnector was, was this:

> We think this is a terrible idea, we've got the State Government here in South Australia the Liberal Government wanting to build this interconnector to basically change what we have at the moment which is in South Australia we've got a huge amount of solar and wind renewable electricity being generated backed up by South Australian gas-fired generators, they want to change that so that we keep our solar and our wind and we're backed up by the coal-fired generators in New South Wales and it's not necessarily an argument about whether coal or gas is better, if we're reliant on coal-fired power when our renewables aren't producing well what do you think the New South Wales generators are going to do to the prices they charge for that power, they're going to skyrocket through the roof and as Bruce Mountain said it costs a lot of money to pump electricity hundreds and hundreds of kilometres across the New South Wales border to get to consumers here.
>
> What we would rather see is rather than spending $1.5b—

The Hon. D.C. van Holst Pellekaan: Is this still part of the personal explanation?

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —on this interconnector…an alternative solution where South Australia is self-sufficient and self-reliant on its own electricity production, we've got the greatest amount of renewable electricity generation in the country and we should be using that as an advantage, renewable electricity when it's produced is absolutely dirt cheap and that's what we should be benefiting from as consumers.

> I also suspect this interconnector is a strategy by SA Power Networks which used to be ETSA before it was privatised by John Olsen and Rob Lucas…

Not John Bannon, as the member for Stuart claimed.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: Mr Speaker, the interview went on—

The SPEAKER: Order! The member for Lee has risen, seeking the call to make a personal explanation. The member for Lee has identified the relevant matters by which he is explaining a matter of a personal nature that I presume he views reflects on his honour or integrity, to use the words in the practice. The member has provided a quote from a relevant media report. Should the member wish to debate the matter, there are opportunities to do so in the course of the proceedings,

including the grievance debate and other matters. This is not an occasion to do so. Unless the member for Lee has something of a very specific and brief nature that he would wish to conclude on, I would ask him to conclude his remarks.

The Hon. S.C. MULLIGHAN: Mr Speaker, perhaps I would ask, on a point of clarification: I have sought to take advantage of what opportunities the standing orders provide me to correct false statements that have been made about me. That is the ability that a member has under a personal explanation. I have sought to do that and, every five to 10 seconds of my commencing that task, I have been interrupted, contrary to standing order 131, which provides that interruptions by other members are not to be allowed.

You have heard those points of order and you have repeatedly found that there are no points of order. You have sought to constrain my ability to correct the record and the offence that it has given me and my reputation in this place. Sir, all I am asking for is to make use of standing order 108 for a brief, five-minute personal explanation. I do not see why that needs to be (a) continually interrupted, or (b) unnecessarily curtailed.

The SPEAKER: Order! To the extent that any clarification may be appropriate, I note, for the benefit of all members, that a personal explanation is designed to enable a member to explain to the house matters of a personal nature that, as have I said, the member might consider reflect on the member's honour or integrity, according to the practice, or otherwise of some personal emotional import to the member.

It is not unusual for a personal explanation to be in circumstances where a claim of misrepresentation arises from media reports or the preceding question time or debate. The member for Lee has had that opportunity. The member for Lee has made a point, at least to me, very clearly. I understand the point that has been made and the correction to the record. I make those observations in response to the member for Lee's seeking clarification and for the benefit of all members. To the extent that there is any point of order that is raised by the member for Lee, there is no point of order. I think the personal explanation might be concluded. If that is so, then we will move on. The Minister for Energy on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: No, not on a point of order, just a point of clarification. I am 100 per cent confident that what I said in question time yesterday was completely in line with the transcript that I had of that interview. If it turns out that the transcript was incorrect or there were some other error connected to this issue, then I will correct the record.

Bills

DANGEROUS SUBSTANCES (LPG CYLINDER LABELLING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 September 2020.)

Dr HARVEY (Newland) (10:47): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 21
Noes 20
Majority............ 1

AYES

Basham, D.K.B.	Chapman, V.A.	Cregan, D.
Duluk, S.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Knoll, S.K.	Luethen, P.
Marshall, S.S.	McBride, N.	Murray, S.
Patterson, S.J.R.	Pisoni, D.G.	Power, C.
Sanderson, R.	Speirs, D.J.	Tarzia, V.A.

AYES

van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

NOES

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

PAIRS

Cowdrey, M.J.	Gee, J.P.	Pederick, A.S.
Michaels, A.		

Motion thus carried; order of the day postponed.

Members interjecting:

The SPEAKER: Order, member for Wright!

Members interjecting:

The SPEAKER: Order, member for Hurtle Vale!

Members interjecting:

The SPEAKER: Order! The member for Wright will cease.

Ms Hildyard interjecting:

The SPEAKER: Member for Hurtle Vale!

ENVIRONMENT PROTECTION (DISPOSAL OF PFAS CONTAMINATED SUBSTANCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 September 2020.)

Mr PICTON (Kaurna) (10:54): I rise to support this bill. I did not think I would be doing so, because I thought we would be discussing the LPG debate, which this government have disgracefully stopped debating even though the father of the child is here in parliament.

Members interjecting:

The SPEAKER: Order! The member for Kaurna will resume his seat. The Minister for Energy and Mining on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, the member is not addressing the substance of the debate at hand and is also reflecting on a vote of the house, neither of which he is allowed to do.

The SPEAKER: I uphold the point of order, particularly in relation to the second aspect. I was prepared to give the member for Kaurna some introduction. I do draw the member for Kaurna's attention to the matter that is before the house. The member for Kaurna.

Mr PICTON: Thank you very much, Mr Speaker. The member for Mawson has moved a very important piece of legislation in relation to PFAS, which is a very dangerous substance commonly known for its use as firefighting foam. We know of its effects across our community and also across the country in terms of the pollution of waterways. This bill seeks to make sure that disposal sites and dumps for PFAS cannot be located within metropolitan areas or next to townships across South Australia. This is a particularly important issue for my electorate.

At the moment, we have an application to establish a PFAS dump right on the border of my electorate in McLaren Vale, in the member for Mawson's electorate. This site is at the corner of Tatachilla Road and Main South Road, which is very close to the vineyards of McLaren Vale and also very close to the suburbs of Seaford Rise, Seaford Heights, Moana and Maslin Beach in my electorate. This is an environmentally sensitive area and also an area in which people have built their homes and established their families. These people want to live in a peaceful environment without this sort of contamination.

Here we have an application to establish a dump for this very toxic substance very close to their location and the community is absolutely outraged. I share their concerns, as does the member for Mawson, and we are doing everything we possibly can to stop this from going ahead. We hope that the EPA knock this on the head. It does not seem like this has happened yet, but we live in hope that it will happen.

Unfortunately, they did not get off to a very good start. In consulting about this, they did not actually consult with any of the residents. No notifications went out to residents in my electorate. I asked a question on notice of the Minister for Environment about what public notification was sent to residents. A handful of letters was sent out, even though there are thousands and thousands of people who would be living in proximity to where this dump will occur.

You just have to look at what has happened at the fire station in Largs, in terms of the contamination this substance has caused; it has entered the food supply there. Right around the country, particularly when you look at a number of RAAF bases across the country, it has got into water supplies and caused untold damaged. Without a doubt, we do need science to properly store and maintain PFAS, but why on earth would you decide that picking a site in the Adelaide metropolitan area is the right place to do it?

Why on earth would you decide that a site so close to new housing estates is the place to do it? Why on earth would you decide to do it without proper consultation with residents about what you are proposing? There are so many sites across South Australia—the huge, massive land space that we have in this state—that would be much better suited for a location.

Why would you choose to do it in an area which is world renowned for its high-quality food and wine district? Yet, that is what is being proposed for McLaren Vale. It is a concern for residents. It is a risk to that clean, green food and wine region of McLaren Vale that we have promoted so well in South Australia. Why would you choose to do it there and not somewhere more remote in this country?

The proponents of this have written to the member for Mawson and me saying, 'We are going to uphold standards. We are going to make sure it meets all the proper requirements.' I have no reason to doubt what they are saying but what I do doubt is that we can never know what is going to happen in 20, 50 or 100 years' time. This is exactly the sort of thing that people were saying about various sites, various types of chemicals, various approaches to managing waste 20, 50, 100 years ago.

We have seen time after time how promises have been broken, how science has changed, how we have learnt more as time goes on, and no-one can ever rule out that there is a risk with this substance. No-one can ever rule out that something might happen in the future when you have a site which is in that special environment, close to the coastline and waterways, and no-one can ever say this is the appropriate response.

We, in the community, say no. We will be fighting this with every breath we have. We have a community meeting coming up. The member for Mawson and I will be speaking to community members about this. We have a petition that has a significant number of signatures and we will continue to campaign on this. But this is important legislation. Let's pass this legislation and say let's

not establish these dumps close to residents. I do not think anybody in this parliament representing people would want to see this dump established next to their suburbs or towns in their electorate.

So let's all join together and make sure that these dumps are in the appropriate locations and that they are not next to anybody's electorate, anybody's townships or suburbs in their electorate because, while it is the member for Mawson and I who are battling this right now, it could be you very soon.

Mr Knoll: So whose electorate do you want it in?

Mr PICTON: It could be in another township. It could be next to another suburb. What the disgraced member for Schubert is alleging is, 'Well, what electorate would you want this in?'

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order, sir.

Mr PICTON: So is the member for Schubert saying—

The SPEAKER: Order! The member for Kaurna will resume his seat. The Minister for Energy and Mining has a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: I ask you, sir, to instruct the member for Kaurna to withdraw and apologise for that offensive statement about the member for Schubert.

The SPEAKER: The member for Schubert.

Mr KNOLL: I would ask the member to withdraw and apologise for those remarks.

The SPEAKER: The member for Schubert has asked the member for Kaurna to withdraw those remarks. I ask the member for Kaurna to withdraw—

Mr PICTON: I withdraw.

The SPEAKER: —and apologise.

Mr PICTON: But I think it is important to note that—

The SPEAKER: Member for Kaurna, it was remiss of me: withdraw and apologise.

Mr PICTON: I withdraw and apologise. But I think it is important to note that the member for Schubert is suggesting that he does not want to support this legislation, which would not only protect the constituents of Mawson and Kaurna from this being dumped but it would also protect people in the Barossa. We do not want to see this in the Barossa in that clean environment, in that wine growing region either. If the member for Schubert is not going to support this legislation, then I think that raises a big question as to whether this could happen in the Barossa next. We will be making sure, and I know the member for Light will be making sure, that we fight to stop this happening in the Barossa as well.

Debate adjourned on motion of Dr Harvey.

SENTENCING (REDUCTION OF SENTENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 July 2020.)

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:04): I propose to make a contribution in relation to this legislation. It has been introduced to accede to at least one part of the recommendations of the Hon. Brian Martin, AO QC, in a report that he provided in 2020, on instruction from the government, to investigate and report on and provide material as to the current circumstances interstate, and generally to consult with stakeholders and victims advocacy agencies, together with any members of the public. That report has been published by the government.

Superseding that, there has been a Statutes Amendment (Sentencing) Bill, introduced by the government and passed by the parliament only yesterday in all its stages, which comprehensively deals with sentencing reform on discounted sentencing, which has been endorsed by the parliament. It covers the field, so to speak, in respect of this bill, which had reflected a cherrypicked portion of the recommendations made by Mr Martin.

There are a number of weaknesses in this bill progressing in any event because in itself, by virtue of only identifying and progressing a portion of the recommendations, it had failed to deal with a number of matters, including no provisions for transitional clauses. I think it is important that we identify in understanding the government's opposition to this bill, because both are now superfluous, as to the distinctive features of what law has now passed the parliament at the government's behest and also the weaknesses in this.

The reason I want to do so is not that I wish to highlight that there has been a now at-one position of the government and opposition that sentencing discounting of up to 40 per cent for entering a plea of guilty within the first four weeks is not acceptable. The opposition has, via the Hon. Kyam Maher, representing the opposition, made very public and very clear that it does not support the position that had previously been taken by the Labor government that it does need to be changed. He was, of course, pushing, long belatedly, with the new Leader of the Opposition, who has now, notwithstanding being in cabinet himself in the lead-up to the election, had plenty of opportunity to remedy this in his time—but he did not.

The fact is that the opposition has come to accept that this 40 per cent rule was unacceptable to the public. It was the most generous to defendants in Australia when it was introduced. That in itself should have sent alarm bells because there was some public outcry, certainly from the then opposition now government, that this was a step too far and that it was unacceptable then, so much so that in the lead-up to the following elections we committed that we would remedy this and that we would have that comprehensively assessed. That is precisely what we have done.

This is not the first time since the election that the government has said, 'Okay, we have changed our minds now. We do agree that we need to reform this area of criminal law and we want the government to get on and deal with it. They seem to have a new approach to these things, expecting us to have done it yesterday. Nevertheless, they have had a change of heart on some of these things.

Of course, we welcome that. What we do not welcome is a situation where, in the haste to get a headline, either the Leader of the Opposition or some other shadow ministers want to rush out, cherrypick a piece of information which they see as politically advantageous and which the public are already speaking about and speaking out about, throw it into a bill and rush into the parliament with it.

The problem with that is that so many other critical aspects of the law get missed out and we are left with another mess. When I sat in opposition in this parliament, I do not know how many times Attorney-General Atkinson and Attorney-General Rau would come in with legislation—even then with all the benefits of the advice that you have in government—and insist that they do something to make it look like they are stronger, bigger, faster and better than anyone else ever before in the history of the world. The fact is that they kept getting it wrong because either they pushed the envelope or if they had advice they clearly were not taking it.

The greatest example of that, Mr Speaker, with which you would be familiar because it was a matter that, frankly, was an embarrassment to South Australia, was in Premier Rann's era with his attorney-general making public statements about how they were going to deal with outlaw motorcycle gangs in South Australia: that they would push down the fortresses, that they would lock up bikies and that they would make laws in relation to their association which were going to clamp down on this type of organised criminal activity.

They passed laws and there were long debates here in the parliament about whether they were even going to be valid. The criticism at the time was that this law was going to effectively have the rubber stamp of executive assessments by a judge. You, sir, would be very familiar with the fact that we cannot make laws here that require a judge's determination without their assessment. That is, they cannot be asked to simply rubberstamp an executive assessment. For example, if a head

law officer or a DPP or a Crown solicitor or someone makes some assessment and hands it over to a judge and that then is essentially rubberstamped; that is not valid law.

In the case of Totani, we had to go all the way to the High Court to deal with that issue. We had the expense and the humiliation that came from that when a piece of law was identified as being invalid and struck down, and what did we have to do? After repeated court challenges, applications to the High Court and the High Court striking it down, we had to come back several years later and start all over again.

I think ultimately Attorney-General Rau ended up having a much more constructive role in trying to remedy what had been an utter failure. It was not only a failure: think of the expense that is incurred and the process of delay that results when there is this, I think, bullish approach to implementing promises that really go beyond the capacity of the parliament. It is embarrassing to the parliament, and I think it was an embarrassing episode for South Australia.

The courts were quite right to identify this position as not being within their usual remit to exercise their judicial power as they were being asked to rubberstamp an executive assessment. The whole episode apparently allows inappropriate or unlawful activity and outlaw motorcycle operations to continue, as well as obviously drugs, prostitution and other areas that were raised at the time as being activity undertaken in organised crime.

It does not actually resolve the issue; it just leaves a lot of pain, a lot of expense and a lot of red faces. I do not want that for South Australia. As the first law officer, I think it is important that we act responsibly and that responsible laws are brought to the parliament. I ask that this bill be opposed.

Time expired.

Mr PICTON (Kaurna) (11:15): I think that if we had been given the previous debate on legislation in regard to this and in the council this week, we would have been happy to end this. But, now that the Attorney has started the debate on it, I am told reliably by the Clerk, who has never been wrong before, that we cannot end the bill now, that we will have to defer it to the next time. Given that the Attorney has now decided to speak on this, with her own particular slant on events as they have transpired, let's remember a couple of facts.

The opposition acted to introduce this legislation to make sure that we could address this issue months and months ago. What did the government do? They did not want to progress this legislation and they in fact took that position in the house so that we could not debate this legislation, we could not get this enacted into law months and months ago before the winter break and, because of that, we saw a series of people using that opportunity to take guilty pleas and to get that sentence discount in the interim, all of which could have been prevented had we debated this, had we gone through this legislation months ago, as we had proposed to do.

The Attorney says that we needed to get the detail right, but even when she brought in a piece of legislation she did not have the detail right. She made a whole series of amendments, and there were even a number of things that we pointed out to her that needed to be fixed. We could have had that debate months ago, we could have had this legislation in place and a whole lot of different sentences could have been made.

It was particularly telling when we saw on the TV news last night the Attorney-General talking about this. A lot of what she was talking about was the money involved in these sentences, the cost to taxpayers for these additional sentences. The people in my community and our communities across the state are more concerned about making sure the sentences are right.

We should have acted on the report, received not months and months ago but I believe the beginning of last year, which the Attorney has been sitting on and which she has not taken action on. We sought to take action, but unfortunately the Attorney-General did not want to do that, the government did not want to do that and, because of that, we had a whole series of results in the courts that could have turned out a different way.

Mrs POWER (Elder) (11:18): I rise to oppose this bill and this very important issue about sentencing, which ultimately speaks to the heart of our justice system. On 22 July 2020, the opposition hurriedly introduced a bill into parliament in response to a highly publicised criminal case,

in which the offender received a 40 per cent discount for pleading guilty to sexual offending against a 10-year-old victim. No-one in our community wants to see that happen, and everybody wants to see a sense of justice being brought to those perpetrators.

The opposition has continued to suggest that we have delayed legislation. I know that I and other members, such as the member for King, do not want to see sexual offenders and other perpetrators locked up. That is absolutely outrageous and quite insensitive, given this important issue. Their bill seeks to reduce the maximum sentence discounts available, but it is silent on a number of additional recommendations, which have been incorporated into our own government's bill, which successfully passed parliament yesterday.

In short, the opposition has cherrypicked the easy-fix recommendations to reduce the sentence reductions available. As the Attorney-General outlined, when it comes to making legislation and responding to these important issues that speak to the heart of justice, it is about ensuring that we do so in a responsible, considered way, and that we think through all the consequences and implications of such legislation.

In 2019, the Hon. Brian Martin, AO QC, conducted a review of this scheme and published a report, and the opposition's bill chose to ignore the recommendations and additional issues raised in the report, which required detailed analysis and further consultation with the justice sector, which our government was more than willing to undertake. It is important to note that the sentencing reduction scheme the private member's bill seeks to address was introduced by their very own former Labor government in 2013. Clearly, they have a bit of history of introducing legislation that does not do the job, and now, in opposition, they are looking to amend their own legislation, and this is not the only case where this has occurred. The Martin report found:

- the sentencing reduction scheme made victims feel devalued. This perception is further highlighted by the extent of the discount available—40 per cent;
- significant reductions are also out of touch with expectations held by the broader community. This dissatisfaction is most keenly felt in relation to serious offences, especially when the prosecution case is strong; and
- a significant reduction being applied to a sentence the court has determined to be appropriate suggests that the offender is not receiving the appropriate punishment.

Our own government's bill implemented the majority of the recommendations made in the report, and other issues raised, and seeks to right those wrongs. Thanks to our Attorney-General's bill, which passed in the upper house last night, offenders will no longer get a 40 per cent discount from their sentence if they enter an early guilty plea for serious crimes. The 40 per cent discount for indictable offences for an early guilty plea has resulted in far too many sentences that did not reflect the seriousness of the crime. Examples of excessive sentence discounts handed down when the previous government was in office include:

- Andrew Hallcroft, in the so-called wheelie bin murder, who received a 30 per cent discount and just a 15-year non-parole period for the brutal stabbing of Allan Ryan;
- Timothy James Chesterman, who sexually abused a 13-year-old boy with a mild intellectual disability, had his sentence reduced by nearly 40 per cent, from 12 years in gaol to seven years, three months. I think everyone in our community would think that seven years, three months is not an adequate sentence for anybody who sexually abuses a 13-year-old boy, or a 13-year-old girl for that matter; and
- Alexander Wooldridge, who was sentenced to five years, six months for causing death by dangerous driving and had his sentence reduced to three years, four months for a fatal crash that killed four people and seriously injured another.

It is awful to reflect on those examples. Fortunately, our government has acted on the recommendations of the Martin review and is improving sentencing for such horrific crimes in line with community expectations. We have developed a system that is fairer, more in line with community standards and ensures that the courts take into account a broad range of factors when imposing a sentence and determining the appropriate reduction.

The new laws in our government bill mean that guilty pleas for some major indictable offences such as manslaughter, causing death by dangerous driving, rape and unlawful sexual intercourse would be eligible for a discount of:

- up to 25 per cent, reduced from 40 per cent, where the guilty plea is entered within four weeks of the first appearance;
- up to 15 per cent, reduced from 30 per cent, where the guilty plea is entered after the first four weeks but on the day of or before the committal appearance;
- up to 10 per cent, reduced from 20 per cent, where the guilty plea is entered from the day after the committal appearance until the defendant is committed to stand trial;
- up to 5 per cent, reduced from 15 per cent, where the guilty plea is entered between when the defendant has been committed to stand trial and immediately after the first arraignment date; and
- up to 5 per cent, reduced from 10 per cent, where the guilty plea is entered prior to the commencement of the trial, where the court is satisfied that there is a good reason to do so.

The goal of the government bill is still to encourage early guilty pleas while ensuring justice is seen to be done and is done. I commend the Attorney-General on the bill passed last night, which strikes this balance.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:24): I rise to make a few short comments on this situation. We looked at this issue very carefully with regard to the broader perspective of what we believed we needed to do in government to correct what the previous government had done in this area. We also looked at the current opposition's bill in which, I guess it is fair to say, they were trying to correct what they had done when they were in government. We came to a very clear position with regard to what needed to be done, but we also determined that what the opposition was trying to do was insufficient in that regard. It was very clearly insufficient.

Two speakers before me have used the word 'cherrypicked'. I think that is a pretty fair description of what the opposition was trying to do. It is a matter of record that just yesterday a government bill on this broader topic passed both houses. It is just a fact that the government bill, led by our Attorney-General and Deputy Premier, that passed both houses was clearly superior to the one we are debating at the moment.

It is just not good enough for the opposition to throw up a bit of a scattergun approach, if you like—'We will do this and this and this'—without really thinking things through thoroughly, as the Attorney-General has done. I do understand why they wanted to undo their bad work from when they were in government previously. The idea that it is okay in anybody's mind, other than perhaps in the criminal's mind, that a person could commit a crime and by admitting their guilt to the crime and therefore speeding up justice—and, yes, there is a value on that—should be entitled to a 40 per cent discount on the sentence, just does not fly.

With regard to the bill that we are debating at the moment, yes, I understand why the opposition wanted to correct their previous mistake. Yes, I understand that this bill goes some way towards that, but it does not go nearly far enough in that regard. Mr Speaker, I am not a lawyer, as you know, and I do not ever profess to have great strength in that area, but I do believe that I know what people on the street feel.

I know that to regular mums and dads, whoever they happen to be, whether they are well off or not so well off, this is an issue that clearly is in need of repair. Regular people in South Australia, normal people just like me and everybody else in this chamber, believed it was an area that needed repair. The bill that we are debating right now does not propose to do that repair properly, and so the government opposes this bill.

Ms LUETHEN (King) (11:28): I rise also to oppose this bill. As per the statements of my colleagues, the Attorney-General and the members for Elder and Stuart, I just want to make very clear that, as promised at the last election, we have fixed a dangerous and terrible law introduced by

Labor. The Labor bill is hurried and it creates another mess. We have taken advice and listened to the recommendations of Brian Martin QC and introduced a government bill which will see dangerous sex offenders locked up for longer, as they should be to keep our community safe. Laws need to be brought into this parliament that are drafted, well advised and responsible. This is exactly what we have done in successfully passing the sentencing bill in both houses to remove these discounts.

Debate adjourned on motion of Ms Hildyard.

Personal Explanation

MEMBER'S REMARKS

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:30): On indulgence, I seek leave to make a personal explanation.

Leave granted.

The Hon. D.C. VAN HOLST PELLEKAAN: With regard to the matter that the member for Lee raised this morning and I responded to, I said very clearly through you, Mr Speaker, to the member for Lee that I was confident that the transcript that I referred to was duly appropriate and accurately reflected in my answer in question time yesterday. I also said, though, that I would check and make sure that that transcript was accurate.

I have done exactly that and I am advised by my office that the transcript I was given and based my answer on was inaccurate. The member for Lee's suggestion that the transcript was different from the way I portrayed it in question time yesterday is right. Mine was a mistake based on having incorrect information in front of me. The member for Lee is correct and I apologise for my mistake.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

Ms HILDYARD (Reynell) (11:31): I move:

That standing and sessional orders be so far suspended as to allow me to move a motion without notice forthwith.

The SPEAKER: An absolute majority of members not being present, ring the bells.

An absolute majority of the whole number of members being present:

Ms HILDYARD: The motion I will move is that this house notes the unacceptable prevalence of sexual harassment in South Australian workplaces and its terrible impact on women.

The SPEAKER: Order! Member for Reynell, the motion is to suspend standing orders for the time being.

Ms HILDYARD: You do not need the motion?

The SPEAKER: The debate is in relation to the reasons why it is necessary to suspend standing orders.

Ms HILDYARD: Thank you, Mr Speaker. I rise today to urge the government to expedite debate on this incredibly important motion. Expediting debate will enable our South Australian equal opportunity commissioner to conduct a review of our South Australian parliament to ensure its culture does not tolerate sexual harassment, that it is doing all that it can to prevent it from occurring at all and to ensure appropriate, robust internal processes are in place to deal with any incident of it.

Expediting debate will send a very, very clear message to every person in this place—members, staff, visitors—and to our South Australia community that we as a parliament believe that sexual harassment is utterly unacceptable in any setting and that we understand that awareness and sound, appropriate processes are crucial in eradicating it. Sadly, Mr Speaker, sexual harassment is experienced by way too many women in workplaces.

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: Order! The member for Reynell will resume her seat. The Minister for Energy and Mining.

The Hon. D.C. VAN HOLST PELLEKAAN: You have already made it clear to the member for Reynell that this debate needs to be about why it is urgent to do this now, not why it is an important matter; they are different things.

Mr PICTON: Point of order.

The SPEAKER: The member for Kaurna on a point of order.

Mr PICTON: Point of order on the point of order: surely talking about how important it is to address sexual harassment goes to the point as to why standing orders should be suspended to debate this particular motion.

Ms Hildyard: My whole speech has been about why we need to expedite debate.

The SPEAKER: Order! I uphold the point of order. The relative importance of the subject matter of the motion is a matter that may be debated on all motions. I accept that the member for Reynell, for the sake of the sensible understanding of the motion to suspend, might refer to the subject matter, but this is not the occasion to debate the subject matter; this is the occasion to debate the necessity to suspend standing orders.

Ms HILDYARD: Sadly, Mr Speaker, sexual harassment is experienced by way, way too many women in workplaces and in many other areas of life right across our state. Unfortunately, our parliament is no exception.

The Hon. D.C. van Holst Pellekaan: Mr Speaker!

Ms HILDYARD: One former Liberal member of this place is currently before the courts.

The SPEAKER: The member for Reynell will resume her seat.

Ms HILDYARD: Are we allowed to speak about anything in here?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The motion is to suspend standing orders. If there is any other matter that the member for Reynell wishes to bring to the attention of the house in support of the motion to suspend standing orders, then the member for Reynell has that opportunity now. The member for Reynell has several minutes more, in fact, to do so. The debate of the motion, should the motion to suspend be carried, will be a matter for the debate on the motion.

Ms HILDYARD: As I was saying, one former Liberal member of this place—

The Hon. V.A. Chapman: Point of order.

Ms HILDYARD: I am about to make my point about why it is urgent—I cannot even speak.

The SPEAKER: The Deputy Premier on a point of order.

Ms HILDYARD: I can't speak!

The SPEAKER: The member for Reynell will resume her seat. The Deputy Premier on a point of order.

The Hon. V.A. CHAPMAN: First of all, I suggest this breaches your previous ruling but, secondly, she has now introduced commentary in relation to a matter that is before the courts—

Members interjecting:

The SPEAKER: Order! The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: —which is not within the remit of the equal opportunity commissioner to investigate at all; in fact, she has specific obligations legally not to deal with matters that are before the courts—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —so there is no basis upon which the member should introduce—

Members interjecting:

The SPEAKER: Order! The member for Reynell will resume her seat. The member for Kaurna will resume his seat. The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: Generalised—

The SPEAKER: The Deputy Premier will direct her remarks to the point of order.

The Hon. V.A. CHAPMAN: —comments in relation to the prevalence of sexual harassment in the community is one thing. To now go to assertions in relation to a matter that is before the courts—

Ms Hildyard: I was about—

The SPEAKER: Order! I have the point of order.

The Hon. V.A. CHAPMAN: —is quite a different matter, so I would ask that you rule on that.

Ms Hildyard: Read my next line: 'I will not dwell on this matter.' Seriously!

The SPEAKER: Order! I have upheld the point of order raised by the Minister for Energy and Mining. Once again, I think for the third time, member for Reynell, I direct the member for Reynell's contribution to this debate to the merits for the suspension, rather than debate of the substantive motion that might lie beneath it.

Ms HILDYARD: As I was going to say, I have no desire to dwell on that matter; however, Mr Speaker, the way that that most serious issue was dealt with—

The Hon. V.A. CHAPMAN: Here we go again. Point of order, Mr Speaker—

Ms HILDYARD: —or not dealt with, more to the point, has raised many issues for women—

Members interjecting:

The SPEAKER: Order!

Ms HILDYARD: —who work in this place and indeed the many who wish to work in this place—

The SPEAKER: Order! The Deputy Premier—

Ms HILDYARD: —and this certainly is not helping.

The SPEAKER: Order! The Deputy Premier on a point of order.

The Hon. V.A. CHAPMAN: Yes, again the member I think is in breach of your direction in relation to this matter, but, most importantly, to continue to add a contribution in relation to an existing matter, which incidentally she has already acknowledged is before the courts, is totally out of order and outside the remit of this case.

Ms Hildyard: The process speaks to why we need a better one, for goodness sake.

The SPEAKER: Order! If the member for Reynell wishes to conclude her remarks in support of the motion to suspend standing orders, I invite the member for Reynell to do so. The member for Reynell has the call.

Ms HILDYARD: Thank you, Mr Speaker. Not immediately supporting this motion focused on a review speaks to a lack of desire to improve the culture of this place so that sexual harassment is never ever tolerated. The South Australian community is genuinely perplexed as to why particular sorts of behaviours occur in parliament with little or no consequences for perpetrators, whilst if an average worker engaged in them they would be sacked.

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order—

Ms HILDYARD: Unchecked sexual harassment occurring in this place can be—

The SPEAKER: Order, member for Reynell! The Minister for Energy and Mining will resume his seat. Member for Reynell, I have ruled on this matter. I have given the member for Reynell—

Ms Hildyard: I don't know how else to say why it's urgent.

The SPEAKER: —now three opportunities. There is a clear distinction to be understood here. The matter that is before the house is a motion to suspend standing orders.

Ms Hildyard: Yes, to debate this motion.

The SPEAKER: The motion may be identified. Beyond that, it is out of order to debate the merits of the motion. Does the member for Reynell wish to have a final opportunity to debate the motion that is before the house?

Ms HILDYARD: Labor welcomes last night's passing of amendments to the Equal Opportunity Act which make it clear that parliamentarians are not exempt from the provisions of the act in terms of being able—

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker—

Ms Hildyard: Okay, I get it. We are not allowed to talk about sexual harassment. I understand.

The SPEAKER: The member for Reynell is out of order. Does the member—

Ms Hildyard: Let's not speak about it. Let's sweep it under the carpet.

The SPEAKER: Order! The member for Reynell is warned. Is there another member who seeks the call on the motion to suspend standing orders? The Minister for Energy and Mining has the call.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:42): The issue that the member for Reynell brings to this house is incredibly important—incredibly important. There is not a person in the chamber who would have a different view from that, but—

Ms Hildyard: So important that we can't speak about it.

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: But what we are debating right now is the matter of whether we should suspend standing orders to deal with this issue right now. This issue must be dealt with, but not right now because—

Members interjecting:

The SPEAKER: Order, members on my left! Member for West Torrens! Member for Playford! The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: —this motion was brought to this chamber yesterday by the member for Reynell saying that she would move it today knowing that there were 68 other motions ahead of it on the *Notice Paper*. Those—

Members interjecting:

The SPEAKER: The minister has the call.

Ms Hildyard: Don't worry about all the procedures that are out there in most workplaces to prevent it and to raise awareness about it.

The SPEAKER: Order! The member for Reynell is warned for a second time. The member for Reynell continues to interject—and the member for Reynell has made it very clear in her contribution to the debate for the suspension of standing orders, and by way of, what I would describe as, constant interjection since concluding her remarks, just how important the matter is to the member

for Reynell. That does not make it any more in order. The Minister for Energy and Mining has the call. The minister will be heard in silence. The minister.

The Hon. D.C. VAN HOLST PELLEKAAN: Thank you, Mr Speaker. So there are 68 other items ahead of this one that—

Ms Hildyard: Thanks for explaining that; thanks for the explaining—mansplaining.

The SPEAKER: Minister.

The Hon. D.C. VAN HOLST PELLEKAAN: The 68 other items ahead of the 69th item, which was introduced only yesterday, include topics such as institutional child sex abuse, United Nations (food and agriculture), pregnancy and infant loss, mental health, honouring the memory of police who have lost their lives in the service of their duty, Vietnam veterans, homelessness, the environment, emergency services volunteers, refugees and elder abuse—the abuse of elders. Domestic violence is on the list, palliative care is on the list, road safety, epilepsy is on the list, autism is on the list, and many, many more.

They are all incredibly important topics to every member in this chamber. They are all incredibly important topics to everybody in South Australia, but I submit that the 69th of all those topics does not have some sort of golden path to be top of the list to be said to be more important than mental health, to be more important than supporting people with autism, to be more important than child sexual abuse, to be more important than any of those other topics, which I have just mentioned, which are on the list. So the issue here is not about how important or otherwise—

Ms Hildyard interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. D.C. VAN HOLST PELLEKAAN: This debate is not about whether this is an important issue or not. Yes, it is, without a doubt, but so is institutional child sexual abuse, so is the United Nations and food shortages, so is pregnancy and infant loss, so is mental health, so are our veterans, so are our lost police officers, homeless people, the environment, emergency services workers, refugees and elder abuse—a terribly important thing which we must deal with in this parliament. Domestic violence is incredibly important; epilepsy—all these topics are important. Every single one of these topics is important—

Mr Whetstone interjecting:

The SPEAKER: Order, member for Chaffey!

The Hon. D.C. VAN HOLST PELLEKAAN: —and, I submit, that as important as the topic is that the member for Reynell would like to discuss there is no case to say that it is more urgent to discuss that than any of the others that I have just mentioned.

Ms HILDYARD (Reynell) (11:48): I do take great offence that, rather than speak about how we can work together in this place to prevent and eradicate sexual harassment, what I hear is a personal attack about my priorities. As I—

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: The Minister for Energy and Mining on a point of order. The member for Reynell will resume her seat.

The Hon. D.C. VAN HOLST PELLEKAAN: I take offence to those comments. I attacked nobody. I contained my comments to the matter of urgency or otherwise.

The SPEAKER: Does the minister take offence at particular remarks, or seek the withdrawal, as I understand the minister?

The Hon. D.C. VAN HOLST PELLEKAAN: Good point, Mr Speaker. I ask the member to withdraw her comment that I was making reflections about her priorities of all of these issues.

Ms HILDYARD: Sure, Mr Speaker, I withdraw and apologise. Let's move on; maybe we can talk about sexual harassment now.

The SPEAKER: The member for Reynell has withdrawn.

Ms HILDYARD: I have withdrawn and apologised.

The SPEAKER: The member for Reynell has the call.

Ms HILDYARD: Thank you. It is urgent that we look at the culture in here in relation to sexual harassment and work out what we can do to prevent sexual harassment before it occurs. The South Australian Equal Opportunity Commission website—and this goes right to the point of why this motion is so important—provides an excellent guide as to how to provide a safe, respectful and inclusive work environment free of sexual harassment—

The SPEAKER: Order!

Ms HILDYARD: —for the benefit of such an environment. Here are just some of the things that are set down and recommended—

The SPEAKER: Order! The member for Reynell will—

Ms HILDYARD: Sorry; I forgot that I cannot talk about sexual harassment.

The SPEAKER: The member for Reynell will resume her seat. For the moment, I will not take that as a reflection on my earlier ruling, and I will give the member for Reynell one final opportunity. The member for Reynell is continuing what appears to me to be a debate on the substantive motion. The matter before the house is a debate on the suspension.

Attention has been drawn, in the course of the debate, to the range of matters the subject of motions in the *Notice Paper*. The member for Reynell may care to address the relative urgency of the matter that has caused this motion to be raised, but not the motion itself. I will give the member for Reynell one more opportunity.

Ms HILDYARD: Mr Speaker, I wish to talk to the house about what the Equal Opportunity Act sets out and what its website recommends as a way of explaining why it is urgent that this motion is debated. In my view, there are particular processes and requirements that the Equal Opportunity Commission website and the act set out that we are currently failing to adhere to. That is why it is so important that we do debate this motion as a matter of urgency. If I can speak to those for a moment as a way of demonstrating why it is so important that we get to this motion.

Here are just some the things that are set out on the Equal Opportunity Commission website. The Equal Opportunity Act 1984 requires employers to prevent sexual harassment in the workplace. If an employer knows about it happening, or should have known, they must act to stop it and prevent it from happening again. Similarly, the Work Health and Safety Act also requires employers to take steps to recognise, assess and control hazards, including sexual harassment.

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: Order! The member for Reynell will—

Ms HILDYARD: Employers are liable—

The SPEAKER: Order! The member for Reynell will resume her seat. The Minister for Energy and Mining on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: The member for Reynell did say she was going to use that opportunity to explain why it was urgent that this matter is debated at the moment. You have given her a fair bit of time. She seems to keep going back to the importance of the issue—about which I do not disagree, by the way—and refuses to talk about why it is urgent that this No. 69 becomes No. 1.

The SPEAKER: I uphold the point of order. The member for Reynell has been given numerous opportunities. The member for Reynell has closed debate. I now put the question that standing orders be so far suspended as to enable the member for Reynell to bring a motion forthwith.

The house divided on the motion:

Ayes................16

Noes................ 22
Majority............ 6

AYES

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
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.	Cregan, D.
Duluk, S.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Knoll, S.K.	Luethen, P.
Marshall, S.S.	McBride, N.	Murray, S.
Patterson, S.J.R.	Pisoni, D.G.	Power, C.
Sanderson, R.	Speirs, D.J.	Tarzia, V.A.
Treloar, P.A.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.		

PAIRS

Gee, J.P.	Cowdrey, M.J.	Michaels, A.
Pederick, A.S.		

Motion thus negatived.

Motions

MENTAL HEALTH FUNDING

Mr PICTON (Kaurna) (11:59): I move:

That this house—

(a) condemns the Marshall Liberal government's 25 per cent funding cut to non-government organisations delivering vital mental health programs;

(b) expresses concern that non-government organisations will be forced to axe dozens of mental health workers as a result of the funding cuts;

(c) notes with alarm these cuts will leave hundreds of clients without support and at greater risk of presenting to emergency departments; and

(d) calls upon the government to reverse these cruel cuts.

I moved this motion at the beginning of the year. That was obviously before we encountered what has been the defining event of 2020, the COVID-19 global pandemic. This is a time in which mental health services, mental health funding, mental health programs and support have never been more important, but what we saw through the course of last year was a significant cut to those mental health programs. Now what we are seeing is demand rising, pressure rising in the system and no response to deal with that significant mental health crisis that we face.

Mr Speaker, as you know, the opposition has undertaken a bipartisan support process in relation to the public health response to the pandemic. We have been led excellently by Professor Spurrier in that regard. However, in relation to the mental health effects, we are going to be dealing with this for a significantly long period of time. We are seeing more and more cases and issues in the community, and we are not seeing an adequate response addressing those mental health challenges.

Last year, the government cut mental health funding to non-government providers who provide services in the community led by experienced, trained mental health workers to keep people healthy and out of hospital, the idea being that these people are all transferring to the NDIS and that we do not need as many of these programs anymore. However, that could not be further from the truth. Not only is the challenge of transferring to the NDIS significantly difficult for many people but also there is significant unmet need in the community.

These programs have huge unmet need that they cannot meet in terms of waiting lists and other people trying to get into these programs but cannot. At the last election, we made a commitment to a mental health services guarantee. We said that we should ensure that mental health clients would not lose access to psychosocial supports if they were ineligible for the NDIS transition. The Liberal Party, now the government, did not make a similar commitment, and we have now seen that there has been what they call a transfer and we call a cut of funding in relation to those mental health programs.

We have seen staff leave, and we have now seen additional pressure on the system. Undoubtedly, that has added more pressure on emergency departments. It has added more pressure on other social services in the community at a time, particularly now in dealing with the pandemic, when we need those services more than ever. I refer to Geoff Harris, the Executive Director of the Mental Health Coalition, who in the newspaper on the weekend, the *Sunday Mail*, said:

> Last year, we saw mass redundancies of community mental health workers…Now our worst fears are being realised.

That goes to the heart of this issue. We saw these cuts taking place, and now we see the demand spiralling out of control. This is Mental Health Week. This is a week when we obviously need to be focusing on the challenges of mental health and making sure that we provide the necessary supports that we can. Never has that been more important than during the pandemic.

In early 2019, we saw that SA mental health organisations were given less than a month's notice that 25 per cent of their funding was due to be cut, totalling $6.8 million. It should be worth noting that, before they were told that, they were previously told by officials in the Marshall government that they would not be facing that cut, but then they were told, with no notice, that they would be. The Marshall government reduced funding on the basis that individuals accessing support with this funding had now supposedly transitioned to the NDIS, but that was not the reality on the ground, with hundreds of job losses predicted and mental health consumers losing access to vital services.

It was only because of sustained pressure from the Mental Health Coalition, from lived experience groups, from unions, particularly the Australian Services Union, and from workers across the different community organisations that we saw that the government reduced some of their cuts but still continued with a significant number of those funding cuts to organisations. It has meant that those organisations have had to cut staff and reduce the number of services they are providing.

These are very important services because they provide an important gap between primary healthcare services, in terms of GPs, psychologists and the like, and acute services, particularly hospital services. These are the services that are providing daily, weekly and monthly support to people to keep them healthy, keep them on track and, importantly, keep them out of hospital or prevent their situation getting worse or, God forbid, keep them from ending up committing suicide. We want to make sure that those people stay healthy, and that is why these workers are so important.

It is also worth noting that the government said all along, 'We are going to have a mental health services plan, and that is going to address all of these issues,' but when we eventually saw the Mental Health Services Plan, which was much, much later than their election promise, the government was not funding any of them. The government is not funding the vast majority of things that its own Mental Health Services Plan released.

I have never before seen a government release a plan and then simultaneously release the government's response to that same plan. It is either your plan or it is not your plan. You are either doing it or you are not doing it, and here the government are not doing it because they had to release a response to their own plan, outlining that they are not necessarily doing most of what is in the plan.

At the same time, we saw cuts to the MATES in Construction program that we know has been so important in terms of making sure we can reduce suicide rates, particularly in relation to the construction industry, and now they are obviously expanding into other industries as well. That has been a very successful program that sadly faced a cut under this government. We have seen cuts to doctors and nurses in hospitals, we have seen closures of beds in hospitals and we have not seen any extra mental health beds created.

The number of mental health beds we have now is basically the same as it was five years ago, even though demand has gone up and up. The government were warned time and time again that their community mental health cuts would increase pressure on emergency departments—and they did. We have seen that 24 per cent of mental health patients presenting at the Royal Adelaide and The Queen Elizabeth hospitals in 2019 were waiting more than 24 hours in emergency departments, compared with 7 per cent just two years earlier.

That is dramatic, more than tripling the number of people who have been stuck for more than 24 hours in emergency. Only recently we had evidence of a patient, who is sadly not the only one, who had been stuck in the RAH emergency department for 109 hours. Everybody has acknowledged, all the experts have acknowledged, that these are human rights abuses that are occurring, and there is absolutely nothing that is taking place to address it.

We have even had the Chief Psychiatrist having to issue an intervention due to the use of restraint in seclusion. I think that it is important to note that, a lot of the time, restraint in seclusion is happening because the practitioners in the emergency departments do not have options available to them, because a person needs a bed but there are no beds for them to go to.

In a second I will get to what we have seen now in terms of the alarm that has been expressed by the Royal Australian and New Zealand College of Psychiatrists and the College for Emergency Medicine, who have expressed their grave concerns about what is happening right now. In fact, 28 doctors have written their concerns as to what is happening in our emergency departments at the moment.

Adding to all of this has been the additional pressure from the COVID-19 pandemic. I think it should be clear to everybody that this year has been a very stressful year; it has been an awful year for so many people. Even though we have obviously done well on the health response, as I pointed to earlier, there has undoubtedly been an effect on people's mental health in South Australia, and that is continuing in terms of the economic effects of the pandemic that we are seeing.

It has obviously been talked about before that we have the highest unemployment rate in Australia. We have the lowest per capita level of stimulus from the state government in Australia. Even today, we had a devastating announcement of more job losses to go as West End closes its brewery, which has been in South Australia for the best part of 150 years. The toll of these job losses and the economic impacts is increasing and it is only going to increase, particularly as we see a lot of the supports that are there being removed. That is why the response we have seen that has been so lacking is so disappointing, because there are so many people who need that help.

Just last week, I was at Headspace in Adelaide and they were saying that their referrals are up 15 to 20 per cent and that they are seeing a higher acuity of mental health needs from people coming forward. We have obviously seen that significant increase in attendances at the Royal Adelaide, reportedly well over a 10 per cent increase in the number of mental health patients year on year. The government's response has been very little. They announced a phone line for COVID, which has had very few phone calls made to it. One thing there is a lot of support for in mental health is a lot of phone lines, so the addition of a new one, which has had very few calls, is not going to address the need that is there.

There was talk about getting some extra beds at the Adelaide Clinic as a temporary measure. I am told that that did not work and fell through, so those beds never materialised. There has been basically no response from the government in terms of the COVID-19 mental health impacts whatsoever. Their only response is an urgent mental health care centre, which is delayed. They promised it was going to be open in July this year; now it is going to be sometime next year.

They have decided to outsource it to private providers, rather than to the public system that put up a bid, which would have offered more hours of service with a greater range of disciplines

involved in that service. Unfortunately, we have seen that being outsourced, including to a company that is based in Phoenix, Arizona, and which has no presence in Australia whatsoever. Given the border restrictions in place, it is hard to imagine how that is going to work.

Compare this with what is happening in other states, where we have seen in Queensland two different packages announced, with $28 million and then $46 million for mental health; New South Wales announced a $73 million package back in April; WA a $56 million package in June; and even the ACT, which is obviously a much smaller jurisdiction, announced $6.2 million in May. All these packages have been announced and we do not have a response here in South Australia.

In closing, I refer to what we have seen from some of our colleges. We have seen particularly a joint letter and press release put out by the College of Psychiatrists and the College for Emergency Medicine, which says:

> We can no longer work effectively under the current system and it is fracturing valuable and important relationships, which can only end in disaster.

We saw a letter that has been released publicly from 28 different doctors who have put their careers on the line, raising their concerns in relation to what is going on in mental health. They say:

> Current efforts to reform CALHN Mental Health Services are unlikely to lead to [significant] change:

And later:

> - The Emergency Department continues to be forced to 'ramp' on a daily basis [with consequences for all patients, SAAS and the community]; it is not difficult to see how this could largely be avoided by resolving Mental Health access-block.
>
> The impact of Mental Health access-block on staff:
>
> - Daily, ED nurses and doctors are forced to provide care that they know is suboptimal, and at times, unethical. In addition, they work with a continual risk of violence or assault that increases with the time patients spend in the continual light and noise of the ED.

I urge the house to support this motion. We cannot have any more cuts. What we need is more investment to address this crisis, which is out of control at the moment and only set to get worse as we face the full economic impacts of the pandemic and what that will mean for people's mental health services.

Dr HARVEY (Newland) (12:15): I rise to speak on the motion moved by the member for Kaurna and indicate that we will not be supporting the motion. There have been no cuts to mental health services funding. There has been a transfer of some funds, but not a cut. The intergovernmental agreements that established the NDIS were predicated on state funding transferring to the commonwealth to help fund the NDIS, a decision of the former Labor government.

Ms Hildyard: What about a person with mental illness who doesn't have an NDIS plan?

The SPEAKER: Order! The member for Reynell is on two warnings. The member for Newland is entitled to be heard in silence, as the member for Kaurna was. The member for Newland has the call.

Dr HARVEY: The transfer of funds was part of a binding agreement with the commonwealth signed by the former Labor government, with an agreed level of funds transferring from the state to the NDIS to provide the NDIS with the funds to provide services for mental health clients transitioning to the NDIS.

Based on the data provided by non-government organisations to the SA Health contracts team in 2016, it was estimated that 25 per cent of clients of eligible SA Health programs would transfer to the NDIS. It was on this basis that $6.8 million of current SA Health funding was transferred to the NDIS from 2019-20. The confirmed eligibility of clients is currently more than 30 per cent. Furthermore, unlike historical state funding, access to the NDIS is not capped, so any client referred to the NDIS who is eligible will receive funding.

It is important to note that the proportion of funding transferred reflected the proportion of clients who actually transferred to the NDIS from eligible programs. NDIS transition has a differential effect on programs, with some programs having a significant number of customers transferred to the

NDIS with substantial packages and other programs having a lower percentage transfer with lower value packages. This means, for example, if only 3 per cent of your clients transfer to the NDIS, then only the funding for those clients would transfer to the NDIS.

The NDIS is a major reform changing the way disability services are funded and delivered across Australia. These funds have enabled customers with severe and enduring mental illness to transition from state-funded mental health programs, including individual psychosocial rehabilitation and support services, housing and support, day and group programs, and mutual support and self-help programs, to NDIS-funded psychosocial support services.

There were approximately 1,700 SA Health-funded customers in the section 55 NDIS dataset. The dataset is a snapshot of people receiving state psychosocial programs in late 2017, early 2018, which SA Health was required to provide to the NDIA under the NDIS Act. SA Health-funded psychosocial programs include individual psychosocial rehabilitation and support services, housing and support, day and group programs, and mutual support and self-help programs.

It should be noted that some of the original section 55 customers have exited the programs for a variety of reasons, and new people who require psychosocial rehabilitation services have entered these programs. As at 15 August 2020, of these 1,700 consumers, 688 (40 per cent) have been deemed eligible for the NDIS; 286 (17 per cent) have been deemed ineligible or had eligibility revoked; 673 (40 per cent) have an approved NDIS plan; and 710 (42 per cent) have been cancelled by the NDIA, i.e. did not respond to an NDIA letter, phone calls or disengaged for other reasons.

There is no intent to cease SA Health funding NGO mental health programs. They are a fundamental and highly important component of care across the mental health service delivery continuum. NGO mental health program contracts are being rolled out for the 2020-21 financial year. An example of the Marshall Liberal government's strong collaborative approach with the NGO sector in South Australia was the recent awarding of the $14 million urgent mental health care centre contract to Neami National, a respected and long-serving provider to South Australians living with mental illness.

The provision of an urgent mental health care centre in the Adelaide CBD featuring a model of care codesigned with mental health consumers is an example of the commitment the Marshall Liberal government has to working with the mental health community to deliver innovative care and support options.

Moreover, as a result of extensive consultation with mental health service providers, the South Australian government recommitted almost half of the funds already transferred to the NDIS to ensure that they could address ongoing need and workforce sustainability across a wide range of mental health programs. This has resulted in a significant cost pressure, and South Australia is seeking recompense from the commonwealth for the additional funding.

The state government, in collaboration with the commonwealth government, has invested approximately $100 million towards new initiatives and mental health services for South Australia. Development of the NDIS has enabled a growth in the NGO sector in South Australia, including further development of those organisations providing care to people with psychosocial disability.

The Marshall Liberal government is committed to ensuring South Australians with mental illness or psychosocial disability and their families and carers can access support, services and care whether they are eligible for the NDIS or not. As I said earlier, we will not be supporting this motion.

The Hon. A. PICCOLO (Light) (12:21): I would like to make a few comments in support of the motion. I think that, while well intentioned, the speaker who just rose to his feet has missed a very important point. He used a whole range of language to hide the fact that over the past 12 months there has been a huge increase in the demand for mental health support and services. I am sure that every member in this chamber would report that to be the case in their own electorates and communities.

In my current community of Gawler, and as I move around the Barossa I am certainly seeing it there as well, access to mental health services and supports is at crisis point on many occasions. In fact, a not-for-profit organisation came to see me only a few weeks ago, seeking additional funding to meet demand. They do not have the resources to see all the people they need to see in a timely

fashion. People often have to wait two, three or four months to receive mental health support, and repeat appointments can be months away. Those services are critical to the health of the people who need them. They are critical to their wellbeing and for some—and this is not overstating it—are a matter of life and death. They need that support.

The pandemic has had an enormous impact on our economy and, through that, a huge impact on the people who have been hurt by this economic downturn. I am talking about small business owners who have lost their businesses. The other night, I was speaking with someone who had lost their business forever, and we talked about the impact it has had on them and on their family. This is not just a question of losing an income; their whole life plan has changed, and this has a huge impact.

We have seen the lines of unemployed outside of Centrelink offices. Those people often represent families; they have children and partners at home who no longer get support. This is at a time when governments are sadly cutting back on those support services and, very sadly, are providing further tax benefits to those at the wealthy end of our society.

Another group I would like to talk about, who have come to my attention in Gawler and in the Barossa, is young people. This pandemic is having an impact on young people. It is causing stress and uncertainty about their education, uncertainty about their higher education, uncertainty about gaining possible work experience, uncertainty about getting apprenticeships and uncertainty about their future. This is causing quite a bit of stress and anxiety.

So at a time when demand for services is increasing exponentially, we are sadly cutting back on services. That is one group. Another group I would also like to talk about is the carers—and I think perhaps both speakers touched upon it. They are caring for people with mental health issues. This week, if I am correct, is National Carers Week, and I met with some people in the Barossa recently who provide support services to carers and also to people suffering from mental health and other health issues.

We have a group of young people who are acting as carers for a sibling or an adult, a parent, and these young people are missing out on their childhood which is very distressing. But it is even more distressing when the supports for them and their family member have been reduced. Now is the time we need to make sure we are looking after the most vulnerable in our community. It is sad that, in a time when there are additional pressures on families and individuals, we are cutting back services.

One of the examples, which I think one of the earlier speakers gave, was regarding the cutbacks to funding for the MATES in Construction program. It is a very successful program and particularly important because one of the highest rates of suicide is in the construction industry. That is just a fact: one of the highest rates of suicide in society is in the construction industry. We have a peer-based program which has been very successful in reaching predominantly young men and men who have mental health issues or who are at risk of suicide. They are now having their programs cut at a time when they need to be supported the most, yet unfortunately the government has pulled the rug from under their feet.

This is an important motion because it highlights what is happening on the ground, not what is happening in balancing the books or various accounting entries between the commonwealth and the state. This is important because it is what happens to real people on the ground today. It cannot be masked by various agreements between state and federal governments because people's experience is real today. The experience of young people with mental health issues, the experience of adults who have lost their employment and are experiencing pressure at home, people who have lost their businesses are all real people who quite legitimately expect support from our society and our community through the government.

With those comments, I support this motion because it highlights what is happening in my electorate of Light, but it is also happening in the adjoining electorate of Schubert from what people have told me to date.

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (12:27): I certainly concur with the sentiment of the debate. It is a very difficult time at the moment for many South

Australians. Many associated with this place have been to some degree financially cushioned in the last seven or eight months, but there are many others who have not.

I know from my previous profession in small business that you feel the slightest bump in the economy, particularly if you are in the business of discretionary spending. Buying things people do not need tends to be the first thing they delay or stop doing. If they have less money because their hours have been reduced or, alternatively, they have been stood down or they have lost their job completely, obviously they are not going to be going out to dinner. They are not going to be buying items for the house. They are not going to be hiring contractors. They may even have to put off the lawnmower man, for example. These things have a domino effect right across the economy and right across individual lives.

I was motivated to stand and contribute on this mainly because of the incorrect comments from the member for Light about MATES in Construction. I want to remind the member for Light—although I do not think he was in cabinet at that time—that MATES in Construction actually wrote to the Deputy Leader of the Opposition in 2017 asking for $200,000 to support the MATES in Construction program. I have been advised that the minister did not respond to MATES in Construction. He flicked that letter of inquiry off to another department, which then said no, that the program did not warrant any funding, so there has not been funding to MATES in Construction.

The fallacy that the CFMEU and their mates in the Labor Party have been running on this is just that: it is a fallacy. There was a one-off $10,000 grant that I think the CIBT gave to MATES in Construction. Bear in mind that MATES in Construction is a multimillion-dollar national charity. We are actually talking to MATES in Construction about a fee-for-service for rolling out that program to not just construction apprentices but all apprentices, because we know that apprenticeships can be stressful for young people in particular. That is why we have seen a decline in the modern years.

It certainly has changed a lot since I did an apprenticeship, but that was a long time ago, when in South Australia only about 56 per cent of apprenticeships were actually completed. Obviously, there are issues getting those apprenticeships started and then, of course, getting those apprenticeships finished. We are very supportive of any process that supports apprentices in their mental health, in their mentoring and in their pastoral care to help them get through that process.

Also, I think a lot of people tend to underestimate the commitment that employers, particularly in small businesses, make with that commitment to on-the-job training. Obviously, they are trained by the professionals through a registered training organisation for their technical training as part of the apprenticeship, but when they are implementing that technical training on the job that is when supervision is important and on-the-job training is important.

As a government, through our Skilling South Australia program, we have supported apprentices by supporting the supervisors and the people who work with apprentices in their business so they have the skills and the confidence to train apprentices, to make sure, first of all, that those apprentices are being supported and also that they are getting quality on-the-job training so they end up sticking it out, getting their trades and working in the trade, in the industry, or deciding to move on to further education beyond that.

We certainly encourage that. We certainly encourage people to continue that educational pathway through vocational education. We are seeing more and more businesses now coming on board with the paid training model we have seen in South Australia. We are ahead of the nation by 20 per cent when it comes to apprenticeship and traineeship growth in South Australia. That is because many of the new training contracts have been in new areas, or areas that have been around for a very long time, such as the social care area, where there has not been a paid training process.

Of course, this affects women in particular. You cannot deny the fact that it is an industry dominated by women, just as the construction industry is an industry dominated by men. There are, obviously, more women moving into male-dominated areas, but there are still some very female-dominated areas that have been left behind after 16 years of Labor when it comes to skills and recognition and career pathways, in the healthcare sector, outside of the hospital system, in other words, the social care sector.

Whether it be for NDIS providers or whether it be for aged-care providers, there was no paid pathway, not until the Marshall government was elected. There are 300 successful pilots. This

morning I had a meeting with a number of aged-care providers and those interested in the sector to see how we can get the best outcome for the federal government's $1.2 billion apprenticeship and traineeship wage subsidy program to supercharge paid traineeships in this area. It is important that we are all very mindful of people's mental health. It affects every family. It certainly affected my family 10 years ago, which ended in tragedy.

It is an issue that we are all very aware of, but it is frustrating when there are those who have a voice in public who will use issues like MATES in Construction, for example, for political gain without actually understanding the history of the way in which MATES in Construction is used, the relationship they had with the CITB (which was a single year funding of $10,000) and the fact that they themselves, when they were in government, were offered the opportunity to have a partnership with MATES in Construction. The minister responsible did not even bother responding to MATES in Construction and flicked it off to the public sector, which then, through the department of SafeWork SA said that, no, they were not interested.

That is a fact. You cannot change that element. That happened in 2017. If you want more information, go and see the Deputy Leader of the Opposition. I am sure she can justify why she had no interest in funding MATES in Construction back in 2017. We are working with them. We have money for MATES in Construction, but we actually want a relationship with MATES in Construction that delivers outcomes that the government can monitor.

Ms HILDYARD (Reynell) (12:36): As others in this house have reflected, Sunday was the start of Mental Health Week right across the world. It was World Mental Health Day. It is a day that is really important for me and my family as is the rest of Mental Health Week.

On that day, I reflected on a number of things, and four things in particular. Firstly, I reflected on the factors that others have spoken about in that this year more than ever people are confronting mental health challenges as they deal with isolation, job loss, the loss of their small business, and the deep emotional pain of not being able to attend a family funeral or to connect with family members in other ways.

It has been a very difficult year for many, and it has led to an increase in the number of people experiencing anxiety, depression and other mental health challenges, which I understand has resulted in around a 15 to 20 per cent increase in referrals to mental health services, and also an increase in presentations to emergency departments by people experiencing mental health challenges.

On that first point, I also reflected on Sunday that, as a community, we have got better at having conversations about mental health, and there are many organisations that encourage us to do so. I know that here in this parliament we speak about things like R U OK? Day, and many of us do what we can to encourage those conversations, to encourage people not only to check in with their loved ones and other people in the community to find out how they are going but also, I guess, to encourage people to have conversations about mental health just as we have conversations about physical health.

I reflected on the year that we have had and how we are connecting with each other in this difficult time. Secondly, I also reflected on the incredible challenges that people who deal with long-term serious mental illness continue to confront. That is an issue very, very close to my heart with one of my very close loved ones having dealt with a serious mental illness for more than 30 years now.

My sister and others in our community who deal with serious mental illness find it incredibly difficult to participate in different aspects of community life; some of the things that many of us take for granted—whether that is getting on a train, walking to the shop, making a phone call or simply going outside—can present really difficult challenges.

Also, as is the case with my sister and many other people with serious mental illness, they also have confronted at different points in their life the challenges that come with presenting to emergency departments when suffering from severe episodes in their mental illness journey. Certainly my family knows the horror of those moments of waiting in emergency departments and also the horror that comes with the use of physical and other restraints in emergency departments.

When I was thinking about this, as I do always, not just during Mental Health Week, I was thinking that we still have such a very long way to go in terms of our community conversations about serious mental illness. As I said, whilst I think we have progressed in some way in terms of engendering conversations about mental health challenges, I do think that we still have some way to go in terms of eradicating the stigma that is often associated with serious long-term mental illness.

The third thing I thought deeply about, as I so often do, is who is there for people when they experience mental health challenges as so many people have this year, and who is there for people with serious mental illness? The member for Light spoke about the incredible role that family carers play and I absolutely pay tribute to every single one of them. I also pay tribute to the incredible workers who work at the coalface of need in community organisations in every corner of South Australia.

Those workers, many of whom are Australian Services Union members, many of whom I am proud to call friends, are workers I had the privilege of representing for many, many years. In the course of representing them when I was with the Australian Services Union, I visited numerous worksites where community mental health workers worked. I absolutely distinctly remember that every single time I went to one of those workplaces I would often start our conversations by asking them what they loved about working in the sector and why they did the work they did.

One hundred per cent of the time those workers would talk about their desire to walk alongside people with serious mental illness and people who were facing mental health challenges, to be with them, to help them traverse their journey, to provide support and to provide what they needed to empower them to actively, equally participate in every aspect of community life and in our economy, without stigma. They were crucial to those people walking their journey and I absolutely pay tribute to them.

I note that those opposite, particularly the member for Newland, spoke a lot about customers—I think that is how he referred to people. Mental health workers work with people with mental illness because they care about them and because they want to make a difference. It is those workers who are telling many of us in this place that it is becoming impossible to continue to provide that support, that service, that compassion when they are faced with a 25 per cent funding cut to the community organisation that they work for, that delivers the particular mental health program.

It is becoming impossible for them to be able to continue to stay and do that work with those funding cuts in place and that is an absolute tragedy. As I said, these workers are deeply committed to making a difference, to working with and for people with mental illness so that they can fully participate in community life. Also in my own community—and the member for Light spoke about this—yes, those opposite quoted figures at us, but the reality is that I like many others in this place have people coming to my office desperate for services, desperate for support. Because of these cuts, those services and supports are no longer there and that is an absolute tragedy.

I note also the role the NDIS plays in providing mental health services and support was also spoken about. When the NDIS was introduced by the then federal Labor government it was absolutely all about creating huge social reform—the biggest social reform we have seen in this country since Medicare—and the NDIS is focused on providing choice and control to individuals to determine what services and supports they need to traverse their particular journey in life.

Before the last state election our Labor government absolutely steadfastly committed to ensure that funding for mental health services would continue in the way that they were funded prior to the election, because we knew—and it is a fact, and these cuts are now proving this—that we had to take account of the fact that only 22 per cent of people with serious mental illness have an NDIS plan. Services are being defunded or having their funds cut on the premise that somehow this money that comes through people's NDIS plans will make a difference, and this is not true. These organisations have a shortfall in terms of their ability to provide programs.

To come back to a personal point about that, in my own family, with my sister's NDIS plan, yes, she can now access particular services and supports through that NDIS plan, but the problem is some of those services are at risk of no longer being there because of the cut made to them, because not everybody who comes to that particular program or service has an NDIS plan in place.

These cuts are absolutely harming people in our community when they most require support. I absolutely commend the motion to the house.

Mr BELL (Mount Gambier) (12:46): I rise to support this motion and talk a little bit about our family's experience with mental health. We have a family member going through the mental health system in Mount Gambier, a regional part of our state, and that experience has been nothing short of horrific and debilitating, certainly for my parents, and something on which we need to keep shining a light and having a focus. So I view any cuts to this service as a very unfortunate move.

To talk through getting on to an NDIS system, it has taken my family member 15 months, with very little support, apart from family support. This is a person who has had a diagnosed disability since she was born. The inconsistencies when visiting specialists, or the lack of resident specialists in this area, lack of staffing at our mental health facility, lack of being able to access a mental health bed, have been very traumatic and a great disappointment to me looking at the system.

Drug cocktails are prescribed by one doctor and discredited by another doctor. The effect that has on the person is in terms certainly of weight gain, mental stability and a zombie-like state. You then have another doctor tell your parents that in fact you are on the wrong cocktail of drugs, or that this is counteracting another drug you are on, which is horrific when you look at it from a health system viewpoint.

It is something that would not be tolerated in any other field of health. Imagine a person with cancer getting one type of treatment and then another doctor coming in and totally overruling that doctor's recommendation and diagnosing something completely different, giving mixed opinions and advice. It seems to be Rafferty's rules at times as to the best way forward. Couple that with parents who are ageing and trying to do the best they can to support their child through a very difficult time.

We have a long way to go. I firmly believe that we need to shine a brighter light on this, from both a professional point of view and, of course, a funding point of view. Then we couple with that the disadvantage of being in a regional setting and the attraction of suitably qualified professionals to that area within the health profession. It frightens me when off-the-record conversations are had with me as the local MP that people with mental health issues are being discharged from the emergency department before the 24-hour period comes up, because then it triggers an alert and they would rather see them discharged into the streets without an adequate bed being available at our local hospital.

The attraction and retention of suitable professions I think needs a bipartisan approach, and it is certainly one that would have my full support. You can throw as much funding at it as you like, but if you do not have suitably qualified staff you are not going to improve outcomes in regional centres. I do not want to see regional centres being a training ground or a dumping ground for some in the profession who may not have the standards that I believe we need in this area.

We have many skilled people in our region, and in the Limestone Coast we are very lucky to have groups like Lifeboat and the Junction before an acute stage is reached. That is an area where we need to be doing a lot more work. Why is it that we wait until somebody is at an acute stage before intervention or assistance is offered when, in actual fact, our focus needs to be right back on early intervention?

We have amazing, dedicated and passionate volunteers, people like Matthew Brookes from Lifeboat and Nel Jans from the Junction. I have been fighting for funding for these guys for a number of years and it always falls on deaf ears. They end up running the centres on a volunteer basis, yet if you look at the savings from a state government point of view, the savings from a community point of view and the detriment from a personal point of view, early intervention is critical and is something that we need to focus on.

Our region is very proactive in raising money for mental health. Maureen Klintberg, Presiding Member of the Mount Gambier and Districts Health Advisory Council, was a driving force behind the 2017 Bollywood Ball. This event raised $40,000 for the Mount Gambier hospital upgrade. Community fundraising is fantastic, but it should be used as a top-up and not as the only source or the major source of funding for projects and programs.

There is an event happening this month in Mount Gambier called *The Full Monty*: six local men are getting their kit off for charity. The member for Mount Gambier was not asked to participate for pretty obvious reasons. The proceeds will be divided amongst NGOs in our region, and these charities will include Lifeboat, the Junction, the Mount Gambier and District Suicide Prevention Network and the Mount Gambier and Districts Health Advisory Council.

It is wonderful that our community is so proactive in this space, but this grassroots fundraising also needs to be backed up by state government support. A key priority in the South Australian Mental Health Services Plan 2020-2025 speaks of:

> Equity of access to services: ensuring people in South Australia have equitable access to services wherever they live, including people in rural and remote communities.

As we speak here today, the state budget is less than a month a way, and the Minister for Health and Wellbeing needs to ensure mental health is a key focus of health spending going forward. Each region of South Australia should be treated individually, as the Limestone Coast has differing needs, staffing levels, services and funding requirements to other regional parts of South Australia.

There is not a one-size-fits-all approach to mental health, and I believe a region-by-region approach is required. I am calling on the state government to ensure South Australia's regions are a focus of spending on mental health in the upcoming budget.

The Hon. G.G. BROCK (Frome) (12:55): I will be very quick because I know we want to get this to a vote. I am very, very passionate about mental health, and I support this motion wholeheartedly. I also reinforce what the member for Mount Gambier has indicated. I have had personal experience with mental health issues myself, and also I have lost family members because of mental health issues. That is one of the reasons I have a notice of motion on 12 November about having a select committee.

At this particular point, I do not think we have seen the full impact of the COVID-19 pandemic. Certainly, the NGOs do a fantastic job with the money available, and I know that they have had their funding cut. But the issue is we need to get people on the ground who are there to give preventative attention to these people who are experiencing these mental health issues. It is a very personal issue. A lot of people do not want to talk about it, they do not want to mention it, but we have to get them in the early stage before they get into the position of creating extra medical requirements and also, God help us, mental issues.

That is why I will be working very closely with Lifeline in the next couple of months to get a Connect centre in Port Pirie to be able to get those people to come in and talk to people before that. I will also be doing that with the Clare Valley. I will 100 per cent support this. I know there may be other speakers, but I certainly endorse this motion by the member for Kaurna and I reinforce the member for Mount Gambier's comments made earlier.

Mr PICTON (Kaurna) (12:57): I thank all the speakers on this very important motion. This is World Mental Health Week. We should be taking a stand. We need to be doing more. One in five people in South Australia will encounter mental illness in their life. That is a significant number of people. In all our families, in all our communities, we have friends who have been touched in terms of their mental health and we need to do more. We cannot have a situation where, right now as we are debating this, 77 people are stuck in emergency departments waiting for a bed—and a large percentage of them will be mental health patients.

We cannot have a situation where, as the member for Mount Gambier was saying, we have such a disparity in terms of lack of treatment options available, particularly in regional South Australia. We cannot have a situation where we are cutting our community services that are keeping people out of hospital. We cannot have a situation where every other state is investing significant amounts in dealing with the pandemic, but we are not doing it here in South Australia. Let's agree to this motion, agree to more mental health funding, address the issues in our community and the issues coming out of the pandemic. I endorse this motion to the house.

The house divided on the motion:

Ayes 20
Noes 21

Majority 1

AYES

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

NOES

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

PAIRS

Gee, J.P.	Cowdrey, M.J.	Michaels, A.
Pederick, A.S.		

Motion thus negatived.

Sitting suspended from 13:03 to 14:00.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Privacy Committee of South Australia—Annual Report 2019-20
Public Trustee—Annual Report 2019-20
State Records Act 1997, Administration of the—Annual Report 2019-20
Surveyors Board of South Australia—Annual Report 2019-20

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

Mr MURRAY (Davenport) (14:03): I bring up the fourth report of the committee, being the annual report for 2019-20.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mr ELLIS (Narungga) (14:04): I bring up the 15th report of the committee, entitled Subordinate Legislation.

Report received.

Mr ELLIS: I bring up the 16th report of the committee, entitled. Subordinate Legislation.

Report received and read.

Question Time

WEST END BREWERY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:06): My question is to the Premier. When was the Premier very first notified by Lion Nathan that West End's future was in doubt?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:07): Yes, I received a call from James Brindley, the Managing Director of Lion Beer Australia, on Monday morning when he discussed the details with me, and I received the final details this morning.

WEST END BREWERY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:07): My question is to the Premier. Had the Premier had any prior contact with Lion Nathan of any nature suggesting that the West End Brewery facility at Thebarton was in trouble?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:07): No, not directly with myself, no.

WEST END BREWERY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:07): My question is to the Premier. Did any members of his government have any prior contact with Lion Nathan?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:07): No, not that I am aware of. I was advised on Friday that Mr Brindley wanted to speak with me. That was put into the diary, and I spoke to him on Monday morning when he conveyed the sad news that they would be ceasing operations at the West End Brewery at Thebarton as of June 2021.

WEST END BREWERY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:08): My question is to the Premier. Has the Premier taken any action to prevent Lion Nathan from closing down its West End Brewery operations and moving interstate?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:08): Well, we have been working very hard since we came to government to improve the competitiveness of this state. In fact, there of course has been no direct approach, and there is certainly no suggestion that anything that we could have done would have improved the viability of this plant.

It was made very clear to me by Mr Brindley that beer sales have been in decline for some period of time. They had a major and significant overcapacity on that site and they made a business decision. A private company made a private business decision. They will be keeping some capacity here in South Australia to support their sales and their marketing and their sponsorship capability, but the processing for the beer production in South Australia will conclude in June 2021.

What we have been doing during this COVID period is extending a range of supports for businesses here in South Australia, whether they be payroll tax waivers or deferrals, land tax deferrals or waivers, or specific supports to industries which have been adversely affected. The federal government has been doing exactly and precisely the same things with their very significant support, especially around wage subsidy with the JobKeeper program, which is helping many, many businesses.

But our focus with our government is to do everything we can to improve the overall competitiveness of our state. We have stated that we would like to grow our economy in South Australia by 3 per cent per year. Of course, as you would be aware, sir, this is an extraordinary year where there would be few places in the world that would be able to achieve that aspiration of growing by 3 per cent. What we know is that long-term growth under those opposite was around 1 per cent.

Mr Malinauskas interjecting:

The SPEAKER: Order, the leader!

The Hon. S.S. MARSHALL: It was around 1 per cent over the previous decade that the Labor government was in place here in South Australia. That was completely unacceptable and that is why we have worked very hard—

Mr Malinauskas: Jobs growth decline under your watch.

The SPEAKER: Order, the leader!

The Hon. S.S. MARSHALL: That is why we have worked extraordinarily hard to improve the competitiveness of our state since we have come to government. Our focus is on creating more jobs in South Australia. What we have been doing since coming to government is reducing payroll tax in South Australia. We are very pleased to have wiped out payroll tax for the small business sector in South Australia. It's a very important sector of our economy. We have been able to reduce land tax in South Australia and we have been able to reduce the emergency services levy—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —in South Australia. We have been able to—

Members interjecting:

The SPEAKER: Order! Members on my left will cease interjecting. The Premier has the call. He is entitled to be heard in silence.

The Hon. S.S. MARSHALL: One of the things that we have been doing to improve the attractiveness of South Australia is to very significantly—

The Hon. A. Koutsantonis: Yes, but they are closing.

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

The Hon. S.S. MARSHALL: One of the things that we have been doing is to very significantly invest in skills in South Australia, because we know that this is a critical input into the overall viability of business in South Australia. We have massively ramped up the expenditure which goes into our skilling Australians program. We have very significantly increased the commencements and completions for apprenticeships and traineeships and this is a real outlier compared to the rest of the country.

When we look at the most recent NCVER figures, they are extraordinary, and I commend the Minister for Innovation and Skills and his department, but, most importantly, I commend the employers in South Australia who have sat down and worked with the government through the Training and Skills Commission and the industry skills boards to actually identify those opportunities where there are skills gaps in South Australia. Now we are applying our focus to be able to do everything that we possibly can to address those skills gaps and get people into jobs in South Australia.

There is a lot more work to be done, and obviously COVID is a very difficult situation for our nation, but we are doing everything we can to make this a more attractive place for businesses to come and set up business and grow. Whilst those opposite may not be that interested and prefer to shout out negativities at a time when—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. S.S. MARSHALL: —the world is actually looking for positive news, we were absolutely delighted last week to announce that Accenture, one of the largest global consulting firms, made a decision to bring up to 2,000 jobs to South Australia. This is really important.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I would also like to say it was great to read media reports today that CyberCX is setting up in South Australia and many, many companies are moving to South

Australia to create those jobs of the future. There is much more work to be done on this area and we are up to that task.

The SPEAKER: Before I call the leader, I call to order the member for Playford. I call to order the member for Ramsay. I call to order the member for Lee. I warn the member for West Torrens and I call to order the leader.

WEST END BREWERY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:13): My question is to the Premier. What support will the state government provide specifically to the 94 South Australians who will lose their jobs as a result of the closure of the West End Brewery?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:13): I thank the Leader of the Opposition for his question. It's an important question. It's one of the questions that I asked of Mr James Brindley, the managing director of Lion brewing Australia when I spoke to him on Monday morning.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: What he said was that of course all of those employees—95 employees in round terms—would be getting their full entitlements, but more than that they would get access to a fund that would help them in their transition beyond their employment at Lion brewing Australia. What we have to do as a government is everything we can to grow and stimulate our economy in South Australia and so that is exactly and precisely what we—

Mr Malinauskas interjecting:

The SPEAKER: Order! The leader will cease interjecting.

The Hon. S.S. MARSHALL: So that's exactly and precisely what we are doing. What we are looking at is every single input to business in South Australia to make it more productive, more competitive and attract more businesses to South Australia. One of the things that we have done since coming into government is to fix the chaotic and ideologically driven energy policy of the previous government, which failed the business community and failed employees in South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: Whilst they saw fit to invest in dirty diesel, dirty diesel generators, to back up—

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

The Hon. S.S. MARSHALL: —and stabilise our grid in South Australia, by contrast—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat.

Mr Malinauskas: It's an absolute disgrace!

The SPEAKER: Order, the leader! The member for West Torrens is entitled to be heard in silence. The member for West Torrens rises on a point of order.

The Hon. A. KOUTSANTONIS: Thank you, sir. Standing order—

Mr Malinauskas interjecting:

The SPEAKER: Order! The leader will cease interjecting. The member for West Torrens on a point of order.

The Hon. A. KOUTSANTONIS: Thank you, sir. Standing order 98, debate: the Premier was asked what support will the state government provide to 94 South Australians who lost their jobs at the West End Brewery in Thebarton, and the Premier is talking about energy policy, sir.

Members interjecting:

The SPEAKER: Order! I hear the point of order. The Premier has addressed a rather broader canvas in relation to the government's actions to support the economy more broadly. The Premier will stay with the subject matter of the question. The Premier has the call.

The Hon. S.S. MARSHALL: Thank you very much, sir. As I was saying, these employees will get their full entitlements and also have access to the Lion West End Re-Skilling Fund, which is up to $1 million. Then the question went on to ask about what we would specifically be doing, and we have a very heavy obligation in this area to do every single thing that we possibly can to improve the competitiveness of South Australia so that we can provide alternative jobs for these employees.

This is a very sad day. This is an iconic South Australian business, and we've got to be doing everything we can to grow our economy and create those opportunities: opportunities for people who are in South Australia, opportunities for future generations, so they don't leave our state. I was going through some of the things that we are doing to improve the productivity of our state, and one of those things was putting downward pressure on energy prices here in South Australia because we are constantly told that energy prices under the previous government were way too high and the stability of the grid was way too low.

This was creating risk for investment in South Australia, so we have worked very hard to put a sensible energy policy in place and downward pressure on energy prices. We have already announced that there is going to be a massive reduction in water prices in South Australia because we have undone the rort that was going on in South Australia—

Mr Malinauskas interjecting:

The SPEAKER: The leader is warned.

The Hon. S.S. MARSHALL: —for an extended period of time with an artificially inflated regulated asset base here in South Australia. So these are the things we are doing: we are investing in skills, we are lowering land tax in South Australia, we are lowering payroll tax in South Australia and we are doing everything we can to grow our economy.

One piece of very welcome news to us is that confidence is improving in South Australia. When we look at those figures through to the end of March earlier this year of the net interstate migration, what we saw under those opposite—when they were in government—was a lot of people leaving this state. We had an exodus of young people and capital out of our state: 4,000, 5,000, 6,000, 7,000, getting towards 8,000 net outflow of young people out of our state each and every year.

Well, I was very proud when I looked at those March figures this year—217 people. We are not going to rest. We want to get a net flow to South Australia, but this is a major show of confidence in the next generation to stay here in South Australia because we are creating those jobs, growing our economy and making us far more competitive.

Members interjecting:

The SPEAKER: Order! Before I call the member for Newland, I call to order the member for Kaurna, I warn the member for Lee, I warn the member for West Torrens for a second time.

HEALTH SERVICES

Dr HARVEY (Newland) (14:18): My question is to the Minister for Education, representing the Minister for Health. Can the minister update the house on how the Marshall Liberal government is building health services for the northern residents of Adelaide?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:19): I am really pleased to have this question from the member for Newland who I know, as does every member who has heard him talk about this issue, cares deeply and passionately about health services for the people in his community and across northern Adelaide. In particular, a number of times the member for Newland has raised with me as the minister representing the Minister for Health, and other cabinet members, what more we can be doing to support his community, what we are doing to deliver on our election commitments to the people of the north through supports to Modbury Hospital—a hospital, of course, that was downgraded significantly by those opposite. The people of the north—

Mr Brown: Who flogged it?

The SPEAKER: Order, member for Playford!

The Hon. J.A.W. GARDNER: —now are on a road towards having a revitalised Modbury Hospital, just like the people of the south are appreciative of the opportunities they are having with the revitalised Repat hospital. These are signs of the Marshall Liberal government rebuilding health services and enhancing health services, as opposed to the Leader of the Opposition's plan when he was the health minister: the failed, discredited Transforming Health experiment—

Mr Malinauskas interjecting:

The SPEAKER: Order! The leader will cease interjecting.

The Hon. J.A.W. GARDNER: —which he was seeking to conduct—

Mr Malinauskas interjecting:

The SPEAKER: Order! The leader is warned for a second time.

The Hon. J.A.W. GARDNER: —on the people of South Australia. The evisceration—

Members interjecting:

The SPEAKER: Order, members on my right! The minister will resume his seat for a moment. I have warned the leader for a second time. Members on my right and members on my left will not descend into a general exchange of interjections. Those members asking questions are entitled to be heard in silence, just as those answering questions are entitled to be heard in silence. The Minister for Education has the call.

The Hon. J.A.W. GARDNER: The Marshall Liberal government is focused on building what matters to the people of South Australia, building what matters to people in the northern suburbs of Adelaide. We know there is a massive record infrastructure build across the government in South Australia at the moment. In the health portfolio, we have a $1 billion investment that is currently underway. We also know that the population—

Mr Picton: Cut mental health, cutting nurses, cutting health capital.

The SPEAKER: The member for Kaurna is warned.

The Hon. J.A.W. GARDNER: —of Adelaide's north is growing. That was the time, during a period of population growth, when the former government decided to reduce services to hospitals like Modbury. The Marshall Liberal government is turning that around. We have $150 million of capital upgrades that will support people in the northern suburbs of Adelaide, delivering better services closer to where people live, closer to where people in the north—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —and the north-eastern suburbs of Adelaide are living, in areas like the member for Newland's, the member for King's and the member for Florey's electorates and my electorate too. Support to Modbury Hospital we are talking about at the moment is delivering a $96 million upgrade, which commenced in October 2019. It is well underway and progress is well on track for the project to be completed in the second half of next year, turning around the evisceration of services that was delivered to the people of the north-eastern suburbs by the former Labor government.

Our redevelopment will deliver a high dependency unit to the hospital, showing our commitment to increasing services to the north and continuing to deliver better care close to the homes of South Australians. It will also deliver a short stay general medical unit; an upgraded surgical unit, including additional procedural spaces; a palliative care unit; a four-bed high dependency unit; and an outpatient department. At a time when employment has never been more important to the people of South Australia, at a time when the coronavirus pandemic has really put massive pressure on jobs right across the world, this project—

Mr Picton: Why are you cutting nurses?

The SPEAKER: Order, member for Kaurna!

The Hon. J.A.W. GARDNER: —will create more than 400 jobs over the life of the development. At the Lyell McEwin Hospital, the $58 million redevelopment that is going on there—

Mr Picton: Thanks, Peter.

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

The Hon. J.A.W. GARDNER: —will upgrade and expand the emergency department and add a new mental health short stay unit. The redevelopment is in its early stages, with enabling works continuing. These enabling works are critical in supporting the project throughout the construction of the new building. There are temporary corridors for foot traffic being created and new entry and exit points to the hospital, and minor demolition works to enable the new building to connect to the existing are underway.

This project already has had a 205 car park extension delivered to the multideck car park and, at a time when we need jobs more than ever before, 250 jobs are being created to support this project. It is great news for the people of the north and the north-eastern suburbs of Adelaide because we are building what matters to the people of South Australia.

Members interjecting:

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

INVESTMENT ATTRACTION

The Hon. S.C. MULLIGHAN (Lee) (14:23): My question is to the Minister for Trade and Investment. Has the Marshall Liberal government made South Australia an unattractive place to invest? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. S.C. MULLIGHAN: In February 2017, the member for Dunstan, now the Premier, tweeted:

> A very difficult day for Coke workers. Another blow to the SA economy. We need to make SA an attractive place to invest.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:24): What we have been doing since we came to government is unravel the mess that we inherited from the previous government that made us an unattractive place to invest. I was very pleased on Friday last week to be with the member for Stuart (the Minister for Energy and Mining in South Australia) when we were very proudly taken over two incredible sites which represented $670 million worth of investment into South Australia in renewable energy.

One of the critical things that they talked about that make those investments possible is our wonderful wind and solar resource here in South Australia, but also our ambition as a government to establish an interconnector with New South Wales. What we know is that this creates an incredible highway out of our state into the most populated state in the country: New South Wales.

This is something which is going to create hundreds and hundreds of jobs and generate billions of dollars' worth of continued investment in South Australia. More than that, we have invested in the redevelopment of Lot Fourteen, which we know has become a magnet for investment attraction into South Australia.

Those opposite had a plan to turn it into 1,300 apartments on the Parklands—on the Parklands! By contrast, we saw that there was a higher and better use for that incredible site, seven hectares in the centre of the city, to really become quite a magnet for attraction of future industries—

Members interjecting:

The SPEAKER: Order, member for Lee!

The Hon. S.S. MARSHALL: —and that is precisely what we are seeing. That site now, of course, has the Australian Space Agency headquarters. We are building, at the moment, Mission Control and the Space Discovery Centre. The SmartSat CRC, the largest space-related research project in the history of Australia, is on North Terrace, in the centre of the city. What we already know is that this is bringing head offices to Adelaide and investment into Adelaide.

Only last month, I opened the new office for Leonardo in South Australia. These are bringing jobs to South Australia: the Australian Institute for Machine Learning, and the Australian Cyber Collaboration Centre, which really represents the cutting edge of what is happening in one of the fastest growing sectors around the word.

That's what we are doing to make South Australia a more attractive place to invest in, and that's on top of our focus on reducing costs for business: energy, water and the emergency services levy here in South Australia. Land tax is going down massively in South Australia from the unaffordable level—

Members interjecting:

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

The Hon. S.S. MARSHALL: —that was presided over by the previous government—

Mr Malinauskas: No thanks to you.

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —where the top marginal rate here in South Australia was 3.7 per cent. We have now met the average of mainland states of 2.4 per cent, and we have provided further land tax relief to landowners during this very, very difficult COVID period. We are doing everything we possibly can to drive our economy in the right direction during an unprecedented difficult situation that we are facing at the moment.

There's some very bright news on the horizon. The most recent ABS Single Touch Payroll data shows that South Australia had the largest increase over the last survey period. In fact, our total wages in South Australia for those two weeks leading up to the 19 September cut-off period was actually higher than the payroll data for South Australia pre-COVID. There's still a huge amount of work to be done but South Australia is heading in the right direction, attracting investment dollars into South Australia and creating more jobs for the future generations.

The SPEAKER: Before I call the member for Lee, I warn the member for Playford, I call to order the member for Reynell and I warn for a second time the member for Lee.

WEST END BREWERY

The Hon. S.C. MULLIGHAN (Lee) (14:28): My question is to the Minister for Trade and Investment. Does the decision by—

The Hon. D.G. Pisoni: How come Zoe's not asking the question?

The SPEAKER: Order! The minister will cease—

Members interjecting:

The SPEAKER: Order! The member for Lee will resume his seat for a minute. The Minister for Innovation and Skills is warned and the member for Chaffey is called to order.

Members interjecting:

The SPEAKER: Members on both sides! The questioner is entitled to be heard in silence. The member for Lee has the call.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. My question is to the Minister for Trade and Investment. Does the decision by Lion Nathan to close the West End Brewery and move interstate indicate that South Australia is not the right place to invest? With your leave, sir, and that of the house, I will explain my question.

Leave granted.

The Hon. S.C. MULLIGHAN: In February 2017, the member for Gibson issued a media release saying:

> Coca Cola's decision to invest $90 million in Queensland and walk away from South Australia is a very clear message that they do not see South Australia as the right place to invest.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:29): The simple answer to the question—

Members interjecting:

The SPEAKER: Order! The member for Playford is warned for a second time. The Premier has the call.

The Hon. S.S. MARSHALL: —that the member for Lee is asking, the simple answer is no. The reality is this was a decision by a private company. They make these decisions, and that's why it is very, very important for us here in South Australia within the government to be doing everything we can to improve the overall attractiveness of our state, and we have worked very hard.

We were the first jurisdiction in the country to implement our first stimulus and support package. We were the first to come with our second stimulus package, and there is further stimulus needed in South Australia, not so much broadbrush stimulus and support, like we have seen in the first two packages, but a more targeted and nuanced response directly to those targeted areas which are really still struggling in South Australia.

That's what you will see in the budget when it is brought down. We know that this is a very difficult time not just for us here in Australia but globally, and different economies are responding in different ways. We know that the federal government has just brought down its federal budget, and it was an excellent package of support for businesses, with some targeted focus on wage subsidies, not only for those sectors which continue to have that massive more than 30 per cent downturn on their revenues but also in critical areas of skill development, supporting sectors of our economy which really need it through this time, and of course another massive investment in infrastructure.

Here in South Australia, we have already announced $12.9 billion worth of projects. We are getting on with building what matters for the people of South Australia, and you will see more investment in the budget when it comes down next month. It is important that we do this to support our economy during this particularly difficult time. The Treasurer has already said that we will not be having a balanced budget for last financial year or this current financial year, but that's a decision we have made as a cabinet, as a government, to support as much as possible sectors which are adversely affected. We have already announced billions of dollars worth of support, and there will be further support coming in November.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:32): My question is to the Minister for Infrastructure. Does the minister stand by his answer to the house yesterday that the current cost of running the Adelaide train network was $133.6 million, which does not include the $12 million to $15 million in maintenance costs?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:32): Yes, and I think I also outlined in that answer that it didn't include GST as well.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:32): Thank you, sir.

Members interjecting:

The SPEAKER: Order! The member for West Torrens has the call.

The Hon. A. KOUTSANTONIS: My question is to the Minister for Infrastructure. Can the minister confirm that before awarding the contract to Keolis Downer, the Department of Planning,

Transport and Infrastructure commissioned a report to identify the total operating costs of Adelaide's train network?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:33): I will have to take that question on notice and ask the department, but I don't recall seeing that document.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:33): My question is to the Minister for Infrastructure. Can the minister confirm that the government commissioned a report from Ernst and Young that was provided to bidders advising that the cost of running Adelaide's train network in 2018-19 was $125.9 million?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:33): As I did outline to the member before, I don't know about that report. I took over this portfolio I think some eight weeks ago now, so whether that happened before my time I am happy to have a look and ask the department.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:33): My question is to the Minister for Infrastructure. Did the minister's department offer him a copy of an Ernst and Young report before signing the contract to hand over Adelaide's train services to Keolis Downer for $2.14 billion?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:34): Again, I think I answered that question before. I am happy to go back and check with the department as to when this report was commissioned that the member is referring to or alleging was put forward and I will get a response.

REGIONAL GROWTH FUND

Mr PEDERICK (Hammond) (14:34): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on how the Regional Growth Fund is building infrastructure investment and regional jobs?

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (14:34): I thank the member for Hammond for his question. He is a great local member who, like all of us on this side of the house, is interested in—

The Hon. A. Koutsantonis: He has to read that?

The SPEAKER: Order!

The Hon. D.K.B. BASHAM: —building what matters. What matters is building economic infrastructure to create jobs and secure investment for the future. The Marshall Liberal government is investing $12.9 billion in infrastructure over four years. This investment is focused on creating jobs and improving the state's roads, schools and hospitals. We are investing across the length and breadth of South Australia. Regional South Australia is a real focus for the government because it is where much of our wealth is generated.

The $150 million Regional Growth Fund was established by this government to stimulate investment and jobs in the regions. This program is making a difference. Two weeks ago, I was pleased to join the member for Hammond in visiting Karoonda in his electorate to announce $125,000 from the fund to fast-track the installation of power and water to open up the Karoonda Business Industrial Park. I commend the District Council of Karoonda East Murray for its leadership in driving opportunities within this industrial park. This is one way the Regional Growth Fund can create jobs—with the installation of practical infrastructure and utilities vital for business.

I have also announced funding of $2 million from the Regional Growth Fund for Parilla Premium Potatoes. This grant will fund a new potato washing and packing facility as part of a $35.7 million expansion. This is a fantastic family-owned business, growing from an initial 600-acre enterprise to producing more than 120,000 tonnes of fresh produce every year. The main crops grown by this business are potatoes, carrots and onions.

This project will create more than a hundred jobs in the Mallee in construction, with 40 jobs initially to run the plant, with potential for further growth. The project will cut heavy B-double movements between Virginia and the Mallee by 70 trucks per week. The potato packing facility will be the only one of its kind in this key potato-growing region, and is available for not only Parilla Potatoes but others in the region.

The government established the 10-year, $150 million Regional Growth Fund to support projects to unlock new economic activity in our regions, creating jobs and building and strengthening regional communities. To support communities impacted by COVID-19, we have brought forward a once-off special $15 million Regional Growth Fund round. There was an overwhelming response to this round, with 228 applications for projects, with investments totalling more than $740 million. This level of willing investment is proof of how vibrant our regional communities are and how much confidence there is in regional South Australia.

By investing in infrastructure and lowering costs and taxes, the government is supporting investment and job creation in our regions. Reforms to slash ESL bills, deliver water cost savings and abolishing payroll tax for small businesses are all underpinning growth in our regions. This government is working to grow our regions despite the challenges of drought, bushfires and COVID-19. We are building what matters to create stronger opportunities for all of South Australia.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:38): My question is to the Minister for Infrastructure What are the cost escalators to be applied to the forward years of the Adelaide train network contract awarded to Keolis Downer?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:38): I outlined to the member yesterday—and will reiterate the point again today—that there are confidential elements of the contract negotiations that I cannot go into, but I have detailed I think at length in his question yesterday what the contract will cost and outlined the details, and what it will save South Australians is $118 million. That is money that can be re-invested in better services.

It drives me to the point the member raised yesterday, and that is that we are delivering better services—more jobs, lower costs and better services. By saving this money, we are able to put it back into some of the projects that have been outlined already.

There are a number of infrastructure projects, and our $12.9 billion infrastructure spend is more than this state has ever seen, more than those opposite ever delivered for South Australia. We know how important that is because it generates jobs at the times that we are experiencing, of course, with COVID and the like. A number of those projects are in fact rail projects—

Mr Malinauskas interjecting:

The SPEAKER: The leader is on two warnings.

The Hon. C.L. WINGARD: —and it gives me a chance to talk again about the Gawler rail electrification project, which is an outstanding project ignored by those opposite for far, far too long. It's going to be delivering some 250 jobs a year. We know it's a big project and we thank the people of the north for working with us as we deliver this project. But, they know at the end of the day, guess what? It's going to give them better services. That's what we said we would do and that's what we are delivering. We are investing in infrastructure here in South Australia that is delivering jobs in the process and going to deliver better services to South Australia.

That also leads us to the Flinders Link project again, a $141 million project. We talked yesterday about some almost 12,000-odd trips that are going to be added to that schedule and the people along that line are over the moon that they are getting better services again. They didn't get it from those opposite, but we are building the infrastructure that counts and we are delivering the services. Although you might not like it, we are delivering.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Point of order.

Members interjecting:

The SPEAKER: Order! The member for West Torrens on a point of order.

The Hon. A. KOUTSANTONIS: He has completed his answer now, sir.

The SPEAKER: Has the minister completed his answer?

The Hon. C.L. WINGARD: Yes.

The SPEAKER: Does the member for West Torrens wish to raise a point of order?

The Hon. A. KOUTSANTONIS: No, I will go to a question now, sir, if I may.

The SPEAKER: The member for West Torrens is seeking the call.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:40): My question is to the Minister for Infrastructure. Can the minister confirm that Keolis Downer increased their bid price after tenders closed?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:41): Again, I thank the member for his question. I wasn't party to that process, as he would be aware. It was done by the department. If I can outline again to the member—and I have made this point in this chamber a number of times as well—there was an independent probity adviser who was assigned to this project who overlooked and oversaw the project and who has put a report in to the Auditor-General. Again, I have every confidence that was done to the satisfaction of that independent probity adviser.

Mr Malinauskas interjecting:

The SPEAKER: Order, the leader! The minister will resume his seat for a moment. The leader will leave for 20 minutes under 137A.

The honourable member for Croydon having withdrawn from the chamber:

The SPEAKER: The minister has the call.

The Hon. C.L. WINGARD: So, again, to that point, that will all play out in the Auditor-General's Report. I look forward to receiving that, as the parliament will. I drive back to the point, and the key point behind this is we came into government wanting to deliver better services and we know Keolis Downer have a track record of delivering wonderful customer service. I have talked again about the award-winning role they played with the light rail, the trams up on the Gold Coast. Again, this was a piece of infrastructure that Keolis actually built and then went on to manage and run. That contract was put in place by the Labor government up there in Queensland. They thought Keolis were a very good company.

Likewise, in Victoria, Yarra Trams, I think I mentioned yesterday, are in line for an award as well. They are a finalist in the Australasian Rail Industry Awards for customer service. There's that word again 'service'. I think it's really important that we are focused on delivering better services for the people of South Australia. We know that when Labor left office, 10 years prior there were more people using public transport. That wasn't the case. We need to turn that around. We need to deliver better service to get more people using public transport. I mention again that Yarra Trams are in line for that award. They have done an outstanding job—

The Hon. A. KOUTSANTONIS: Point of order: the question was about whether or not Keolis Downer increased their bid after tenders had closed. The minister is talking about Yarra trains.

The SPEAKER: I accept the point of order. The Minister for Infrastructure and Transport was asked quite a specific question. The Minister for Infrastructure and Transport has the opportunity to address the context of the question. I direct the minister to the question.

The Hon. C.L. WINGARD: I would just like to correct the Leader of the Opposition: I was talking about Yarra Trams as well, because they are—

Members interjecting:

The Hon. C.L. WINGARD: Sorry, the member for West Torrens. I forgot, sorry.

The Hon. S.S. Marshall: We know who you meant.

The SPEAKER: Order, the Premier!

The Hon. C.L. WINGARD: Exactly. Again, I was talking about the contract that has been signed that the member raised—

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. C.L. WINGARD: —and the contract that has been signed with Keolis Downer, the great service that they provide and what they have done up on the Gold Coast and also over in Melbourne. We look forward to delivering that better service for the people of South Australia.

Members interjecting:

The SPEAKER: Order! Before I call the member for Waite, I call to order the Minister for Energy and Mining, the Deputy Premier and the Premier.

ROAD UPGRADES

Mr DULUK (Waite) (14:44): My question is also to the Minister for Infrastructure and Transport. Can the minister provide an update to the house on the Cross Road-Fullarton Road project and also what measures the government is undertaking to save the historic gatehouse from demolition?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:44): This is part of our Urban Congestion Fund to make a lot of our intersections far more smoother for the people of South Australia. That is one of those projects, of course. Portrush, Magill is another. Springbank, Goodwood, Daws Road—in fact, I was there for the member for Elder this morning, speaking with local people as they went through that intersection. They were very excited to see what is happening there. Major works are about to start on that.

The early works program around that is quite substantial. Along with that one, we've got a number of these projects that are rolling out: Grand Junction, Hampstead Road, Main North Road, McIntyre and Kings. These projects are incredibly important, and we want to make sure that we get them right, so the planning work is being done. Any historic building and/or significant trees, and all those sorts of things, are taken into consideration with a lot of these projects. I know the ones that we have been working through, the community consultation has been quite extensive.

We will continue to work through that with the local communities as the final planning designs are being completed. So we are working that through with the people in that community. I think it covers a couple of communities there. We do know that's an important intersection. Very sadly, there were two deaths at that intersection last year, which were very heartbreaking for the families involved. We want to again make sure that we are investing in that infrastructure and more productivity to the South Australian economy but also making our roads safer.

We know that safety is of paramount importance. We know that the lives lost on our roads last year were far too high, be it in the city or in the regions, and that's why we are investing that $12.9 billion in building the infrastructure that matters to South Australians. We are very focused on that. That project is one on a list of projects, where we are finalising the planning works. We will be rolling those projects out very, very soon.

I think I mentioned yesterday, as well, over the next six months we've got $1 billion of projects starting here in South Australia. At intersections around South Australia, in the city and also in the regions, you will be seeing a lot of roadworks signs. Understand that when you see those, there might be a slight delay or a little bit of frustration. We ask you to bear with us on that because we are building the infrastructure that you need. We know the previous government left a $¾ billion road maintenance backlog. We are having to fix that up.

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

The SPEAKER: Order!

The Hon. C.L. WINGARD: We are having to fix that project up as well—

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

The SPEAKER: The member for Mawson!

The Hon. C.L. WINGARD: —and we will—

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

The SPEAKER: Order! The member for Mawson will cease interjecting.

The Hon. C.L. WINGARD: —deliver. As I pointed out, $12.9 billion is a big number, and I know those on the other side haven't seen a number like that before, but we are getting those projects going and getting them moving. As I said, when it comes to infrastructure, we are building what matters, and that's what's important to South Australia. As those jobs roll out—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. C.L. WINGARD: The point I was making is that as those projects roll out the jobs will roll out with them. So as you do go through a little bit of roadworks, just understand that's us building what matters for South Australians, generating jobs—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: We look forward to rolling out all of those projects and delivering for South Australia.

Members interjecting:

The SPEAKER: Order! Before I call the member for Chaffey, I call to order the member for Mawson and I warn the member for Mawson. I call to order the member for Wright.

SCHOOL INFRASTRUCTURE PROJECTS

Mr WHETSTONE (Chaffey) (14:48): My question is to the Minister for Education. Can the minister provide an update on how the Marshall Liberal government is building what matters across our South Australian schools, including in the great electorate of Chaffey?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:48): I am really pleased to have this question from the member for Chaffey. It was only a couple of months ago, in July, that I was pleased to visit the member's electorate and spend some time visiting some of those schools which are very grateful for the support they are getting from the Marshall Liberal government, indeed, grateful for the support—

The Hon. Z.L. Bettison interjecting:

The SPEAKER: Order, member for Ramsay!

The Hon. J.A.W. GARDNER: —that is going to so many schools across South Australia.

Mr Picton interjecting:

The Hon. J.A.W. GARDNER: The member for Kaurna accuses us—

The SPEAKER: Order! The minister will resume his seat for a moment. The interjections will cease. The minister will not respond to interjections. The member for Kaurna is on two warnings. The minister will be heard in silence. The minister has the call.

The Hon. J.A.W. GARDNER: I am pleased to have the opportunity to outline to the house the significant record investment going into our schools in South Australia, an investment that is going according to a range of aspects. We are increasing capacity in our school system. We are

moving year 7 into high school. We are replacing aged and no longer fit-for-purpose infrastructure across a range of schools.

Many of the commitments we have made were indeed identified by the former Labor government when they were in power, and I commended them for that on the day they announced it, and the Liberal Party signed up to it—some $692 million of investment that we are delivering. We have increased that investment. We have three new schools being built in Aldinga, Angle Vale and Whyalla. We have, indeed, announced a new school in Goolwa.

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. J.A.W. GARDNER: Just yesterday we announced a range of further projects. Yesterday, I brought to the attention of the house $15 million going into supported redevelopment and upgrade and increased capacity at the Roma Mitchell College in the member for Port Adelaide's own electorate, of which zero funding dollars were available under the former Labor government.

Indeed, it is the Marshall Liberal government that has radically increased the amount of infrastructure investment going into our schools. We have identified tens of millions of dollars of maintenance funding going into schools across South Australia, and the identification of which schools were going to get it and which preschools were going to get it was done thus: every government preschool in South Australia, $20,000, and each of them has found useful things to spend that money on this year, providing stimulus to local businesses and local tradies, including many in the member for Chaffey's electorate.

There was indeed an upgrade of a significant amount of money—about $25 million—in school maintenance projects, and the way that those schools were chosen was that the department identified those schools with the highest priority on its list, many of which had been waiting for many years for maintenance projects, schools that had had their facilities manager identify projects. So, we have projects confirmed, shovel ready, ready to go, done this year in the order suggested by the department, because in the Marshall Liberal government we don't play favourites making political decisions with schools when they are getting grants for maintenance projects.

I don't know how the Labor Party did it when they were in office. I don't know what was in their minds when they were picking schools that got special maintenance treats. Members opposite who have complained about the selection choice can be reassured that not a call was made by me or my office to determine which schools got those: it was the ones that were on the list from the education department, and that is the sort of appropriate commitment that we take. We make decisions based on where there is a need and where we can best support communities.

Can I tell the member for Chaffey that his schools are supported, particularly all the preschools are getting those supports, and there are specific infrastructure projects: $17.2 million at the Glossop High School, about half of which was brought in by the Marshall Liberal government in addition to earlier grants. That is bringing the campuses together to have a state-of-the art new facility for so many of those students.

Also, $5 million at Loxton will increase the capacity from 527 to 650 and improve a range of areas. It was great to be with the member at Renmark High School where they are appreciating their $5 million, which is replacing air conditioning, providing new specialist learning areas and delivering an increased capacity. We are building what matters for our schools across South Australia. We are providing jobs and leaving a legacy of improved education services for all our children.

Time expired.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:52): My question is to the Minister for Infrastructure. Can the minister confirm that the bid submitted by Adelaide Next was equivalent to $158 million per annum over eight years, approximately $20 million less than the final bid from Keolis Downer?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:52): Again, I am not privy to those details. That process was put in place—

The Hon. A. Koutsantonis: What do you mean, you signed the contract?

The Hon. C.L. WINGARD: I didn't sign a contract with them.

The SPEAKER: Order! The minister will not respond to interjections.

The Hon. C.L. WINGARD: I didn't sign a contract with them. The contract that was signed was with Keolis Downer. I can't make this any more clear for the member for West Torrens. The contract that was signed is with Keolis Downer, and that was a good contract, a contract that will provide better services for the people of South Australia.

I am on record again that the savings are $118 million over the 12-year course of the contract, and that is money that we can put back into better services for South Australia, be it the education facilities that the Minister for Education was just outlining right across our state, as well as into the healthcare facilities, again that he outlined a little earlier, or be it in infrastructure projects like we talked about—the $12.9 billion infrastructure projects that we are building for South Australia.

These are important projects and projects that we want to get off the ground and get moving as quickly as we possibly can, because we know that they generate jobs for South Australia. Coming out of the back of COVID-19, we know how important these jobs are, so we are focused on that. We are focused on delivering better services for South Australians, and also making sure that we are building what matters: the projects that will deliver jobs as we come out of COVID-19.

The SPEAKER: Before I call the member for Elder, I warn the member for Reynell. I call to order the deputy leader.

PUBLIC HOUSING

Mrs POWER (Elder) (14:54): My question is to the minister representing the Minister for Human Services. Can the Attorney-General please update the house about how the Marshall Liberal government is upgrading public housing and supporting jobs in South Australia?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (14:54): It is with great pleasure that, on behalf of the Minister for Human Services, I respond to the member's question, who has taken a very active interest in relation to very important matters in her electorate, including the accommodation of her residents in areas such as Colonel Light Gardens and the like. She has been a passionate advocate and I thank her for that.

I must say that, in opposition, empty houses of the South Australian Housing Trust were left with no tenants, with an explanation that maintenance needed to be done on them. There would be more than one sometimes—half a dozen in a street or an area were empty. It fitted in with a previous approach of selling off $1.5 billion worth of Housing Trust stock instead of fixing it up.

It's really important for two reasons that maintenance is invested in the stock that is owned: to increase the amenity of the tenant and, secondly, and very importantly as well, to provide jobs in that local community for undertaking those properties. There are 7½ thousand fewer properties as a result of the fire sale under the previous government and the ruin that was left in relation to the state of that stock. This is the change.

As part of the very significant commitment, we have developed an additional $115 million maintenance budget for the year. The government has specifically identified $21.1 million through the 2019-20 state budget for the preventative maintenance and upgrade of three walk-up flat sites and 250 individual homes. There is an additional $75 million under the Our Housing Future program to address the capital maintenance backlog and improve sustainability and energy efficiency. Another $10 million of funding was fast-tracked to provide immediate stimulus as a result of COVID-19. A big maintenance blitz has been what is called for. It has been necessary. We are doing it.

Ms Cook interjecting:

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

The Hon. V.A. CHAPMAN: Almost 1,900 properties, including new kitchens and bathrooms and improvements to their common area, lighting, security, paving, painting and horticultural works—

Ms Cook: So why has work stopped on Glengowrie?

The SPEAKER: The member for Hurtle Vale is warned.

The Hon. V.A. CHAPMAN: Well, we are doing them: they didn't. There is an additional maintenance budget now underway for the state budget stimulus package: $10.5 million to upgrade a total of 198 units in three walk-up flats at Mellor Court at Gilberton, Yeomans Court at Henley Beach South and Bonython Court at Hawthorn, which is underway and expected to be completed by mid-2021.

There is another $9.5 million on preventative maintenance and upgrade to 250 properties, otherwise across the metropolitan area, expected again to be completed by mid-2021, and another $1 million upgrading 40 properties on Kangaroo Island, which is expected to be completed in the next few weeks. So it's all happening. They are on their way to completion. These will be a great amenity for the tenants who are in them.

Of the $10 million COVID stimulus, we have fast-tracked that $10 million to upgrade 1,400 properties, which is almost complete, supporting another 160 jobs, and that includes upgrades in walk-up flats in Parkside, Glengowrie, Christie Downs, Fullarton, Elizabeth, Oaklands Park and Brooklyn Park. There are upgrades in addition at 105 individual properties. I'm pleased to report that the spending program is not only underway but it's nearly all finished, and that is very, very important.

Ms Cook interjecting:

The SPEAKER: The member for Hurtle Vale is on two warnings.

The Hon. V.A. CHAPMAN: It shows so far that more than $8.4 million of our deliberate and targeted $10 million COVID-19 maintenance blitz has been completed since March and it will help sustain 160 extra jobs across South Australia.

GEL BLASTERS

The Hon. G.G. BROCK (Frome) (14:58): My question is to the Minister for Police. Given that the definition of 'firearms' has remained the same for many years, can the minister advise why it has taken so long for police to decide that gel blasters, which have been available to the public for some years, should be licensed? With your leave and that of the house, sir, I will explain further.

Leave granted.

The Hon. G.G. BROCK: Recently, SA Police have announced that they consider gel blasters to be a firearm and will be requiring owners and businesses to be licensed. I have been contacted by many gel blaster small business owners, who have pointed out that they have incurred costs, made investment decisions and employed staff in good faith without any suggestion from police that they may need to be licensed. They also point out that this recent decision will force many to close their businesses and to let go many loyal staff with the loss of many jobs.

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (14:59): I thank the honourable member for the question. I would invite the honourable member, if he does have people and businesses in his electorate, I make this commitment to the member that I would be more than happy to meet with them and address some of those concerns. I would like to say that obviously, yes, it is true that SAPOL—and this is an operational matter—has declared gel blasters, as the member points out, as a regulated imitation firearm. SAPOL—

The Hon. A. Koutsantonis: It took him 30 seconds to say 'operational matter'.

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

The Hon. V.A. TARZIA: I would prefer if he stays to hear it, sir.

The Hon. A. Koutsantonis: That's one way to protect you.

The SPEAKER: The member will leave in silence, and when he has left the Minister for Police will have the call.

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

The Hon. V.A. TARZIA: Sir, I thank you for your protection; you are doing a sterling job over there. Obviously, during this time it's true—as the point has been made by SAPOL—that businesses and also people are encouraged to hand in their gel blasters, register them appropriately or also sell their items to a licensed firearm dealer. I can say from a police point of view, obviously there is a degree of balance that has to be taken into consideration that will allow enthusiasts and also businesses to be able to continue to use and sell gel blasters after obtaining a licence similar to what is a paintball licence and to register their gel blasters.

They obviously must either sell their gel blasters to a firearms licensee, who will be responsible for registering the item, or another option is to an interstate gel blaster firearm trader who is authorised in that state to receive a gel blaster. It might be worth noting what the regulations are in each state in regard to this issue.

In New South Wales, I have been informed that gel blasters have been determined to be an air gun and therefore a category A firearm. In addition, gel blasters that substantially duplicate in appearance a military-style firearm are classified as a prohibited firearm. In the ACT, they are actually not permitted. In Tasmania, they have been classified as an imitation firearm pursuant to the Firearms Act. In WA, they are prohibited, pursuant to section 4 of the Firearms Act.

In Victoria, they are classified as firearms for the purpose of the Firearms Act. In the Northern Territory, I couldn't believe it, they have actually been prohibited pursuant to the Weapons Act—in the Northern Territory, sir. Queensland obviously have no restrictions, but I am sure they will get to them. From a commonwealth point of view, obviously they are certainly controlled in terms of importation of imitation firearms.

I can also advise the house—and I discussed this with the member for Elizabeth, the shadow in this area today; obviously there have been some updates, but I have been given some further updates—that as of this week several hundred gel blasters have actually been surrendered. Apart from that, there are well over a hundred applications for licences and several applications to vary a licence as well. I am also advised that two permits to acquire applications have been submitted of which one has been returned, as it was not correctly completed.

Also, to the member for Frome's point, I know that businesses have engaged with SAPOL, the firearms unit, and I would encourage them to do so. To the member for Frome I make the commitment that I am more than happy to meet with the businesses involved. I do empathise with these businesses, honestly, and I'm sure that from a South Australian police point of view it was not an easy decision to come to.

At the end of the day, we would all agree in this place that public safety has to come first, community safety has to come first, but I make a commitment to meet the relevant constituents in the member for Frome's electorate. As I said, it wasn't a decision that was taken lightly, but the ultimate and paramount consideration has to be community safety.

GEL BLASTERS

The Hon. G.G. BROCK (Frome) (15:03): A supplementary question to the minister: I cannot understand why they have been able to be available to the public for so long without any restrictions, then all of a sudden the stuff you have purchased in that period of time is now illegal.

The SPEAKER: Well, member for Frome, that strikes me as a statement. I will give the minister the opportunity to respond. The minister is seeking the call.

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (15:03): I thank the honourable member for the question. Again, I am more than happy to meet with the member for Frome or any of his constituents who are affected by these new rules. Obviously, as I said, it is an operational decision and it has been taken and made by South Australian police. I thank the opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. TARZIA: I thank the Labor Party, actually, because I know that the member for Elizabeth on talkback radio last week was calling for regulation, and I believe the Hon. Kyam Maher in the other place also has called for regulation. Obviously, regulation was the right step to take.

As I said, this is a decision that has had to be taken on balance having regard to commercial interests but also, most importantly, having regard to community safety. We would all agree that community safety has to come first. We also know that a number of people have had these gel items, projectiles, fired at them as well. I was not going to stand here as minister and allow that to keep happening without any kind of regulation. It was only a matter of time, in my humble opinion. I want to thank South Australia Police for the good work they do.

Heaven forbid if someone went into a cafe or a service station; as late as even last week, they could have walked in with one of these objects. They do imitate firearms. We could have had an absolute tragedy and an absolute travesty if unfortunately police in the line of duty had to respond. We could have had fatal consequences. I certainly was not going to allow that to happen, and I am very grateful to the police for continuing to monitor this in a safe way. Obviously, advice has also differed over time, member for Frome. What may have been said a long time ago is different from recent times, and of course these objects and these items have evolved over time.

As was pointed out in a press conference during the week, some of these objects are quite similar to the real thing. Very few people, even firearm experts in fact, may be able to differentiate between a gel blaster and some of these semiautomatic weapons. The fact is it is a decision that I know has not been taken lightly, member for Frome. I do make the commitment to work with your constituents and work with your businesses but, as I said, it was certainly not a decision that was taken lightly.

As for this whole notion that no-one was given any notice, it is a difficult decision but, as I have pointed out, in many jurisdictions around Australia these are actually banned. We did not want to go down that path. We did not want to ban them because I promise you if we did ban them that certainly would have had the capability to destroy the industry. We have said that they need to be regulated. They are being regulated. Let's get on board, let's move on and let's work with South Australia Police to ensure that they can talk to those businesses to ensure viability moving forward.

Grievance Debate

WEST END BREWERY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:07): I think any decent South Australian would acknowledge that today is a sad day because we have indeed formally lost, I understand from Lion Nathan, the West End Brewery to South Australia for what is likely to be forever. West End is South Australia. South Australia is West End. This is an iconic brand. One struggles to think of a close comparison to West End Draught when it comes to those iconic products that we produce right here in South Australia that are consumed overwhelmingly by South Australians.

The news that came early this morning I think shocked many, but none more so than the 94-odd workers who were informed this morning that they are losing their jobs, their livelihoods and their work of which they have been so proud for so many years, servicing so many South Australian households and communities. I think we have to acknowledge that.

We understand and I think all reasonable thinking people understand that, as the Premier said, this is a private company making a decision. But I think it is also true that today's announcement demonstrates some of the differences that exist between those on the opposite side of the chamber and those on this side of the house when it comes to political philosophy and policy on protecting icons such as this.

I point to a couple of examples; the first is Spring Gully Foods. When Spring Gully Foods was set to be lost to South Australians and this country forever, the then Labor government essentially had two options. It could decide to let it go through to the keeper, say that it was a private

entity and had nothing to do with us—that is option A; that is this government's approach—or, alternatively, it could do something. It can, at the very least, try to keep that work and try to keep that brand alive in this state.

We decided, as the government at that time, to invest over half a million dollars to give Spring Gully and its workers a chance to survive. They took that half a million dollar investment and invested in new infrastructure and new capital and they have flourished. Those workers are still gainfully employed today and that brand has never gone better. I cannot reasonably guarantee you, Mr Speaker, that such an approach would have worked in this instance, but I can guarantee you this: we would have tried. We would have made a bit of an effort.

Furthermore, under questioning today, it became apparent that this Premier's approach to those 94 workers, in terms of a public policy response, is to do nothing. When asked what the Premier is doing to specifically assist those 94 workers, he went on with a cavalcade of things that this government is doing in a broad public policy sense. He said that it has nothing to with him, and he tried to turn it into a go at the former Labor government. Again, that is in stark contrast to the approach that those on this side of the house would have taken as a government.

To solicit an example, I identify Coca-Cola—a company that those opposite were all too keen to make a political point of when it closed down not too long ago. What did we do on this side of the house? We actively developed a policy to provide immediate assistance to those workers who were losing their jobs—specific assistance, to the best of my memory, to the tune of approximately $4,000 per worker.

What is this Premier's approach? 'That's Lion Nathan's responsibility. Lion Nathan is doing X; Lion Nathan is doing Y.' What are they doing? Nothing. It is unacceptable. We have the highest unemployment rate in this nation; it is worse than Victoria's. We have 170,000 South Australians who are actively looking for work. It is now time for a government to get activist. It is now time for a government to accept its responsibility.

It has a role to play in an economy, not just to provide work for those who are looking for it and not just to create the conditions that are desperately needed for private capital to employ more people. Indeed, it has a role to provide assistance to those who are not getting that opportunity, to provide assistance to the 94 workers who have lost their jobs today, and to at least give them the hope that they have the ability to rely on government's support to retrain and reskill to try to find a job in the toughest labour market that this state has seen in living memory.

It is not acceptable for this Premier just to seek to apportion blame to others and turn a blind eye. We will not abide it because we do not just owe it to those 94 workers; we owe it to every South Australian who is looking for work as we speak. When it comes to West End, this brand is worthy of preservation. I know my footy club relied on that sponsorship. I know thousands of other community groups rely on that sponsorship. We would have tried to protect West End. We would not have let that brand die without at least first putting up a fight.

Time expired.

MAWSON ELECTORATE

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:12): Today, I would like to update the house on the fantastic work the government is doing in the electorate of Mawson and on the $12.9 billion investment over the next four years in roads, hospitals, schools, housing and regional infrastructure. This is really important because in the time I have been in the parliament, it has been the forgotten south and we need to make sure—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —that this situation is changed. The schools are full; the schools are overloading. The Hon. Dean Brown was in here recently for dinner, I think, during the week. I recall he spent a lot of time and energy to ensure there was water infrastructure in the whole of the McLaren Vale and the Willunga valley to ensure the carpet of grapes and vines that we see today—

wonderful infrastructure, great planning and a great opportunity. I would just like to outline a number of the initiatives that we are presenting—

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

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

The Hon. V.A. CHAPMAN: —firstly, the Kangaroo Island township improvements. I hope the local member takes note of this—

Members interjecting:

The SPEAKER: The member for Cheltenham is called to order and warned.

The Hon. V.A. CHAPMAN: —and hopefully he will be there to acknowledge the government when these initiatives are completed: firstly, the welcoming of the $2.02 million for Kingscote town square to receive upgrades and reinvigorate its underutilised space, including edge activation and the like.

Penneshaw will have an upgrade to the North Terrace main street, Nat Thomas Street and the ferry wharf precinct. A foreshore precinct will be created at American River, and Cook Street, Parndana, which is dear to my heart, will undergo streetscape improvements. The state government is contributing $1 million, the federal government is contributing $1 million and local government is contributing $20,000. This is a great initiative. I cannot tell you the people pride that that enhances.

At Willunga High School, $2 million is being invested to create an extra 10 jobs in the local area. Key features of this are a new modular building with six general learning areas, breakout space, teacher preparation area and an access toilet, and demolition of the old infrastructure. At Aldinga Beach B-7 School, we have put $5 million on the table to be invested—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —creating the 12 jobs—

Members interjecting:

The SPEAKER: Order! The Deputy Premier will resume her seat for a moment. The member for Kaurna can leave for 20 minutes under 137A. The member for Mawson can leave for 20 minutes under 137A.

The honourable member for Kaurna having withdrawn from the chamber:

The Hon. L.W.K. BIGNELL: Mr Speaker, I would like to bring up a point of order.

The SPEAKER: The member for Mawson will leave under 137A for 20 minutes.

The Hon. L.W.K. BIGNELL: The minister is misleading the house.

The SPEAKER: The member will leave in silence. The alternative sanction is clear. The member will leave in silence.

The honourable member for Mawson having withdrawn from the chamber:

The SPEAKER: The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: Thank you, Mr Speaker. The Aldinga Beach B-7 School has $5 million being invested, creating 12 jobs in the local area. It is concerning to note that, with members opposite, sometimes in the parliament we have this assertion: 'We have done this. This is ours.' This is the taxpayers' money that is going to this, and as a government we are putting on the table—

Members interjecting:

The SPEAKER: Order, member for Cheltenham!

The Hon. V.A. CHAPMAN: —to be prioritised for these projects.

Members interjecting:

The SPEAKER: Order, the leader!

The Hon. V.A. CHAPMAN: There will be a new permanent modular building, which includes general and serviced learning areas, breakout spaces with associated amenities, flexible teacher preparation areas, external decking—the list goes on.

Then there is the Aldinga B-12 School. That is a new announcement by the government to progress with this school, not open the file, think about it, maybe one day: we are doing it. If anyone wants to have a look at it, please go down and have a look at this. It is a magnificent sight to see it being established. It will be a major boost already for the local jobs and economy. It will be next to a precinct of a multisport facility as well that the commonwealth government have substantially contributed to. It is a massive investment—

An honourable member: You mean taxpayers.

The Hon. V.A. CHAPMAN: —of taxpayers' funds as the member suggests. It is that money but it is a massive—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —investment to ensure that we give those jobs—

Ms Hildyard interjecting:

The SPEAKER: Order, member for Reynell!

The Hon. V.A. CHAPMAN: For the hundreds of families down there who are populating the south, it is a wonderful location. You enjoy the green hills, you enjoy the sea on the other side. Of course it is a beautiful destination but the amenities have to go with it, and this government has committed to make sure that they are. The school will accommodate up to 1,675 students and include 100 inclusive places for students with a disability, and a 75-place children's centre.

There is a focus on STEM studies to educate students for jobs in the future. Outdoor facilities are designed for the community to use outside of school hours, creating a community hub with courts, an open gymnasium and the sports fields that I have indicated. The new school will welcome a lot of other initiatives.

I also want to acknowledge here, because we just had the commonwealth budget, the work of Rebekha Sharkie, the member for Mayo, and her advocacy for a number of road projects. Already the government's plan in fixing regional roads is the duplication of the Victor Harbor Road between Main South Road and Main Road, McLaren Vale, to which the state government has committed $18.4 million; and an overtaking lane from Noarlunga to Victor Harbor Road—Building What Matters.

Time expired.

VOLUNTEERS

Ms COOK (Hurtle Vale) (15:18): It is my pleasure to take this time today as the shadow minister for volunteers and also the local member for Hurtle Vale to congratulate two of my constituents who have both been awarded the Premier's Certificate of Recognition for outstanding volunteer service. This happened in May of this year and it has taken us a little while to get through COVID, and today I have been able to present them with their certificates and they are watching from somewhere else as we celebrate together.

Obviously, their certificate recognises their outstanding efforts to promote the importance of volunteering in our community. It acknowledges their undeniable hard work and their dedicated service. It is a testament to both of them, and I thank them so much.

I wish to congratulate Ms Dionne Biddell, known as Dribs, and Ms Maxine McPherson, known as Max. These women are stalwarts in the south and I will explain some of their incredible work. Dribs is a local hero in Morphett Vale for the volunteer work that she does in reuniting lost pets with their owners. She works a full-time day job as a courier and works incredibly hard. She also

participates in high-level sport, in softball, and she gives up her time each week after work and on weekends to run the Facebook group Lost Dogs of Adelaide. She has been the administrator for the group for about the past six years, and has a lifelong love of animals. She gives up her time to connect and support the community in their search for lost pets.

The group has over 75,000 followers and shares posts. It really has a huge reach and an ability to reunite people with their lost animals when they are in quite a state. Obviously, dogs are best friends for many people and when they lose an animal it is heart-wrenching. They have had a huge amount of success reuniting pets with loved ones, and Dionne's volunteer work has been crucial to this.

She has been relentless with me in advocating for additional scanners to be made available through the transport department in order to scan deceased pets, looking for a chip. Councils have these scanners available to them but our transport department currently does not. She is quite relentless in her pursuit of that in order for people to be given the news and know what has in fact happened to their much-loved pets. It would be a horrible thing not to know, and to have your pet just put in the bin without any knowledge would be terrible. Thank you so much, Dribs, for your outstanding work in this area.

Max McPherson is a 46-year veteran. I am sure she will not mind me saying that at the age of 83 she is continuing to hold together the Panther Club at the mighty South Adelaide Football Club. Back in the day, when it was acceptable for young girls to parade on the stage and enter contests such as Miss South Adelaide, Max did that for several years as well as being a paid employee of the club, running many fundraising events. She mentored young women and also headed up the cheerleading squad in terms of her mentorship and leadership. I have friends who have been involved in that and they all remember Maxine fondly.

She worked for 29 years as the marketing manager at South Adelaide and now I think she works more hours as the secretary and treasurer of the Panther Club. Of course, the mighty South Adelaide Panthers won half of their final the other day and then fell asleep. Sadly, they will not see a premiership this year, but they are a very young side. I know that Max McPherson shares my passion for South Adelaide and that they will be back next year. The women are incredible. They lost the final this year, but they will come back again next year.

Max's work and influence extend much further than the football club in terms of just her fundraising. She contributes to the culture of that club. The impact and scope of what she does are demonstrated through her generosity and her tenacious can-do attitude. She is a champion volunteer. She selflessly puts her hand up to support the club in many, many ways. I could go on and on about her contribution in the community. She has a rare vocal chord issue (my husband wishes I had one) and it is very painful for her to speak sometimes, so she goes above and beyond. I thank Max and Dribs for their input into our community.

Time expired.

ADELAIDE ELECTORATE, INFRASTRUCTURE PROJECTS

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (15:24): It is with great pleasure that I speak today about how the Marshall Liberal government is delivering a record $12.9 billion investment in roads, hospitals, schools and regional infrastructure and creating thousands of local jobs throughout South Australia and in our local communities.

My community is very aware that for the past 10½ years I have worked assiduously, respectfully and constructively to advocate for the best outcomes for my community at every possible opportunity. I regularly meet with CEs and mayors of local councils, I contact my federal colleagues when necessary and I have meetings with state ministers, as well as the informal opportunity to discuss local issues with my cabinet colleagues twice-weekly. I am also on the Capital City Committee with the Premier and Lord Mayor, where we discuss city-wide projects.

In my local community, the record $12.9 billion in infrastructure projects means that things like the $23 million redevelopment of Adelaide High School will go ahead. This project will create 57 jobs and deliver a new hive building to provide both general and flexible specialist learning areas, teacher preparation areas, storage, amenities, a canteen cafe and outdoor learning areas. The

expansion will be within the school's existing footprint and that is that the building upgrade will go up and not out. The infrastructure upgrades will allow the school to grow to 1,800 places and be completed in time for year 7 students to begin high school by 2022.

The Australian Bragg Centre is an exciting project that will create 1,000 jobs. This is a $500 million addition to the largest health and biomedical precinct in the Southern Hemisphere: Adelaide BioMed City. This exciting project is the result of an innovative partnership between the private sector, the federal and state governments and the South Australian Health and Medical Research Institute. It will have the potential to change lives for thousands of cancer patients across the country. It will be the home of the first proton therapy centre in Australia and deliver the most technologically advanced precision radiation therapy to people who would normally travel overseas for their treatment. An estimated $1 billion in economic activity will be generated during the construction.

With the combined state and federal capital investment of $466 million, plus additional private and non-government sector investment totalling $1.2 billion, the $1.7 billion investment to Lot Fourteen brings together in one place South Australia's leading capabilities in space, defence, high-tech, creative industries and entrepreneurship and provides a springboard for innovation, ideas and careers. This project is expected to support approximately 815 full-time equivalent jobs per year over the life of the construction.

Lot Fourteen is now the headquarters for the Australian Space Agency, the SmartSat Cooperative Research Centre, Stone and Chalk's startup hub and the Australian Institute for Machine Learning. Work has already commenced on developing an operating model and business case for the Aboriginal Art and Cultures Centre. The site is the future home of the International Centre for Food, Hospitality and Tourism Studies.

Scotty's Corner, which is at the Main North Road and Nottage Terrace intersection, will be finally upgraded. This is something for which I have been advocating on behalf of my local residents for years. This $19 million project will create 15 jobs per year as part of the Urban Congestion Fund and Keeping Metro Traffic Moving. This is a busy intersection, which has on average 66,750 vehicles travel through it each day.

The existing single right-hand turn from Main North Road into Nottage Terrace causes problems due to inadequate capacity, resulting in long delays for peak traffic, difficulty accessing the lane from local streets and rat-running through our local streets to avoid the intersection. The project scope includes the installation of dual right-hand turn lanes onto Nottage Terrace travelling eastbound, the extension of bus priority lanes at the intersection both north and southbound, and upgrades to the pedestrian crossings within the intersection, including new pedestrian crossing lights and ramps.

The Ovingham level crossing removal is a $231 million commitment to remove the level crossing at Torrens Road, Ovingham. This will create 105 jobs per year during the construction. The boom gates at Torrens Road, Ovingham are down for approximately 22 per cent of the time during the combined a.m. and p.m. peak periods, with an average of 21,300 vehicles passing through each day. As the member for Adelaide, I am privileged to serve my community and am proud to be part of the Marshall Liberal government, delivering a record $12.9 billion investment in infrastructure.

PADDY'S LAW

Mr BOYER (Wright) (15:29): I have not been a member of this place for very long; nonetheless, I think I can say with hand on heart that this morning was the first time I have actually felt embarrassed or ashamed to be a member of this place. I admit that I may have been naive to have thought that the members who are elected to the privileged position that we are in, as members of the House of Assembly, would not be capable of the kind of cruelty we saw displayed on the floor of this chamber this morning. It takes, I think, a special kind of individual to take a stand against a reform as small as a warning label designed to do nothing more than to save young lives.

The Hon. R. Sanderson interjecting:

The SPEAKER: Order!

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

Mr BOYER: You did not have the guts to even talk to the father. You walked out.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, members on my left!

Members interjecting:

The SPEAKER: Order! The Deputy Premier on a point of order.

The Hon. D.J. Speirs interjecting:

The SPEAKER: Order, Minister for Environment and Water!

The Hon. D.J. Speirs: It's absolutely disgraceful. Imagine if one of us said that to one of your female members. That's absolutely disgraceful.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I am on my feet. The member for Cheltenham will cease.

Members interjecting:

The SPEAKER: The member for Cheltenham can leave for 20 minutes under 137A. The Minister for Environment is warned.

The honourable member for Cheltenham having withdrawn from the chamber:

The SPEAKER: The Deputy Premier on the point of order.

The Hon. V.A. CHAPMAN: Yes, sir. May I just bring to the attention of the house that the member, I suggest, is now reflecting on a vote of the house this morning for which an adjournment was recorded. He may not appreciate the significance of that, but obviously that is a matter which is not able to be done, to reflect on a vote of the house. Whilst this is a very sensitive matter—and I appreciate it is—I think the sensitivity has been expressed by a number in the house and just by the recent outburst, but I just ask you to bring the member to order if he is going to bring some commentary in relation to the issue rather than the conduct surrounding a vote this morning.

Mr BROWN: Point of order, Mr Speaker: the member had not in any way reflected on the vote of the house. The Deputy Premier may think she reads his mind, but he had not said anything about a vote of the house.

The Hon. V.A. Chapman: I think it's outrageous.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, member for Wright! The point of order is pursuant to standing order 119.

Members interjecting:

The SPEAKER: Order! I hear the point of order. I am listening carefully to the member for Wright. I remind the member for Wright of the importance of not reflecting upon a vote of the house except for the purposes of moving that the vote be rescinded. I have not heard the member for Wright reflect, at least consciously, on the vote. The member for Wright is addressing his concern in relation to the subject matter. I will listen carefully. The member for Wright has the call.

Mr BOYER: It takes, I think, a special kind of individual to take a stand against a reform so small as adding a warning label to a gas cylinder which is designed to do absolutely nothing more than to save young lives. To take a stand like that, whilst the grieving family of the young person whose death instigated the reforms is sitting next—

The Hon. V.A. CHAPMAN: Again, a point of order, Mr Speaker.

The SPEAKER: Order! The Deputy Premier on a point of order.

The Hon. V.A. CHAPMAN: The member is going on in relation to his concern as to, as he keeps repeating, taking the stand to not deal with this matter which reflects on the vote this morning that that issue be adjourned. I know that it has been already clearly expressed that some were unhappy with that, but this is not the forum upon which there can be a reflection on the vote. If he wishes to speak about gas cylinders in general, he is entitled to do so, and what initiatives might be considered for that purpose. He is certainly able to do that, but to reflect on the vote in relation to asserting how bad it is—

Mr Malinauskas: He hasn't!

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —that people should act in a manner to refuse to deal with the matter—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —reflects on the vote directly.

The SPEAKER: Order! The deputy leader on a point of order.

Dr CLOSE: Mr Speaker, from my hearing, the member for Wright is not reflecting on the adjournment vote that occurred but on the lack of support on the issue, which has been articulated by the other side, and therefore he ought to be able to continue to speak. An adjournment is not the same as voting against the bill, and therefore reflecting on the position—

The Hon. V.A. Chapman interjecting:

The SPEAKER: Order!

Dr CLOSE: —that the government has adopted is not the same as reflecting on the vote this morning.

The SPEAKER: Order! As I hear the member for Wright, he is referring to the particular context in which the matter is brought to the house and to individuals who may have been present at the particular time. He is otherwise reflecting on the merits of the debate. I do not uphold the point of order. The member for Wright has the call.

Mr BOYER: Thank you, Mr Speaker. But to take that stand whilst the grieving family of the young person whose death instigated a push for labels on gas cylinders are next door hoping that they can salvage just a small modicum of meaning from their son's death is unthinkable.

So much effort has gone into explaining why it is important that we warn our young people against the dangers of huffing liquid petroleum gas. I offer my thanks and appreciation, not just as a member of parliament but as a father of three young children, to Adrian Ryan, the father of the late Paddy Ryan who died from sudden sniffing death syndrome in Port Lincoln in February this year, who deep in his own grief went about speaking to Paddy's friends who were there on that fateful night and the first responders who tried valiantly to save Paddy's life about the circumstances of his death and what if anything could be done to prevent that happening to anybody else.

Adrian deserves our respect for a lot of reasons, but first and foremost he deserves it for the selflessness he has shown after his son's passing by working immediately to stop it from happening to anybody else. I know his family and friends, many of whom were here today, are proud of Adrian for the courage he has shown, and we in this place should all be very proud to call him a South Australian.

This was a man so driven to do what he could do to prevent another death like Paddy's that he sat outside supermarkets in his own home town collecting signatures and giving away warning labels he had designed himself to passers-by as a desperate means of building support for something to happen about the issue in this place right here.

I would like to briefly use this opportunity to thank the Hon. Connie Bonaros and her staff for all their work in raising awareness of this issue and also thank my colleagues the members for Mawson and Cheltenham and the Hon. Kyam Maher in the other place for making the trip with me to Port Lincoln earlier this year to meet with Adrian and hear firsthand from him just why warning labels on LPG cylinders are important and how he thinks they can save lives.

Last but not least, too, my thanks to the member for Flinders for taking the very courageous step of pledging his support for this issue. As many of us know in this place, he is a thoroughly decent man. Nonetheless, the government's unwillingness to support this issue I think is something that will haunt members of this parliament for many years to come.

Could I just finish by saying that the next time any of us in this place are confronted by a person at a shopping centre, at a sporting event, on a doorstep or on a phone call who tells us that they have given up on politics and given up on politicians, well, before you shake your head and you write them off as being a crank, or misguided or ill informed, I ask you all just to remember what happened here this morning.

NARUNGGA ELECTORATE

Mr ELLIS (Narungga) (15:38): I rise to report some extremely happy, positive news from the electorate of Narungga that I am most fortunate to represent—

Members interjecting:

The SPEAKER: Order!

Mr ELLIS: —and hope dearly that it is the beneficiary of some unanimous support, just as it has been across the electorate and throughout the community in which I live. After many, many years of planning, led diligently by the Copper Coast Council and, more recently, by an appointed steering committee, of which I was very pleased to be a part, a new regional university centre is to be established in Kadina.

With over $1.1 million from the federal Coalition government and support from the state government to ensure that the selected hub base, which is the existing Kadina TAFE campus, is to the standard required to successfully operate the university centre, I strongly believe that this offering is going to be a game changer in education for our region.

Unarguably, it will bring significant economic and social benefits for all living and working in the Narungga electorate and, importantly, it is an initiative that will help arrest an alarming surge of young local people leaving the region for the city directly after finishing school due to a lack of local employment or higher education options and then, most disappointingly, once dislocated, not returning.

University tertiary courses are to be provided in conjunction with Uni Hub Spencer Gulf from the first semester next year—that is, 2021—with courses to include social work, nursing, education, business and digital media. The university centre is to be located at the Kadina TAFE campus, with a fit-out to now be progressed. Not only will the new uni hub provide opportunities for youth but also mature age students looking to upskill but who have been reluctant to do more study or been prevented from doing so due to the costs of having to move away from family and their community and support networks.

The Copper Coast Council, led by Mayor Roslyn Talbot and CEO, Russell Peate, established a steering committee last September to progress this project. I am aware that there were more years of advocating done before that championed by previous longstanding Copper Coast Mayor Paul Thomas and also federal member for Grey, Rowan Ramsey. I thank both of them for the concerted effort they put into securing this funding and this project for our local community.

One of the issues that I get the most calls and correspondence about is the retention of population in rural South Australia. There is great concern amongst local people that there is a further drift toward the city and away from the regions. It is an issue that I am extremely passionate about and it was with no hesitation that I accepted an invitation to join the group that was comprised of people who really care about their region and who bring experience and expertise to the cause with representatives from council, local business, schools, health, agriculture and local industry.

I would like to acknowledge them by name: Mayor Roslyn Talbot; CEO, Russell Peate, whom I have previously mentioned; Moira Coffey; Kelly-Anne Saffin from the RDA; Anita Crisp; Lisa Robertson; Lyndsey Jackson; Tom Rosewarne; Mark Schilling; Jackie Fairlie; Alistair Williams of Kadina Memorial School; Reg Dennis; Anthea Kennett; Caroline Graham; Maree Wauchope; Maureen Coffey; David Venning; and Trudy Clift.

Thank you to each and every one of those people for your significant contribution and commitment towards achieving this successful outcome. It would not have been possible without your help. I have seen the positive impact of investment in regional study hubs established in other regions around Australia and firmly believe the same benefits will be derived from the creation of such an initiative in the Yorke Peninsula region.

It is recognised that young people living in our major cities are twice as likely to have a university degree, compared with people living in our regional areas, hence the importance of regional university centres that allow students to study at partner tertiary institutions while still living and working in their local community.

The new centre at the Kadina TAFE building will provide access to study spaces, computing facilities and academic support, and I foresee demand for courses offered will be healthy, local career prospects will be improved and economic growth and development will follow as a result of the creation of this new hub. Additionally, I foresee valuable additional benefits that will increase opportunities for local jobseekers and outcomes that address workforce shortages and fill recognised skill gaps in our region—all specific components of the Marshall Liberal government's current regional development strategy.

The uni hub to be closely located, just next door in fact to Kadina Memorial School, is also a bonus, as is the fact that the TAFE site is connected to the northern Yorke Peninsula library. The news of a new regional university centre in Kadina sparks a new era of education for the Yorke Peninsula and Copper Coast region and I wish all involved the very best for the bright future ahead.

Bills

SOUTH AUSTRALIAN MULTICULTURAL BILL

Introduction and First Reading

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:44): Obtained leave and introduced a bill for an act to repeal the South Australian Multicultural and Ethnic Affairs Commission Act 1980. Read a first time.

Second Reading

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:44): I move:

That this bill be now read a second time.

Implemented under the Tonkin Liberal government, the South Australian Multicultural and Ethnic Affairs Commission Act 1980, commonly known as the SAMEAC Act, is the sole piece of state legislation on multicultural affairs. It was reformist for its time by establishing the South Australian Multicultural and Ethnic Affairs Commission and setting out the commission's functions and operations. Indeed, in 1989, amendments to the act defined multiculturalism in legislation for the first time in Australia.

Since then, the cultural, linguistic and religious make-up of South Australia has changed and so have the opportunities and challenges for many of our communities. The nature of our diversity has also changed, along with the ways in which we perceive and value it. In the immediate postwar years, almost all migrants to South Australia were European-born. Today, while European migrants still comprise about half of our migrant population, there has been a substantial increase in the share of migrants from other parts of the world.

South Australia is now home to people from more than 200 culturally, linguistically and religiously diverse backgrounds, and it is important that we have a modernised legislation which reflects and accommodates our established as well as the newer and emerging communities. Over time, the language which we use to describe multiculturalism, diversity and linguistically diverse

communities has also shifted. The very concept of cultural identity has evolved beyond simplistic links to one's country of origin, race or primary language. Despite these changes, the SAMEAC Act has not undergone a major review in 30 years.

Early government initiatives under the SAMEAC Act aimed to assist individual groups to integrate into our state and address barriers to their participation. While this focus is still important, and the SAMEAC Act served our state well, it is time to produce an updated act that reflects the needs of our multicultural state today and sets a broad foundation for modern policy directions.

In light of this, last year the government conducted a legislative review of the SAMEAC Act to help shape new legislation. The consultation phase of the review featured six community forums, a stakeholder workshop, written submissions, an online forum and an online survey via YourSAy. Key themes from the review consultation included that:

- the concept of multiculturalism should be modernised to reflect changes in thinking and practice;
- the commission's functions and appointment of members should be updated and more transparent;
- the language in the SAMEAC Act should be contemporised; and
- multicultural principles should be included in the legislation.

These themes and other feedback from the consultation phase are captured in the final consultation report, which is published on the government's YourSAy website, and I encourage members to peruse it.

My government is pleased to introduce the South Australian Multicultural Bill, which will replace the SAMEAC Act and reflects the feedback received during consultation. This fulfils the review's aim to develop fresh legislation and, by setting a foundation for new multicultural policy directions, affirms the government's ongoing commitment to building stronger and vibrant multicultural communities.

The bill's language has been refreshed and modernised, with the main changes being the removal of the term 'ethnic' and the introduction of the concept of interculturalism. In the consultations, the term 'ethnic' was widely acknowledged as being outdated and potentially divisive. In line with this modernising of language, the bill changes the commission's name from the South Australian Multicultural and Ethnic Affairs Commission to the South Australian Multicultural Commission.

The consultation also called for us to expand our thinking on multiculturalism. Many suggested that the concept of interculturalism be incorporated into the legislation as being inclusive, contemporary and encouraging the exchange of ideas between communities.

This is reflected in the bill, helping foster policies and practices that promote acceptance, understanding and respect as well as a dynamic and inclusive interaction between diverse sections of our community.

Also of significance, the bill requires that a South Australian multicultural charter be prepared and maintained. The charter will be informed by consultation and reflect a set of clear foundational principles defining what multiculturalism means to South Australia. It will be expressed in inclusive and positive language, be aspirational in nature and lay a foundation for the development of future government policies and better services for our community. Importantly, as the minister responsible for Aboriginal Affairs and Reconciliation, I note that the bill requires that the charter contain:

> …provisions recognising the First Nations Peoples of South Australia and their role in the diversity of the people of South Australia.

This provision directly responds to feedback from the 2019 review. The bill also modernises and realigns the functions of the multicultural commission to reflect the way they have evolved since 1980 as well as related changes in the sector. These are not significant changes. Many of the new commission's functions in the bill are based on those in the current act, just in updated language.

Significantly, however, the bill includes two new multicultural commission functions, which will further expand the new commission's engagement with communities. These functions are, firstly, to raise awareness and promote understanding of interculturalism and, secondly, to promote the South Australian multicultural charter and the advantages of a multicultural society. As the lead statutory advisory body on multiculturalism in the state, the renamed multicultural commission will be well placed to lead a shift in our thinking about multiculturalism and interculturalism.

The commission's expanded role to promote the charter further cements its ongoing leadership in multicultural affairs in our state. The bill retains most of the provisions of the SAMEAC Act in relation to the multicultural commission's constitution, conditions of membership, terms of office, number of members, remuneration and procedures but modernises these provisions to ensure consistency with the policy and guidelines for South Australian government boards and committees. The bill makes other changes to the commission's operational powers, but these will have little impact on the commission's day-to-day operations and how it carries out its core functions.

On behalf of the South Australian government, I thank all those who contributed to the review consultations for your passion and for your interest in modernising our state's multicultural laws. I also thank the current Chair, Mr Norman Schueler OAM, and members of the commission for their ongoing contributions to multiculturalism in South Australia.

I extend particular gratitude to my well-known, well-respected and very capable assistant minister, the Hon. Jing Lee MLC, for her hard work and dedication in this area. Assistant Minister Lee is the face of the Liberal government for multicultural affairs, and her commitment to the multicultural community and the South Australian community at large does not go unnoticed.

South Australia has been a leader in multicultural affairs legislation for a long time. As a state with a proud and justified reputation in this area, it is vital that we continue to underpin policies, programs and activities with contemporary legislation. On the 40th anniversary of the SAMEAC Act, this bill is a timely reaffirmation of the importance of multiculturalism to South Australia. It reasserts our government's commitment to continue to serve and deliver for the contemporary South Australian multicultural community. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in this proposed Act.

Part 2—Parliamentary declaration

4—Parliamentary declaration

This clause sets out a series of statements reflecting the wishes of the Parliament in respect of this measure.

Part 3—South Australian Multicultural Commission

5—South Australian Multicultural Commission

This clause establishes the South Australian Multicultural Commission as a body corporate, and provides that the SAMC is subject to the direction and control of the Minister in all but the formulation of advice and reports.

6—Constitution of Multicultural Commission

This clause sets out the composition of the SAMC, and the terms and conditions on which members of the SAMC hold office.

7—Presiding member and deputy presiding member

This clause requires the Minister to appoint a presiding member of the SAMC, and allows the Minister to appoint a deputy presiding member if so desired.

8—Meetings of Multicultural Commission etc

This clause sets out provisions relating to how the SAMC conducts its meetings.

9—Remuneration

This clause provides that members of the SAMC are entitled to remuneration, allowances and expenses, with the Minister to determine such matters.

10—Functions

This clause sets out the functions of the SAMC under the proposed Act.

11—Delegation

This clause is a standard power of delegation.

12—Committees

This clause allows the SAMC to establish committees.

13—Conflict of interest under Public Sector (Honesty and Accountability) Act

This clause clarifies that certain common interests of members of the SAMC will not constitute a conflict of interest under the *Public Sector (Honesty and Accountability) Act 1995*.

14—Annual reporting

This clause requires the SAMC to report annually to the Minister.

15—Use of staff etc of Public Service

This clause enables the SAMC to use the staff etc of administrative units pursuant to an agreement with the Chief Executive of that administrative unit.

16—Principles guiding consultation under Act

This clause sets out how consultation under the proposed Act is to be conducted by the SAMC.

17—Multicultural Commission to provide report to Minister etc

This clause enables the Minister to require the SAMC to prepare and provide a report to the Minister in relation to the performance of the SAMC's functions, or on other specified matters.

Part 4—South Australian Multicultural Charter

18—South Australian Multicultural Charter

This clause requires the Minister, in consultation with the SAMC, to prepare the South Australian Multicultural Charter, and sets out how the charter is to be prepared and published.

19—Statutory duty of State authorities in respect of Charter

This clause provides that each State authority, as defined, must, in carrying out its functions or exercising its powers, have regard to, and seek to give effect to, the South Australian Multicultural Charter.

Part 5—Miscellaneous

20—Regulations

This clause is a standard regulation making power.

Schedule 1—Repeal and transitional provisions etc

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Repeal of South Australian Multicultural and Ethnic Affairs Commission Act 1980

2—Repeal of South Australian Multicultural and Ethnic Affairs Commission Act 1980

This clause repeals the South Australian Multicultural and Ethnic Affairs Commission Act 1980.

Part 3—Transitional and savings etc provisions

3—South Australian Multicultural and Ethnic Affairs Commission dissolved

This clause dissolves the South Australian Multicultural and Ethnic Affairs Commission on the commencement of clause 2 of this Schedule, and transfers all assets, rights and liabilities of the Commission to the Minister.

Debate adjourned on motion of Mr Hughes.

CORONERS (INQUESTS AND PRIVILEGE) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:54): Obtained leave and introduced a bill for an act to amend the Coroners Act 2003 and to make related amendments to the Guardianship and Administration Act 1993. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:55): I move:

That this bill be now read a second time.

The Coroners (Inquest and Privilege) Amendment Bill 2020 is a bill for an act to amend the Coroners Act 2003 and to make related amendments to the Guardianship and Administration Act 1993. There are two important aspects of the bill which need some explanation.

The first is to provide that in the holding of inquests by the Coroner in respect of reportable deaths, the circumstances in which an inquest is to be held if a Coroner decides it is necessary or desirable to do so, or at the direction of the Attorney-General, the circumstances in which a person is subject to a detention order under the Guardianship and Administration Act 1993, and in which a person is subject to an inpatient treatment order under the Mental Health Act 2009, if a person is in a ward that is not wholly set aside for the treatment of persons with a mental illness.

It also clarifies that a death in such circumstances will not be taken to be a death in custody and that the death of a person while subject to an inpatient treatment order under the Mental Health Act 2009, if the person is in a ward that is wholly set aside for the treatment of persons with a mental illness, will be taken to be a death in custody.

The circumstance that I am advised this deals with is to relieve, essentially, the obligation to hold an inquest as a death in custody if, for example, someone is being treated for cancer and the medication or treatment has an affect which means they are suffering from signs of mental illness as symptoms. They may need some assistance to deal with that but do not have a systemic mental health issue or historical problem in that regard.

So, if they are being treated, they may be in a hospital that provides some mental health support but is not a facility wholly set aside for the treatment of persons with a mental illness. This will provide some relief in respect of the inquest relating to a death in custody. It does not in any way otherwise diminish the obligation in respect of inquests for deaths in custody as defined within the present legislation.

The second area deals with the question of penalty privilege. This privilege is not, probably until recently, well known in the sense of public understanding. I think some people hear the terms but perhaps do not always understand what 'legal professional privilege' or 'parliamentary privilege' mean. They are perhaps better known than 'penalty privilege'.

If you were to ask someone what they understood about the right not to answer questions if it might incriminate them in giving those answers, that would enable them to say, 'I decline to answer that question on the grounds that it might incriminate me.' That is, they may face prosecution, if they do not answer, in a criminal sense. There are also aspects relating that to a civil penalty.

Penalty privilege is a privilege which is largely one which relates to the opportunity to decline to answer questions or provide information which might have the potential to bring that person into reference of having to be disciplined for some misconduct, so it is more related to someone who declines to answer just in case it might offend some of their standards in respect of conduct and for which they might receive some punishment.

I have tried to in some way give an example of this. For example, a police officer may say, 'Well, I'm not going to answer questions of an inquiry on the grounds that this might be perceived to bring me into the spotlight of not complying with the standards expected in respect of my duties as a police officer and I might be the subject of some disciplinary action, so I'm not going to answer the question.' I am trying to give real-life examples of where this might apply.

These are all important privileges, and this bill is one which is proposing to set out a process that will balance the need of the Coroner to get to the sufficient amount of evidence to make a determination as to the cause of death and, under our act, to be able to give recommendations if he or she sees fit, and also ensure that the witness who may be called upon to provide that information will have their own protection.

The proposal therefore in this second way is to amend the Coroners Act 2003 to change the way in which the privilege against self-incrimination and penalty privilege operate in a coronial jurisdiction. It also introduces an amendment to remove the requirement to hold mandatory inquests in the terms I have previously said, where that person dies of natural causes but is under a mental health inpatient treatment order outside that psychiatric ward setting.

Let me go back to the question of privilege and, in particular, penalty privilege. Currently, section 23(5)(a) of the Coroners Act deals with the privilege against self-incrimination and provides that a person is not required to answer a question if the answer would tend to incriminate the person of a criminal offence. Penalty privilege operates in a slightly different way and applies where a witness may decline to answer a question on the basis that it may expose them to a penalty (including a penalty in their employment).

Penalty privilege is available to both natural persons and corporations. The recent Supreme Court case of Bell and Ors v Deputy State Coroner and Ors (SCCIV-19-703) highlighted the present legislative uncertainty regarding penalty privilege in the coronial jurisdiction. It was held in the Bell case that because the Coroners Act does not expressly exclude the operation of penalty privilege it is therefore available to witnesses.

It had been previously assumed by those practising in the coronial jurisdiction that penalty privilege was not available to witnesses giving evidence in coronial inquests. It follows, therefore, that the Bell decision has significantly altered this widespread perception of the application of this type of privilege. Without addressing this issue legislatively, there is a real risk that the Coroner will not be able to conduct full and thorough inquests or be able to obtain the information from witnesses that is necessary.

The amendments contained in the bill will also bring the South Australian Coroners Act more closely into line with other jurisdictions. All other Australian jurisdictions have provisions that allow the Coroner to require that a witness answer a question even if the evidence would tend to incriminate the person or expose them to a penalty. Western Australia, New South Wales, Victoria and the Australian Capital Territory and the Northern Territory employ a certificate-style system whereby the Coroner issues a certificate to the witness in respect of the relevant incriminating evidence, certifying that it cannot be used in other later proceedings.

The provisions in this bill will implement a certificate system that is very similar to one used in those jurisdictions. My department and those exceptionally intelligent people in it, particularly in Legislative Services, have looked at other models but, on recommendation, I considered the different models and I also sought the valuable advice of the Coroner in these matters. In short, in the end the certificate model is the one we are advancing in this bill.

The provisions in the bill deal with both the privilege against self-incrimination and penalty privilege in the same way and allow the State Coroner to require the witness to answer a question if it is in the interests of justice, even where the answer tends to incriminate them or expose them to a penalty. The Coroner will then issue a certificate in respect of that evidence, and the evidence will not be able to be used against that witness in any other proceedings, including civil proceedings. The only exception to this is in criminal proceedings in relation to the falsity of that evidence.

These amendments will help to improve the quality of evidence that the Coroner is able to obtain during inquests and reflects a sensible and balanced approach, I suggest, by the government

to the issues that have recently arisen within the jurisdiction. In relation to the matters as to the definition of death in custody relating to the other amendments I will add the legislative framework of that, if I may.

Currently, where there is a death that falls within the definition of death in custody, section 21 of the Coroners Act provides that an inquest must be held. However, section 76A of the Guardianship and Administration Act 1993 provides that the death of a person from natural causes who is subject to an order under section 32(1)(b) of the Guardianship and Administration Act is not taken to be a death in custody for the purpose of the Coroners Act. The Coroner can still decide to hold an inquest if it is considered necessary or desirable or, indeed, if it is a direction by the Attorney-General.

The bill removes this provision from the Guardianship and Administration Act and inserts it into the Coroners Act for practicality and ease of use. The bill also inserts a provision in the same terms as section 76A but applies it to the death of persons from natural causes who are subject to an inpatient treatment order under part 5 of the Mental Health Act 2009. An inquest will no longer be mandatory in those circumstances but can, of course, still occur where the Coroner believes it is necessary or desirable.

Notably, this will only apply to deaths from natural causes in persons who are subject to an inpatient treatment order that occurred outside a psychiatric ward. Deaths occurring within a psychiatric ward setting will still require a mandatory inquest. The amendment will not only help preserve the resources of both the South Australian police and the Coroners Court by reducing the number of unnecessary inquests but, more importantly, it will mean that the families and loved ones of those deceased persons will not have to go through the lengthy and often traumatic process of an inquest.

The Coroner undertakes an extremely difficult yet vital role within our justice system. The Marshall Liberal government is pleased to introduce the bill which will give the Coroner stronger powers to aid investigations and ensure that inquests can continue to run in a smooth but fair way. I commend the bill to the house. I wish to conclude by recording here in parliament my appreciation to both the Coroner, Mr David Whittle, and his team for the extra work and risks they undertook in the provision of service during the COVID pandemic.

It is not really easy to predict what services will be required, but one of the initiatives that has been taken up with Dr John Brayley, who of course represents us as our leader in mental health, is that there is a register kept of all deaths of suspected suicide. There is regular provision of this information to the Department for Health, to Dr John Brayley, so that we might monitor if there are any indications of people who might be falling under the difficulties experienced under the COVID circumstances.

To date, I am advised—and the Premier, cabinet and I are regularly kept informed on these matters—that there has not been any noticeable increase or identified cause of people committing suicide. This data does not incorporate those who might attempt suicide because the Coroner, of course, is only looking at those who die. South Australia experiences, on average, about 200 known suicides every year. There is always a question mark over some of the road deaths, particularly where there is only one vehicle involved and sometimes a tree or a cliff. It is a difficult subject, but it is one of the things that during COVID we, in the government, need to be very mindful of and ensure that we do everything we possibly can to get people through this.

Also, the Chief Magistrate has utilised some of the services of her magistrates, who are all deputy coroners, to be available to assist in a backlog of work in the Coroners Court, which had grown over a number of years and in which they were able to assist while working in an A team, B team, some at home, some in the courts, to actually undertake some of that work and to clear some of the backlog.

Thirdly, with the initiative of introducing the new CT scanner at Forensic Science SA, which I have referred to otherwise in the parliament, the reduction in the number of post-mortems required has therefore reduced the delay and provided a prompt report for the purposes of coronial assessment. These are all things that dovetail into making the work of both the courts and, in

particular, the Coroners Court better, but on top of that, of course, they have had to deal with these extra matters surrounding COVID.

I think it is important that I place on the record my appreciation for this because, for example, something I did not know and perhaps other members did not know is that the COVID virus is something that, even after death, apparently can survive for a period of time. So, when our staff, working in the Coroners Court or in forensics and dealing with post-mortem issues, undertake a post-mortem, it is very important during COVID to make sure they are properly protected so that any escape of the virus from the deceased does not cause other problems. You learn all sorts of new things in these circumstances.

I am sure the member for Newland knows about all these things because he is a scientist and he understands them. Whilst it is fascinating, it is still important to acknowledge the hard work of these agencies and the Coroner, in particular. I commend the bill to members and seek leave to have the explanation of clauses inserted 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 *Coroners Act 2003*

4—Amendment of section 3—Interpretation

The definition of *reportable death* is amended to include the death of a patient in an approved treatment centre under the *Mental Health Act 2009*.

5—Amendment of section 21—Holding of inquests

This clause includes in the circumstances in which an inquest is to be held if the Coroner considers it necessary or desirable to do so, or at the direction of the Attorney-General, those circumstances in which a person is subject to a detention order under the *Guardianship and Administration Act 1993* and in which a person is subject to an inpatient treatment order under the *Mental Health Act 2009* if the person is in a ward that is not wholly set aside for the treatment of persons with a mental illness.

It also clarifies that a death in such circumstances will not be taken to be a death in custody and that the death of a person while subject to an inpatient treatment order under the *Mental Health Act 2009* if the person is in a ward that is wholly set aside for the treatment of persons with a mental illness will be taken to be a death in custody (and in relation to which an inquest must therefore be held).

6—Amendment of section 23—Proceedings on inquests

This clause makes an amendment consequential to the insertion of section 23A and removes from section 23 the provision that a person is not required to answer a question, or to produce a record or document, if the answer or contents would tend to incriminate the person of an offence.

7—Insertion of section 23A

Section 23A is inserted:

23A—Privilege in respect of self-incrimination and penalty

This section allows the Court to determine the reasonableness of an objection of a person at an inquest to answering a question, or producing a record or document, on the ground that it may tend to incriminate the person (being a natural person) or make the person liable to a penalty.

The Court may require the person to answer the question, or produce the record or document, if the potential incrimination or liability to penalty is not in respect of a foreign law and it is in the interests of justice.

The Court may, if it requires a person to answer or produce the record or document or if the person answers or produces the record or document willingly, issue a certificate to the person which has the effect of prohibiting the answer, record or document in respect of which the certificate is given (as well as derivative

evidence) from being used against the person in proceedings, except in a criminal proceeding in respect of the falsity of the answer, record or document.

Schedule 1—Related amendment and transitional provision

Part 1—Amendment of *Guardianship and Administration Act 1993*

1—Repeal of section 76A

The provision relating to the holding of an inquest in relation to the death of a person while under a detention order is repealed. This is consequential to the amendments to section 21 at clause 5 of this measure which includes reference to detention orders under the *Guardianship and Administration Act 1993* in that section.

Part 2—Transitional provision

2—Transitional provision

This clause provides for a transitional provision in respect of the application of the amendments to section 23 of the *Coroners Act 2003* and the insertion of section 23A, to the effect that these amendments only apply in relation to inquests commenced after the commencement of the amending sections (regardless of whether the event that is the subject matter of the inquest occurred before or after that commencement).

Debate adjourned on motion of Mr Hughes.

DEFAMATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 September 2020.)

The Hon. V.A. CHAPMAN: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mr PICTON (Kaurna) (16:17): I rise to speak in relation to the Defamation (Miscellaneous) Amendment Bill 2020 and indicate that I am the lead speaker for the opposition, as usual, on behalf of the Hon. Kyam Maher. I also indicate that the opposition is supporting the legislation. Defamation law is something that members of parliament and people involved in the political process have an interest in from time to time either as a plaintiff or as a defendant, depending upon the circumstances.

It is not something you generally want to be involved in, but it is an important piece of legislation. This is obviously a piece of legislation that originally derived from the common law but has been codified in a national model law situation since the mid-2000s, and this is now seeking to take this further in relation to a number of other amendments that have been moved around the country. The Defamation (Miscellaneous) Amendment Bill 2020 amends two acts: it makes substantial amendments to the Defamation Act 2005 and has related amendments to the Limitation of Actions Act 1936.

By way of background, the current Defamation Act in South Australia reflects the earlier national model defamation provisions that were adopted in each state and territory in 2005. I distinctly recall during law school, in studying defamation law, that the model act was coming in at the same time, which is always one of those interesting things when you are studying something that is about to become completely defunct. Clearly, there are issues from time to time, but those amendments and the model legislation that was adopted in 2005 have generally been regarded as a positive step.

The earlier work was intended to increase consistency in defamation laws across Australia. Prior to that legislation, there was always different shopping around for jurisdictions in which you would want to launch your defamation action, given that you therefore had the best opportunity for the highest payouts, etc., which is not a desirable outcome for anybody.

This used a harmonised legislation approach where all jurisdictions agree on a set of provisions, which are then legislated in each jurisdiction. That early process was initiated by the Council of Attorneys-General, known as CAG, in November 2004. It was not called that then, was it? It was called SCAG.

The Hon. V.A. Chapman: It has changed its name too many times.

Mr PICTON: Yes, that's right. I think it was SCAG back then, the Standing Council of Attorneys-General. They appointed a national defamation working party that drafted the first model defamation provisions on which the laws were based.

The 2005 national provisions were then introduced and enacted in each state, and in South Australia this was undertaken by the former Labor government and former Attorney-General Atkinson. This was the first time that defamation law was uniformly reviewed and implemented on a national level. It marked a move towards a genuine Australian defamation law and moved away from eight jurisdictions with a variety and mixture of common law statutes and codes.

As explained by the Attorney in her second reading explanation, the new bill arises from a national review of the model defamation provisions that commenced in 2018. In June 2018, CAG, the Council of Attorneys-General, reconvened the Defamation Working Party to review the 2005 national provisions. Two years is pretty fast in the Council of Attorneys-General world to get something to be law, I suspect.

This was intended to address issues that had arisen since 2005, including social media disputes, online publication of defamation matter and the relationship between defamation and investigative journalism and the public interest. Of course, while there was the early beginnings of social media back in 2005, it was very primitive compared with today's bombarding of social media in all our lives. I think it is very timely to look at that in the context of how defamation law works in the digital age, in particular in social media where everybody is publishing all the time.

On 27 July 2020, CAG approved the recommended amendments to the national provisions. The recommendations cited wide consultation and over 70 submissions from stakeholders across Australia over the previous years. Stakeholders included media companies, peak legal bodies, academics, digital platforms and lawyers for defamation plaintiffs and defendants. The bill seeks to rely on South Australian legislation with the updated national provisions.

These provisions have already been enacted in New South Wales and are being considered or progressed in other jurisdictions. The review of the national provisions sought to achieve a range of outcomes. These included increased deficiency, saving court time through pre-action steps and limiting defamation actions in court where there have been no serious consequences or harm. They also seek to improve the balance between protecting individual reputations and the freedom of information in matters of public interest.

This bill updates the law to reflect changes in technology and to resolve anomalies that have arisen in case law. The latter of these deals with court precedents about when online material is deemed to be published. This bill proposes early non-litigious measures and methods of dispute resolution. It contains a new pre-action threshold and requires out-of-court processes, including the compulsory use of concerns notices and offers to make amends.

It introduces two new defences while amending others, and seeks to circumvent the cap on damages for non-economic losses suffered by a plaintiff. It also clarifies the single publication rule to begin upon upload of digital material rather than its download.

The bill amends section 9 of the current Defamation Act, which covers certain corporations that do not have a cause of action for defamation. I believe that over the years and decades there has been a dispute about whether or not corporations should be able to sue for defamation, and from time to time there have been arguments, particularly on the conservative side of politics, that that should be the case, which I would strongly disagree with.

Currently, only non-profit corporations with 10 or fewer employees can sue in defamation, so it is limiting that to small companies. The bill clarifies which small companies can sue by defining employees to include workers like independent contractors. You would not want people to be able to get around that rule by virtue of the fact of a different employment relationship than a standard employment relationship.

The bill amends section 10 of the act to allow courts to make orders about costs for actions that end due to the death of a party if it is in the interests of justice. In the old act and the new bill, there is no cause of action for defamation of, or against, deceased people. I also recall that this has been something that has been debated from time to time.

I believe that when the original piece of legislation was being debated, former federal Attorney-General Philip Ruddock was very keen that deceased people be able to sue, if my recollection serves me correctly, but that was decided not to be allowed, which I also agree with. I am glad that has not changed in this legislation.

The bill introduces a threshold of serious harm for all defamation claims through the insertion of new section 10A. This is a major amendment to the Defamation Act. Under new section 10A, plaintiffs must establish that serious harm has been caused or is likely to be caused by the alleged defamation. The definition of 'serious harm' will be determined by courts and seeks to avoid costly processes where only minor harm occurs. This change is accompanied by the repeal of the triviality defence at section 31 of the act. It is noted that there were different views at the national level about whether the definition of 'serious harm' should be defined in statute or left to the courts.

The bill proposes new sections 12A and 12B regarding concerns notices. Plaintiffs will be required to send a formal pre-action concerns notice to the publisher of allegedly defamatory material instead of going straight to court. This is currently optional, rather than mandatory. After sending the concerns notice, plaintiffs must then wait a set time, with provision for the court to reduce the period before bringing legal action. This will allow publishers to make a settlement offer before court action begins.

The bill also amends sections 14, 15 and 18 about valid offers to make amends. It sets out new requirements to publishers about a valid offer to make amends in response to a concerns notice that is received from a plaintiff. The bill clarifies the content requirements and time limits for a valid offer to make amends through changes to sections 14 and 15 of the act.

Amendments to section 21 will stop plaintiffs from bringing multiple actions for defamation for the same publication against different associated defendants. For example, it will stop a journalist and their newspaper both being sued for the same publication and the plaintiff seeking damages from both. This is intended to stop plaintiffs circumventing the cap on damages from individual actions and will lessen court case loads.

The bill simplifies the contextual truth defence under section 24 of the act where a publication has both true and false defamatory allegations. Specifically, it creates a defence where the false allegations do not harm a plaintiff's reputation beyond the true allegations.

A public interest defence is also proposed in this bill under section 27A and that is based on section 4 of the United Kingdom's Defamation Act. It provides that publishers are not liable if the matter concerns an issue of public interest and the defendant reasonably believed that publishing it was in the public interest. The existing qualified privilege defence under section 28 of the act was unsuccessfully intended to cover public interest matters under the 2005 national provisions. This is being amended.

A new defence for scientific and academic peer review journals is proposed under section 28A of the bill. I would love to read the scientific and academic journals that defame people, but they must have been around for this to now be a provision. This would occur if the allegedly defamatory material relates to academic matter that is published honestly for the public's education. The bill updates the honest opinion defence to accommodate internet publications as proper material that an opinion may be based on under section 29 of the act. It amends that such internet publications can be supplied as a hyperlink.

Notably, the bill also addresses the cap on non-economic loss suffered by a plaintiff in defamation by amending section 33. Currently, economic loss is subject to separate uncapped provisions, and separate aggravated damages may also be awarded. The bill clarifies this by stressing that the statutory maximum is to be awarded only in the most serious case. The current statutory maximum is $421,000 and is indexed annually.

The bill also allows service of documents for defamation by email by amending section 41 of the act. The bill also proposes amendments to the Limitation of Actions Act 1936 regarding the single publication rule. The time limit for actions is currently one year, or up to three years if considered just and reasonable by the court. The change to the act overrides recent court precedents that found the time limit for online publications commenced at the most recent download.

This change will start the clock at the time of publication or posting rather than download, which seems perfectly reasonable given that things might be on the internet that were published a decade ago. Just because you are downloading them today does not seem reasonable where you could have taken action against such a thing 10 years ago.

The time limit may be restarted if there are subsequent publications of the same or substantially similar content, or if a subsequent publication or its manner of publication is sufficiently different from the original. The bill automatically extends the limitation period for pre-action negotiation due to the added time periods linked to compulsory concerns notices and subsequent offers to make amends.

The opposition will not be moving amendments, but we will be seeking clarification and assurances—we have a few questions for the Attorney on various clauses—about the proposed law and how it is going to operate, particularly when a single entity owns multiple platforms or mastheads. The opposition also wants to ensure that the bill does not disadvantage smaller plaintiffs in disputes with large, sometimes multinational organisations, in a David v Goliath-style dispute. The opposition are therefore supporting the bill and its intent to improve efficiency and modernise defamation provisions in Australia.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:31): I thank the member for the solitary extra contribution and his indication of general support for the bill that is before us. As he quite accurately points out, there has been a development earlier this century towards a national model for defamation law in the country. I think that has served us well.

We now have challenges in relation to social media and other platforms. In particular, the capacity to identify the author sometimes of a statement or material that is published creates a number of challenges. I know that my predecessor, the Hon. Michael Atkinson, certainly expressed his concern that as that technology developed it would present us challenges as lawmakers in how that is regulated, restricted where necessary and, of course, remedied.

I do note two things at the national level; one is that whilst this has been led through meetings of Attorneys-General around the country, the Hon. Philip Ruddock was very heavily involved in the early days of the reform in this regard. I have a hazy recollection of the direction he was proposing at the time. The member might be quite accurate that it related to his view as to the right to pursue actionable damages. My recollection is that he was moving in the direction that perhaps this is an area of law and compensation entitlement that should not necessarily be available to corporations as distinct from individuals, but it does not really make any difference to where we are going at the moment; it is just that that is my recollection.

The second thing the federal government have done during this time is to establish the office of the eSafety Commissioner. I have only recently—in the time I have been here in the parliament in recent years—understood the benefit of this office and its capacity to assist when uninvited and unwanted published material is online and needs to be removed. It was actually brought to my attention as a remedy to contact this eSafety Commissioner when a constituent reported to me photographs of her then 16-year-old daughter at one of the hotel outlets purportedly enjoying a happy occasion and consuming alcohol.

Obviously, the constituent was very concerned about this. It had been put up on a website or some other social platform of the hotel. I was advised, to assist her, to get in touch with the eSafety Commissioner. The eSafety Commissioner makes a request that it comes down and it is removed. It would have been Facebook or some other more old-fashioned platform than is available today. I think it is an important initiative of the federal government. I hope successive federal governments will keep it up because we are really at the cutting edge of how we are going to manage these platforms in future, how they are going to be regulated and probably even how they are going to be taxed.

In any event, at the moment we are just looking at how we can trace material presented that is otherwise anonymous and also how we can bring to account some of the owners of these platforms. That said, I would also like to indicate in response that, of all the extensive consultation that was done in relation to this, one would expect the usual suspects. Lots of lawyers who work in

the defamation area presented submissions and, indeed, law councils, law societies, bar associations and the like—all the usual suspects in that regard.

I want to acknowledge that the Australian Press Council, which have been very active in relation to a number of these matters, as they represent mainstream media across the country, and also generally supportive of the material being presented in these reforms, have been very helpful in their monitoring of developments in this area. I am pleased to see that two other groups, Communications Alliance and Digital Industry Group Inc., are both generally supportive. They both presented submissions.

But here is what is pleasing: Facebook, Google and Microsoft also all put in submissions. It is really important that we continue to have these entities or the representative advocates on their behalf at the table because we are never going to be able to deal with this issue comprehensively unless the players are there and we work through how we protect the reputation of their business, their industry and the products they provide together with this bigger question of protecting the reputation of members of the public and/or corporations.

In any event, the member has also outlined a summary of the terms of the reforms in this bill. I now seek that the bill be read a second time. I indicate that there are no amendments being proposed by the government but, if the member has foreshadowed he wants to ask questions, we will require a committee.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr PICTON: I note that I have sent the Attorney an article in relation to the former Attorney-General Philip Ruddock's views. Originally in the consultation for the model law, I believe he proposed that defamation of the dead would be included. That was a proposal originally, but I am very glad that did not occur, for a variety of important public policy reasons.

The first question is to the Attorney. Obviously, there was a consultation process run nationally, but has the Attorney or her department conducted any additional consultation in relation to the South Australian move of this legislation? If so, can she outline who that has been with?

The Hon. V.A. CHAPMAN: No, there has been no further consultation but, as I indicate, a number of the 44 written submissions received in response to the discussion paper from all around Australia obviously represent industries that are participatory from our point of view as well. Something like the Australian Press Council, for instance, represents across the nation.

Mr PICTON: Are there any additional parts that have been added to this when compared with the national proposal, or anything from the national proposal that has been omitted compared with the model defamation provisions? Essentially, are we just enacting what has been agreed to nationally, or are there any changes, plus or minus? If there have been changes, what are they and where have they come from?

The Hon. V.A. CHAPMAN: I am advised, firstly, that there are some minor stylist changes to fit in with the South Australian style of legislation. Yes, there is the removal of 'civil juries'—juries for civil trials—which we do not have in South Australia, as I am sure the member is aware. It is the continuing view of the Chief Justice and myself that we do not explore that as an option. As you know, we make them available. Someone has the right to have a jury trial for an indictable criminal charge in this state and we also offer judge alone.

We also prosecute commonwealth cases in our state courts that are of a criminal nature. They have juries; they do not have the option of judge alone. There is a role for juries but this is civil litigation and we do not have them in South Australia. Some other jurisdictions still do. I do not think we have ever had them, actually. I cannot be certain on that, but I do not think we have them in South Australia. In any event, we do not want them. That is the only significant change that has been removed.

Mr PICTON: Does the Attorney have any update in relation to the other states and territories? As mentioned, I believe New South Wales has passed theirs. Where are the others up to, and has there been any indication made to us that other states are making changes when they are enacting their provisions?

The Hon. V.A. CHAPMAN: The only information we can be certain of is in relation to the passage of the New South Wales legislation. Can I say, though, that as an attendee at the Council of Attorneys-General—

Mr PICTON: You are a participant, aren't you?

The Hon. V.A. CHAPMAN: Yes, indeed, I am. I have attended; in fact, I chaired them last year. They do change their name regularly. At the last one we had, which I think was in June, we had obviously canvassed this issue and had a general update. The regions indicated their progressing of the matter.

In the short time that I have been Attorney-General, there have only been two or three of these meetings, but I cannot recall that there has been any other identified difference. There have not been any special carve-outs that states were arguing for that I can recall. I am not aware of any more recent indication that they are suddenly going to be adding on special areas.

South Australia seems to be the one that does this from time to time. I have often mentioned the plano lenses which are under our health practitioners' regulations—I think for opticians—that the Hon. John Hill introduced. Those regulations are still there to protect children from having plano lenses and putting in cat eyes without a prescription.

Mr PICTON: Do you not support it?

The Hon. V.A. CHAPMAN: I have no issue with it. I just make the point: in South Australia, I suppose we are very protective of the standards that we have in this state and we always argue for the right to be able to add on or detract, if we need to in our national law, all these uniform laws that we are having.

Clause passed.

Clause 2.

Mr PICTON: I understand the commencement date is to be fixed by proclamation. Does the Attorney have in mind a goal date on which she is hoping to have this enacted?

The Hon. V.A. CHAPMAN: Not specifically other than the fact that with the support of the opposition and its passage today, we would certainly be hopeful that we could report to the national meeting sometime in November. We do not have a date yet for our national meeting, but we have advanced it.

We have had a indication of support from the opposition even if it has not got through the Legislative Council, but I think there is an opportunity in the current lists, unless we get bumped by other urgent COVID matters or the unusual aspects of budgets being at the end of the year. I think there is hopeful expectation that all the jurisdictions would have dealt with this matter by the end of the year.

Clause passed.

Clauses 3 to 5 passed.

Clause 6.

Mr PICTON: I wonder if the Attorney can outline in what type of circumstances might this amendment, which I understand clarifies the power of the court to award costs but not damages, be applicable 'in the interests of justice'?

The Hon. V.A. CHAPMAN: I suppose I can only identify what I would see as a possibility. As with existing proceedings, a party dies and, on the principle that you do not have an action, a dead person is not capable of being defamed, but there may well have been conduct in the lead-up to that which provides for the eligibility of one party or another to receive costs.

That may be of an advantage to a deceased estate or the other party would not want to be deprived of having the right to seek costs. If that was meritorious, the court could still make a determination on it. That is the way I see it, but I will check whether there is anything else that could assist. No. My adviser is thinking that is a reasonable consideration. I cannot think of any others immediately, but that is what I would suggest it is there for.

Clause passed.

Clause 7.

Mr PICTON: This is the new section dealing with the serious harm element. I wonder if the Attorney can outline how would the threshold of serious harm operate in practice, and what were the views of the stakeholders who argued for the definition to be detailed in the statute?

The Hon. V.A. CHAPMAN: I am not sure I understood the second part of that question. Can you repeat that?

Mr PICTON: I understand that this was something that there were arguments about at the national level in terms of whether this should be left up to the courts or whether there should be a more statute-based definition of what serious harm is. Presumably there were arguments about it on either side. What were the stakeholders saying in relation to that?

The Hon. V.A. CHAPMAN: I do not recall any debate in relation to that issue in the short time I have been there, but it may of course have predated this because this whole review process has gone over a period of time. I do not know what arguments were put if they were put by various attorneys-general at those meetings or indeed by their advisers in those other ancillary meetings that they have and working parties and the like. New section 10A(1) is to set out, rather than a definition, an element of what a serious harm element is to be.

I just make the point that whilst 'serious harm' needs to be identified or assessed, I suppose, for the purposes of accepting whether or not an application is able to validly proceed—so there is a judicial determination on that aspect—it is not a new phenomenon to the law. We have 'harm' and 'serious harm' already extensively in our criminal law, so it is not a foreign concept to judges to have to deal with those matters, and I expect they will develop a body of law that sits around it. I will see if there is anything else I can add to that.

My understanding from the advice I have received is that some of the stakeholders, whilst they were not seeking a definition, were seeking a question of whether there should be factors identified for the purpose of 'seriousness'. I think there would be the obvious ones that even any other layperson would see, and that is that in 'serious harm' a factor may be how extensive the publication was, whether in fact it went to millions or whether it was just published on a piece of paper to one other person—that type of thing. In the end, it was the resolution of the proposal here that we would not be seeking to be definitive in that regard.

Mr PICTON: Perhaps I can be of some assistance to the Attorney, because I understand that in a submission about the draft model defamation provisions in January 2020, the Law Society of South Australia expressed its concern that the definition of 'serious harm' was not discussed in the legislation and was being left to the courts to determine. The Law Society considered that serious harm could be interpreted subjectively by a court and potentially lower the threshold of the test, defeating its intention. Why, therefore, is there no discussion of the meaning of 'serious harm' in the bill and how can the government ensure that it will remain true to its purpose of improving the efficiency of this measure?

The Hon. V.A. CHAPMAN: I cannot answer that. Just to be clear, is the indication that the Law Society's reference that you are referring to is the Australian Law Council's submission?

Mr Picton: I am informed it is the Law Society of South Australia but I could be incorrect.

The Hon. V.A. CHAPMAN: I do not have a separate submission by the Law Society of South Australia. There may be one but I have not seen one. In the document I am referring to, they set out at page 5 of their submission a submission from the Law Society of South Australia and then outline other members of their group. Is that what you are referring to?

Mr Picton: That may be it, yes.

The Hon. V.A. CHAPMAN: I will just quickly have a look at it. I note that they say that the Law Society of South Australia considers the draft amendments to be appropriate and supports them in principle. It sets out comments concerning some of the key amendments, including suggestions for improvement and identification of areas for further clarification, and one of those is serious harm required for cause of action of defamation.

Mr Picton: I am told that there is a Law Society letter dated 8 January 2020. Is that the same?

The Hon. V.A. CHAPMAN: It may be. Let's have a look here to see if that is identified—31 January 2020 is the Law Council. It is under the heading of Submission of the Law Society of South Australia, within their submission. That is all I have at this point.

Mr Picton: Maybe we can provide this to you between the houses.

The Hon. V.A. CHAPMAN: It says here:

> The Model Defamation Amendment Provisions 2020'—

that is the background paper—

> notes that it was a deliberate decision not to include the legislative guidance as to the factors to be considered in deciding what constitutes serious harm, on the basis…

I think the reference you make, which may be it, is in paragraph 9 of the Australian Law Council's submission. It states:

> The LSSA is concerned there is a real risk that simple statutory interpretation may result in the courts taking a different view.

I think we are on the same document. It further goes on to say that they suggest the inclusion in the legislation of some guiding commentary capturing some of what appears in the background paper, or a list of non-exhaustive factors for the court to consider. I will have a look at it in more detail. If there is anything else that I think I can add, I will forward some correspondence to you.

It seems as though the summary of the information we have is that they support the material in principle. I cannot say that I am personally in favour of doing a non-exhaustive list of examples. If we are going to leave it to the courts to decide, then we would leave it for them to do just that. In any event, I will have a look at it and if there is anything further to add I will forward it to the member.

Mr PICTON: I refer the Attorney to the letter from the Law Society dated 8 January and in particular paragraphs 6 to 8 of that letter. It states:

> 6. The Model Defamation Amendment Provisions 2020 (Consultation Draft) Background Paper (Background Paper), notes that it was a deliberate decision not to include legislative guidance as to the factors to be considered in deciding what constitutes serious harm, on the basis of an expectation that the courts would take those factors into consideration in any event.
>
> 7. The Society is concerned that there is a real risk that simple statutory interpretation may result in the courts taking a different view. While there is some UK jurisprudence on the term, it won't necessarily be binding in Australian courts. Furthermore, given that 'serious harm' could be interpreted quite subjectively, this may in practice lower the threshold and defeat the purpose of the amendments. The Society notes the defence of contextual truth and cap on damages in this regard, where the intention behind the provision isn't sufficiently clear and subsequent statutory interpretation doesn't reflect the initial intention.
>
> 8. The Society notes that the Law Council in its submission of 14 May 2019—

which may be the document that you have—

> noted that it may be preferable for the legislature to be explicit in relation to the matters that the court may take into account in considering whether a publication has caused or is likely to cause reputational serious harm. The Society supports this approach.

We will make sure that that is available to the Attorney, if she has not seen that, between the houses. I am sure you will take that in regard before we get to the other place.

My last question, and this is the last time I get to speak on this clause, is whether there has been an analysis done in relation to what is happening in the courts at the moment in South Australia. Are there minor defamation cases that the government believes will therefore not meet the serious

harm criteria and has there been any analysis in terms of what this might mean for how many cases would not get to the courts under this new provision?

The Hon. V.A. CHAPMAN: My response to that question is specifically that I am not aware of that data. There is certainly, in some of the submissions presented—I think by one of the legal firms, and I do not think it was a South Australian firm—a very long list of online digital defamation cases. I just cannot find it quickly. If you are interested in looking through the submissions, you will see that there is some information in relation to that.

If I can just return to the Australian Law Council's submission, it is dated 31 January 2020 and it incorporates a submission from the Law Society, amongst others. The reference that you make is to a Law Society submission earlier that month, which may be the same letter that was sent to the Australian Law Council. I do not know because you have not indicated who the letter you are quoting is from. It sounds as though it is the same one because those issues are paraphrased in the summary of the submission.

I will refer the member to the Australian Law Council's submission of 31 January 2020, which seems to be the last of the material that has come in for consideration from the Australian Law Council, including the Law Society of South Australia's submission, which I think covers the point. Whilst I accept that they have raised that, it has been dealt with in a major submission.

Clause passed.

Clause 8 passed.

Clause 9.

Mr PICTON: This is in relation to 12A—Concerns notices, and 12B—Defamation proceedings cannot be commenced without the concerns notice. Can the Attorney outline how the mandatory waiting period for concerns notices and offers to make amends could act against the interests of plaintiffs in urgent matters? Presumably, some matters need to be addressed very urgently, but now this will put a number of mandatory waiting periods in there. Will there be an issue in terms of those urgent matters, and has that been considered?

The Hon. V.A. CHAPMAN: I invite the member to have a look at new section 12B(3) which allows the court to grant permission for proceedings to be commenced, notwithstanding noncompliance with preceding paragraphs, but only if the proposed plaintiff satisfies the court:

(a) the commencement of proceedings after the end of the applicable period for an offer to make amends contravenes the limitation law; or

(b) it is just and reasonable to grant permission.

There is capacity for the court to work around what is now proposed to be a mandatory concerns notice pre-trial process.

Mr PICTON: How difficult or costly might it be to waive the waiting period when a time sensitive matter arises?

The Hon. V.A. CHAPMAN: I could not answer that other than to say that if you have a good case I suppose it would be different from whether you have a weak case. The courts are quite used to dealing with waivers in relation to time and are often are able to issue proceedings out of time and are also able to take urgent action for a hearing to be granted early. We do it on a regular basis in our South Australian Employment Tribunal to deal with asbestosis cases and claims because of the circumstances. Sadly, people who have conditions arising out of asbestos exposure, once they are diagnosed, are usually at a stage where they have a very short life expectancy. The courts are very capable of hearing applications quickly and determining whether there is merit in abrogating time limits and/or extending them.

Clause passed.

Clause 10 passed.

Clause 11.

Mr PICTON: Given this is new legislation, or significantly revised legislation, what guidance will there be to ensure that defendants do not inadvertently make an invalid offer to make amends?

The Hon. V.A. CHAPMAN: I am not sure I quite understand the question. If someone does not comply with the process and it results in the invalidity of any particular step in it, and if the member is concerned that someone's time might be running, for example, then again it is open for the court to deal with it so that there is no undue prejudice or, in the words of this, that 'justice is served' to ensure that people have a turn.

Let's assume somebody comes in, they have not had legal advice, they completely stuff up the process and the first 14 days is gone. It is by means of no contribution from the other party; they should not be prejudiced by that. These sorts of things are built into the capacity of the court to manage those on an interlocutory basis.

Clause passed.

Clauses 12 passed.

Clause 13.

Mr PICTON: This clause deals with permission required for multiple proceedings in relation to publication of same defamatory matter. For example, one company owns multiple platforms—for instance, a newspaper in Hobart, a website in Sydney, a radio station in Perth. Who does the plaintiff sue and what is the justification for reducing the exposure to non-economic damages where the owner derives multiple sources of income from the channels from which the defamatory material was published? Does the Attorney believe that this might protect larger organisations at the expense of smaller plaintiffs?

The Hon. V.A. CHAPMAN: Again, I will just be clear that I understand the question, that is, that the defendant has multiple entities, some of which may have been a carrier or a publisher of the defamatory material, if I am following this correctly.

Say they are a large mainstream media outlet. They may have a rather complex structure in relation to the holding of their assets, and someone comes along, an individual. He is the David in the David v Goliath scenario, and we assume he has legal advice that he can take action and proceeds lawfully to take that action. Is the member's concern that there may be some way in that scenario of Goliath hiding assets for the purposes of having to pay or to be found responsible for the defamation? I am not quite sure which, or maybe both.

Mr PICTON: Well, to clarify, I do not think it was necessarily about hiding assets but more about multiple companies that have multiple revenue streams and there are multiple places where the defamation has occurred. However, my understanding is that you would not be able to take multiple actions for defamation even though there might be multiple economic loss through those multiple different platforms. Could that be protecting those larger organisations? If somebody defamed the Attorney-General—which, of course, I hope would never occur—and it was by a number of different media organisations or platforms, how would you work out who to sue and where?

The Hon. V.A. CHAPMAN: It may be, and my adviser just pointed out, that the purpose of this is not to stop you taking action against those parties; it is just that you do not do it in separate proceedings. Let's assume there are five different entities that are owned, say, by News Corp (I will try not to be too unhelpful to them) and four of them have published the material, although these days online it is hard to distinguish the borders. In any event, there have been multiple outlets of publication. So in that scenario young David, who has been defamed on these multiple platforms, would sue each of them as co-defendants in the one set of proceedings.

This provision here is setting out permission to be required for multiple proceedings in relation to the same publication of a defamatory matter, rather than the fact that you might have four, 10, 50 defendants in the one set of proceedings. Is that made it clear?

Mr PICTON: Sort of. The bill requires a plaintiff to seek leave from the court to bring further proceedings in relation to publications of the same or like matter by the same or associated defendants. What will the impact be on the aggrieved parties in terms of cost and time delays to seek

this permission? Has the government put any thought into how this could be expedited or streamlined?

The Hon. V.A. CHAPMAN: The whole concept here is that instead of having the four sets of proceedings (and we were talking about the News Corp example) that David has to issue against, all of which have costs, all open new files, all have court fees, etc., he would be obliged under this set of proceeding to bring all those defendants in the one set of proceedings.

On the face of it, that should actually make it cheaper for the David in this David v Goliath scenario because there will only be one set of proceedings and he is not forced to go off and take separate proceedings against each company. Really what the courts are doing here is imposing an obligation to have to go through a gatekeeping arrangement if you, as the defendants, are insisting that there be separate sets of proceedings for each company that might be under the same ownership structure.

Clause passed.

Clause 14.

Mr PICTON: I wonder if the Attorney can outline how this amendment makes the defence of contextual truth clearer?

The Hon. V.A. CHAPMAN: I cannot say that I am the best person to answer that because I do not think contextual truth is very clear already, but I am advised that this does help. Of the submissions that I have had a look at in relation to this, the position here is to try to streamline the process, so the information I specifically have I will recount for the record in case it helps. It states:

> On the current version of the contextual truth defence, the defendant can only rely on the truth of an imputation that is 'in addition to' the imputations pleaded in the plaintiff's claim. Plaintiffs can deliberately plead that all the published allegations are defamatory (even if they know some will be defensible based on substantial proof). This ensures there is no non-pleaded imputations left for a defendant to rely on to establish the contextual truth defence.
>
> Similarly, if a defendant raises contextual truth relying on substantially true imputations that have not been pleaded by a plaintiff, the plaintiff may amend their statement of claim to also plead those imputations and deprive the defendant of the defence. During the national discussions, all jurisdictions agreed that this situation is unworkable and was likely a drafting error. The changes to the bill will allow the contextual truth defence to apply regardless of what the plaintiff has pleaded.

I do not think that even Sir Humphrey Appleby could have described something in a more obtuse way in the sense of clarity and what that means, to me anyway, but it might be illuminating to the member. I hope you are reassured by the last sentence and that is that it seems it all got too hard and so this removes that from the procedure.

Clause passed.

Clause 15.

Mr PICTON: Maybe you will like this one more. The defence of publication of matter concerning the issue of public interest, which we are generally—

The Hon. V.A. Chapman interjecting:

Mr PICTON: We are generally aware of public interest through a number of pieces of legislation. I am thinking of the FOI bill coming up later, in terms of public interest, as well. In relation to how this is going to work in the law for defamation, how do you believe this defence will operate in practice and how will it balance the interests of public interest versus serious harm defamation that may be caused in these matters?

The Hon. V.A. CHAPMAN: Obviously, all these issues relate to the balance between harm to someone and public interest, but in response to the discussion paper released by CAG both media and legal stakeholders, including the Law Council of Australia, pointed out that qualified privilege has never successfully been established by a media defendant. Whilst each case is different, there are several broad reasons why it is difficult for public interest journalism to meet the requirements of the defence.

Firstly, the defence requires each person who received the material to have 'an interest or apparent interest in receiving the material'. This is harder to prove than a publication that is made to the general public. Secondly, the list of factors to be considered when deciding if the conduct was reasonable is often applied as a checklist of steps the media should have taken, rather than simply guidance as to relevant consideration. Courts apply the standard of reasonableness in a very stringent way and often apply the benefit of hindsight.

Thirdly, journalists often rely on confidential sources and so in litigation they will refuse to reveal the identity of their informant, consistent with their ethical and professional obligations. A use of confidential sources is sometimes used as an argument that a publisher has failed to meet the standard of reasonableness. I hope that answers it. If not, no doubt you will give me another question, remembering here that publication in scientific journals and public interest are eroding in a bit more to the protection of the party's reputation. They think they are doing a carve-out to enable that to occur.

Mr PICTON: I wonder if in addition to that you are aware of any particular cases that have led to the calls for these reforms in relation to public interest, either here in SA or in other jurisdictions?

The Hon. V.A. CHAPMAN: No, I am not aware of any.

Clause passed.

Clause 16 passed.

Clause 17.

Mr PICTON: What is the definition of a journal?

The Hon. V.A. CHAPMAN: A journal can be in an electronic format pursuant to the wording of new section 28A(1)(a). As the term is undefined, it will be given its natural and ordinary meaning in the context of the provision. The defence is based on a very similar clause in the UK's Defamation Act 2013.

Mr PICTON: Are you aware of any circumstances or examples that called for this amendment in the bill? It seems astonishing that you would have defamatory journals, but maybe there are such things.

The Hon. V.A. CHAPMAN: I am not aware of any. I think, though, that perhaps the objective here, because it has been referred to in the general discussion papers, etc., is to ensure that we do not restrict publication of academic and professional journal articles by the parties who prepare these because they may be, as a consequence of the publication of their scientific findings, defamatory even inadvertently of other parties.

If I were to think of something that might be reasonably controversial in its time—it is not so much now, although I suppose some would argue otherwise—it would be genetically modified crops. If a scientist published something in an article saying that there is absolutely no downside/side-effects from genetically modified crops and you can grow them to be more productive, salt resistant, disease resistant, use less water, etc., so that crops can be cheaper and better in the food production for the world, and that is published, and comments are made in that, in relation to someone else's article, that is being dispelled in the article, that may be seen as defamatory. This is just an example that went through my mind at the time of some consideration of this as to why we need to specifically provide for this in our defamation law.

It seems that there is sufficient impetus to ensure that we have free-flowing thought from these scientific geniuses and academics to make sure that they do not feel impeded by the desire to publish their findings even if it might offend in some way or potentially harm the reputation of another. I suppose it is implicit just by saying, 'Here is the evidence I present, here is my paper, here is my finding, and it's inconsistent with someone over here who has otherwise had the body of knowledge in the scientific world on that matter.'

We would see that as certainly pressing against the findings of the body of knowledge author, but that is science. People do have new ideas and if they present their theories, often published in

medical journals and the like, then they have peer review. It is a process that I think is seen as desirable and that brings about the great inventions that we have the benefit of.

Clause passed.

Clause 18.

Mr PICTON: This is in relation to a clarification of the defence of honest opinion. What circumstances arose for this clarification to occur?

The Hon. V.A. CHAPMAN: I am not aware of any particular cases or circumstances from which this was developed. I am assuming that there has been—

Mr Picton: It came out of nowhere.

The Hon. V.A. CHAPMAN: No, certainly not. I am just not aware of them. I make the point, though, that we had lots of submissions from people who work in this field, from different lawyers, that went into the review of this, to the working party. I think there were 44 submissions and a large bulk of them were from lawyers, who would be raising the fact that this is in the real world of what they deal with and the actions they take or defend on behalf of their clients. Someone who has a genuine, honest opinion about a matter needs to have that prescribed or set out in the code for the purposes of accessing that defence.

Mr PICTON: If this did come from consultation with lawyers, etc., what did they raise as the issue that needed to be addressed as part of that consultation?

The Hon. V.A. CHAPMAN: As I say, as I am not familiar with it, I can only hazard a guess. The best I can do is that someone has published the material, it is determined on the face of it that it causes serious harm in reputational damage, and the author then seeks to rely on this defence that it was, whether it was notorious or all these other things, based on honest opinion. The bill provides:

(5) For the purposes of this section, an opinion is based on proper material if—

and then it sets out the things that can be relied upon to construct that defence or to be able to meet the threshold for that defence to apply. That is the best I can do because, as I say, I am not privy to any examples.

Clause passed.

Clause 19 passed.

Clause 20.

Mr PICTON: Can the Attorney explain how this section is intended to operate differently from the current statute?

The Hon. V.A. CHAPMAN: Basically, the current system, which is the section we are deleting, provides, 'Unless the court orders otherwise under subsection (2),' and it puts in a new provision. The effect of that is to make it clear that the cap should be considered at the top end of the scale of damages for non-economic loss representing the appropriate award in the most serious type of case. Further, under the bill, the cap may not be exceeded in any circumstances; however—this is typical of the law: they always have some exception—if aggravated damages are appropriate, they may be separately awarded and the combined general and aggravated damages may exceed the cap.

This is to ensure there is an option for extra compensation where the conduct of the defendant has been deliberately false or otherwise unreasonable, but it also makes the individual elements of the award transparent. If I could try to paraphrase, that means the new regime has a cap on it, but if you are going for aggravated damages—which is where they get punished for doing something really deliberately—then, as a punishment and not just a recovery for the harm, that appears not to have the cap on it. That is the summary of what the differences are.

Mr PICTON: Welcome back, Mr Chair.

The CHAIR: Thank you, member for Kaurna. It is good to be back.

Mr PICTON: The member for Colton did his best to replicate you.

The CHAIR: I am sure he did very well.

Mr PICTON: He was a lot tougher; I am glad you are back.

The CHAIR: Firm but fair.

Mr PICTON: That's right. In relation to this, clearly the key definition is 'a most serious case'. What constitutes 'a most serious case'?

The Hon. V.A. CHAPMAN: This means that when the court is considering the damage, there is a case, so it is zero to a cap. Only the most serious cases are up at the cap. An example that shows up when judges do not use it is the discount of sentencing. For seven years, until yesterday, they could offer up to a 40 per cent discount on a sentence if they were satisfied that someone pleaded guilty within four weeks for major indictable offences.

It seemed to be a situation by the case law and the cases coming through that it was almost the exception, rather than the rule, that anyone would get less than the 40 per cent if they complied with the four-week plea of guilty. In other words, you got it automatically. There are some exceptions to that, but when something is up to 40 per cent—or up to the cap in this case—the expectation is that the judges would say that, if it is a reasonable case, perhaps it could be deserving of half. If it is a really serious case, then it might get up to the cap.

That is what it is requiring, and that is why new subsection (2) says the maximum damages amount, which is what we are talking about with this cap, 'is to be awarded only in a most serious case'. I hope that helps.

Mr PICTON: I do not think that has necessarily defined for us what 'a most serious case' is. I am not sure that the reference to criminal law helps. Can you give an example of a defamation action that you or the government would regard, in drafting this, would be 'a most serious case'?

The Hon. V.A. CHAPMAN: This is highly subjective, but let me try to give you an example. If there was reputational damage, in a non-economic way, by saying that someone had been promiscuous and a consequence might have been, as part of their damages, that their fiancée dumped them and they did not progress, that is pretty serious. Is it the most serious case?

Compare this with someone who might be accused, through a national newspaper, of having paedophilic tendencies and that has seriously impacted on their capacity to have personal relationships or even on the survival of some of the existing personal relationships. I would think that is quite different. I would put one in a case to be considered, perhaps, under the new rules.

Maybe a judge would say the loss of a fiancée is not sufficient. I do not know, but I am just trying to give you an example, as distinct from someone who has the whole of the Australian public exposed to the fact that there is an allegation that they have paedophilic tendencies. Good luck to that person in being able to get a job, keep a partner, get a new partner and have friends. I hope that helps.

Clause passed.

Clause 21 passed.

Schedule 1.

Mr PICTON: In relation to part 2, clause 2, based on the national consultations, what kind of circumstances have been envisaged that would result in proceedings being commenced after more than one year?

The Hon. V.A. CHAPMAN: I think the example that is recorded there in the draft legislation does just that. I must say I am not a big advocate of having examples in drafted legislation, but this one might be quite helpful. It seems to me that the example that is given sets out the circumstances in which you have that extension. It says:

> Assume a concerns notice is given 7 days before the limitation period expires. This means that there are 6 days left after the notice day before the period expires. Consequently, this subsection would operate to extend the limitation period by 56 minus 6 days, that is, 50 days.

Mr PICTON: I cannot remember how we do schedules. Do we do each section individually, or do we just roll the whole thing in?

The CHAIR: All at once, member for Kaurna. It is like a clause, so you have three on the schedule.

Mr PICTON: You are a tough Chair.

The CHAIR: Firm but fair, member for Kaurna.

Mr PICTON: Firm and fair. I have three so I will have to double-barrel them into two.

The CHAIR: If the Attorney is agreeable, I am sure we can make something work.

Mr PICTON: That is why you are tough but fair. In relation to part 2, clause 3—Insertion of sections 37A, 37B and 37C, while this amendment addresses a more modern understanding of technology and downloading or uploading content, how effective are the safeguards for plaintiffs for strict time limits like the materially different test of 37B?

The Hon. V.A. CHAPMAN: Apparently the ill we are trying to remedy here—and it is coming back to me at the discussion paper level on this—is that if, say (and we will go back to News Corp and the person who might have four entities) the first entity publishes the defamatory material, that is the first publisher, and then the second entity does it three months later, the time limitation would run from the second publication again, so your time starts again.

This first publication rule is designed to say that your time starts from the time of the first publication. Apparently what has happened, which is probably not unreasonable, is that because of the electronic age we are in every time someone republishes it, even online or on another platform or someone else's Facebook, this keeps going, and of course it just means you have an almost indefinite time limit. That is the ill it is trying to address here.

You can sue on the first publication. Obviously the number of other publications may be a factor in the award of damages you may be successful in getting if you get above the threshold, but you do not get time to then keep going to extend your normal time limit, which I think is a three-year period, one year to be extended to three.

Mr PICTON: Are you aware of any circumstances where the single publication rule could negatively affect a plaintiff in serious defamation instances that run out of time where the defendant does not become aware of the material early enough but they could still experience serious harm?

I guess an example of that might be that you could have the situation where something has been on the internet somewhere, not many people have seen it, but then it becomes drawn to public attention at a later time whereby serious harm does occur but, because it was on the internet earlier and no-one noticed it, you have missed your opportunity here.

The Hon. V.A. CHAPMAN: Can I just refer the member to new section 37C, which deals with the manner of publications, and that might help him in the scenario of multiple subsequent publications. The reason the relaxation of the time limit rule of a year to be extended out to three years is to cover the fact that we are going to a first publication scenario. Again, what we are balancing here is the reasonable capacity to identify reputational damage within a time limit.

The reason we have limits on civil proceedings, at different levels, is so that there is fairness to all parties to deal with the matter—find the witnesses, etc. If you can sue somebody 20 years after the event, you may not even have the people around to be able to defend what happened in the circumstances. In any event, the relaxation of the limitation rules of a year being able to extend out to three is to cover the scenario where there would be an initial publication and then subsequent ones to flow. Really, you have up to three years to cover that.

Ms WORTLEY: With this new ruling, what happens in a situation where, for example, there was a publication but it did not impact significantly on that person at that given time but, further down the track, when the limitation was exceeded, it impacted on their career or on their life somehow because of circumstances, and it is republished? For example, it is republished—

The Hon. V.A. CHAPMAN: So let assume—and we will use the member for Kaurna as an example—that he is a lowly aide to a minister and someone says, 'Look, he's hopeless,' and

publishes it. Is there reputational damage? His feelings are hurt, but is there reputational damage? Possibly not. Let's assume he is a minister of the Crown at another time, some years later, and then someone makes the statement and publishes that he is hopeless.

I suppose implicit in that is that in the circumstances he is now in there is likely to be more reputational damage than when he was in his previous occupation. That is the type of situation I think you are referring to, is it not? That is, it becomes a serious harm at a later time if that is still out in the arena. Again, what the law has always done is try to ensure that if you are going to take action against, it has to be within the circumstances back at the time of the initial publication.

What is the situation? You cannot wait 20 years and say, 'Now I'm in an important position and so that which is still sitting on Facebook or the website is now hurting me.' Do you see what I mean? You did not take any action to deal with that or remedy it 20 years; you cannot come along and sue for damages now—is my point.

Ms WORTLEY: But it appears as though at the moment, if it is republished, then you can continue. So the last publication and the 12 months or the time limit is from—

The Hon. V.A. CHAPMAN: That is what this rule is stopping.

Ms WORTLEY: Yes, that is what the rule is stopping, but into the future it would only be three years; is that correct? It would be stopped at the three-year mark.

The Hon. V.A. CHAPMAN: Essentially, that is the expanded time that you can get up to. That is why it is relaxed to be up to three years, to give you time to do that. The other example is that, rather than a change of occupation at a later time—that is, it is published in the local school library on the noticeboard, but then it is republished online, say a year later, and it goes around Australia or around the world. Then it may affect the viewers there and their assessment of your reputation at a much higher level because of the proliferation of that information going out.

I am trying to give you an example of where that may then stimulate you to say, 'Well, now I am going to do something about this. Originally, this was just my local staff colleagues in the staffroom who saw this. Now it has gone—' Do you see what I mean? I can see there would be situations where someone might not be interested, persuaded or even advised to issue a concerns notice and/or follow-through proceedings in the first instance, but republication or expanse of the publication may do that.

Of course, one of the objectives of issuing the concerns notice to be mandatory pre-trial procedure or pre-proceedings action is to ensure that alert is given and clear notice is given to the author or the person responsible for the publication so that they desist any further dissemination occurring. If they do not, of course, and there is a threshold reached and the claim is substantiated, of course the damages could be significantly greater if they have failed to do that after they had the notice.

It is a bit more complicated now. Where something used to be in a newspaper or in a book, it can now go online and it can be republished many times in different platforms and the idea here is to say, 'Your time limit in the time you take action has to be at this point of first publication.' There is some relaxation of the time on that to cover the issues that you have raised.

Ms WORTLEY: Attorney, that would mean then in the example that you gave earlier that that person would no longer be able to pursue defamation?

The Hon. V.A. CHAPMAN: Correct.

Mr PICTON: I do share some of the concerns that the member for Torrens is raising. Let me return the favour for the Attorney-General. Say somebody wrote on a blog somewhere 25 years ago that the Attorney-General, in her previous career, was a really hopeless family lawyer. You never saw that, you never read it and you never heard about it. People then picked up on that later and republished it everywhere and that affected your business.

You would not be able to take any action on the republication of that because it had originally been published or existed—even though you were not aware of it, even though hardly anybody saw

it—on some random blog or something 25 years ago. That is it and people can republish that defamatory information as much as they like.

The Hon. V.A. CHAPMAN: Let's be clear here. I suppose if there had been a statement made like that and it did not translate to any reputational damage—that is, there was no real knowledge of it and nobody suggested, 'Well, I am not going to come and see you anymore because you are hopeless. I have listened to that and your reputation now is damaged sufficient for you to take action'—if that has occurred and then later the same person republishes it, the time limit is lost. You may have exhausted your time limit. If a different person entirely says that 25 years later and publishes it, then your time starts again. That is a different person. You can then take action against a different person publishing it.

What has been identified as the weakness here is that, in this day and age in the electronic world, if there has been a republication, even by the same party, then there will continue to be that time in which you can take action as distinct from the same person, the same platform and the same author. Do you see what I mean? That is what it is designed to remedy.

Mr PICTON: Does that not create this perverse incentive, though? If I want to defame somebody, I create the Chris Picton blog that nobody sees and I put all my defamatory information on there about somebody. As long as people do not see it, and I just wait my years down the track until this clicks in, then I have a free right to go around defaming whoever I like because I previously defamed them and nobody picked up on it. So I have a defence for all my future defamation that I will do and I could letterbox everybody in South Australia with all my defamatory allegations against somebody.

The Hon. V.A. CHAPMAN: I am not sure that I can make it any clearer. Currently, we have a situation under the current law where the plaintiff has to show that it is not reasonable for them to have more than more than the 12 months; it is hard to get past that spot. By virtue of introducing this rule, there is a corresponding relaxation of what they have to prove. Under the new test they must consider whether it is generally just and reasonable to allow a person to proceed outside the time limit, allowing for a more flexible approach. There is an offsetting of this rule to deal with a 21st century problem.

Mr PICTON: One more question, on indulgence, Chair. It is a bit of a trap, this putting lots of things into the schedule.

The CHAIR: Not for me, it is not.

Mr PICTON: We need to raise in the Standing Orders Committee whether we allow more discussion on what is in the schedule. A lot of this now turns on what was published on a particular website or social media platform at a particular time. How will courts have evidence of that? It is not the same as having a question about what was in *The Advertiser*, where you can pull out the microfilm at the State Library and have a look. How do you definitively know what was on the internet at particular times when it is a constantly updating and not a static medium?

The Hon. V.A. CHAPMAN: I suppose you call those genius young people who understand all these things and are able to give evidence about when something was first apparent, published, and trace that material. There are experts in evidence who are able to do that. You used to just tender a page of *The Advertiser* or call the journalist—these types of things. Again, this is part of the modern evidentiary obligation.

I am just checking something because I think we were talking before about your early career of some years ago. I want to remind you that, although I stand by that scenario from here on, this is not to apply retrospectively. Your right to claim for anything else at an earlier date would have already expired. It is a very hard test. Up until now, it has been a really hard test. If there was a publication against you and you did not take any action, and it was some years ago, bad luck, you are out of time. From now, once this bill is passed, you will have your year, with a lot more flexibility to extend it up to three.

Ms WORTLEY: Can I seek clarification on that? Not if it is republished; is that the case?

The Hon. V.A. CHAPMAN: Let me read it out to make it as clear as possible. Generally, the bill will apply only to matters published after the commencement—so new things that are

published. However, the single publication rule may affect matters that were published before the legislation commenced. For example, consider if a plaintiff sued because of an internet article posted after the legislation commenced, if the article had been posted online prior to the commencement but there were also downloads after commencement. The limitation period for that article would be deemed to have begun prior to the commencement of the legislation. There can be an exception to that but, largely, this is prospective law.

Ms WORTLEY: Point of clarification.

The CHAIR: Point of clarification, and this is it, member for Torrens.

Ms WORTLEY: Another point of clarification, yes. If the article was published prior to the legislation and then, following the legislation, that article was republished, it would be governed by the new legislation?

The Hon. V.A. CHAPMAN: It could be. That is the best I can describe it. There is an exception. I suggest you go back to have a look at what I said. I hope that is as clear as it can be put because that is what the experts tell me is the best way to explain it. There are always transitional issues with these things, but the objective here is to set a new regime which says that, if you are to be bound by this first publication rule, so that you do not get the benefit as the plaintiff of going on forever and being able to sue News Corp, for example, for years to come, it will ensure the relaxation of the right to apply to the court for an extension of time outside the one-year period. That is the set-off.

Ms WORTLEY: Again, I have a point of clarification. An article was published two years ago, the legislation comes into place and it is republished in a couple of years' time. What is the situation then? Does the new legislation apply? Because it has been republished and it had originally been published prior to the legislation, which way does it go?

The Hon. V.A. CHAPMAN: Giving you a 'it depends on the circumstances' answer is not helpful to you. Four years between and a change to the law in the middle is really what you are saying and that would depend on who republishes it. If it is the same person, I think you are completely gone. If it is a different person, you may be able to, but that is probably more the exception than the rule.

Schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (17:51): I move:

That this bill be now read a third time.

I would like to thank those who contributed to the debate, particularly my adviser, who has been very helpful—thank you so much—to ensure that we bring about a uniform defamation action across the country. We will be playing our part, with the support of the opposition, to bring that into account and, again, to essentially contemporise, taking into account modern publication opportunities, so that those who seek to diminish the reputation of others are brought to account. I thank them for that contribution.

Bill read a third time and passed.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 24 September 2020.)

Clause 1.

Sitting suspended from 17:55 to 19:30.

The CHAIR: Member for Kaurna, it looks to me (and this is my handwriting) that you have asked two questions already on clause 1.

Mr Picton: And now I am satisfied.

The CHAIR: The member for Florey has a question on clause 1.

Ms BEDFORD: Yes, I do, sir. Can the Attorney advise what consultation was undertaken on this bill outside of government?

The Hon. V.A. CHAPMAN: From memory, I wrote to all members of the political parties in the parliament, all members of parliament, and the Child Protection Party—all registered political parties. Perhaps not all of them; I think a few completely extreme ones I probably did not. Everyone who was registered—probably the no-marijuana party.

Mr Picton: It depends who you define as 'extreme'.

The Hon. V.A. CHAPMAN: Definitely not the Australian Labor Party—different but not extreme. There was the Child Protection Party; the Local Government Association; Professor Clem Macintyre of the University of Adelaide, who considered the matter, I am advised here, on behalf of Professor Lisa Hill; and Dr Jonathon Louth and Dr Glynn Evans. So the academics had a look. There was the National Party of Australia, the Animal Justice Party SA, and all the other officers appear to be the usual internals, such as the Electoral Commissioner, etc.

Ms BEDFORD: How many of those groups responded?

The Hon. V.A. CHAPMAN: I have half a dozen here, but my adviser will have the details of them. If I add them up, five are of those we sent to. I read out that list as though they were not just the responses but those who were consulted. Sorry, I will make sure that I have this correct.

Just to be complete, there was the Australian Labor Party; the Liberal Party SA; the National Party of Australia; the Australian Greens SA; the Animal Justice Party SA; SA-Best Incorporated; the Hon. John Darley for Advance SA; the Child Protection Party; Professor Haydon Manning and Professor Dean Jaensch from Flinders University; Professor Macintyre I have referred to at the University of Adelaide; Antony Green, Chief Elections Analyst; and then each of the members of the parliament.

Then, as I say, we usually look at how they responded. The Child Protection Party partially supported it. The Local Government Association supported the corflute ban and sought to extend the ban to local government elections, which I think we already canvassed in the legislation last night. The University of Adelaide partially supported it. It was concerned about the removal of the requirement to advertise in newspapers, it suggested an amendment to the itinerant voter provision, it did not express a view on the corflute plan and it did not support OPV.

The National Party partially supported it. They raised concerns about the expansion of pre-poll voting and advertising on websites. I am not quite sure whether that means we should not do it at all but, in any event, I am just indicating what I am advised here. They supported the corflute ban and did not support OPV. The Animal Justice Party partially supported it but opposed OPV. They are from the submissions that we got back.

Ms BEDFORD: What moneys have been provided to the Electoral Commission for implementation of this bill?

The Hon. V.A. CHAPMAN: Certainly, we would not presume the parliament's decision on this matter. This would be a matter for consideration of any budgetary expenses. We will consult with the Electoral Commissioner if and when the electoral reforms here pass. As you might appreciate, a significant amount of this bill is a result of recommendations of the Electoral Commissioner. Some of those are machinery matters, but in relation to something like OPV or any change of implementation of the corflute laws or whatever, which I would say are government initiatives as distinct from those emanating from the Electoral Commissioner, then obviously they are matters where we would only progress to deal with the costing after, if there is an expense.

When we looked at OPV, for example, under the previous government, and the matter was raised with us, there was a suggestion at the time by the Hon. John Rau that there would be some transfer arrangements and some implementation costs, but I do not recall them being substantial. It would have been a change of format and rewriting of the material and information, etc., for websites. There are always some costs associated with reform in electoral matters, not the least of which is the education of the electorate. Last time around, of course, they had to be educated on the new partial OPV that was introduced for the Legislative Council.

The CHAIR: No further questions?

Ms Bedford: I have had three, so I would be pushing my luck.

The CHAIR: You are. I am sure you will be able to flesh out, as we go through, what you need to know.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

Ms BEDFORD: I move:

Amendment No 1 [Bedford–1]—

Page 3, line 13 [clause 4(2)]—Delete subclause (2)

This amendment is the first of several that relate to optional preferential voting. Other than my amendments Nos 8, 9 and 10 and those moved in the second schedule in my name, all my other amendments are related to this and I imagine they will be consequential upon this amendment. In my second reading contribution, I outlined a number of the reasons why I oppose the proposal to introduce optional preferential voting.

I reiterate the point that if members closely examine the information about voting tickets in the ECSA report of the 2018 election they will find that not only were there 40,067 votes validated by voting tickets but also there were a number of seats where the outcome of these votes made a significant contribution to the overall result. There were eight seats with 1,000 or more votes validated by voting tickets. Indeed, 13,212 votes validated by voting tickets were cast for Independents and minor parties which, in a number of close contests, could have had a decisive outcome. I commend the amendment.

Mr PICTON: I indicate that the opposition is supporting the amendment moved by the member for Florey.

The Hon. V.A. CHAPMAN: The government included clause 4(2) of the bill to debate the definition of 'registered voting ticket' as a consequence of the amendments to allow optional preferential voting in the House of Assembly. Voting tickets are used to interpret votes that do not indicate an order of preference for all candidates. If it is no longer compulsory to number all boxes of the ballot, there is no need for voting tickets. Therefore, the government opposes the member for Florey's deletion of clause 4(2) of the bill, which would leave the definition of 'registered voting ticket' in the Electoral Act.

The member for Florey opposes optional preferential voting. I note that and I understand at least the basis for that. I am tempted to ask some questions about why there had been support for optional preferential voting, which would seem to suffer the same weakness as supporting the arguments by the member for Florey to oppose this optional preferential voting, relative to the Legislative Council. However, I think that would probably fall on deaf ears.

I note that the member has in the past supported optional preferential voting for the Legislative Council. I would assert that it has been a very successful recommendation of the former Labor government, through the Hon. John Rau, and that this would also be welcome and effective, adding to the efficiency, and most importantly giving voters a choice not to have to fill out the whole of the ticket.

That was one of the arguments that was put, of course, in the Legislative Council. I acknowledge they are different voting systems, in the sense of the way their votes are counted and accumulated. In any event, I indicate that the government does not support this amendment.

Ms BEDFORD: Is it not the weakness in that argument that you are comparing apples with oranges and that this chamber is completely different to the other chamber, irrespective of the voting system used? We are not talking about the same sort of election process, so are you not comparing apples with oranges?

The Hon. V.A. CHAPMAN: I appreciate that, and I indicated there is a distinction between the way people are elected, by quota and otherwise. If the weakness in having OPV is that deals can be done to exclude minor parties, well—hello—what do you think happened in the upper house? In any event, I note that it is the position of the member for Florey and it is being supported by the opposition. We do not agree with it and I will not be supporting the amendment.

Mr PICTON: I would like to make a comment on this because it is something that the Attorney raised in her summing-up speech as well. It neglects the fact that these are two completely separate chambers with two completely separate electoral systems. This is the system of single-member electorates. The other place is a system of one multi-member electorate; therefore, to compare the system in the other place with the system in place here is completely ridiculous. As the member for Florey says, is it comparing apples with oranges.

There is every chance, in a system where you are electing 11 people out of the same electorate, that it does allow other voices to be heard. It does allow Independents and minor parties to be elected. Whereas a single-member electorate, if you are going down this path, is only going to entrench major parties—in particular, the Attorney-General's political party—through that system.

The federal parliament has a similar system to ours, where an OPV-style arrangement exists in the multi-member Senate system but not in the single-member electorates in the House of Representatives. I think it is important that we make the distinction that they are apples and oranges. That is why the federal parliament has this distinction and that is why we have had this distinction here and we should keep that.

The committee divided on the amendment:

Ayes 20
Noes................ 21
Majority............ 1

AYES

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

NOES

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

PAIRS

Gee, J.P.	Cregan, D.	Michaels, A.
Marshall, S.S.		

Amendment thus negatived.

The CHAIR: Member for Florey, I am giving you the call. Can you indicate what you are going to do now with amendments Nos 2 through to 7?

Ms BEDFORD: I said in my opening remarks that I could be forced to consider them consequential, so they could be consequential. If the Attorney wants to consider them as consequential I am happy for that to be the case. I do have an interest in clause 14, which is my second schedule.

The CHAIR: I take it from that, member for Florey, that you will not be moving amendments Nos 2 through to 7?

Ms BEDFORD: That is correct. I will retire hurt on those.

Clause passed.

Clauses 5 to 9 passed.

Clause 10.

The Hon. V.A. CHAPMAN: I move:

Amendment No 1 [AG–1]—

Page 3, after line 29—Insert:

(a1) Section 31A(9)(b)—delete paragraph (b)

I am advised that clause 10 has the effect of deleting paragraph (b) and I am further advised that if that is successful there would be an automatic renumbering so that it would not need to have an (a) and (b); it would be left with only (a) and will be accommodated in the amendment, so I do not need to move anything to deal with that.

The government amendment is a consequential amendment to the amendments already included in clause 10 of the bill relating to itinerant persons. Clause 10(2) deletes subparagraph (iii) of section 31A(10)(c), which means that itinerant persons who are outside the state for a continuous period of more than one month will no longer lose their status as itinerant electors. There will not be any point in requiring itinerant electors to give notice under section 31A(9)(b) of their intent to leave the state and remain outside the state for a continuous period of at least one month. The government amendment therefore deletes paragraph (b).

Amendment carried; clause as amended passed.

Clause 11.

Mr PICTON: There are a number of places where the Attorney is seeking to remove newspaper advertisements in relation to notifications. This is one of a number of clauses where this appears to occur, and I will ask the question in relation to this clause. Why is the government seeking to do this and what impact would that have upon regional media outlets in South Australia?

The Hon. V.A. CHAPMAN: This legislation sets only a minimum requirement. If it is the view of the Electoral Commissioner for any particular aspect, he is at liberty to put it in local newspapers if he wishes to do so, and therefore can still advertise in newspapers as he considers necessary and appropriate. I think there were multiple occasions under the previous government where the modernising of the publication of either government information or notices was moved to recognise the electronic opportunities that are available in the 21st century, and I do not have any disagreement with them.

There were sometimes occasions where we said that we needed to prop up the financial base of the print media, but I do not know of any local newspapers in the country that do not have

an electronic option, so they have seen the benefit in having that. Often, I think I am one of the few people in this house who still reads country newspapers in print, I like to, so I buy the printed copy. Unfortunately for those who enjoy the print media, that view is not necessarily shared by others.

It is not just a generational thing. As more and more people in the country become linked or have access, because there has not always been good coverage for these things so it has not always been an easy option. If you are living in a rural part of the community and have to follow the daily or hourly changes in wool prices or anything else, you learn to have those skills, and watching sales prices is necessary for the purchasing of equipment and dealing with your various suppliers and/or those you deal with for the sale of your product or service. This is all part of modern business.

Therefore, I suppose it is easier to have that online than to check the local paper. Again, it has at least a daily uptake of material, sometimes on a continuous basis, because that is the modern era of news reporting. Page 43 of the election report sets out the Electoral Commissioner's desire to book pages. It is not just rural papers—quite a lot of notices go in *The Advertiser*, which is our daily metropolitan paper. I am told that it is reported that ECSA is required to book four consecutive pages in *The Advertiser* at a cost of approximately $42,000. It is a recommendation that has been put to us, we have accepted it and we are presenting it for your consideration.

The CHAIR: I did not find this in the print media, but just on wool prices I note there have been significant gains for the last two days, so there you go. That is an aside, of course, but it was mentioned in the Attorney's contribution.

Mr PICTON: Thank you for the aside. Procedurally, the member for Florey had a question on an earlier clause that we skipped through.

Ms Bedford: It was more than a question; I was going to oppose the clause.

Mr PICTON: Or more than a question. Is there any possibility, procedurally, of turning backwards to clause 5?

The CHAIR: Let me consult on this. Which clause was it, member for Florey?

Ms BEDFORD: I actually was going to oppose clause 5, but in my copious notes I missed the page.

The CHAIR: So that is a little while ago now?

Ms Bedford: Yes, I am quite happy. I will just oppose clause 12, which will be the next clause. I will double-down on 12.

The CHAIR: You seem intent on opposing something, member for Florey.

Clause passed.

Clause 12.

Mr PICTON: I do have a few questions before we get to the member for Florey's indication—

Ms Bedford: Fierce opposition.

Mr PICTON: —of fierce opposition to clause 12. As I read it, clause 12 is changing the number of days from six to two after the writs are issued before the electoral roll closes. Why the Attorney would want to do that, I have no idea, other than it looks to make it harder for people to enrol to vote for an election, which seems to be a retrograde step when we see other states moving to enrolment up to election day. Why is the government making it harder for people to vote by reducing the number of days before the roll closes after the writs are issued?

The Hon. V.A. CHAPMAN: The Electoral Commissioner recommended the change to the dates for the close of the rolls to two days after the issue of the writ rather than the current six days. This did not come from me but from the Electoral Commissioner.

Mr Picton: Unlike OPV.

The Hon. V.A. CHAPMAN: As we have made very clear, there are items in this legislation, namely, banning or regulation of corflutes and OPV, which directly come from the government, but I

think pretty much without any other exception, unless it is consequential, the rest of this is a result of recommendations that have been put by the Electoral Commissioner. If you just bear with me, I will explain his reason for this. He states:

> This will also bring forward the date fixed by nomination, which is three days after the close of rolls, and allow a greater time for issuing postal votes. I refer to section 48(3)(a), which has an impact on the date fixed for nomination in section 48(4)(a). This request by ECSA to amend section 48 was provided directly to AGD and does not form part of the election report.

He is the one who manages these elections. I think the member would be fully aware of some of the challenges of postal voting now that it is a service which, quite frankly, is very different from what it was 10 years ago. If the time it takes for the delivery of material via the general post was snail pace before, it is glacial pace now.

Ms Bedford: Well, your federal colleagues should fix that up.

The Hon. V.A. CHAPMAN: The member suggests that, but the reality is that the postal product has changed significantly. Again, let's appreciate this: package deliveries have massively increased because people buy things online and, unfortunately, letter writing seems to be an ever-increasingly dying art. I do not know of any supplier that I deal with who does not write to me regularly to transfer to electronic payment. That is just the way it is. 'Please give me invoices,' I say, 'because I want to keep a hard copy of those things'. I am one of those people who insists: I am happy to pay for it electronically, but I want a copy sent to me.

Ms Bedford: Have you still got a chequebook?

The Hon. V.A. CHAPMAN: I do indeed. I do not I always use it. The reality is there are some important things to be done in relation to the record keeping, and I am a bit of a stickler for that. However, this recognises that there is a certain service of Australia Post delivery that is much different from what it was. It has had an impact, at least in the last two elections that I can recall, where concerns have been raised by people who have sought to have a postal vote and then realised that they will be jammed in between either getting their material back in time before they depart or, for whatever reason, not being available during the pre-poll period.

We think the pre-poll period under our proposal is generous and we think so for good reason: to give people an option to be able to utilise that and some of that is because of what we are really pressed up against. We have constitutional obligations and the Electoral Commissioner says, 'I would like this amendment so that it can provide some relief and give some better time for the postal vote applicants but also obviously make the management of that easier for him.'

It is not easier for him, but obviously more efficient to ensure that, if you are going to be available on election day and vote, fine. If you are going to be able to access pre-poll, fine. But if you do need a postal vote, which is particularly important for people who are not going to be in Australia during the period of pre-poll leading up to the election, that is something I think should be considered and I commend it to the parliament.

Mr PICTON: Why is it not possible that we could have an extension of time in which you can enrol to vote? Every other state has the same challenges in terms of the postal service, yet other states have been expanding the amount of time that you can enrol to vote and some states, as I understand, have it right up until election day when you can enrol to vote, even though they are using exactly the same postal service that we have here in South Australia. So what work has the government done to look at other states and their expansion of the enrolment time, rather than their attempt to reduce it, which is only going to disenfranchise people?

The Hon. V.A. CHAPMAN: I am not sure about other states precisely, but I do know that Tasmania has their election on the same day that we do, so I think they have the same process. You are shaking your head no?

Mr PICTON: They have a flexible date. It has just been coincidence that it has been on the same day.

The Hon. V.A. CHAPMAN: They have a flexible date. Occasionally, it has been at the same time. In any event, here is the rationale. The reasoning for the changes, as discussed on page 51 of the election report, is:

> Postal voting at the 2018 State Election was affected by a number of issues that highlighted the unsuitability of the legislative deadlines for applying for and returning postal votes, currently 5pm on the Thursday two days prior to the polling day for the former, and 6pm on the Saturday after polling day for the latter. These issues included:
>
> - 1,823 postal vote applications which arrived after the deadline and consequently could not be processed. No ballots were sent out to these electors and it was not possible to advise them in time for polling day to make other arrangements to vote.
> - 1,232 postal ballots which arrived after the deadline for the return of completed postal votes. These votes could not be processed and hence did not count in the Election.
>
> These numbers constitute in ECSA's view a strong indication that the current postal service is not capable of meeting the timeframes for postal voting stipulated by legislation.
>
> The deadlines themselves are vestiges of a bygone era. The two-day deadline to apply for a postal vote dates back to the birth of the current Act in 1985, while the seven-day deadline to return a postal vote has remained unchanged since 1955.

Goodness, that was before I was born. It continues:

> It is clear from Australia Post's current delivery times that the two-day deadline to apply for a postal vote is too late to ensure ballot papers reach anyone other than metropolitan Adelaide electors in time to vote at the election.
>
> After carefully considering the different solutions available…

I repeat that:

> After carefully considering the different solutions available, ECSA requests that Parliament move the deadline to apply for a postal vote. Two factors need to be considered here: Australia Post's delivery times; and the interruption to postal services provided by the Adelaide Cup public holiday on the Monday prior to polling day.

ECSA made the following recommendation, which is reflected in the bill:

> That the Act be amended to modify the timeframes for postal voting, bringing forward the deadline to apply for a postal vote from 5pm on Thursday prior to polling day to:
>
> i. 5pm on the Tuesday prior to polling day for applications from South Australian locations; and
>
> ii. 5pm on Friday eight days prior to polling day for applications for interstate and overseas locations.

The amendments are set out as we have discussed. ECSA recommended the change to the date for the close of rolls: the rolls close two days after the date of the issue of the writ, rather than the current six days. This will also bring forward the date fixed by nomination, which is three days from the close of rolls, and allow a greater time for issuing postal votes. So the amendments are there for all to see. This request by ECSA to amend section 48 was provided directly to the AGD and did not form part of the election report.

That is as much as I can give you. He has considered it. He has considered options and he has put this recommendation to us. I suppose between the houses, if the member wanted to have a meeting—I do not know whether you have availed yourself of the opportunity to have a meeting with the Electoral Commissioner on this at any time, but you can of course. He has published a report in relation to his recommendations. I am sure a further briefing could be provided if you want to raise with him why he did not pick up whatever your proposal is as an option.

Mr PICTON: Given that the Attorney is saying that this was not provided in the election report but that there is a separate advice she has received from the Electoral Commissioner, would she make that available to members of parliament either now by tabling it or between the houses so that we can all see in black and white what the commissioner said?

The Hon. V.A. CHAPMAN: Obviously, he is an agency. He is a statutory officer. I do not want to be handing over documents. I cannot recall what specifically is otherwise in it. So can we work on this basis: we will make a time available for the member to meet with the Electoral Commissioner to have a full briefing in relation to his recommendations. Most of them are outlined in his report but others have come during the course of consultation. If he consents to the letter being

available, I will make an inquiry about that as well as to any other response that he has put in addition to his report.

Ms BEDFORD: Of course, it was remiss of me not to raise my issues on clause 5, which are very much part of what we are talking about now. As the member has said, this clause reduces the number of days after the issuing of the writs for the closure of the roll to two rather than six. I have been advised this is consequential upon the changes to the postal voting deadlines. I think we could surely organise around postal voting deadlines without denying citizens the right to update their enrolment details.

I quite like the member's suggestion about being able to enrol right up until election day, which other states do. So my question to the Attorney is: can she explain what options the Electoral Commissioner of South Australia considered about changing these enrolment procedures? Which ones did he look at to see how he could preserve the six-day rather than two-day window?

The Hon. V.A. CHAPMAN: I think that is another version of the member for Kaurna's question, with respect. In response to it, in addition to the material I have just outlined which confirms that he had considered other options, I do not have the particulars of those but I offer the member for Florey the same option to meet with the Electoral Commissioner to raise any of these questions.

If he provides consent for a copy of his correspondence in relation to this issue, then we will be happy to forward it on. But if he is happy to provide information that he has sent to us on any of the matters seeking tweaking and so on of the amendments that he has sought, I will arrange for a copy to be sent to you as well. If you let us know this week if you would like to meet with the Electoral Commissioner, we will try to get him down here at a convenient time. I am not sure he will be available tomorrow but I am just thinking you are both in a metropolitan location. Unless, of course, the member for Frome wants to have a briefing as well, we could try to do something.

The Hon. G.G. Brock: Yes.

The Hon. V.A. CHAPMAN: Yes, alright. If you can let me know in the next 24 hours if anyone who is interested in this would like to meet with him, we will see if we can set something up long enough ahead so that country members can come if they are interested.

Ms BEDFORD: Longer than the time to enrol, you mean. But it will be more than two days. I do not understand, though, why we cannot have the same sorts of courtesies as we have had in the past, where between the houses you might supply that information. We do not want the whole document. Surely, you are able to give us some examples of what he actually considered without him having to come and tell us that.

The Hon. V.A. CHAPMAN: Again, member for Florey, perhaps you had not picked up what I was putting to the member for Kaurna.

Ms Bedford: No need to be condescending. I am listening to you. I am just asking why can't you?

The Hon. V.A. CHAPMAN: As I indicated to him, I am happy to get his permission. If he is happy for the correspondence to be made available, I will do so, and that may make it perfectly clear. I do not have it with me, so I do not have any comprehension of what else is in it or whether he is happy for me to give it to you. But if he is, and there is any other correspondence relating to the development of the amendments that he is generally seeking, I am happy to make that inquiry and make it available.

It may be that on having that you say, 'We do not need to see him at all. It is pretty clear.' It may be that he is opaque in his disclosure as to what precisely the other options are that he has looked at. But that is as I am advised. That is the best I can do at this point: provide the information, which will be as soon as we can identify the documents and get his permission and, secondly, make an offer for a personal meeting with him if you wish to have it.

We are all members of parliament and he is accountable to the parliament. I do not know whether any members have availed themselves of this since they have had his reports—or indeed those of the previous electoral commissioner, when we had her reports—but he is a commissioner and he is available to be spoken to and met with for the purposes of members making their decisions

on these matters. He has given the report to the parliament, we are acting on it, and you are certainly entitled to meet with him. We will assist you to make that appointment if you want it.

Ms BEDFORD: I would also like to ask the Attorney how many voters updated their enrolment at the last election on the third, fourth, fifth and sixth days after the issue of the writs? In other words, how many people would this amendment disenfranchise? Is that something I can ask you, or do we have to have a briefing for that?

The Hon. V.A. CHAPMAN: Could that be repeated?

Ms BEDFORD: How many voters updated their enrolment at the last election on the third, fourth, fifth and sixth days after the issue of the writs? In other words, how many people will this amendment disenfranchise? Is this a question I can put to you or is that something we need to put to the commissioner?

The Hon. V.A. CHAPMAN: I do not have the answer to how many were lodged in those days. It may be that he has that record. It may be that they were accumulated over the time frame he has under the current law and there are no ways or means of identifying those that had come in within the relevant cut off period. It is a question that would be better put to him.

As to how many would be disenfranchised, it would only be if they refused or failed to put their application in within the new two-day time that they would be disenfranchised from this option of one of three different ways of voting—postal, pre-poll or on the day in person. There may be some who would think, 'Okay, I can't deal with it in two days, so I'll make other arrangements, I'll do a pre-poll.'

There may be some who miss out, as they have here: he has identified several thousand who, for different reasons, have missed out, and he wants to address this. I suggest it is a matter that the member—

Members interjecting:

The Hon. V.A. CHAPMAN: He has pointed out that there is a delay in the return of these, and that is a consequence of not sorting it out at the beginning. That is his recommended remedy. They are all matters you could canvass with the electoral commissioner if, for any reason, you have not met with him already.

The committee divided on the clause:

Ayes 21
Noes 19
Majority............ 2

AYES

Basham, D.K.B.
Chapman, V.A.
Cowdrey, M.J.
Duluk, S.
Ellis, F.J.
Gardner, J.A.W.
Harvey, R.M. (teller)
Luethen, P.
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.
van Holst Pellekaan, D.C.
Whetstone, T.J.
Wingard, C.L.

NOES

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

PAIRS

Cregan, D.	Piccolo, A.	Knoll, S.K.
Michaels, A.	Marshall, S.S.	Gee, J.P.

Clause thus passed.

Clause 13 passed.

Clause 14.

Ms BEDFORD: I move:

Amendment No 1 [Bedford–2]—

Page 5, after line 23—Insert:

(11) Section 53—after subsection (8) insert:

(8a) In nominating candidates under this section, the registered officer of a registered political party must seek to ensure, so far as is reasonably practicable—

(a) in relation to the nomination of candidates endorsed by the party for election in a general election—that women are nominated as candidates in approximately 50 per cent of the districts in which the candidate of the party has a reasonable prospect of being elected; and

(b) in relation to the nomination of candidates endorsed by the party for election in a Legislative Council election—that the order in which the names of the candidates are to be included in the relevant group set out on the ballot paper is such that approximately 50 per cent of the candidates that have a reasonable prospect of being elected are women.

Members may be aware of media reports recently regarding the very low level of representation of women in South Australia's parliament. For the state that first created women's equal suffrage, including the right to stand to be elected to parliament, we are now very much lagging. That is why I say it is time for action and why, when we have a bill before us dealing with electoral matters, this is a perfect opportunity to do something.

The amendment is modest, but it is a nudge in the right direction. In simple terms, the amendment will require registered political parties that field more than five candidates in a general election to have at least 35 per cent female and male candidates, with a sanction if they fail to comply of not receiving public funding for that election. Public funding of elections is a recent reform to our electoral system. I think it is fair, if political parties are going to receive taxpayer dollars, they should meet some minimum standards of representation in the candidates they offer.

Manifestly, this has not been happening, so this is, as I said, a small prod in the right direction, which I hope means we can accelerate representation of women in parliament ahead of the 2050 time line forecast by the Electoral Commission briefing paper at the current rate of change. By-elections are excluded from my amendment and both houses are included. A provision in the amendment encourages but does not mandate parties to preselect female candidates for winnable seats. Perhaps at a future stage such a provision will be necessary, but it is probably best to start with principle first and then scale up.

Lastly, this amendment includes a provision requiring regular review after each election. That way, if there is a need to change the approach, this can be achieved. I commend the amendment to the house.

The Hon. V.A. CHAPMAN: Although I appreciate the sentiment of the member's aspiration with this model of having some equitable representation on a gender basis, I indicate the government will oppose the clause because it seeks to impose a quota on women candidates nominated by political parties. I do not understand even how it could possibly be a situation if an Independent stands. Do two Independents have to stand? One woman and one man? The reality is the Labor

Party has had quotas for its provision of advancement of women in parliamentary representation. It clearly has not worked, but in any event it does not mean—

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: —that the aspiration is not meritorious, but I fail to see—it diminishes that important grassroots preselection process to operate—

Members interjecting:

The Hon. V.A. CHAPMAN: All the men shout out, of course, from the Australian Labor Party about whether they think it has worked or not, but look around, there is not gender equity in the Labor Party.

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: At least in the Liberal Party of Australia (SA Division)—

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: —we have constitutional obligations in relation to where there are two positions for political representation within our political party. I can compare and contrast as much as you will. I repeat: in my view, the quota system has been—

Members interjecting:

The CHAIR: Order! Attorney, could you take your seat for a minute, please. I am loath to do this but I am going to call members of the opposition to order. The leader and the member for Lee are called to order.

The Hon. A. Koutsantonis: Why are you loath, sir—because you are on our side?

The CHAIR: Well, I was briefly. I am loath to do it because we are in committee and it is the evening and we still have a lot of work to get through this, so I am calling two to order.

Mr Malinauskas interjecting:

The CHAIR: Leader! You have been called to order.

The Hon. V.A. CHAPMAN: In relation to the member's proposal, which does propose to invoke a quota system to achieve this, as I say, the quota system has been a demonstrable failure in the Australian Labor Party—

Members interjecting:

The Hon. V.A. CHAPMAN: I can hear chortling from the male members who have thrown a bone to the women in that party to have a quota system. 'You have got a quota system over here, but we won't give you anything important. We won't give you any good seats.' So to introduce a policy—

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: —which has, I think, been where women in the Australian Labor Party have been rudely treated in relation to the expectation they have, that is unfortunate because for those like you, member for Florey, who have had a genuine interest in the advancement of women, including in representation in parliaments, that is to your credit—probably the reason why you are no longer a member of the Australian Labor Party, but good for you. Unfortunately, they will keep sitting over there, keeping the delusional view that they are doing something for women, yet crushing them at every opportunity.

Ms BEDFORD: I must protest, sir.

The Hon. V.A. CHAPMAN: I do not participate in that, so I will not be supporting—

The CHAIR: There is a point of order.

Ms BEDFORD: The members of the opposition are not delusional.

The CHAIR: Member for Florey, could you—

Ms BEDFORD: They're not delusional.

The CHAIR: Would you mind repeating that, member for Florey?

Ms Bedford: They are not delusional.

The CHAIR: Could you stand up, please?

Ms BEDFORD: Well, I hardly have been able to hear the Attorney all night; she is mumbling today. I do not think it is fair to label the members of the opposition 'delusional'. I have most firsthand experience, and I can tell you they are not.

The CHAIR: Well, you are not officially a member of the opposition, of course, so are you taking offence to this?

Ms BEDFORD: No, but I think I have the most relevant experience in this place to give that opinion.

The CHAIR: It turns out that nobody has really taken offence to the word 'delusional'. I do not consider it unparliamentary. Keep in mind that I have called a couple of members to order already.

The Hon. A. Koutsantonis: Chuck me out, sir. Name me; send me home.

The CHAIR: No, I'm not going to do that, member for West Torrens—no such luck.

An honourable member interjecting:

The CHAIR: No, it's not that. I am going to ask that members of the opposition listen in silence to the Attorney-General.

The Hon. V.A. CHAPMAN: Given all of that, member for Florey, I indicate that the government will not be supporting this amendment.

Mr PICTON: The opposition will be supporting the member for Florey's amendment, and that is because we do support getting women into parliament, and we do support having female candidates, and we do have a shadow cabinet which is 50 per cent men and 50 per cent women.

An honourable member: For the first time in the history of the state.

Mr PICTON: For the first time in the history of this state. Those who sit opposite sit in a party room with the lowest percentage of female representation of any major political party in the country, and they have the gall to lecture us on the fact that we are promoting women, the fact that we are getting women elected to parliament. Since we have adopted our policy of quotas, it has continued to rise and rise. We have had women of quality, of intelligence, of gravitas elected to parliament—state, federal, around the country—and all political parties should be seeking to do the same thing.

That is why we are supporting this amendment—because we should not have a parliament that does not represent the people of this state. We should not have a parliament where everybody looks like me. We should have a parliament where everybody is represented—

The CHAIR: Don't sell yourself short, member for Kaurna.

Mr PICTON: —where there are men and women equally. We do have far to go, but we are a state that has a proud history in terms of the rights of women to vote and run for parliament. But, sadly, after that happened we were a state in which there was very slow progress compared with the rest of the country and around the world, and it has only been in the last couple of decades that we really have started to see more and more women getting elected to parliament.

We still have further to go, but it is a fair shade better on this side of the parliament than it is on the other side of the parliament. This amendment by the member for Florey would go a long way

in terms of making sure that all political parties do the same thing, and that is why we are supporting this amendment.

The committee divided on the amendment:

Ayes 19
Noes................ 21
Majority............ 2

AYES

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

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Duluk, S.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Luethen, P.	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.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

PAIRS

Gee, J.P.	Marshall, S.S.	Michaels, A.
Cregan, D.	Piccolo, A.	Knoll, S.K.

Amendment thus negatived.

The CHAIR: The member for Lee, coming back to you, I think you may have a question on clause 14.

The Hon. S.C. MULLIGHAN: As I peruse clause 14, I see subclause (5), which reads:

(5) Section 53(3)(b)—delete ', signed by each candidate, that he or she'

This seems to be an effort by the Attorney's bill to remove gender specificity within the bill, and it almost seems to continue on quite neatly from the conversation we have just been having about the benefits of having quotas for political parties in promoting genders other than men, if I can put it like that, into positions within political parties, into the parliament, let alone into leadership positions within the parliament. My question for the Attorney is: why are there so few women in the cabinet?

The CHAIR: Is that a question? I do not know that I can really accept that.

The Hon. S.C. Mullighan interjecting:

The CHAIR: It felt more like a statement to me, but either way I am not going to count it as a relevant question, member for Lee. Perhaps you would like to rephrase it.

The Hon. S.C. MULLIGHAN: Sure. Could the Attorney advise the house why the member for Morphett was promoted into cabinet ahead of the member for Elder?

The CHAIR: No. That question is out of order.

The Hon. S.C. Mullighan: Out of order?

The CHAIR: That question, yes. It is not relevant to the clause. One more go, redrafted.

The Hon. S.C. MULLIGHAN: It is clear to all of us in the chamber that the Attorney takes on a mentoring role for the member for Elder. When will she actually convert her concern into an actual promotion for the member for Elder to a position in cabinet?

The CHAIR: No, member for Lee, I am not going to accept that either. Anyway, you have made your point.

Clause passed.

Clauses 15 and 16 passed.

Clause 17.

Ms BEDFORD: I am going to oppose the repeal of section 60A in line with my opposition to all other of these measures this evening. This is an important part of it.

Mr PICTON: The opposition supports the opposition proposed by the member for Florey to this clause.

The committee divided on the clause:

Ayes 21
Noes 19
Majority 2

AYES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Duluk, S.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Luethen, P.	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.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

NOES

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

PAIRS

Cregan, D.	Michaels, A.	Knoll, S.K.
Piccolo, A.	Marshall, S.S.	Gee, J.P.

Clause thus passed.

Clauses 18 to 20 passed.

Clause 21.

Ms BEDFORD: If I understand it correctly, this clause purports to delete the requirement to ask for the principal place of residence of a voter. Of course, questions on the principal place of residence have for other reasons become a matter of interest in this house, so my question is: can the Attorney-General advise whether any such options were considered by the ECSA, the options

being alternative approaches that have not been considered; something that we could look at in the way to make sure that principal places of residence are in fact correct?

I notice that the ECSA has suggested it should be deleted as it would trespass on the rights of silent voters. Of course, silent enrolment is very important and must be respected and retained, but I cannot see why we cannot ask for the principal place of residence of a voter.

The Hon. V.A. CHAPMAN: I thank the member for the question on this because, as she rightly points out, the question of the identity of persons who are silent voters is a difficult one—difficult to the extent that there is provision in the Electoral Act to enable silent voters to keep their particulars confidential, for obvious reasons.

I have written to the Electoral Commissioner on a number of occasions over the years to submit applications on behalf of persons who wish to remain anonymous regarding any record of their address. It largely arises out of circumstances of domestic violence and/or victims of crime of which there is further potential for predatory behaviour on them. It is a pretty serious matter, but they are sensitive issues. It is the Electoral Commissioner's view that it is simply not appropriate to ask silent voters their place of residence.

Ms Bedford: Is he serious?

The Hon. V.A. CHAPMAN: This is his view. I am just putting his view. You can say, 'Is he serious?' He is serious to us, and we have accepted it and we are presenting it to the parliament for consideration. That is his view. The identity can be established by the existing provisions, which provide that the authorised officer can put further questions as are necessary to establish whether a person is entitled to vote. That is his view, and he has presented this to us for consideration. We respect it. We are presenting it to the parliament for consideration. I urge you to support it.

Ms BEDFORD: Am I to take from that that it is the position of the Electoral Commission, supported by you, that the current register of silent voters has not been working?

The Hon. V.A. CHAPMAN: No, it does work.

Ms BEDFORD: Well, that is what you were saying in your answer, if I understood you correctly, that this was the important reason we were not going to consider the principal place of residence. Have I misunderstood you?

The CHAIR: Attorney, do you have the question? Would you be able to reply?

Ms BEDFORD: My understanding of your reply to me was this has to change because the system of registering silent voters has not been protecting the people you mentioned.

The Hon. V.A. CHAPMAN: Potentially. It is his view. He does not make this inquiry, and that is why he has asked us to formally remove the words 'and the address of the principal place of residence'. He does not think it is appropriate that that be asked, and he has indicated his other means by which he identifies whether someone is eligible to vote. If the member has any problem with that and wants to tease out with him how he does that, then by all means, at the opportunity to meet with him I have invited you to avail yourself of, ask him just that.

The Hon. A. KOUTSANTONIS: Can the Attorney-General confirm to the house that this amendment is a direct request of the Electoral Commissioner?

The Hon. V.A. CHAPMAN: Yes—have you not been listening?

The Hon. S.C. MULLIGHAN: Will the advice that the Electoral Commissioner supposedly provided to you be made publicly available, or are we all to convene one-on-one meetings with the Electoral Commissioner at your behest?

The Hon. V.A. CHAPMAN: No. Perhaps the member was not listening as intently as other members who have been listening carefully and are aware that an offer has been made for us to make arrangements for an appointment for any members who are interested in this matter.

Mr Odenwalder: But we are voting now. We are voting on the bill now.

The CHAIR: Order, member for Elizabeth! If you want to ask a question, you will get a chance.

The Hon. V.A. CHAPMAN: That remains open and available to do so. If members have already availed themselves over the last two years of a meeting with the Electoral Commissioner when they received the election reports—and there have been several of them, the bulk of which has been presented here today for consideration—then they may have already done that because these reports have been tabled in the parliament. It is open for them to do that, and it is set out very clearly.

What has been canvassed is that there are some matters that have been raised separately in correspondence from the Electoral Commissioner during the consultation on this bill that he has sought further. As I have indicated already to members, we are going to check with him about making that available to members in addition. It is direct correspondence, but we can make it available if he agrees to it; if not, then of course it can be raised in the meeting with him if they want to have it.

I repeat that I can only indicate to you what has been presented to us in very thick comprehensive reports that have been tabled here in the parliament. I urge members to read them if they have not. In the alternative, there is a 1½ page memo that has apparently been sent to us. If there is nothing difficult in it and he is happy for me to give it to you, it will be distributed. It may add some illumination on his view on some of these minor points, but most of these are already in his very substantial reports post the state election.

There is a separate one in relation to election funding, which the content of this bill has not covered. Ultimately, when we discuss that matter further with him, we will indicate what he might need. I have invited him to advise us if there is anything urgent he thinks needs to be sorted out in relation to the public funding and disclosure part of the electoral laws, and so far I have not heard from him on that.

The Hon. S.C. MULLIGHAN: We will be forgiven for not being able to rely on the Deputy Premier's advice in this regard. We are told on the one hand that there are voluminous election reports which are provided after elections—true, and I assume that we have all pored through them with great interest. However, we are also told that there is a memo of approximately 1½ pages in length, which has been provided to the Attorney and to the Attorney only to the exclusion of other members of parliament, which contains advice pertaining specifically to clause 21 and the removal of the principal place of residence requirement, which we have not had access to.

The Attorney says, 'Trust me, this is what he wants.' Well, unfortunately, we cannot trust the Attorney because we have been here before. We have been here before with the bill that is still before the house on the Freedom of Information Act. We were told that amendments to that bill are consistent with the desire of the Ombudsman—

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

The CHAIR: There is a point of order, member for Lee.

The Hon. S.C. MULLIGHAN: —and we have had the Ombudsman criticise that bill publicly—

The CHAIR: Member for Lee, there is a point of order; you take your seat.

The Hon. V.A. CHAPMAN: Firstly, the freedom of information bill is a matter before the parliament and it is not the subject of this debate. Secondly, I do take great offence at the member's assertion that he cannot trust the information that I am reliant on. I have had that information provided to me by the advisors, confirmed today, and I am satisfied—

The Hon. S.C. Mullighan: Well, table it. Table it. He is a statutory officer; table it.

The CHAIR: Attorney, could you sit down. I am going to rule on that point of order. I understand that the Attorney has taken offence to the comment from the member for Lee that—

Mr Malinauskas: He can't trust her.

The CHAIR: Yes. I can understand how she would find that offensive. She has indicated that.

Members interjecting:

The CHAIR: No, I—

An honourable member interjecting:

The CHAIR: Don't argue! Member for Lee, I am going to ask you to withdraw, please.

The Hon. S.C. MULLIGHAN: Mr Chair, I am sorry, but before I do I would like the opportunity to explain myself, because we have been down this path before. I was provided an assurance, as was the member for Kaurna, when we were discussing a previous bill—the COVID-19 emergency powers bill—that there were national standards that had been adopted by other states about how commercial tenancies and rental relief regimes were being applied around the country. We were given that assurance.

When it went before the other place (the Legislative Council) it turned out that the Treasurer said that was not the fact at all. So we had previously been provided assurances by the Attorney in a committee stage during a bill which have been shown to be subsequently false. I am sorry, I cannot rely on the Attorney's assurance in this regard. There is no advice from the Electoral Commissioner. I cannot trust the Attorney that this is what the Electoral Commissioner wants in the absence of this advice. So I am sorry, I cannot trust the Attorney. If she finds that offensive, stand offended.

The Hon. V.A. CHAPMAN: The bill was introduced on 23 July. The Labor Party members were given a briefing on 2 September and the House of Assembly crossbench on 7 September. This is a part of the bill that has been on the table since 23 July. I have made an indication to other members that if they want to raise matters relating to recommendations of the Electoral Commissioner that they have not availed themselves to date—I cannot really make any comment in that regard, but I am happy to make him available further for that purpose. I do not have to do that. He is a statutory officer of the parliament. They can make an appointment to see him.

Members interjecting:

The Hon. V.A. CHAPMAN: As I have clearly made a point in the committee to date, there is an extra piece of material that has been provided. We have to check on two things: one, is there any other material in the course of the development of the bill that might have come to the Electoral Commissioner? I have indicated to the committee members who have been taking an interest in this matter that I will check with the Electoral Commissioner if they can be made available as well, because he has made some other commentary along the way. I can also set up an appointment for them if they wish, but this has been here since 23 July.

The CHAIR: Member for West Torrens, I am going to ask that we come back to the focus of this debate, please, which is clause 21.

The Hon. A. KOUTSANTONIS: Without labouring the point, if a minister of the Crown asserts that a statutory officer has an opinion on an amendment and has requested it, I do not think it is unreasonable for the committee to ask to see that advice or at least have it quoted to the house.

I do not understand the reticence of the Attorney, and somehow putting the onus back on us, because we have not specifically asked the Electoral Commissioner whether he asked for this amendment, I think is a statement that is unfair on the committee, unfair on you, sir, and unfair on members of the government who are being told to vote on a clause and an amendment that the Attorney has introduced on the basis of advice from a statutory officer that no-one has seen.

It might be right. I assume that there is a piece of advice, a memorandum, something that the Attorney can quote just to reassure the committee so we can just get on with it. It is the good order of the house. If a government asserts that a statutory officer has said, 'I want this,' it usually is communicated by email or correspondence. That is how it is done. An example is the ICAC commissioner: when the ICAC commissioner wants amendments to his bill, he or she generally writes to the parliament or the Attorney-General asking for the amendments.

The Hon. V.A. Chapman: That is what he has done.

The Hon. A. KOUTSANTONIS: Could you please read part of the letter?

The CHAIR: Both sides are providing opinions here. The opposition is of the view that this document should be tabled; the Attorney has provided a view on how that best be made available is my understanding. There are two differing views on how that might be done and that is okay. We are not going to resolve it here tonight. My preference is to get on with the procedure of the committee. We are on clause 21. The member for West Torrens has had one question, the member for Lee has had two and the member for Florey has had two questions. Are there any further questions on clause 21?

Ms BEDFORD: It gets back to the Attorney's point about what we should or should not have done at briefings. I have been a bit concerned the normal practice of the house is being trashed at the moment. In the past, if we had questions—

The Hon. A. Koutsantonis interjecting:

Ms BEDFORD: No.

The CHAIR: I am interested to hear where this is going, member for Florey.

Ms BEDFORD: In the past, if members have had questions, they have usually been facilitated and helped through whatever their questions were. At the briefing we had as a crossbench, we did express reservations. At no point were we told we could call in the commissioner. If I had thought that would have been the case, we would have called him in at that time. Did we need to tell you we needed to call him in?

The Hon. D.C. van Holst Pellekaan: No.

Ms BEDFORD: We could have just called him in?

The Hon. D.C. van Holst Pellekaan: You could have asked him, approached him.

The CHAIR: Member for Florey, your question is about the availability to you of the commissioner.

Ms BEDFORD: It is about the availability of this information, which is crucial to me, but obviously if it is going to be looked at between the houses, well, that is fine. It is actually important we understand how this change, which I think is quite critical, has been brought about without knowing the reasoning behind the gentleman who has made this decision on behalf of the whole state. If it is going to be sorted between the houses, that is fine, but it is okay to ask a question about it—

The Hon. D.C. van Holst Pellekaan: What is the question?

Ms BEDFORD: —which is how did he come to that decision and what is the decision.

The Hon. V.A. CHAPMAN: I repeat what I said before: this was raised by ECSA, that is, the Electoral Commissioner:

> As it is not appropriate to ask silent electors their place of residence, the identity of a person can be established by the existing provisions which provide that the authorised officer can put further questions as are necessary to establish whether the person is entitled to vote.

I have checked with the adviser. I understand there were general questions in relation to this matter. There had not been any challenge to the identification or proof of whether this had come from ECSA or not. But if there is any concern on behalf of the member as to the veracity of this, certainly for the reasons I have indicated, we will go through and find any correspondence back and forth from the Electoral Commissioner because obviously he has had a vested interest in this.

Largely we have gone through the report, as I will repeat again, identified what is to be accommodated, picked them up and brought them in. In fact, we even went through the last commissioner's report from the last election to progress that because the previous commissioner had different recommendations which the previous government had completely ignored, and some which we thought were meritorious. We have picked them up and presented them. These reports have been tabled for over a year in the parliament and four years in the first instance.

In the to and fro of that, the Electoral Commissioner has put other matters—which I would say are relatively minor—but if they are now being brought to the attention of the member as having

any concern, the process is outlined. I will ask the Electoral Commissioner if there is anything in the correspondence he sent to us as a statutory officer that he wants to be kept confidential, we will respect that; otherwise, we will make that available to members.

If members would like to have a meeting with the Electoral Commissioner, I am happy to help facilitate it. They are entitled to seek that directly with him if they wish but our office is happy to help them. I do not think I can do any more in relation to the process and usual practice of assisting members to appreciate what are, in this instance, a number of requests by the Electoral Commissioner, complemented by two areas of reform that we have been completely open about, and they are OPV and corflute regulation as being an initiative directly of the government.

Clause passed.

Clause 22.

Ms BEDFORD: This clause allows, among other things, for voters to apply for postal votes online or by telephone. Can I ask the Attorney what protections have been put in place to ensure that third parties cannot apply for postal votes on behalf of a vulnerable person without their consent or knowledge?

The Hon. V.A. CHAPMAN: Firstly, let me confirm that this recommendation is from the Electoral Commissioner. For members following this, they can have a look at page 51 of the election report which specifically sets out the purpose of the amendment and the reasons for it. On the specific question about the risk of vulnerable people being exploited, I suppose for the purposes of electronic applications, the Electoral Commission said in the election report that, subject to legislative changes being made, it intends to allow applications for postal votes by telephone and online.

ECSA will replace the current requirement for signature with a robust verification process. The regulations prescribing the alternate methods of applying for postal votes have not yet been drafted. It will be possible to create offence provisions in the regulations. Section 139 of the act provides that regulations may prescribe fines not exceeding $5,000 for offences against the regulations by prescribing the process of applying for voting papers. In the regulations the processes can be updated as the technology evolves.

I also point out that there is—not as vulnerable persons—potential electoral cybersecurity. The 2018 COAG agreed to the establishment of a working group to strengthen the security of Australian electoral systems. The Electoral Commissioner and the South Australian government Chief Information Security Officer are members of the working group. The working group is currently considering a national electoral platform to mitigate cybersecurity risks.

Arrangements have been made by ECSA to work collaboratively with commonwealth and state agencies to mitigate potential cybersecurity risks in preparation for the 2022 South Australian state election. All of ECSA's systems and data sit within the SA government secure facilities and ECSA has specialist testing undertaken as part of the cybersecurity assurance sign-off. That is all the information I have in relation to providing that security.

Clause passed.

Clause 23 passed.

Clause 24.

Mr MALINAUSKAS: I would like to inform the house that the opposition and the Labor Party will oppose this clause. This is a rather extraordinary attempt by the government and the Liberal Party of this state to amend the Electoral Act in such a way that is consistent with only one thing, and that is their self-interest. That is a distinctly different pursuit in terms of the amendment of this act than trying to do something that has at its heart a motive to improve the democracy of this state.

All of us in this place, hopefully, subscribe to some essential principles when it comes to the importance of democracy. We are all by nature, I believe, democrats, who accept that the ultimate arbiters of our conduct and the actions of each of us in this place should be the people, which I think means that we subscribe to an ideal in this country where we believe that every last person's vote should count. Every last vote should count. That is why Australia's democracy is unique in the world.

We live in a society that subscribes to an egalitarian ideal that everyone is equal, that everyone should vote and that every vote should count. That is why as a nation we have adopted a policy of compulsory voting. I contend that that is a policy that has stood this country and this state in extraordinarily good stead on any objective measure on a global comparison. The nature of our democracy and compulsory voting, and every last vote counting, is at the heart of our success. The experience of 2020, in regard to our dealing with the COVID challenge, is a demonstration of this.

Our democracy is probably one of the most intact of any modern western democracy around the world. It is easy to draw comparisons, whether it be in Continental Europe, the United Kingdom, or the United States of America. At the moment, their democracies are in peril. There are a number of contributing factors, and some of them differ between those examples, but at the heart of them is a democracy waning on the back of the politics of division, often motivated by the fact that not every last vote is being cast and not every last vote is being counted.

Notwithstanding our disagreements, notwithstanding the significant points of difference philosophically and ideologically that exist between people within this place and our major political parties and minor political parties and Independents—notwithstanding those differences—ultimately we do have a liberal democracy that gravitates towards the centre of politics, where every last Australian's voice is heard.

We have countervailing forces against the major parties within our political system in this country, best represented by Independents in this very chamber. What this clause does is seek to dramatically undermine those principles we have currently. Allow me a moment to explain how. Under our current voting method, every single vote counts—every single last vote in single-member electorates in the lower house of this place counts. If you cast a vote formally, it is going to inform the outcome—plain and simple. Under this clause, that is no longer the case.

Literally thousands of people in every single electorate across the state will have their votes extinguished and no longer determine the outcome of who was elected in this place. Those opposite might say, 'Well, fantastic, that suits our own electoral purposes,' and you are entitled to that position. A more thoughtful view would be: what is the ultimate consequence of that in the long term? I will tell you what that is, and that is we are going to see a greater degree of divided politics going to the extremes in this country in the exact way we do not want to see happen when we look overseas at the experience now.

Why would the Liberal Party of South Australia want to be party to that? There is almost nowhere else around the country where this occurs. You are the only government that is pursuing such an agenda, and I think it erodes the integrity of what this bill is supposed to, or purports to, seek to achieve, which is actually maximising the opportunity for people to vote, minimising the degree of informality and ensuring that every last vote and voice is heard.

I think it is an appalling approach on behalf of the government. I desperately invite everyone within this place, when you cast your vote on this question, to ask yourself this: are you willing to accept the extraordinary responsibility that has been invested in you as a custodian of this state's democracy to make a decision that is about the long-term interest of quality public policy in our state or not?

If you decide to support this clause, I argue very strongly that you are actually making or casting a ballot on the basis of self-interest that is more consistent with an immediate political outcome at the expense of our liberal democracy and the principles that have underpinned it in Australia. So I would invite you to reconsider, if you have not yet determined how you will cast your vote.

I argue that our record as a state, our record as a democracy, here in South Australia and across the rest of our federation speaks for itself. We have one of the highest standards of living in the world. We have dealt with extraordinary challenges in this year alone, when other countries have not, and the nature of our democracy and the nature of the fact that people trust it speaks volumes to that, and I invite the house to consider this clause accordingly.

The committee divided on the clause:

Ayes 20

Noes................ 20
Majority............ 0

AYES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Ellis, F.J.	Gardner, J.A.W.	Harvey, R.M. (teller)
Luethen, P.	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.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

NOES

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

PAIRS

Cregan, D.	Piccolo, A.	Knoll, S.K.
Michaels, A.	Marshall, S.S.	Gee, J.P.

The CHAIR: There being 20 ayes and 20 noes, as the Chairman I have the casting vote and I vote with the ayes.

Clause thus passed.

Mr PICTON: Point of clarification: is it not the convention in the case of a tied vote that the status quo should remain?

The CHAIR: Member for Kaurna, I have indicated where my vote is to be placed and I am going to leave it at that.

Mr MALINAUSKAS: Point of order, Mr Chair: may I, with your indulgence, seek some clarity as to what may have informed that judgement in the context of the status quo convention?

The Hon. J.A.W. GARDNER: Point of order: I would argue that that is a reflection on a vote that has taken place in this house and is utterly out of order.

The CHAIR: I am not going to provide any more comment on this. We have had a division. It was tied. I cast my vote. We will move on.

Clauses 25 to 29 passed.

Clause 30.

Mr PICTON: I believe there is an amendment filed; is that correct?

The CHAIR: The amendment is to oppose the clause, I think, member for Kaurna, so all I am going to do is put the clause.

Mr PICTON: We usually we allow members to speak on clauses as they come up.

The CHAIR: Yes, you are allowed to speak.

Mr PICTON: I understand this clause is in relation to the repeal of section 93, which includes the interpretation of ballot papers in the House of Assembly elections and which presumably has been done as part of the government's desire to bring in optional preferential voting. Therefore, the opposition is supportive of the stated proposal from the member for Florey to oppose this section as well.

The Hon. V.A. CHAPMAN: Can I ask that clause 30 be put.

Clause passed.

Clause 31.

Mr PICTON: Likewise, from my understanding this is in relation to informal ballot papers. This is also connected to the government's desire for OPV and, I believe, connected to their desire to remove ticket voting as well. Therefore, we support the stated intention of the member for Florey to oppose this clause as well.

The Hon. V.A. CHAPMAN: Chair, I ask that clause 31 be put.

Clause passed.

Clause 32.

The CHAIR: Do you have a question, member for Kaurna?

Mr PICTON: Thank you for the opportunity. Things are getting a lot quicker, not being able to make contributions.

The CHAIR: No, member for Kaurna, you are able to make a contribution at any time.

Mr PICTON: Thank you; I appreciate that.

The CHAIR: The amendments to clauses 30, 31, 32 and 33 are merely to oppose the clause. That does not preclude the right to make a contribution.

Mr PICTON: I am glad that, as a member of parliament, I do have the right to make a contribution.

The CHAIR: Yes—and there is no need for sarcasm.

Mr PICTON: I was not being sarcastic.

The CHAIR: It sounded to me like you were.

Mr PICTON: This section is particularly relevant to option preferential voting as well. In relation to the government's drive to introduce optional preferential voting, I would like to ask the Attorney if she can nominate any non-incumbent Independent in the past 30 years who would have been elected to this parliament had optional preferential voting been in place during that time? Can she point to any non-incumbent Independent who would have been elected, outline which election that was and the rationale for how they would still have been elected?

The Hon. V.A. CHAPMAN: Unsurprisingly, I do not have that immediately to calculate those reassessments. There has been some academic work on this in the past. I just remind members that this is optional preferential voting. It means that the voter at all times continues to have the right to do a full preferential vote if they wish to. It also means they have the choice to just vote for the one, two or three, less than the full complement, and have a validly cast vote. It may be that that is their choice. That is what we are proposing.

It is commonly asked of optional preferential voting if it means that, in fact, you could have a candidate who is successful with only 40 per cent of the vote. Absolutely, you can. That is why there has always been an argument for full preferential voting; that is, the most preferred candidate ultimately gets elected. Of course, with the aggregate of other parties' first preferences, they may do that, though. They may start with a lot less than 50 per cent but, with the aggregate of other smaller party candidates and Independents, are able to come up over the 50 per cent and be successful.

Once two candidates remain under an OPV system, the candidate with the most votes will be elected even if neither candidate then has an absolute majority. That is the proposal and that is

what is being presented here. There has been some academic research in relation to optional preferential voting and whether there would be forecast throws of vote as a result of introduction of OPV, but I do not have that to hand.

Mr PICTON: I think it is worth noting at this time that, upon being asked to nominate any non-incumbent Independent in the past 30 years who would have been elected under this system, the Attorney-General was unable to nominate any particular non-incumbent Independent who would have—

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order: just to correct the record, the answer from the Attorney-General was that she does not have that information with her at the moment.

Mr Picton: What is the point of order?

The CHAIR: Member for Kaurna, there is a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: She does not have that information.

The CHAIR: What is the point of order, minister?

The Hon. D.C. VAN HOLST PELLEKAAN: That the member is debating the topic rather than actually contributing to the committee stage of this bill. The Attorney's answer was that she does not have the information at hand.

The CHAIR: Thank you for that, minister. Member for Kaurna.

Mr PICTON: Thank you; we always appreciate the coach's contributions. Let's be very clear: in my second reading speech, I went through the detail of each Independent who has been elected to this chamber in the past 30 years. In each of those cases, going right back, those Independents have only been elected when they have overcome a significant differential in the primary vote. That has been under our system and applies equally to all parties.

What the Attorney-General is proposing is going to make it near impossible for a non-incumbent Independent to ever be elected again into this parliament. Upon being asked to nominate any example in the past 30 years where she thinks that might still have been able to happen, she was not able to nominate one, and the reason is because none of them would have been elected. This is going to make it near impossible for a minor party or non-incumbent Independent to ever get elected into this parliament again. I think that weakens our democracy. It is all to benefit the Liberal Party and it is a blight that the Attorney-General continues to bring this proposal to the house.

Clause passed.

Clause 33.

Ms BEDFORD: This is the clause we have all been waiting for. The Attorney is laughing, so that is a good sign. You are not laughing? You are sort of smiling. This clause proposes to ban electoral advertising posters, or what are commonly referred to as corflutes.

I have already outlined why I think this would be a retrograde step without compensating measures to ensure challenges to incumbent members, Independents and minor parties are not disadvantaged. I foreshadow I will be moving an amendment to negate this clause and the related consequential clauses.

Before we move to that, I ask what consultation did the Attorney-General undertake on this matter? Did she seek the advice of the Electoral Commission of South Australia, and, if so, what was that advice? I acknowledge I did write this question before we had been granted access to the commissioner.

The Hon. V.A. CHAPMAN: I think I answered that at clause 1.

The Hon. G.G. BROCK: Attorney, an 'electoral advertising poster' means a poster displaying electoral advertising material made of corflute or plastic or other material, or kind of material, prescribed by the regulations. We are taking that as corflutes that are basically on poles,

etc. Does this include or exclude banners that could be put on a fence which is one square metre? Also, does it let somebody who has a tree just off of the road in their private property allow a corflute to be put on that tree on their private property?

The Hon. V.A. CHAPMAN: There is no provision at all for exclusion on private property. This is all in relation to public property. Where it reads 'public road means a road within the meaning of the Road Traffic Act 1961', the prohibition relates to that. The proposal states:

> A person must not, during an election period, exhibit an electoral advertising poster—

as defined—you have already referred to that—

> on a public road (including any structure, fixture or vegetation on a public road), except in circumstances prescribed by the regulations.

The provision here as expressed in this regulation as to the banning of corflutes relates to public property. In the explanation you gave, a poster on someone's private fence or on a tree within a private property is not covered by this.

The Hon. G.G. BROCK: So I can put—

The Hon. V.A. CHAPMAN: You can have private advertising with anyone who wants to let you put your advertising on.

The Hon. G.G. BROCK: You can put it on the fence of a golf course, for argument's sake, or something like that?

The Hon. V.A. CHAPMAN: If you have the permission of the owner, yes. I would get that first, but I think you would be alright at the Port Pirie Golf Club.

The CHAIR: The member for Kaurna has a question on corflutes.

Mr PICTON: I do, on clause 33, Chair. We know, of course, that this is one of the clauses that the Attorney herself has come up with; this has not come from the Electoral Commissioner's recommendations. When she was coming up with this clause, did she consider any alternatives such as capping the number of corflutes, requiring that the corflutes be made of recyclable materials, or increasing penalties for corflutes and posters that were erected inappropriately?

The Hon. V.A. CHAPMAN: Can I just start afresh with this. We have had corflutes for about 30 years as a communication mechanism for elections. I am just old enough to remember before we had them, but the reality is they have been commonplace for elections over the last 30 years, perhaps 35 years in some areas. Some parts of South Australia have not actually taken them up at all and that has been a personal area usually within the district council.

It is our view, as I have identified, and the view of the government that there are environmental aspects to this in addition to the fact that there are so many other forms of communication now as to the information being disseminated to educate the public as to candidates' apparent attributes for the purposes of public office.

I suppose it would be arguable that those, particularly electronic, are by far the greatest source of information now for people interested in having information about who is proposing to represent them, what they stand for, whether they have any affiliation with political parties and the like. Is that a good thing or a bad thing? I do not know. The reality is that is the position we are in. I think mainstream media still has a significant role.

Corflutes are seen as a blight on the environment. There is the production and disposal of them, given that they are a product which is lightweight and rigid but not easily compostable—in terms of understanding the environmental consideration here. Obviously, they are used—this corrugated polypropylene type product, which is a fluted plastic—because they withstand the weather for a month, usually sitting on someone's Stobie pole, and are designed to survive the display during the relevant period. But they are, as I say, a form of advertising that we suggest is outdated.

On their website, the Australian Greens have looked at this question of limited recycling, but, as is pointed out, this polypropylene is not widely recycled, with only two main recycling methods:

either mechanical recycling, which is complicated due to concerns both around food content and around separating types of plastic, or recycling through chemical methods to break the corflute down. So while all their political parties encourage their candidates to re-use or recycle corflutes or repurpose or donate them, this is often difficult and sees a continual cycle of new corflutes being printed each election.

Beyond the corflute itself, in order to suspend the advertising they require cable ties and other fixings, which often get cut and left for local wildlife to consume. Local councils have further raised concerns about diminished roadside safety, distracting drivers and the preservation of roadside public amenity. Corflutes are costly to parties and do little to educate the voters about the candidate or their platform beyond their name.

Importantly, our government appreciates that people may need to be reminded on election day and of polling place locations, so the bill provides that exceptions to this ban are permitted by regulation. As I have indicated in the second reading, it may potentially be utilised to allow unlimited numbers of corflutes to be displayed adjacent to polling booths on election day or during the polling period and potentially near polling places within the current advertising and electoral display guidelines in the act. They are matters yet to be discussed and considered.

There are two impressive matters which have come to our attention. One is the surveying—and I have outlined this in the second reading—that has occurred in relation to this matter. Early in the discussion on consideration of this proposal, in the survey that was undertaken in relation to the banning of corflutes, of the 1,879 people polled 90 per cent of people voted that, yes, political posters or corflutes should be banned.

Surveys are a demonstration, an indication at the time, but this was a very significant percentage—90 per cent say they should be banned. I think the understanding of the general public—and obviously you can listen to talkback radio, you can take your own surveys, your own electorates; these are matters which members can make their own judgement on, but we have found very significant push for it.

The second factor that really impressed me is that as soon as there had been an opening of public discussion on this we immediately had the LGA writing to us to say, 'Look, if you are going to be doing this, can you do it for us too? Can you do it for our members, because we want to be relieved of these matters as well.' It is not just the regulation by councils themselves but for their own elections. Indeed, as members would be aware if they are following the debate that we had yesterday on local government, that has therefore been included in their electoral reforms that they have sought, because they are very keen to be relieved of this.

If any members listen to the commentary on this, firstly, young people do not understand what the benefit of them is at all, I do not think. Secondly, if one listens to talkback radio, it is a question—

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: If one listens to talkback radio—most of them live in my electorate, which are the older ones—then they, of course, are very clear: get rid of them. They have had their day. We have lived before and after them—BC and AC, as they say—and they will be—

The Hon. D.C. van Holst Pellekaan: And not going anywhere.

The Hon. V.A. CHAPMAN: Before corflutes and after corflutes, exactly. We say they really serve no purpose. Members can consider that for themselves, but we have considered those matters. We have obviously listened to those in commentary. There are political commentators, as we know, the Dean Jaensches of the world and so on, who say, 'Get rid of them.' In fact, he says to get rid of a lot of things, but get rid of corflutes at least while you are there.

People who have been around politics a long time understand that they have had their day. They are a product that the Australian Greens identify as being something that we would all like to recycle, but it is very difficult to. You could put up cardboard ones, but they might not last the first week.

Ms Bedford: They won't last the first day.

The Hon. V.A. CHAPMAN: If it is raining, of course, we will see lots of pictures with dribbly, runny streaks through them because they will be unrecognisable. That is the situation we are in. We think that there is a case for consideration of limited presentation by candidates at the polling booth during the polling period, that is, the day or the pre-poll, and we are happy to talk further about that if this legislation is passed to ensure that everyone has some view as to what the process should be and whether there should be a limitation of message or size or anything else in relation to polling day.

Really, I think the message is fairly clear. There are good environmental reasons to get rid of this. They are a blight, they are ugly in the sense of their visibility, dangerous to traffic, all the things I have outlined in the second reading. I will not go through them again. There is a cost, obviously, in the resource of policing these things as well. We are looking forward to a corflute-free election lead-up in 2022, if it is the will of the house and this parliament to support this initiative.

Mr PICTON: I think it is pretty incredible that we are debating a bill about the electoral process and the Attorney is using as her example a click unscientific poll and talkback radio as her supporting examples.

Ms Stinson: All those millennials.

Mr PICTON: Very scientific. That's right; as the member for Badcoe says, all those millennials. We also heard from the Attorney-General a discussion about something else I am very keen to ask about in this very problematic section, which is in relation to the regulation-making powers. It is very interesting that the government is seeking to ban corflutes, except they are giving themselves—the government—the ability to make a regulation to allow them in some situations. We do not know what those situations are.

The Hon. S.C. Mullighan: If you are running for Bragg.

Mr PICTON: That's right; maybe if you are running for Bragg. The Bragg campaign is probably a well-oiled machine. I think the danger in this is that here we have a situation where the government is saying, 'We will determine the rules at a time of our own choosing. We are not going to tell you what those rules are going to be.' We have already heard, during the course of this debate, the extensive discussion that the Attorney-General has had with Ms Sascha Meldrum, who is the director of the Liberal Party, in relation to this legislation.

Presumably, the Liberal Party and the government are going to discuss what the circumstances should be in relation to this regulation-making power, and therefore they are going to have a heads-up as to whatever the case may be and will be prepared for whatever those regulations are that will allow corflutes in some scenarios. Of course, all of those environmental factors go out the window when we are now allowing them in a set of scenarios that the government itself is going to determine. If this is dropped late in the piece, there will be no ability for the parliament to come back and consider whether to disallow those regulations.

This is a significant advantage that the Liberal Party is cooking into this legislation for themselves. They will be able to write the rules ahead of time. If they believe that there is some scenario in which they should be allowed to, then put it in the legislation, make everybody aware of what those rules are now and do not give yourself the chance to write the rules five minutes before midnight to the election.

The Hon. V.A. CHAPMAN: As I have indicated, if the abolition or banning of corflutes is successful in this form, we have left open the opportunity to consider whether, by regulation, there would be some provision to have them on election day. I have heard before the suggestion about the importance of minor parties or Independents having an opportunity to present their corflutes.

I think there is some argument for the opportunity to do that on election day, to put it in their A-frame with an indication of how they are wanting people to vote. It may not be unreasonable. Personally, I would be happy for them to go altogether, but at this stage we have left open the opportunity to consider a support for having a display on election day or at the pre-polls—to have that available to them.

So we would ask particularly the minor parties, or those who say it is necessary for democracy to be able to have a form of display, to consider two things: one is supporting the ban of corflutes on public property, Stobie poles, etc., during the lead-up to the election, and the other is providing us with their recommendations as to what they think should be reasonable for the display in that polling period. We are quite open to discuss that. We would not be presumptive to say that this is what we think should happen on election days about how many each candidate should have or what space they should have or things of that nature. We would be quite happy to hear from all parties.

Again, as I understand this argument of the Independents and the minor parties, some of them are saying, 'Look, this really is our only form of expression or display or face recognition.' That may be well put. The fact is, we are leaving open that opportunity for us to look at a regulated process for polling day. If it turns out that there is no appetite for that; that is, no-one wants to have any displays on election day; we want to get rid of these things altogether—

The Hon. G.G. Brock: What about the pre-poll period?

The Hon. V.A. CHAPMAN: Again, election day or the pre-poll period—this is what I am considering.

Members interjecting:

The Hon. V.A. CHAPMAN: One thing those who were following the law reform in the local council yesterday are looking for is access to use them during their polling period, I think they call it under their act—I would have to check the wording of it. They have a voting period. You do not have a day that you vote for local council. I think it is 14 days. Anyway, it is a number of days. They are looking to have use of them at the polling booths for their polling.

Members interjecting:

The Hon. V.A. CHAPMAN: They do not have to. I understand that. I am just saying to you—

Members interjecting:

The CHAIR: Order from the opposition bench!

The Hon. V.A. CHAPMAN: In any event, these are the things we are looking at for them to say if they want to be able to do that themselves as well. We have said that obviously we are happy to have a look at that. You have asked to follow what we are doing, and I have asked them, 'Is there any particular aspect that you want?' 'No, we will do what you are doing and keep it simple.' We will not have them on posters and Stobie poles and leave it open for some discussion about what they would like as their polling options.

Members interjecting:

The Hon. V.A. CHAPMAN: Yes, members shout out that it is largely postal in the sense of being able to vote over a period of time. They may come up with some other alternative way of how they might want to have some display. Of course, local councils quite sensibly provide, a bit like the South Australian Cricket Association, a summary of a certain number of words about the profile and what they are offering ratepayers as their attributes to be a successful candidate. I think it has to be over 150 words or something like that; there is a limit. It is displayed online and can be distributed at various outlets. It is a useful means of information consolidated in a uniform way.

It is not quite the same with state election candidates, or federal candidates for that matter. Nevertheless, there is quite a significant amount of information about the policies of political parties that they stand for and the like. I just make the point that this is not presented as a model where the government will identify what they want. It will be—

Members interjecting:

The Hon. V.A. CHAPMAN: I am just indicating. If they want to, they can have an opportunity to have a say about whether there should be some preservation of the right to display, essentially, at the critical time of voting, and we are open to that. We have made provision there for it. I would expect that members of political parties will go and consult with their advisers in their own political

parties as to whether they think that is a sensible idea and, if so, what the format should be in regard to size, colours, message or pictures only, those types of things.

Apart from being in the one-metre rule in the South Australian Electoral Act, I am happy to hear any indications about what members would prefer. I have written to every member in the parliament and I have written to every political party that is registered in South Australia. The invitation remains open. I have not had any Labor members write to me to say, 'We think this is a good idea.' Apparently, they just want to oppose everything in this bill. In any event, I hope that members will seriously consider that and leave that gate open for them to present some proposal on what they think would be reasonable.

The Hon. S.C. MULLIGHAN: It is curious, is it not, that several years ago when a former Attorney-General, the former member for Croydon, sought to get rid of these we certainly had a different perspective from the member for Bragg at that time than we now have. You might ask why that is and the answer to that question, quite simply, is: incumbency. Like so many other measures that this bill seeks to achieve, this seeks to enshrine the Deputy Premier's and her political party's incumbency.

The Hon. V.A. Chapman interjecting:

The Hon. S.C. MULLIGHAN: As the Deputy Premier just reminded us, if she has something to say I am sure she will have an opportunity shortly, won't she, rather than having to interject. That is what is motivating this here.

Clearly, as a political candidate, particularly of a major party, I have certainly used corflutes. I cannot think of one person in this chamber now who has not used corflutes for the benefit of their election. They are most useful particularly the first time that a candidate runs for parliament to demonstrate to the electorate who they are, who the person is. It is not just of benefit, of course, for somebody running for the first time; it also assists—given we have four-year fixed terms here in South Australia—in reminding the electorate who people are the next time they come to vote. In fact, some members past and present have the practice of using the same corflute over and over again, election to election.

Maybe I am wrong on that because, of course, we all put on our best face for our corflute photo. We all seem to look five or 10 years younger in our corflute photos. Some of us, of course, take the alternative approach: the Benjamin Buttons of corflute photos. Nonetheless, they have been a great utility.

I had an interesting experience with corflutes at the last election. I had more than 400 corflutes stolen off Stobie poles in the course of the last five weeks of the election campaign. Unbelievably, those corflutes are yet to surface. It is not easy to store 400 corflutes. You would usually need to be someone who has access to some sort of political organisation and its infrastructure, somewhere to store that many stolen corflutes.

Anyway, I hope the campaign manager for Steven Rypp is looking after those corflutes, and I hope they do not get re-erected if the member for Bragg's amendment to the Electoral Act passes here and I suffer a $5,000 fine for each of those 400 corflutes that may be surreptitiously put up to try to spite me and spite my campaign in the same way that they were stolen.

The Hon. D.C. van Holst Pellekaan: This is a very serious conspiracy theory.

The Hon. S.C. MULLIGHAN: The member for Stuart is agitated. He might have something misleading to provide the house again, as is his wont. Speaking of misleading, it is not just the member for Stuart; it is also the content that those opposite put on corflutes. Think of some of the corflutes that were put up at the last election.

Now that we have the member for Bragg, who is the Minister for Local Government, we are going to cap council rates. I remember that corflute. Do you remember that one? Well, apparently we are not. Apparently, instead of a corflute, we should have a white flag for the member for Bragg's electoral booth when it comes to capping council rates. What about lower costs? Well, the $500 million in higher taxes, fees and charges and the extra $725 a year that a nurse has to pay for

hospital car parking at the Women's and Children's Hospital and The Queen Elizabeth Hospital do not sound like lower costs to me.

The CHAIR: Member for Lee, we are digressing. Back to corflutes.

The Hon. S.C. MULLIGHAN: Yes, and what was superimposed on those corflutes at the last election. We also had the promise about more jobs, but of course jobs growth stalled under here. We also had the commitment of better services. Well, it is a bit hard to provide better services in your hospitals when you are sacking doctors and nurses, isn't it?

I wonder whether now it is not just about ensuring the Deputy Premier's incumbency and that of her colleagues. I wonder whether it is also about trying to hide the failures of this government and the promises they made to the people of South Australia on those corflutes. But we learn, as this debate goes on, that maybe all these fears are unfounded. Because of the Deputy Premier's regulatory power, she might find some ways to make regulations, we first heard, to benefit Independents.

Which Independents, you might ask? I guess that would be up to the Deputy Premier. Which would be of most use to the Deputy Premier and her political fortunes and those of her colleagues? Which Independents would get the benefit of that? This is a dreadful regime that the Deputy Premier is proposing here, one that she tries to singularly impose on the community of South Australia where she and she alone will be the arbiter of how corflutes are to be used.

An honourable member: And by whom.

The Hon. S.C. MULLIGHAN: And by whom. I for one think that that is an outrage, and I think all of you, particularly those of you who are only here by the benefit of having used these before, should understand how they do level the playing field, particularly for new candidates, and how they do provide people who are not from major political parties the opportunity to become known within their electorates. If that is unacceptable to the Deputy Premier, that is an even more ringing endorsement.

Ms BEDFORD: The Attorney has mentioned in her contributions the booklet on style information that is circulated by councils. I would particularly like to know if they were considered in any way. I put it to the Attorney that some people do not even know there is an election until the corflutes go up. While we may all complain about them, that is the first time people even notice anything is actually happening. I would like to know whether the information booklet has been given any consideration or whether you might consider as part—

The Hon. V.A. Chapman: Do you mean for state elections?

Ms BEDFORD: Yes, that's right. Will you consider that the council-style booklet be adopted at the state election if you want to get rid of corfultes, per se, or whether you might consider one spot in the election or five spots in the election where everyone can stick a poster, so that everyone knows if they go past the wall at Tea Tree Plaza or the sporting club or the very big vacant block at Burnside—I do not know how long that is going to be there—whether there might be a spot like that?

I would also like to know whether you have given any thought to the ground stickers that we now see on footpaths. As far as I knew, these were legal, but at a federal polling booth in the last election the candidate went nuts—there is no other way to describe what happened—and we were forced to remove that ground poster. They are used everywhere else in the city, so you are not picking up ground posters and they would be the next thing I would be putting on the ground at my polling booths.

The Hon. V.A. CHAPMAN: There has certainly been no attempt to impose a regime of how you should publish. Candidates and political parties have different ways to sell their message: obviously, television and radio advertising, followed by major social media content and then display within the restrictions that we have, the one-metre rule, etc. Federal people do not have that rule, and there are giant pictures of federal members next to us. There are many different ways people can present a summary. They can put it on their own profiles in relation to web pages, Facebook pages and so on.

This is not as a result of us undertaking an exercise about what we think people should do in relation to how they present their case. There is no intention by the government to be prescriptive in that regard, but we have listened to the concerns raised, particularly about the environmental aspect, given that we have other 21st century mediums with which to convey information, and the clear utility of what corflutes are about.

They may be a prompt for people, who will say, 'Oh, there must be an election on. I can see all these faces. Is it a local council or is it the state election?' or whatever. That may be a prompt for some people. I would suggest that there are plenty of other means by which they are given that, but you may be right. Some people may be refreshed when they are putting up the antenna for civic matters. Otherwise, they only read the back page of *The Advertiser* and they only follow the sport.

Ms Bedford: And they don't care about it.

The Hon. V.A. CHAPMAN: I am not discounting that. I just make the point that what we have done here is not an exercise in setting out a prescription about how people sell their message, but we have identified that there is a community expectation that we have a look at this, and we have. We have had discussions about it and it is the government's view, supported by the Liberal party room, that this initiative would save money and resources and remove a fairly inefficient means of communication in the 21st century.

It would also remove the blight visibly and would certainly remove a significant environmental problem of posters everywhere during the election period and also their disposal afterwards, and the road safety initiatives that I have mentioned. I have shortened the list in relation to those, but you understand the indication. I hear what the member says about it being a prompt. Whether we need a thousand prompts in every electorate on Stobie poles—that may be excessive. In any event, I think there is time for us in 2020 to say, 'Let's move on.'

Ms BEDFORD: My next question is: why has the Attorney-General concentrated on corflutes and not considered a comprehensive package of fairness measures, particularly, as the member for Kaurna mentioned earlier, such as those applying in Tasmania, where there are no corflutes but there is also a ban on handing out how-to-vote cards and a rotating ballot order to avoid the impact of so-called donkey vote, and other measures?

Are we actually trying to address as a whole package in a fair way or are we just cherrypicking through the bits that some people might not like?

The Hon. V.A. CHAPMAN: No, I think we have certainly considered at length the question of whether optional preferential voting is introduced, and that is a voting system, just like the Labor Party did to present to the parliament before the last election, in considerable consultation with us as the then opposition.

Mr Malinauskas: For the other house.

The Hon. V.A. CHAPMAN: For the Legislative Council. At that stage it was not a question of saying, 'We've considered 15 different ways of voting and this is what we have come up with.' We had a discussion about that to the extent of making a contribution—

Mr Malinauskas interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: Yes, well, you came late in the piece, but nevertheless—

Mr Malinauskas: I'm here now, though. We didn't get any dialogue whatsoever.

The CHAIR: Order, leader! I've already called you to order a couple of times.

The Hon. V.A. CHAPMAN: At the time we had constructive discussions without the now Leader of the Opposition but with the leadership of the time to consider the proposal of the then government as to—

Mr Malinauskas interjecting:

The Hon. V.A. CHAPMAN: I have this noise coming from over here. I am trying to address the member for Florey's issue. So, yes, we have not gone through and said, 'We are going to again be prescriptive about what should occur as to the information available.' Certainly when we looked at the abolition of corflutes, which was in general community discussion—we had just come through an election campaign. There were rumblings then, there was discussion in the public arena about this and we listened to it.

We considered the constitutional validity of whether that could occur. We observed that it occurs in two other states where they have been banned in two other states in Australia, and had not been challenged in relation to validity. So those sorts of elements obviously we considered. The world has not fallen down either here in the Legislative Council when we changed the vote or in Tasmania when they got rid of corflutes.

There are ways to manage that. I am interested to hear, and that is why I wrote to every member of this parliament as to whether they have any views as to the reforms that were being presented. As I say, I have not had anything. Indirectly, I have had them via political commentators—Professor Dean Jaensch, people like that—who say, 'Why don't you get rid of these other things as well like how-to-vote cards?' We have had an indication, as I say, that there are a number of reasons to support the abolition of corflutes.

There may be a case to put for changes in relation to other communication practices. At first blush, I am not someone who would jump to being prescriptive about how people sell their message but this is one which appears to have now reached a level where the public are saying, 'Look, this is neither effective communication for us, nor is it something that we value. In fact, we are concerned about aspects such as the environment.'

Certainly the Australian Greens have raised these matters. I would hope the Australian Labor Party would look afresh at this, recognise that there are other now calls like the local government sector seeking relief from having to deal with these and regulate them. If it is the view of the Australian Labor Party that they are now going to insist that we keep them, and that maybe so, I might have to ring up the Hon. Michael Atkinson and see if he would like to come and advocate for them because he certainly presented an argument before in the parliament.

Ms Bedford: He also changed the seat of Spence to Cheltenham. What do you think about that?

The Hon. V.A. CHAPMAN: Yes, I know—to Croydon at the time, which was I think reprehensible. Catherine Helen Spence's memory was obliterated with the pen of the Hon. Michael Atkinson but, anyway—

Members interjecting:

The Hon. V.A. CHAPMAN: A submission was presented to argue, and he insisted that Croydon be recognised and Spence be removed and he was successful.

Mr PICTON: Mr Chairman, point of order: we may have just deferred from the topic at hand.

The CHAIR: I might ask the Attorney to conclude her response.

The Hon. V.A. CHAPMAN: No, we have not specifically gone into other areas of reform, but I am happy to hear from the member if she has any other ideas. The sky has not fallen in in Tasmania—Launceston, Hobart, they seem to happily have elections without pictures all over the stobie poles.

The CHAIR: Just as an aside, I found in my shed only this past week a corflute of a very young Rob Kerin. I have no idea why or how I came to have it. It is so old it is in black and white, so there you go.

The committee divided on the clause:

Ayes 22
Noes 18
Majority 4

AYES

Basham, D.K.B.	Bell, T.S.	Chapman, V.A.
Cowdrey, M.J.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Luethen, P.
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.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.		

NOES

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

PAIRS

Cregan, D.	Piccolo, A.	Knoll, S.K.
Michaels, A.	Marshall, S.S.	Gee, J.P.

Clause thus passed.

Clauses 34 and 35 passed.

New clause 35A.

Ms BEDFORD: I move:

Amendment No 2 [Bedford–2]—

Page 10, after line 38—Insert:

35A—Amendment of section 130Q—Payment not to be made or to be reduced in certain circumstances

Section 130Q—after subsection (2) insert:

(2a) A payment under this Division will not be made—

(a) in respect of votes given for a candidate in a general election who is endorsed by a registered political party that endorses—

(i) 5 or more candidates for election in the general election; or

(ii) 5 or more candidates for election in a simultaneous Legislative Council election,

(or both) unless—

(iii) at least 35 per cent of any candidates endorsed by the registered political party for election in the general election are women; and

(iv) at least 35 per cent of any candidates endorsed by the registered political party for election in the Legislative Council election are women; or

(b) in respect of votes given for a candidate in a Legislative Council election held at the same time as a general election who is endorsed by a registered political party that endorses—

(i) 5 or more candidates at the Legislative Council election; or

(ii) 5 or more candidates at the general election,

(or both) unless—

(iii) at least 35 per cent of any candidates endorsed by the registered political party in the Legislative Council election are women; and

(iv) at least 35 per cent of any candidates endorsed by the registered political party for election in the general election are women.

The Hon. V.A. CHAPMAN: Member for Florey, my understanding of this amendment is that it seeks to restrict public funding payable to political parties if they do not achieve a 35 per cent quota of women candidates. Is my understanding of how this reads correct?

Ms BEDFORD: I have to admit I have not seen it, so I do not know where it came from. My understanding was that my clause 14 was dealt with earlier and I was not aware of this bit being filed. It was an earlier thought bubble that has come down here all of a sudden.

The Hon. V.A. CHAPMAN: If it is not the intention of the member to continue it, I will not ask any other questions. But if you do find that it is something meritorious that you want to progress, could you indicate to me whether I am right in suggesting that it appears to restrict public funding payable to political parties if they do not achieve a 35 per cent quota of women?

Ms BEDFORD: It certainly does restrict public funding, doesn't it?

The CHAIR: Member for Florey, what would you like to do with this?

Ms BEDFORD: I do not need to go ahead with it.

The CHAIR: In that case, member for Florey, you have already moved it, so might I suggest that you seek leave of the committee to withdraw.

Ms BEDFORD: I am sure the committee would be very pleased if I did that, sir. I seek leave to withdraw it.

Leave granted; amendment withdrawn.

Clause 36 passed.

New clause 36A.

Ms BEDFORD: I move:

Amendment No 3 [Bedford–2]—

Page 11, after line 2—Insert:

36A—Review

(1) The Electoral Commissioner must include in the relevant State election report a review of the operation of section 53(8a) and section 130Q(2a) of the *Electoral Act 1985* (as inserted into that Act by section 14(11) and section 35A of this Act (respectively)).

(2) In this section—

relevant State election report means the report of the Electoral Commissioner relating to the general election immediately following the commencement of section 35A of this Act.

Mr PICTON: I indicate the support of the opposition for this amendment.

The Hon. V.A. CHAPMAN: My understanding is that this is a review seeking the Electoral Commissioner to review the matters that would have been relevant if you had progressed the amendment before; that is, if you had restrictions on the payment and funding available without quotas, etc., then you would be seeking a review on those matters, but you have not actually progressed that. The other matter in relation to quotas was not successful.

Ms BEDFORD: Well, then, it is consequential, which is what I thought was the case in the first place.

The Hon. V.A. CHAPMAN: I am happy to indicate that, if the member the Florey sought leave to withdraw it, we would support the withdrawal. My understanding is that the member acknowledges that the review she has just sought to include was to seek a review, reporting by the

Electoral Commissioner, of the two reforms that were proposed earlier, both of which have either been voted down or withdrawn. There is nothing to review.

The CHAIR: You are quite right, Attorney.

Ms BEDFORD: The Electoral Districts Boundaries Commission reviews our results after the next election, but we did make that an amendment.

The CHAIR: After all that, member for Florey, we have realised that it is consequential, so I would suggest you seek the leave of the house to withdraw it.

Ms BEDFORD: I do, sir.

Leave granted; amendment withdrawn.

Schedule 1.

The CHAIR: We are nearly there. We are at the schedule. Member for Florey, you have amendment No. 9, which is to strike out—

Ms BEDFORD: That is right.

The CHAIR: My suggestion is that you—

Ms BEDFORD: As I said at the very beginning—

The CHAIR: You would simply vote against this.

Ms BEDFORD: That is right.

The CHAIR: It is consequential on earlier amendments that have been negatived. That seems to be the theme for the night.

Mr Malinauskas interjecting:

The CHAIR: I missed that, leader.

Schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (22:37): I move:

That this bill be now read a third time.

I thank all members for their contribution, in particular the member for Florey. I say that because she has given careful consideration to some of the reforms in this legislation. On the question of corflutes, she has raised particularly the question of the street display which will be on public property, which probably would be covered by the proposal that is being advanced in this bill by being a poster within the definition, but we could certainly have a look at that.

I have seen some things that have been plastered on footpaths. I am more than happy to speak to the member for Florey about that. It is possible they are already covered, but if they are not I think there is some merit in having a look at that and I would be happy to have a look at it between the houses. I am disappointed, of course, that the opposition have taken the view that they should just wholesale reject the whole of this bill.

There has been a lot of work done by the Electoral Commissioner. He has a difficult job to deal with very many elections: state and local government, Indigenous groups and other boards. It is a very busy organisation. I think they do genuinely present to us in the parliament areas of reform that they find are either impractical in the operation of the legislation or which could be improved, and I think we should carefully consider those.

It is disappointing to see a wholesale rejection by the opposition of the entire bill. I would understand it for things that they see as novel or peculiar presented by the government. But to do that to the Electoral Commissioner, I think is disrespectful. Nevertheless, that is their position. I am pleased that the bill will now progress to the other place and we will see what their view is of the matter.

I thank the advisers throughout the matter—it has been quite complicated work—including our own Crown Solicitor's Office, which looked at the constitutional issues which I touched on during the committee discussions. We, on this side, will continue to look at electoral reforms we think are for the benefit of the people of South Australia. With that, I commend the bill at the third reading.

Mr PICTON (Kaurna) (22:40): I will tell you what is disrespectful to the Electoral Commissioner: the way this government have gone about drafting this legislation. There were proposals from the Electoral Commissioner, but they have been lumbered with party political positions, partisan positions from the government, to try to benefit their own election and to try to stop any non-incumbent Independents from ever getting elected again to this parliament.

We are in the middle of a global pandemic. We are in the middle of an economic crisis. Instead of debating that, we are debating a bill which is designed to help the Liberal Party stay in office. That is their priority. There is no doubt that this legislation is going to make it harder and harder for non-incumbent Independents and minor parties to ever get elected to this parliament. We have benefited over many decades from the contributions of people who have different perspectives from the major parties, and this is going to stop that from happening.

I asked the Attorney-General to nominate any seat where she thought a non-incumbent Independent might still have been elected, and she failed to nominate even one of those where that would occur. The fact is because they would not. This is a proposal to help entrench the Liberal Party and to help stop Independents from getting elected to parliament. It is setting the bar extremely high to do so, and all of this has come from the Liberal Party themselves.

None of this has been recommended in terms of optional preferential voting by the Electoral Commissioner. They have come up with it themselves. They are trying to steamroll it through this parliament to make sure that they are in a better position to get elected in the future. I think it is a very important point in terms of how the parliament works. We do have precedents and conventions in the way that votes are handled and conventions in the way that tied votes should be handled. We will support the fact that they should be handled in a way that keeps the status quo. That is very important for our democracy.

Here we have a bill where it is very important for our democracy that there will still be the ability for Independents and minor parties to get elected to parliament. In debating this, we believe it is very important that that democratic principle in terms of tied votes be maintained in terms of maintaining the status quo of the precedent of this parliament going back to our foundation. This is something that we will be pursuing, both in this house and in the other place, because what the Liberal Party is trying to do is benefit themselves, benefit their own electoral abilities and reduce the potential for other voices to get elected to this parliament which is a tremendous shame and it is an indictment upon their administration that they would do this.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (22:43): I made remarks earlier this evening in regard to the OPV proposition and, if it were to succeed, why it would diminish our democracy and why it would undermine established principles that we have, not just in this state but as a country, in terms of valuing the concept of not just compulsory voting but the fact that every last vote that is cast counts. An additional element I neglected to mention in my earlier remarks was the question of formality.

One of the things that is currently provided for within our Electoral Act and our voting system is consistency across the federation. Of course, by achieving consistency, what we also do is maximise the chance of formality in terms of votes being cast. We have seen an increase in the degree of informality in recent elections. That is incredibly concerning because good people go to cast their ballot and when that vote is done informally, not deliberately, it means someone's voice is not being heard. I thought we all would have subscribed to the idea that that would be an unfortunate outcome.

There is a broad range of principles at stake in regard to this piece of legislation, not least of which is the concept that the tyranny of the majority should not be used to distort the electoral system in such a fundamental way so as to entrench that majority. We live in an incredibly diverse state, and that level of diversity is only increasing at an exponential rate; it might have been put slightly on hold with COVID, but the diversity within our state continues to grow. That means it is highly presumptuous of this parliament, indeed of this house, to form a judgement that we should be passing a law that diminishes the prospect of independent voices being heard. That would be an appalling judgement for this house to make, should it make it.

My final remark would be in regard to the Attorney's point. I would like to put on the record, on behalf of the Australian Labor Party in this state, our great thanks to the Electoral Commission for their fine work. We are very lucky in this state, and across the country, to have robustly independent electoral commissions, something that is not enjoyed everywhere around the world. I believe the Electoral Commission enjoys the confidence of everyone in this house; I cannot speak for them, but I can speak on behalf of the South Australia Labor Party, and we have complete confidence in the Electoral Commissioner and the Electoral Commission—but, as the member for Lee aptly remarked earlier, we do not enjoy that same degree of confidence in the Attorney-General.

I am somewhat disappointed that the Attorney sought to verbal the opposition, in her characteristic style, as somehow casting aspersions on the Electoral Commission by having a view around what is within the Electoral Act. Our concern here is that there are elements of this bill that may have advanced democracy, or there may even be elements of the bill—

The Hon. V.A. Chapman interjecting:

Mr MALINAUSKAS: We are opposing the bill, because what the government has decided to do is seek to fundamentally change the intent of the bill so that it is not about electoral reform and trying to enhance democracy or trying to increase turnout or accessibility of voting: at its core, what this bill seeks to do is provide an entrenched advantage to the Liberal Party for their own political electoral benefit at the expense of others.

I am not just talking about at the expense of the Australian Labor Party or Independents; I am talking about at the expense of those people who want nothing more than to have their voice heard at the ballot box. They are the people who will pay the price for this piece of legislation: South Australians who, if this bill was to successfully pass this parliament, will no longer have their vote count all the way through. That would be an incredibly unfortunate circumstance if it were to eventuate.

We will not allow that to happen easily. We will oppose this bill on a matter of principle because we will always be a political outfit that seeks to maximise the likelihood of every last voice being heard, every last vote being counted and every citizen getting the opportunity to cast their ballot accordingly.

The house divided on the third reading:

Ayes................20
Noes 20
Majority 0

AYES

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

NOES

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

PAIRS

Cregan, D.	Michaels, A.	Knoll, S.K.
Piccolo, A.	Marshall, S.S.	Gee, J.P.

The SPEAKER: There being 20 ayes and 20 noes, the division is equal. I have a casting vote and I cast my vote for the ayes. The division is resolved in the affirmative.

Third reading thus carried.

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (22:54): I move:

That the house do now adjourn.

The SPEAKER: It has been moved. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: We are one step ahead. The Clerk.

Bill read a third time and passed.

The Hon. A. KOUTSANTONIS: Point of order: there was a motion moved and it was seconded. I do not understand how you just stopped the proceedings halfway through.

The SPEAKER: There is no point of order.

Members interjecting:

The SPEAKER: Order, member for Hammond! Order, member for Chaffey! The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: I move:

That the house do now adjourn.

The SPEAKER: It has been moved. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: I will put the question at once.

Motion carried.

At 22:55 the house adjourned until Thursday 15 October 2020 at 11:00.