HOUSE OF ASSEMBLY

Wednesday, 8 September 2021

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 this parliament is assembled and the custodians of the sacred lands of our state.

Bills

SUICIDE PREVENTION BILL

Introduction and First Reading

Mr PICTON (Kaurna) (10:33): Obtained leave and introduced a bill for an act to reduce the incidence of deaths by suicide in this state, to establish the Suicide Prevention Council, to provide for the preparation and implementation of plans to prevent suicide in the state, to encourage the training of persons and organisations in suicide prevention and postvention, and for other purposes. Read a first time.

Second Reading

Mr PICTON (Kaurna) (10:34): I move:

That this bill be now read a second time.

Sadly, all of us in this chamber, and likely everybody in the South Australian community, know the impact of suicide on one of our friends, one of our loved ones or people in our community. It has an awful, everlasting impact upon everybody in the community. We need to do everything we possibly can to prevent the incidence of suicide, to make sure that people can be supported and get the help that they need. We have a role to play in the parliament and in the government to make sure that we are doing everything we possibly can to prioritise this very important issue.

Sadly, we know that suicide is the leading cause of death for South Australians aged between 15 and 44 years—the leading cause of death. We know that the preliminary data available from the Australian Institute of Health and Welfare from 2019 shows that 251 South Australians were registered as lost to suicide. That was up, sadly, from 212 people the previous year. That is the highest number in recent memory.

Those 251 South Australians are a huge loss to all their communities, to all their families and to all their friends, and one that will leave an everlasting impact. We need to do everything we possibly can as a society, as a health system, as a government, as a parliament, to prevent any more of those suicides from occurring. Sadly, we know that more have happened since 2019. We do know that the reporting is significantly delayed in this area, which is one of the reasons why we need to take action.

This has been an area in which a member of parliament in the other place has devoted his career to undertaking a huge amount of work. I would like to pay tribute to the work of the Hon. John Dawkins MLC, who is President of the Legislative Council, somebody who up until recently was in the Liberal Party, and I think everybody on all sides has tremendous respect for the work he has done. Not just for a short period of time in recent years but over a long period of time, he has devoted his career and a huge amount of his work in this parliament to raising the issues of suicide prevention.

Of course, he recently held the position as the first Premier's Advocate for Suicide Prevention, a role he relished, a role in which he spent a huge amount of time visiting communities across South Australia and helping to establish suicide prevention councils and committees and networks across South Australia so that people could identify local solutions, local ways of promoting mental health and wellbeing, and help to prevent further tragedies from occurring.

Unfortunately, he is no longer in that position. It was one year ago this week that the government removed him from that position, as there were all sorts of political hijinks that occurred, but I think it is very sad that he is no longer in that position. In fact, it was the same day that he was

removed from that position that he received a national award from the Hon. Greg Hunt, the federal health minister, for his work in suicide prevention, and it was also World Suicide Prevention Day, which is of course being held this Friday.

One of the key things the Hon. John Dawkins worked on in the time he was the Premier's Advocate for Suicide Prevention was this legislation. I know how important it was to him and also how important it was to the council that he established, to the suicide prevention networks across the state, that this legislation be pursued in the parliament so that we can have not only a legal marker but also some very established pathways, some very established mechanisms within our government, to make sure we do everything we can to prevent suicide.

Unfortunately, this bill has been on go-slow since then. The bill was drafted before John Dawkins left that position. John Dawkins did all the work in terms of this legislation. It was ready to go, to be announced, to be introduced. The government then decided to put it out for another round of consultation. They had already consulted with the council and with various suicide prevention networks across the state, but they put it out for another round of consultation in December last year.

It is now nine months since that piece of legislation was circulated. I believe the consultation on it ended back in February, and there has been no effort to pursue it and to introduce it into the parliament. That is why we have had to do this today. This is the first time that a parliament in Australia has had legislation introduced to establish suicide prevention legislation. That is happening here in South Australia this morning.

The submissions in response to the discussion paper closed on 12 February 2021, and the government has failed to introduce the bill in the seven months since that time. With only 14 sitting days left, we have to introduce this into the parliament now to make sure that we can get some debate, some consideration of this before the election.

The bill aims to create a longer term focus on suicide prevention efforts across government and the broader South Australian community. It further aims to facilitate the monitoring systems and data gathering needed to ensure suicide prevention policies are properly targeted and achieving results. It will establish the suicide prevention council to provide oversight on suicide prevention efforts. The council will comprise a member of parliament to preside over the council; a number of senior health and other positions, including the Chief Public Health Officer, and of course we know that the current person providing a great service in that role is Professor Nicola Spurrier; and 13 members with relevant skills and lived experience to benefit the council.

The discussion paper released in December last year suggested that expressions of interest be sought from a broad range of individuals to fill these 13 member positions. That approach is supported and that is why we are continuing it in this legislation. The council will be tasked with the development and rollout of the state suicide prevention plan.

The state plan will require government departments to develop suicide prevention plans, making sure our Public Service is well equipped to assist in providing intervention and support to those South Australians at risk of attempting suicide. Importantly, the state plan is required to have a specific section dedicated to suicide prevention efforts in Aboriginal communities in consultation with those communities. The bill requires annual reporting on the state plan and that a review of the plan is instituted every four years.

In addition to developing and implementing the state suicide prevention plan, the council will be tasked with a number of additional functions, including providing advice to the minister on suicide prevention initiatives and programs. The bill, importantly, includes that the council must be given the staff and resources it needs to carry out its functions. It further allows the Governor, on the recommendation of the health minister, to declare certain methods or means as controlled lethal means, then enabling recommendations to be made to respond to those controlled lethal means. Any noncompliance with those recommendations can then be made public.

The bill further requires the creation of a suicide prevention register, a database to provide accurate and timely information on suicide. This is a very important point because South Australia is the only state in the country that now does not have a suicide register. That is very important for making sure that we have a timely response to this awful issue of suicide in our community, for

government departments to take action and for researchers and for the community to understand the issues.

As I said before, at the moment we have a very delayed release of statistics in terms of the incidence of suicide in South Australia compared with other states that have regular reporting on that and also more detailed information that government departments and officials are able to access through that register. A register has been called for by many groups, including the current President of the Australian Medical Association, Dr Michelle Atchison, who said, 'Data informs decisions, and good data means good decisions.' Renowned mental health expert Professor Patrick McGorry has similarly called for the establishment of such a registry; in fact, he has called for a national register. In expressing his frustration about delays to suicide data last year he said:

> It's a bit like lights coming from distant stars: it's reflecting the past not the current reality. Of course, that's not much use in responding to suicide.

So establishing that register is absolutely important to make sure that our government departments and our health officials know exactly what is going on. It is disappointing that we are the last place in the country to establish this, and that is why it is so important to get this legislation moving.

This bill is an important step in the right direction. It will ultimately establish those key mechanisms of the council, of the need for a state plan, for individual government department plans and also, importantly, for that register, which will make sure that we have much more dedicated information on the current status for our key decision-makers.

I do not think that any one of us can overlook the fact that, particularly in the midst of the COVID-19 pandemic, it is important that we make sure that every possible resource is put in place to help people with their mental health and wellbeing at what can be a very difficult time for many people in our community. We know that right around the country there have been additional strains on our mental health services, and South Australia has been consistent with that. We need to make sure that we can do everything we possibly can, and this bill is a key mechanism for doing that.

It is not just the legislation that needs to happen. We do need to make sure that it is followed through by listening to the council, not only by putting those plans in place that are going to have a meaningful impact but also by making sure that the services and supports are going to be available for people when they desperately need them. It is important to note that World Suicide Prevention Day and RU OK? Day are this week. I would encourage everybody to speak with their local communities, their friends and families to make sure that we are checking on our loved ones, our friends and our neighbours to ensure we can all play our part to help prevent suicide.

It does take the government to play a leadership role. It is unfortunate that the great work done by the Hon. John Dawkins MLC has not been followed up on over the past nine months. Hopefully, in the remaining 14 sitting days of this parliament we can consider this legislation, enact these important proposals and, hopefully, have bipartisan support from the government as well to make sure that we can put in place that great work the Hon. John Dawkins has started to have a long-lasting impact and to make sure that we can protect and look after our fellow South Australians and help to prevent more tragedies of suicide happening in South Australia.

Debate adjourned on motion of Dr Harvey.

ROAD TRAFFIC (WORK AREAS AND WORK SITES) AMENDMENT BILL

Introduction and First Reading

Mr ELLIS (Narungga) (10:48): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

Second Reading

Mr ELLIS (Narungga) (10:49): I move:

> That this bill be now read a second time.

I rise today to present this bill to the parliament in the hope that I will solve what is inarguably a good problem to have. Mr Speaker, as you may well be aware, such is the extraordinary proliferation of roadworks around the Narungga electorate that we have developed a problem of unnecessary inconvenience being imposed upon motorists through the overabundance of roadwork signs.

Motorists have repeatedly called my office in great frustration at the number of speed restriction roadwork signs out on the roads despite the fact that there is no apparent reason for them to be there. Constituents have been calling my office saying to me that if the road is safe enough and if there is no-one working there who might be put in danger, those signs should be removed as quickly and as expeditiously as possible to minimise inconvenience and delay. On the behalf of the good people of Narungga, I rise today to put forward this amendment bill, which I hope might well solve their problem.

I did mention the extraordinary roadwork program that is currently underway in Narungga, and it is worth repeating. I did some quick sums in the office the other day, and between the three levels of government there has been in excess of $200 million worth of roadwork funding allocated to our electorate since the change of government in 2018. It really is quite extraordinary the number of roads that have been fixed or are in the process of being fixed when you drive up and down the peninsula on your way from point A to point B.

Of course, there are always more roads that we would like to see built, and reasonable minds can differ about the order of priority that has been developed. What is inarguable, as I have already said, is that Narungga is currently experiencing significant road infrastructure investment. This is mainly due to the fact that there was so little done in the previous decade before that, and we are making up for lost time with the significant investment that is currently underway.

I want to also be clear at the outset that no-one in the Narungga electorate is complaining about the fact that there are significant roadworks underway. Nor do those constituents expect that those roadworks will occur without road closures or speed restrictions to keep safe people working on those important projects. However, we do submit that there should be due consideration given to minimising the inconvenience that motorists around the electorate are experiencing and that perhaps that is not being considered as powerfully as it should.

The great thing is that it is virtually impossible to drive anywhere in our electorate without having to travel on either a brand-new road or a road that is currently being upgraded. I know it is well appreciated by the people on the YP. That said, there are a few roads of particular interest that I would like to draw the house's attention to, the first being the road between Minlaton and Arthurton.

The road right down the middle, as we call it in the community, has been in a terrible state for quite some years and has been in desperate need of redevelopment. It was incredibly narrow in some parts and terribly undulating in others. It is really pleasing to see that there is now significant investment in fixing up the majority of that stretch of road.

As we speak, there are roadworks being done on some sections. There was some done on a different section a couple of years ago, and there is one more section we are awaiting funding for. We are hopeful that in the next tranche of funding we are successful in seeing that part done as well. This stretch alone will have a dramatic impact on the harvest movements going forward, greatly improve tourist visitor experience and, importantly, make it safer for locals travelling up and down the peninsula.

One example of the frustration that my constituents have been facing with this overabundance of roadwork signs can be found between Arthurton and Maitland, a stretch of road that the local people are thrilled to see improved. The initial stage of that roadwork program was to rip up all the bitumen, leaving a dirt road exposed underneath, which meant that the roadwork signs had to be placed out, according to those who make these decisions, with a limit of 40 km/h imposed upon motorists.

If you are driving along that road at 40 km/h and you choose to turn left or right down a dirt road, you will be empowered to go significantly quicker because you are driving up and down that dirt road, for some reason, if it is limited to 40. There were no workers present along the vast majority of that stretch of road. As I have already said, dirt roads on either side were left at their normal speed limit. It left us wondering why we were limited to such a slow, inconvenient 40 km/h between Arthurton and Maitland.

Another example has been the ongoing works at Port Wakefield, both south of Port Wakefield itself and along Highway 1 through the town. I would like to stress that I am not talking about actual overpass works happening north of the town but more so the work being done on Highway 1 to the

south of Port Wakefield and the signs that have stayed out there for months and months. That resheeting program has been most welcome.

I remember doorknocking in the lead-up to the last election. Highway 1 came up time and time again. We have quite short memories, but Highway 1 was degrading into a potholed, undulating surface in desperate need of investment. It is really pleasing to see that that is happening. Just about all the way from Lower Light to Port Wakefield has seen sections receive much-needed investment. It has become an absolute pleasure to drive along the most part of it. Unfortunately, along with that came literally months and months of speed restrictions remaining in place. Despite all the work having finished in sections and the lines having been marked and the road workers having left, we were still limited to going 60 km/h and then 80 km/h.

We have been told in this place in question time and in response to letters I have written that that work was to allow the road to bind, that it needed a certain number of kilometres driven over it and a certain number of hours sitting out in the sun for it to bind to a point that would allow for safe driving at the full posted speed limit.

I would submit that it is not a sheet of ice; it is a road. It is a nice, straight, flat road, and we should be able to drive at the posted speed limit way quicker than we were allowed to. They were left far too long, in my view. As I have said, the bureaucrats have told us that we need to wait for them to bind and it takes a certain number of kilometres and hours before that grip test can be conducted and passed, allowing for the road to be returned to the posted speed limit.

I have had a huge number of phone calls from constituents expressing great frustration at those speed limits that were left out for months and months. We would submit, on behalf of the electorate of Narungga, that they should have been picked up a lot earlier. Those are just two of the examples of roadworks that are unnecessarily inconveniencing road users. More than that, it is impacting freight transport efficiencies and other things.

I am pleased that there has already been action taken by the government on this topic, which shows that they, too, recognise the frustration caused by such needless delays. In 2016, the then shadow minister for infrastructure and transport introduced a bill very similar to this, recognising the problem. While it was not as comprehensive as the bill I have put forward before us today, it, too, was aimed at removing speed limit signage when work was not currently underway or had ceased entirely. Sadly, that bill was withdrawn before it could progress through the house, but it shows the government's view on the topic.

Most recently, in April this year the new road traffic regulations introduced fines for companies that left unnecessary signage out. These regulations bring in fines of up to $1,250 if incorrect speed limit signage remains in place when work is not underway and there are no relevant safety concerns. This was a wonderful move from the government, but unfortunately we still see these signs left out on our roads when they do not need to be there. Having driven to Adelaide this week for the sitting week, I can confirm that those signs remain in place, frustrating motorists.

The bill that I am introducing today goes a step further than those previous efforts, whilst also improving the structure of the Road Traffic Act generally. It makes it significantly easier to navigate. This bill creates a specific offence for speed limit signs being left out at work sites unnecessarily. The bill clearly identifies that a person responsible for a worksite where any speed limit sign is not removed or covered at the end of each working day is subject to a maximum penalty of $20,000 for a first offence or $50,000 for a subsequent offence.

Of course, the bill excludes any situation with lingering safety concerns. It also tidies up existing legislation, replacing the current overly convoluted section 20 of the act that deals with speed limits, road closures and permits and simplifying requirements and drawing up some with clearer lines of responsibility, which is all a good thing.

The final point I would make is that unfortunately we also know that leaving speed limit signs out undermines public confidence. People are often more likely to disobey those signs if they cannot see any reason that they are there. That in itself creates a dangerous situation, where some motorists are following the speed limit, going slow, while others are flying along. Different speeds can cause crashes. The bill avoids any such situation happening. The signs will only be required to be there in obvious situations, and people will respect their authority more. It avoids any such situation happening, thus arguably increasing safety, not lessening it.

Proposed amendments reduce hassle for motorists, expedite journeys for tourists who are venturing out into our great state and prevent major delays within the freight transport industry. For those reasons, I ask the house to support this bill to keep South Australia moving. I commend the bill to the house.

Debate adjourned on motion of Dr Harvey.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (DESIGN STANDARDS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 August 2021.)

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (10:59): This private member's bill, introduced on 25 August 2021, seeks to mandate that design standards must be prepared by the State Planning Commission (which I will hereafter refer to as 'the commission') and proposes to delete the words 'for the public realm or infrastructure'. I rise to speak against this bill and these are the reasons why.

Whilst the government shares an aspiration to ensure infill development is improved to provide additional amenity in local neighbourhoods, and clearly urban and rural development and its interface between these areas, we need to obviously look at the review into the environment and food production areas, which is currently underway and being undertaken by the State Planning Commission.

Urban consolidation is necessary to ensure and deliver affordable new homes that meet a diverse range of housing needs, and this clearly means a balance must be struck that allows for infill development and development meeting community expectations. We are getting on with this task through meaningful policy change, not minor variations to the act. We are doing the job now.

While only fully implemented in March this year, improved design outcomes will be achieved through the interaction of the Planning and Design Code and also through the design standards, which are the subject of this bill, currently being drafted by the State Planning Commission. While the member for Enfield was correct in her summation, that we 'see the results of past decisions all around us in the buildings, streets, suburbs and regions that make up our state today', she fails to acknowledge the huge impact the former government has made on the livability of suburbs throughout metropolitan Adelaide.

Like the member for Enfield, I also meet frequently with people across South Australia who remind me of the numerous issues experienced under the previous planning system, often referred to as 'Rau's rules'. Anyway, having brought our attention to the Rau era, since becoming Minister for Planning and Local Government I have taken significant steps to ensure that we maintain the character of our local neighbourhoods while providing opportunities for future population growth.

As the new planning system only came into operation across the state on 19 March, some five months ago, we are yet to see the full benefit of that. I remind members that the proposal to amend the act shows a misunderstanding about the pivotal role of the Planning and Design Code. In developing a new planning system for South Australia, the commission has ready undertaken extensive work to ensure design is at the forefront of the new system—and this is beyond the rather narrow reference to design standards. Let me explain why. Section 59 of the Planning, Development and Infrastructure Act 2016 provides:

> …there is a specific state planning policy…that specifies design policies and principles that are to be applied.

I remind the member again that her predecessor actually introduced that bill which is now the law. This can be found at state planning policy:

> (2) The design quality policy must include specific policies and principles with respect to the universal design of buildings and places to promote best practice in access and inclusion planning.

Informed by the overarching state planning policies, the recently implemented Planning and Design Code contains two specific design-related policies. I urge the member for Enfield to read them. They are titled Design and Design in Urban Areas.

These policies apply to a wide range of development types but, in particular, to dwellings and dwelling additions. They address matters such as overlooking and visual privacy, earthworks, external appearance, private open space, and landscaping. The code specifically allows for outcomes for street frontages and neighbourhoods while providing flexibility in design. This was created in response to strong community feedback during the first round of consultation on the code, and I am sure the member for Enfield has heard from constituents, as I and other members have, about the need for that to occur.

These features include requirements for more permeable surfaces, increased trees and green coverage, greater onsite water detention, improved facade articulation and reduced driveway crossovers to retain on-street car parking and street trees. Specifically, improvements about design require the incorporation of a minimum of three design features on front facades, including eaves, porches, balconies, different materials, stepping, etc., to improve visual interest and building articulation in order to satisfy a deemed-to-satisfy pathway. Data on car usage presented by the State Planning Commission suggests a problem of insufficient onsite parking, maybe due to the undersize or poorly designed garages for parking—

An honourable member interjecting:

The Hon. V.A. CHAPMAN: Indeed, as the member points out, it is a huge issue. The code addresses local parking through a combination of requirements for minimum garage dimensions, optimisation of on-street parking provision, retention and minimum onsite car parking rates.

In relation to trees and softening landscape, new policies in urban infill areas ensure at least one tree is planted per new dwelling. Options for payment into an offset fund where the tree planting is not feasible on site have also been created, but to date we have seen only one payment into the fund. I am pleased about that. I do not want to see anything go into it, but the least the better. Additionally, we have introduced a minimum soft landscaping requirement of 10 per cent to 25 per cent over the whole site, which will assist with stormwater issues and climate impacts.

These policy changes in the code are intended to have a significant impact at a local level. They seek to achieve enhanced street appeal for new dwellings through greater use of design elements and materials, as well as improvements to dwelling front windows, entry doors and provision of bin storage areas. However, they need time to work. As the member for Enfield recognises, 'the outcomes of good planning decisions are years in the making'.

The Local Design Review Scheme—let me alert members to this—is a new scheme which will see state and local governments collaborate closely to establish the processes and capacity needed to support high-quality development outcomes. We have moved this from a division that is available to government to councils and proponents of developments.

Work is also soon to begin on the preparation of the design standards by the commission. This work will commence later in the year, and start with design standards for local roads and driveway crossovers for infill development and new subdivisions. Design standards are intended to supplement the Planning and Design Code by specifying design principles, standards and guidance for the public realm or infrastructure.

Most of the member for Enfield's speech, of course, is about the matters that I have already referred to and that have already been addressed but, in relation to design standards, that is on its way through. The code itself is the place for design policy for the purposes of development assessment on private land.

The State Planning Policies, Planning and Design Code and the Local Design Review Scheme will provide a wealth of policy measures and guidance to ensure that good design is fully considered in the state's new planning system and will of course be available to a much broader group of people to assist them in that regard. Given the brief time the code has been in place, I recommend it be given the opportunity to be tested for a period before any legislative change is considered on this matter. I oppose the bill.

Ms MICHAELS (Enfield) (11:07): I want to thank the Attorney for her contribution. I am very pleased we are on the same page, in that we do need to do a lot more work on improving the livability of South Australia, in particular of Adelaide. Some of the issues she has raised are a concern on both sides of the chamber, and I look forward to supporting this bill through to the next stage so that we can actually implement some of these actions now rather than wait on policies that may or may not eventuate.

The house divided on the second reading:

Ayes 20
Noes..... 24
Majority..... 4

AYES

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

NOES

Basham, D.K.B.	Bell, T.S.	Chapman, V.A.
Cowdrey, M.J.	Cregan, D.	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

Brock, G.G.	Pederick, A.S.

Second reading thus negatived.

CRIMINAL LAW CONSOLIDATION (COERCIVE CONTROL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 December 2020.)

Dr HARVEY (Newland) (11:13): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 24
Noes..... 20
Majority..... 4

AYES

Basham, D.K.B.	Bell, T.S.	Chapman, V.A.
Cowdrey, M.J.	Cregan, D.	Duluk, S.

AYES

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.

NOES

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

PAIRS

Pederick, A.S.	Brock, G.G.

Motion thus carried; order of the day postponed.

CRIMINAL LAW CONSOLIDATION (THROWING OBJECTS AT VEHICLES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 March 2020.)

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:19): The bill seeks to amend the Criminal Law Consolidation Act 1935 to increase the maximum penalty for throwing rocks and other missiles at vehicles on a roadway from five to 10 years. The bill is identical to the Criminal Law Consolidation (Throwing Objects at Vehicles) Amendment Bill 2018, which was introduced by the member for Elizabeth in June 2018.

There are two relevant offences pertaining to rock throwing. Under section 32A of the CLC Act, it is an offence to throw or drop prescribed objects on vehicles, whether the vehicle is moving or stationary. The other relevant offence is section 51 of the Summary Offences Act 1953. Under this section, it is an offence to, without lawful excuse, throw a missile intending to injure, annoy or frighten any person or damage any property. The maximum penalty for this offence is two years' imprisonment if intent is proved or one year if the person is merely reckless as to the possibility of damage, etc., occurring.

In addition to a penalty of imprisonment, monetary penalties can also be imposed in accordance with section 119 of the Sentencing Act 2017. For example, if the offence against section 32A of the CLC Act is being prosecuted in the Magistrates Court as a minor indictable offence, it could also attract a penalty of a fine of up to $10,000. If the offence is being prosecuted in the District Court at the election of the defendant, it could attract a fine of up to $35,000.

The bill seeks to amend section 32A of the CLC Act—Throwing objects at vehicles, to increase the penalty from five years to 10 years' imprisonment. The consequence of such an increase is that the offence moves from being a minor indictable to a major indictable offence. Minor indictable offences are defined in section 5 of the Criminal Procedure Act 1921 as offences not punishable by imprisonment and having a maximum fine exceeding $120,000, offences with a maximum imprisonment of five years, or certain categories of offences with a maximum imprisonment greater than five years, such as an offence of recklessly causing harm. Minor indictable offences are

generally dealt with in the Magistrates Court, unless the defendant chooses to have the charge dealt with in a superior court.

The effects of the offence becoming a major indictable offence include that major indictable offences must be dealt with in the District Court or Supreme Court. This will have flow-on effects for prosecuting agencies as a result of bringing the offence into a higher cost jurisdiction. It is also possible that the police may instead choose to exercise their discretion and charge offenders with the lesser offence under the Summary Offences Act, which only attracts a penalty of two years' imprisonment, rather than the more serious offence.

If police choose to charge the major indictable offence, this will result in increased costs for the Office of the DPP as prosecutions in the District Court and Supreme Court are conducted by that office. When a monetary penalty is imposed under section 119 of the Sentencing Act, the monetary penalties would increase to $35,000 where the matter is heard in the District Court and $75,000 if the matter is heard in the Supreme Court.

Let me address young offenders. An increase in penalty may have implications for the way that a young person charged with an offence under section 32A of the CLC Act is dealt with by the courts. Other than where a young person is being sentenced as an adult, section 23 of the Young Offenders Act provides that a young person cannot be sentenced to imprisonment and the maximum sentence is three years' detention. It seems that in most circumstances where a young person is charged with an offence under section 32A, the bill will have no application. The maximum penalty for a young person would remain three years' detention.

However, shifting the penalty from one of minor indictable to major indictable means that the DPP would have the option to try the youth as an adult and lay charges before the Magistrates Court where the DPP is of the opinion that 'the youth possesses an appreciable risk to the safety of the community and should therefore be dealt with in the same way as an adult'. Where a youth is tried as an adult, they can be sentenced as an adult. I had not consulted with the DPP to obtain any views as to the circumstances in which such an application would be made or likelihood of such an application being made.

Let me address other offences. It should also be noted that, if a rock is thrown and harm is caused, there are other offences in the CLC Act with higher penalties that could be charged. For example, there is already a major indictable offence of acts endangering life or creating risk of serious harm in section 29 of the CLC Act that could be charged in these circumstances. A person who, without lawful excuse, does an act or omission knowing that the act or omission is likely to endanger the life of another and intending to endanger the life of another or being recklessly indifferent as to whether the life of another is endangered, is guilty of an offence and liable to imprisonment for 15 years for a basic offence and 18 years for an aggravated offence. Lesser penalties apply in relation to serious harm or harm.

In addition, a person who recklessly throws a rock onto the Southern Expressway and causes harm through that action could be charged with causing harm under section 24(2) of the CLC Act. The maximum penalty for recklessly causing harm is five years for a basic offence and seven years for an aggravated offence. If a person intends to cause harm through their actions, the penalty increases to 10 years' imprisonment for a basic offence and 13 years' imprisonment for an aggravated offence. There is no suggestion that penalties currently being handed out for this offence are too lenient.

Let me now address the police response and data. SA Police responded to rock-throwing incidents on the Southern Expressway by launching Operation Watercolour on 7 June 2018, which specifically targeted rock throwers. SA Police advised that mounted police, dog units, bicycle police, motorcycle police and patrols, both overt and covert, monitored the expressway. Since 2018, there have been numerous safety upgrades made to the bridges over the Southern Expressway to reduce the incidence of rock throwing and, with the addition of CCTV cameras, the prevalence of confirmed events has reduced significantly.

Statistics relating to the incidence of rock throwing on the Southern Expressway have been collated by police since 7 June 2018, and this is what they are: in 2018, 14 confirmed rock-throwing events were recorded. In the following 2½ years, between 2019 and 31 July 2021, there were only

four confirmed rock-throwing events reported. In light of all those circumstances, may I thank the police for their important work in actually, on the ground, curtailing what was a common problem. We appreciate their work. There is a kaleidoscope of other offences available for prosecution without the need for this new offence and therefore I will be opposing the bill.

Mr PICTON (Kaurna) (11:25): I will speak very briefly. This is necessary legislation to increase the penalties, to increase the deterrent for what are dangerous, awful incidents that are happening regularly on the Southern Expressway in the southern suburbs, and potentially in other communities as well. There was a spate of this a few years ago, but it has not stopped.

I can inform the house that only recently I met with a constituent who had a rock thrown at them. This was a driving instructor who was helping a young woman learn to drive for the first time. They were driving on the Southern Expressway, doing their driving lesson, and a rock was thrown from the bike path adjacent to one of the bridges. There is still opportunity for it to happen. Unfortunately, there are still people who will do the wrong thing, and will seek to cause other people harm, that is putting lives at risk.

We cannot have any more of these incidents happening, and that is why I support the member for Elizabeth's motion and bill in this house to increase the penalties, to set a clear deterrent that this is not acceptable and that it must be punished to the full extent of the law. We need to increase the penalties to give the best possible chance for people to be brought to justice and punished accordingly.

Mr ODENWALDER (Elizabeth) (11:27): I realise time is running short, so I will be very brief. I want to thank all members for their contributions: the Attorney and the member for Kaurna. I do acknowledge the Attorney's comments about other offences that could be charged in certain instances, depending on the circumstances of the rock throwing. Often in this place we increase penalties for punishment reasons, often we increase them for deterrence and very often a mixture of them both.

In my mind, this bill is clearly about deterrence. It is about a specific offence. It is about a specific set of circumstances. I believe that doubling the penalty has a significant deterrent effect—and that is the main purpose of this bill. It is a specific offence. There is plenty of research to show that, while incremental increases in penalties have a fair but negligible effect on deterrence, if you increase penalties to a large extent, and in this case double the penalties for the specific offence, it has a deterrent effect.

For that reason, I think the penalties for this particular offence, for this particularly dangerous offence—and we are talking about a specific location too—should act as a deterrent. I believe that it would act as a deterrent, and for that reason I urge members to vote for this bill.

The house divided on the second reading:

Ayes 21
Noes 23
Majority 2

AYES

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

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Knoll, S.K.
Luethen, P.	Marshall, S.S.	McBride, N.

NOES

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

Brock, G.G.	Pederick, A.S.

Second reading thus negatived.

Motions

WESTERN SUBURBS DEVELOPMENT

The Hon. S.C. MULLIGHAN (Lee) (11:34): I move:

That this house—

(a) recognises the pressures that constant subdivisions and new development is placing on the western suburbs;

(b) recognises the impact this is having on residents including loss of amenity and congestion in local streets; and

(c) notes the need for better controls over these developments to better protect the interests of the local community.

There is no doubt that over the last 20 years we have seen a significant amount of development across metropolitan Adelaide. While previous iterations of government planning departments have put a lot of work into trying to manage the growth of metropolitan Adelaide as the population of South Australia and the City of Adelaide increases over time, it has been at first a shock and now a continual surprise at how much new development is not accommodated by new greenfield developments, although that is still happening in some areas, but by the amount of infill development.

In all the time I have been a member of parliament, representing the section of the western suburbs that I am fortunate enough to represent, easily the most constant complaint I get from constituents is how new development is impacting them in their homes, on their local streets and across their suburbs. It is probably more acute in my electorate than it is in most other electorates.

My electorate contains one of the first large-scale master plan developments we had here in metropolitan Adelaide, with the development of West Lakes from the late 1960s through to the early 1970s, not dissimilar to what happened in the north-eastern suburbs afterwards, by the same company, Delfin, with the Golden Grove development. Both the West Lakes and Golden Grove developments were developed not just by that singular company but with very tight planning requirements and strictures about the scale, type and location of the houses that were to be built on each block.

West Lakes, for example, had requirements on minimum setbacks from the kerb of at least two metres, double width driveways, usually double lock-up carports or garages built within the home, etc. This was a recognition that when blocks roughly in the order of 600 or 700 square metres, sometimes more, were provided, and a three or four-bedroom family home was going to be built, yes, it might be built and occupied by a small family to start with but, if that family had a number of children who continued to live in the house and they all started driving, as most young South Australians do once they hit adulthood, then that property, that home, needed to accommodate not only that family but their cars.

What has happened in the meantime of course, as the cost of housing has rapidly escalated over the last 30 years, is that the demand for properties located on large blocks, not just exclusively within the western suburbs but certainly within the western suburbs, has driven a desire for some

people to buy these now older houses built in the 1970s, now 30 or 40-plus years of age, knock them over, subdivide and build two properties.

In isolation, that in itself is no problem. The problem is when it is happening in a completely uncontrolled way and we are seeing many multiples of these developments occurring on the same street or within the same cluster of streets. In that very genteel, very well-planned, very calm environment that was originally envisaged for a suburb like West Lakes—not just West Lakes; I am also talking about some of the streets of surrounding suburbs like Semaphore Park, West Lakes Shore, Grange and even in some of the older established suburbs in my electorate like Seaton and Royal Park, where the blocks were often even much larger, including up to and beyond 1,000 square metres—we are seeing development after development after development.

The problem is that there is no control over to what extent these developments are happening on one street. Councils, of course, take the same line: we just apply the planning law that is provided by the parliament and, if it fits within the planning law, we will rubberstamp it, and that completely ignores the impact it is having on local streets, on the driveability of these local streets.

Many of these properties now are being built on blocks sometimes much smaller than 400 square metres or 300 square metres, and large two-storey townhouses are built almost right up to the kerb with very little driveway, perhaps only one off-street undercover car park being built, and are now occupied by large families of four or five people, including children of driving age who have their own car.

When you replace a house that could previously accommodate a family like that, including all their vehicles off the street on the property, with a new house that cannot accommodate all those vehicles and they are all placed on the street, streets that were not designed for that level of traffic, that were not designed to accommodate that many parked cars and that amount of built development, simply become really unpleasant places to be.

I know that there are some in this house who have constituencies that contain a large number of older South Australians. I am looking at the member for Finniss, for example. There are a lot of people who have retired in places like Victor Harbor. There are still a large number of retirees in West Lakes, people who bought into that development in that period of the late 1960s and early 1970s and quite proudly and for good reason have never left because it is a great place to live. They are finding themselves absolutely choked at the moment with this ongoing development.

The current government has in some small part recognised this. The former planning minister, the current member for Schubert, was petitioned by the member for Hartley after *The Advertiser* published in 2018 a list of council areas where the most subdivision applications have been made. Number one was the City of Campbelltown in the member for Hartley's electorate, number two was the City of Charles Sturt, and in particular those areas in my electorate, the electorate of Lee. There were very large numbers of subdivision applications.

The member for Hartley wrote to the former planning minister and said, 'I want you to change the planning laws as they relate to the City of Campbelltown and I want you to reinstate a larger minimum block size to reduce the level of density that the residents of the City of Campbelltown have to put up with.' It was very welcome for the member for Hartley. I did the same thing: I wrote to the planning minister, I asked for the same thing and I got radio silence—absolute radio silence.

There is a special arrangement for members of the same political party, for the Liberals, but no arrangement on the other side of town in the western suburbs for a Labor MP. I ask: why? Why should there be a difference? Why should there be one special arrangement for the member for Hartley and no other special arrangement for other MPs who might want exactly the same thing?

I even followed this up again, both with the City of Charles Sturt and the government, asking about a large parcel of land that was being subdivided by a developer on Trimmer Parade in my electorate, Trimmer Parade being the boundary here between the suburbs of Grange and Seaton. Some people might be familiar with some of the large tracts of land down there, the old market gardens in the western suburbs.

One of these patches came up for subdivision, just over 2,000 square metres, and the developer was able to successfully get a subdivision and a development approved for 24 dwellings—so an average block size of barely 100 square metres. The development was so dense, to the extent that there was basically no footpath; it is to be all driveway. I had a neighbour come to me and say,

'Where on earth are the people who buy these dwellings going to put their bins out?' The response from the City of Charles Sturt—and I know this is of some amusement to the current Minister for Planning, the member for Bragg—

The Hon. V.A. Chapman interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —as she seeks to interject while I am trying to raise a legitimate concern on behalf of my constituents in the western suburbs.

The Hon. V.A. Chapman interjecting:

The SPEAKER: Order, the minister!

The Hon. S.C. MULLIGHAN: Apparently it is not fine, because I am being interjected by the member for Bragg, the Deputy Premier.

The Hon. V.A. Chapman: Just take responsibility.

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: If she does not think that the people of the western suburbs deserve the same treatment as the people who live in the eastern suburbs, I find that very regrettable. If I can finish what I was saying without interruption from somebody who should know better, a deputy premier, no less. The response I got from the council was that the minimum number of bins which will be available for these 24 dwellings will be 14. So not only can they not put their own bin out, because there is nowhere to put the bin, but they do not even get their own bin. They have to share a bin. Who on earth is going to buy one of these dwellings knowing that—

The Hon. V.A. Chapman interjecting:

The SPEAKER: Deputy Premier!

The Hon. S.C. MULLIGHAN: —not only is there no footpath, and they cannot put the bin out, but they have to share a bin as well? I have spent the last—

Members interjecting:

The SPEAKER: Member for Chaffey!

The Hon. S.C. MULLIGHAN: —6½ years with children and, unfortunately, I have another couple of years with children who require nappies. I pity the neighbour who would ever have to share a bin with the Mullighan family because I can tell you that even before bin night it is getting unpleasant, no matter how many double baggings there might be for those particular deposits. This just goes to show why there needs to be a rebalancing of some of our planning requirements.

I do not think it is unreasonable that if a member like the member for Hartley is going to do the right thing, if he is going to put up his hand on behalf of his constituents in the City of Campbelltown and say, 'Look, this is getting out of hand. We need to start reinstating some minimum block sizes. We need to start imposing some additional controls to maintain some of the amenity that my residents enjoy in the eastern suburbs,' I do not think it is unreasonable that people who ask for the same thing in the western suburbs should be afforded the same opportunity. That is entirely reasonable.

Now the member for Bragg likes to say, 'Oh, it's all John Rau's fault. It's all his fault.' It might be a surprise to the member for Bragg, but she is currently the planning minister and she is the planning minister—

The Hon. V.A. Chapman interjecting:

The Hon. S.C. MULLIGHAN: —who has promulgated the reforms to the planning system—yes, which were commenced several years ago—

The Hon. V.A. Chapman interjecting:

The SPEAKER: Deputy Premier!

The Hon. S.C. MULLIGHAN: —but that she has developed, she has steered through and she has implemented. These are Liberal Party policies, where there is a favour for one member in the eastern suburbs and there is a cold shoulder for other members in the western suburbs. That might be fine for the member of parliament who represents Burnside but, to my constituents who live in suburbs like Royal Park and Seaton and West Lakes and Grange and West Lakes Shore, and even Tennyson, things are out of hand.

Walk along Seaview Road—where the Deputy Premier is proposing to build part of the coast park, mind you—and families cannot even have relatives over for Christmas because there is nowhere to park within hundreds of metres of their residences. It is all driveway on Seaview Road. These are properties that sometimes sell in excess of $2 million or $3 million and they cannot even have their relatives over for Christmas. This is the point it is getting to.

This is all funny or amusing to the Deputy Premier. If she should ever find herself somewhere west of West Terrace, I would be happy to show her around because it is not much fun for those residents who have done the right thing, saved up for years, paid a deposit, taken out a loan and finally bought a property off-the-plan in a place like West Lakes 40 or 50 years ago. They have enjoyed what they were promised by the developer at the time, Delfin, up until recent years where it is getting out of hand.

We are not asking for anything unreasonable. We are not asking for anything unprecedented. All we are asking for is for this Liberal government to extend the same privilege and favour that it has provided to one of its own MPs in the eastern suburbs to those of us who live west of West Terrace. The people of the western suburbs do count. The people of the western suburbs do matter.

I know that I only need to look to the member for Colton to know that he would agree with me in that sentiment. I know that he is experiencing similar conditions in parts of his electorate, whether it is Fulham or Fulham Gardens or even parts of Henley Beach, which are also experiencing significant development. We are not saying no development. We are not saying that development is unwelcome, but we have to strike the right balance. At the moment, the level of development is out of balance and it is unfairly punishing residents living in these streets—who have done the right thing for decades—to the benefit of people who sometimes are not interested in building a house to live in. They are only interested in building a house so that they can subdivide and sell it off for profit. That is not what people should have to put up with.

I am proud to stand up for my constituents. I am proud to represent their interests in parliament. If that offends or amuses the Deputy Premier, I find that regrettable, but I do think this is an issue that this parliament needs to pay some attention to.

The SPEAKER: Before I call the Deputy Premier, I call to order the member for Chaffey and I call to order the Deputy Premier.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:49): Our government does place a high priority on improving infill development outcomes for our suburbs via South Australia's new planning system. I agree that our planning system should be structured to strike a balance between providing renewal opportunities for housing stock and enhancing the amenity of our highly valued streetscapes and suburbs. The Rau era is over.

Having just undergone a generational change through the repeal of the Development Act 1993 and the full implementation of the Planning, Development and Infrastructure Act 2016, I seek to amend the motion of the member for Lee to acknowledge that, while infill developments have delivered mixed outcomes for local neighbourhoods and communities, our government is committed to ensuring that we do deliver better urban densification and maintain South Australia's credentials as one of the most livable places in the world. I move:

Delete the word 'constant' in paragraph (a).

Delete paragraphs (b) and (c) and insert in lieu thereof:

(b) acknowledges the work undertaken by the State Planning Commission to address adverse impacts experienced through infill development under the former development plans; and

(c) notes the government will review the Planning and Design Code at regular intervals to ensure the planning system is fit for purpose.

Between 2015 and 2020, the population of Adelaide West region and—that is, Charles Sturt, Port Adelaide Enfield and West Torrens—has steadily grown around 1 per cent per annum, which is actually similar to the growth rate of the broader Greater Adelaide region. Nonetheless, the region has had significant housing growth over the past five years, as have the others, driven by a mix of master planned, strategic infill developments and numerous scattered small-scale infill developments.

While the merits of various forms of infill development can be debated, providing affordable housing supply in the western suburbs of Adelaide is important to support new homebuyers entering the housing market. One of the most significant elements of the new planning system is the Planning and Design Code, which replaced all previous development plans when implemented across the state on 19 March 2021.

I note the member for Lee's concern about some developments he has identified. Well, I do not disagree: some of them have been terrible, but I cannot undo the mess of John Rau's era. In response to the significant amount of community feedback on improving the quality of infill development, the State Planning Commission released its residential infill policy suite in late 2020; if the member has not read them, I urge him to do so, as I did earlier this morning to the member for Enfield.

This policy seeks to provide a more consistent approach across all council areas regarding a range of development requirements to enhance the street appeal of new houses and improve neighbourhood character. The policy intends to deliver multiple benefits, including (a) requirements for more permeable surfaces, increased trees and green coverage, greater onsite water detention and reduced driveway crossovers to retain on-street carparking and street trees; (b) improvements to design outcomes by incorporating a minimum of three design features on front facades, including eaves, porches, balconies, different materials, stepping, etc., to improve visual interest; and (c) requirements for minimum garage dimensions and improvements to on-street parking access through minimum onsite car parking rates.

These policy changes in the code are intended to have significant impact at a local level. They seek to achieve enhanced street appeal for new homes through greater use of design elements and materials as well as improvements to front windows, entry doors and bin storage areas. You do not need to go back to West Lakes or to Golden Grove, which had a covenant system over titles. It was a very old-style way of doing things, but it was effective in many ways. Look at the new Planning and Design Code. Look at the new policies that we have developed in relation to design and design for urban infill specifically.

Furthermore, the policy proposes a tree planting requirement of at least one tree and a defined minimum area of soft landscaping per new infill dwelling, based on the size of the allotment. These policies contain provisions for the retention of the large established trees or for an alternative payment to be made into a tree planting fund where a tree cannot be suitably accommodated within the site.

In the short time that it has been in operation there has only been one payment into the fund and others have chosen to plant the tree instead, which is great news. Given these policies have only been in operation for approximately six months, it is more likely the houses currently being constructed—and indeed that are being complained about—have in fact been approved under the former local development plans.

To explain general development time frames, once a development is granted of course there has to be a period for construction. Therefore, we are not yet seeing the full benefits of the code, and many are still being built under the old system. And of course, people still complain. Our constituents still complain, but please check if it is under the old development law and be assured that we have the process and the structures in place under the new system. The federal government's hugely popular HomeBuilder scheme has also contributed to this, as these homes will be constructed under a version of the previous system. Accordingly, the benefits of the residential infill improvements in the code are unlikely to be seen on the ground until 2022-23.

The State Planning Commission—and I acknowledge Helen Dyer and her team in this regard—intends to monitor and report on the impact of the new code policies as they come into play.

As minister, I will be paying careful attention to these issues and will propose amendments to the code as necessary to ensure that we are delivering the best planning and development outcomes for our growing population.

Just briefly, in response to what can only be a rant about the proposed coastal park on the western area around Tennyson, I take that as being a position of the member now opposing it. The local council mayor, Angela Evans, has been incredibly supportive in ensuring that that linear park is advanced.

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: So I will take all of his complaints into account in relation to the linear park, but I will take that as a no. His Tennyson people do not want it and he has clearly changed his mind.

Mr PICTON (Kaurna) (11:56): I rise to support the motion from the member for Lee and oppose the amendment moved by the member for Bragg in relation to this important issue. This is clearly an issue that is hitting the western suburbs, but it is not just the western suburbs that are being impacted by the issues raised in the motion by the member for Lee. I am sad to report to the house that similar issues are facing the southern suburbs as well.

Residents in the south regularly raise with me the issues of subdivisions, the issues of infill and the issues of 'medium density housing' in Onkaparinga council, around some suburbs in particular, such as Christies Beach, Port Noarlunga, Seaford and Moana, where these developments have been a real issue for a number of years.

Before I was elected, there was a change made to the Onkaparinga development plan that brought in a new classification of density of developments called medium density policy areas, and these allowed almost an anything goes proposal for these developments. People came to me in tears because of the fact that they had been living in their house in Christies Beach for the best part of 30 years and right next to them a house was going to be knocked down and replaced with not one, not two, not four but six different dwellings that would block out the sun from their back garden and that would impact their privacy, and they had little to no say over this development whatsoever because it was being regarded as a category 1 development. This was happening time and time again.

We have also seen the impact upon streets, because you have more houses and more cars parking on the street. You have very small blocks and developments where people do not have enough storage space, so they use the carport or the garage as storage and park several cars on the street, and that quickly multiplies to create quite a traffic hazard in quiet streets.

There are also issues in terms of infrastructure, such as wastewater. We have seen, in Port Noarlunga South in particular, residents having issues of flooding of their properties from the stormwater from those areas because of the additional stormwater pressure from the new houses replacing backyards that would soak up the rainfall, new roofs that would all flow back into the stormwater drains.

This is an issue across all these suburbs. This is something that the member for Reynell and I raised time and time again. We were able to get the council to make a number of changes to their development plan that addressed some of these issues, that did address some of the very small block sizes, that did remove some areas from medium density policy area, that did address some of the bad design issues that we were seeing with these properties, but the issue is not eliminated yet.

Even when the council was proposing their new plan, they were going to increase the density on some areas. About half of the Noarlunga Downs suburb was going to be raised in terms of its density, something that I led a campaign with the local residents to get overturned, because the council had not even communicated with people in that area about those changes that would be put in place.

There is more that we can do to improve this issue. I will keep raising the need for better planning policies to make sure that where there is development occurring in these established suburbs it is not going to be at odds with the amenity and the wellbeing of the people who live there, as we have seen time and time again.

I do think there is a disparity in our planning laws and policies across the city and the state. If you have somebody putting up the wrong height carport in Burnside, that becomes a category 3 issue that probably goes all the way to the Supreme Court, whereas if somebody is erecting some hideous development that blocks out people's sun, increases traffic, reduces people's amenity in the southern suburbs, the western suburbs or the northern suburbs, people do not have the resources available to take that fight all the way to the Supreme Court. Councils appear to have different attitudes to the same rules on lots of occasions.

I know one constituent who told me that they were looking to purchase a property and they wanted to subdivide that into two houses, and the Onkaparinga council told them, 'I think you should really subdivide that into four or five properties.' You have the council sometimes pushing a higher level of density that they want people to develop in these areas.

That would not happen in Burnside, that would not happen in Norwood, that would not happen in Unley, but unfortunately it does happen in Onkaparinga council. That is why I will stand up for those residents who are raising these issues, particularly when you add the fact there are further residential subdivisions happening as well. I think there are three or four underway in my electorate at the moment, with another one or two to come in the next few years as well that will add additional pressure in terms of local infrastructure.

We need to make sure that we have a planning system that pays attention to the wellbeing and the amenity of people right across Adelaide, right across South Australia, not just those people in the eastern suburbs who have the ability to hire the best planning lawyers and take those issues right up the chain, because that is not a system that is equitable, but that is unfortunately what happens time and time again.

The Hon. S.C. MULLIGHAN (Lee) (12:03): I rise to make some concluding remarks and in doing so I indicate that I absolutely most certainly will not be supporting the amendment the Deputy Premier has raised. She proposes to cross out two-thirds of my motion. In crossing out two-thirds of my motion, she wants to remove that this house:

> (b) recognises the impact this is having on residents including loss of amenity and congestion in local streets;

She does not even want the parliament to understand what residents are experiencing in my electorate and in the western suburbs. She wants to replace that with:

> (b) acknowledges the work undertaken by the State Planning Commission to address adverse impacts experienced through infill development under the former development plans;

So we are not allowed to contemplate the actual experience of my constituents, residents in the western suburbs. Instead, she wants to congratulate her own department on apparently being on it. Can you come up with a better example of being out of touch than that? She also wants to delete the last part of my motion, which states:

> (c) notes the need for better controls over these developments to better protect the interests of the local community.

She wants that struck out and replaced with:

> (c) notes the government will review the Planning and Design Code at regular intervals to ensure the planning system is fit for purpose.

What on earth does that mean? Nothing, not even a recognition that there is a problem—refuses to recognise the problem which we have in the western suburbs. The simple fact is, yes, planning laws have changed in recent years. It enabled councils to apply to the government to change their development plans, to change the planning requirements around how properties are developed in those areas.

Many councils, including those in the western suburbs and in the eastern suburbs in the City of Campbelltown, apply to reduce minimum block sizes. Those councils took advantage of those laws. The laws did not require block sizes to be reduced. They gave councils the opportunity to change the planning requirements, and nearly all councils signed up to reducing minimum block sizes, which has led to the problem we have at the moment.

This is a problem. If the Deputy Premier thinks that this house should not recognise that problem and instead show its fealty to whatever efforts she and her department are making to pretend that this problem is being addressed, I just do not support that. We have seen what the State Planning Commission have come up with. We have seen the design code that they have released.

One constituent saw the pictures that were released and promulgated by this minister, by this Deputy Premier, showing what streetscapes would look like under this design code, and they said to me, 'Where on earth do you hang your washing out if you live in one of these houses?' There is no front yard, there is no backyard and, if it is a two-storey house, there is basically no balcony. It is an upturned shoebox built nearly boundary to boundary.

It is not good for the residents, it is not good for their neighbours, it is not good for the local street and it is not good for the local community. These things need to change. Of course, you can have medium density or high density development in areas where it is appropriate, close to the city, on major transport routes, etc., but there has to be a balance. You have to give residents, who currently live in regular houses on regular blocks, some peace and breathing space around this very intrusive level of overdevelopment.

The councils, of course, will not step in. We heard an example from the member for Kaurna, where the City of Onkaparinga were not furrowing their brow over a subdivision plan dividing one block into two. They were instead trying to encourage somebody to turn it into four or five dwellings. Councils have a conflict of interest here. They know that for each new block another rates notice gets sent out every quarter; they know there is another revenue stream. As I have said, from that development on Trimmer Parade in Seaton, an extra council rates notice goes out but not everybody actually gets a bin. They are not even collecting council rates to pick up a bin. This is getting out of hand.

We are not saying 'no development', but we are saying that this house needs to recognise the experience of the people we represent in this place. They need their voices heard. I am not going to have their voices basically crossed out by the Deputy Premier, refusing to acknowledge there is a problem with what people are experiencing in the western suburbs and instead seeking to congratulate her department. Please!

The house divided on the amendment:

Ayes.....22
Noes 20
Majority 2

AYES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
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.		

NOES

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

PAIRS

Pederick, A.S.	Brock, G.G.

Amendment thus carried; motion as amended carried.

STATEWIDE PAEDIATRIC EATING DISORDER SERVICE

Ms LUETHEN (King) (12:14): I move:

(a) recognises that people living with an eating disorder or their carer or family members often need support to navigate and access treatment, support and recovery;

(b) welcomes the Marshall Liberal government's commitment to establishing a Statewide Paediatric Eating Disorder Service (SPEDS); and

(c) encourages the Marshall Liberal government to ensure the service is codesigned with lived experience.

Today, I chose not to wear my shapewear on purpose. Writing this speech made we reflect on this choice of why I thought it was necessary. It is important that our speeches and our actions in this place reflect the change we wish to see, as well as the difficult experiences people in our community are telling us about.

Families are telling me that the SA Health services provided at crisis point are helping to save their family members' lives, but they are also telling me that there is a need for more follow-up after this point and that there is a need for more early intervention and support.

As a member of the Marshall Liberal government, I know that there are better health services budgeted and coming for both eating disorder services and mental health services—especially in the north—but we must keep listening closely to deliver what matters most to families in the north, and currently these services are just too far away.

I have met with courageous young women with eating disorders, and I feel deeply for them. I have supported an employee in the north who has a daughter with an eating disorder and have seen the toll this has taken on their family, travelling back and forth to the Flinders Medical Centre to keep their daughter alive. I have heard the stories of parents having to monitor and sleep alongside their children all night.

I have lived with an eating disorder for nearly 40 years. Unfortunately, eating disorders are not an illness that people and families talk openly about, but people should so that we can see more plainly how significant this health issue is and listen to how families are struggling. We should talk more about the voices people like me struggle with every day related to our weight and what we wear. Who else in this house listens to these voices in their own heads in the morning when they get dressed? Who else here chooses to wear shapewear? Who buys stockings with control tops? Why do we do this?

For me, my eating disorder started in high school. A friend and I used to binge eat and then take laxatives. My parents discovered what I was doing when they accidentally came across the laxatives. My mother took me to the doctor, and it was agreed that I should eat Christmas pudding every day to put weight back on. I did this at the same time as purging in secret to keep weight off, and this continued all through the remainder of my high school years.

Because the underlying cause of the eating disorder was never looked at or addressed, this pattern of behaviour continued throughout the next 10 years until I started a family. Lucky that I was very committed to eating healthy while pregnant, so this was a healthy change for me. My guess now is that the eating disorder was a coping mechanism to deal with my childhood trauma. It was an aspect of my life I could control. It is also a way to achieve my ideal of a desirable body image. Nearly 40 years later, when I am really upset, I occasionally think of purging and then I talk myself out of this unhealthy action.

Right now, more than one million people in Australia are experiencing an eating disorder, which sadly has the highest mortality rate out of any mental illness. Females make up 64 per cent of those people, and local schools in my electorate are telling me that children as young as six are

being referred to health services. In 2019, the Morrison and Marshall Liberal governments announced a new $7.1 million statewide eating disorder service at the Repat, which will provide a state-of-the-art base for statewide services.

This world-class integrated community eating disorder service will provide non-residential and residential day support for people with anorexia nervosa, bulimia and other specific eating disorders. I am pleased that we are going to deliver better services; however, it is important to understand and respond to the struggle of individuals and families right now. The report, Paying the Price, suggests that the social and economic cost of eating disorders to Australia, to South Australia, are substantial.

I would now like to bring the voices of my constituents and friends into parliament during this motion. Kylie is a mother of a 14-year-old-girl in my electorate. She says:

On behalf of all eating disorder sufferers and their families, we plead desperately for more support and services to help manage these life-threatening and highly prevalent mental illnesses.

Our daughter was diagnosed 2 years ago, then 12, with anorexia nervosa. A sudden and severe onset that led to near heart failure, a hospital admission, tube feeding and then finding myself in a full time caring role with limited support.

We have had 4 hospital admissions—hospital and our paediatrician have been amazing and saved our daughter's life, and we will be forever grateful. However, outside of this, we have been on our own during some very dark and desperate times with limited support options.

Our psychologist, when she could see treatment wasn't working, suggested we seek a therapist in Canada!

Our daughter was too young to be considered for the Statewide Eating Disorders Service and not weight restored so unable to access other forms of therapy.

I started my own Facebook support group which now has over 100 families on board and have to look outside SA to access my own support and recovery coach in Victoria. I have also found Eating Disorders Families Australia, a volunteer support organisation of Carers for Carers, who provide education for families so they are not alone in this long and exhausting journey.

Eating disorders are life-threatening, debilitating illnesses that deserve equal treatment to cancer. There is no clear treatment path when Option A fails and no treatment path at all for under 15s when Family Based Therapy isn't working at home.

My wish is to see a treatment centre like Wandi Nerida, Australia's first residential recovery centre for Australians with an disorder here in SA.

We also need access to more psychologists and psychiatrists (and specialised Eating Disorder support in the northern suburbs which to date I believe just doesn't exist).

Another statement from a mother, Angela Giacoumis:

As the mother of a daughter who has been battling to recover from an eating disorder for the last four years, Emily is one of 13 people from across Australia who was fortunate to be offered the opportunity to receiving life-saving treatment in Australia's first residential eating disorder recovery program at Wandi Nerida on the Sunshine Coast.

For the first time since Emily was diagnosed with an eating disorder Emily has hope recovery is possible. Having just returned from visiting with Emily over the weekend we are astounded to see the impact this residential program based on Carolyn Costin's 8 key to recovery model is having on our daughter. For the first time we have hope that recovery is possible. This is what all South Australians who are suffering from an eating disorder and their families need and deserve, they need you to hear them, they need you to understand that the current available resources and model of care offered right now in South Australia is not working.

My beautiful daughter tried to commit suicide in April and to see on the weekend smiling, calm and hopeful is amazing.

When Emily applied to participate in the Wandi Nerida program, we were told there was a waiting list of over 700 people, for us a miracle has happened, Emily was offered one of 13 beds.

My plea is simple, we urgently need more resources to support people and their carers suffering from an eating disorder, we urgently need a residential eating disorder recovery program like Wandi Nerida established in South Australia, to provide a new model of care.

From Graeme, another constituent and father:

I am keen to talk about a treatment centre out north. Something along the lines of the proposed dementia centre at Mount Gambier. I envisage 8 pods of 6 rooms with each pod offering different treatments depending on the demand. Much more like a pleasant hotel stay than a stark uninviting ward in the middle of a hospital.

A principle that is certainly missing from 4G is, is the need to offer a treatment which reframes the young person's relationship with food. They need to see that food is not the enemy, nor used to punish them (through their own thoughts or through strict meal regimes and hospital food) but is an enjoyable experience and one of the joys of life. If they have safe foods, then they should be encouraged to have them, and then supplement the nutrition with other sources of varied forms.

Food preparation in their own kitchens with a range of ingredients and locally sourced, even grown onsite under the guidance of expert dietitians well versed in eating disorders.

And from my constituent Laura:

My name is Laura Crook and I have suffered from an eating disorder for 16 years. I have exhausted the very few resources we have here in South Australia and am trying to get a bed in the new residential eating disorder facility in Queensland called Wandi Nerida.

One of those facilities here in SA would be extremely beneficial to not just myself but countless others suffering with an eating disorder. The 'best' and only resource we have here in SA is the 6 bed ward in Flinders hospital. However, having personally been admitted 7 times, I found that it doesn't suit each individual person's needs and just deals with putting a couple of kilos on and discharging the person with no follow up whatsoever. The follow up is one of the most important parts of eating disorder recovery.

The day programme in Brighton is another resource we have however like Flinders it's located in the south and very far to travel for many sufferers which can cause them a lot of stress which doesn't help their eating disorder.

The residential facility in Queensland, Wandi Nerida, is not a 'one size fits all' and this new facility deals with different types of psychology and resources etc that suits each person's individual needs that aid in their own personal recovery process. There is constant meal support and most importantly patient follow up after discharge.

Young people are now presenting with self-harm and eating disorders at higher rates than ever before. Joyce Tam, manager of Butterfly Foundation's national helpline, said:

We know that isolation, changes to food and exercise routines, uncertainty around changing restrictions, and a lack of social connection has placed immense pressure and added stress on those living with eating disorders and body image issues. This can often exacerbate symptoms, or even trigger disordered eating, thinking and behaviours. This is compounded by the increased challenges to accessing treatment, with both the public and private sectors struggling to meet demand.

Last year, contacts to Butterfly's webchat support service increased by 116 per cent. School services have seen a 150 per cent increase in demand since the beginning of 2021, reflecting the spike in students' eating disorder and body image issues that schools are identifying. Belinda Caldwell, CEO of Eating Disorders Victoria, said:

Diet culture is currently prolific, with unhelpful terms such as 'COVID-kilos' being coined, and we must begin to dismantle its harmful beliefs, messages and practices. Being bombarded by this type of messaging is not helping anyone mentally, emotionally or physically right now.

With suicide 31 times more likely for people with eating disorders, Butterfly CEO, Kevin Barrow, noted:

Eating disorders are severe and enduring mental illnesses that can be compounded by serious physical complications. It's the complex nature of these illnesses that cause them to have one of the highest mortality rates of all mental illnesses.

Thank you to the carers, families and people with lived experience who are playing the most important role in people's care, support and recovery when people have an eating disorder. Thank you for sharing your views with me.

If you know of someone who is in crisis, please call the police on 000. Free and confidential support and tools are available from the Butterfly Foundation website or the National Helpline on 1800 334 673. In South Australia, family and carers can contact SEDS, a specialised mental health service for all South Australians at SA Health, to discuss how to help a person who may have an eating disorder. Eating Disorders Families Australia have a website and support, educate and empower families affected by an eating disorder.

I urge all parents who might listen to this speech today to take note of the messages coming through to us from social media about body image. On the weekend, I watched the movie *Grease* with my 11-year-old son, and he asked me why Sandy was so skinny. I thanked him for his question, as I had always viewed her as having the ideal body shape and I have tried to achieve the same. I

look forward to Taryn Brumfitt's new movie and applaud her work and close with her motto: 'My body is not an ornament; it is the vehicle to my dreams.'

Thank you for the opportunity to highlight this important issue, and I will continue to advocate for better health services in South Australia. The Marshall Liberal government is committed to ensuring that people with eating disorders and their families can get the right help quickly.

Mr PICTON (Kaurna) (12:29): I start my contribution by introducing a proposed amendment to the motion. I move:

Delete paragraph (b) and insert in lieu thereof:

(b) expresses concern regarding the significant delays and red tape delaying progress on the Statewide Paediatric Eating Disorder Service;

After paragraph (c) insert:

(d) notes with alarm the Liberal government's failed commitment and red tape delaying progress to build a Statewide Eating Disorder Service.

First, I thank the member for King for her contribution. I am sure all members' thoughts are with her and her family in terms of what she has outlined in terms of difficulties faced in what is an awful area in terms of eating disorders which are faced by many South Australians.

This is a very difficult area. This is an area in which many of us will know friends and family members who have been impacted by eating disorders. Many of us in this house will have met constituents and their family members have been impacted by eating disorders. It is something where we need to do more to improve support both for children and older people impacted by eating disorders in our community.

People living with eating disorders experience the highest morbidity rate of all mental health problems. It is sadly one of the deadliest mental health illnesses that we have. Anorexia nervosa has one of the lengthiest recoveries, with many failing to fully recover from the illness. Effectiveness of treatments is limited due to the need for extensive long-term treatment. These treatment efforts become even less effective when there are not adequate services to begin with.

It is important to discuss the state that we are in in terms of these services that are available in South Australia at the moment because this is an area where the government has made commitments to improve the situation for people suffering from eating disorders, and I am sure everyone would say that that is welcome, but the reality has not been matched by the promise.

The promise has been big but the delivery has been poor. Sadly, I have been contacted by many people who are constituents or who are impacted, but also by many clinicians in the system who are very concerned about the lack of progress that we have seen in terms of addressing both paediatric eating disorders and adult eating disorder services.

The government, in its election promises, promised that there would be a paediatric eating disorder service. Minister Stephen Wade reiterated in 2018 that it would be a $250,000 investment that year, growing to $1 million per annum from 2019-2020, to ensure children experiencing eating disorders were able to access specialist treatment. Unfortunately, since 2018, we have not seen this service develop. We have not seen that funding that was promised to go into providing support for people actually delivering anything on the ground whatsoever to help children and their families who are going through this awful situation.

What has happened is that there has been a massive, bureaucratic squabble going on in SA Health about how this should be run, who should be managing what, what age of children and adults should go where, who should look after them, where the services should be, and this has been going on for year after year after year. Now we are here on the eve of the election and the government's motion—which, obviously as governments do, praises itself—falls a bit flat when we do not see these services, which were promised to be starting to be delivered at least two years ago, actually delivering anything on the ground.

It is particularly fraught when you look at what has happened to the paediatric eating disorder service. There has been a series of FOI documents that have been released that detail the back and forth that has been going on between the Department for Health and Wellbeing, the Women's and Children's Health Network and the Southern Adelaide Local Health Network, raising their different

points of view and concerns about how this service should have been run over the past few years. It has now reached the point where they have finally worked out how this is going to be arranged only this year, and they are going to have a structure which is basically split now in three.

The Women's and Children's Health Network will have clinical governance of outpatient services for children under 15. The Southern Adelaide Local Health Network will have governance of outpatient services for over 18, but because there could be no agreement on 15 to 18 year olds, there will be a new integrated governance of the service delivery for patients who are 15 to 18 year olds. This has raised significant concern from a number of people who were involved in putting together the plans for this new service.

Very sadly, Mario Corena lost his daughter to suicide five years ago after a lengthy battle with eating disorders. He sat on the governance committee and also the advisory group in relation to the model of care and he spoke to the media earlier this year about these proposals. He said that the governance structure had been botched and he was very concerned about the integrated governance of a new 15 to 18-year-old cohort, as follows:

> It's made it more complicated than it should be. It was bad enough before and now they have made it even more confusing. Where do the 15 to 18 year olds go? Do they go to the WCHN? Do they go to SALHN? Where do they go? And who's going to be held accountable for the 15 to 18 year olds?

He said it was not the one-stop shop families had been calling for. That is a very significant concern raised by a family member—a consumer. I note that in the motion itself part (c) says that the government should ensure the service is co-designed with lived experience. Clearly, that has not happened on this occasion. We have family members with lived experience of their children having eating disorders coming out and saying these sorts of concerns. At the time, InDaily was also contacted by a woman who raised concerns about the treatment that her sister was being provided, and said:

> …we know from experience that there may be unforeseen delays to factor in. We can't afford to wait 18 months. When the people with an eating disorder finally admit they have an eating disorder, there's not enough help for them. I want the government to really realise how serious this mental illness is. It's one of the deadliest mental illnesses.

If you do not take their word for it, how about an international expert? How about an international expert I think many people in this house will know and who is very well known to those opposite? This is Professor Tracey Wade whom I have great respect for. She also happens to be the wife of the health minister, Stephen Wade. She has raised concerns about what the government is doing in this area and she is an international expert in eating disorders, particularly for children.

In an article in InDaily earlier this year, titled 'Expert voices concerns about new paediatric eating disorder service', Professor Tracey Wade said:

> The input of the consumer was not incorporated well enough into the final model of care. Their major plea was for an integrated service that tried to prevent the problems of transition from one service to another—and that in eating disorders is particularly from an adolescent to an adult service—that's where people can relapse or get lost to the system.
>
> So when you look at the model of care which has three components to it, it seems to have actually not just ignored that request but actually moved in an almost opposite direction.
>
> Wade said the new structure was 'potentially confusing'.
>
> I'm having trouble understanding the shared arrangements and I think probably SA Health employees would similarly still not be quite clear on how it's meant to work.
>
> …we don't have much time for messing around.
>
> It really needs an incredibly integrated and tight approach to make sure that there is no opening for that confusion…
>
> To ignore the fairly central message that was coming from consumers is really counter to what the major medical and health bodies are doing now in Australia.

So we even have an international expert, who happens to be the wife of the health minister, raising concerns about this service. It is an important area. It needs to be addressed, but the government needs to listen to the clinicians and the consumers who have been raising concerns and act to make

sure that they can meet their promise to help these people who are facing these particularly difficult eating disorders.

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (12:39): May I start by thanking the member for King for raising this issue. I know that she has been a very strong campaigner for women and girls in particular and on this particular issue. There is no doubt that there would not be a member in this place who would not have had some direct experience, either through their children's friends or with their children themselves who may have suffered from eating disorders, and we can see how cruel that is.

That is why it is quite distressing to hear that the member for Kaurna's first response to this motion is to bring in politics. We listened to 10 minutes of ranting from the member for Kaurna with the blame game. May I remind the member for Kaurna that the Labor Party was in office for 16 years with not a single policy to address this issue. His only contribution to this debate this afternoon is to play politics.

Mr Picton: Are you going to talk about the issue or are you going to play politics? You are the one playing politics.

The Hon. D.G. PISONI: The member for Kaurna—

Mr Picton: You can't resist. Are you going to start talking about the shoppies union as well?

The Hon. D.G. PISONI: Just like his brother, the designer of the 'You can't trust Habib' brochure.

The DEPUTY SPEAKER: Order!

The Hon. D.G. PISONI: Just like his brother, signed sealed and delivered by the Pictons.

The DEPUTY SPEAKER: Order! The member for Kaurna rises on a point of order.

Mr PICTON: Point of order: they are personal reflections, and I think it is incredibly disrespectful to the issue for the member to be talking about completely irrelevant political issues. He should focus on the people who need assistance.

The DEPUTY SPEAKER: Yes, I uphold the point of order. I believe a personal reflection was made. Minister, you have made your point at the outset. I will ask you to speak to the motion now.

The Hon. D.G. PISONI: Of course, we do need to understand that there is a government policy and a process in place to deal with this issue, completely void of the Labor Party's 16 years in office. These amendments put by the Labor Party are not worth the paper they are written on because they do nothing to support those who are suffering from eating disorders—nothing whatsoever to support them; nothing at all—whereas the member for King, as she always does, came to this place with this motion in a very constructive manner. She wants an outcome. She wants to work with every member in this parliament in order to get that outcome.

The member for King is an extremely strong advocate. She delivers for her electorate, but beyond that, she delivers for people around the state of South Australia. Through her advocacy, through her very strong connections and her relationships within her electorate, which is representative of so many South Australians beyond the boundaries of the seat of King, we understand what issues are very important to South Australia. The member for King has definitely identified those important issues many, many times and this is just another example of doing that.

We know that eating disorders are very complex. They can sometimes take quite some time to be identified. There are many parents who may not be aware of a child, who is more than two times out of three a girl, who may very well have an eating disorder, not understanding why they are losing weight and not understanding the environment that might be causing them to feel that they need to behave in this way to please others, for example. That is just one example as to why somebody may have an eating disorder.

We certainly do not support the politics of these amendments that were introduced by the member for Kaurna, but we certainly do support the member for King's motion and I encourage the house to be constructive on this issue, to be respectful on this issue and to support the motion as presented by the member for King.

Ms HILDYARD (Reynell) (12:44): I, too, rise to speak about this difficult and very important issue that so many young people and their families experience, to rightly call out some of the shortfalls of this government, to establish appropriate services for people experiencing eating disorders and also to support the member for Kaurna's amendment, which absolutely speaks to what is needed. In saying that, I also speak of my support for the member for Kaurna's commitment to this issue and his advocacy around this issue over a long period of time.

I welcome a debate in this house about what is needed to provide support to those experiencing eating disorders, for us to honestly explore what the shortfalls are and to discuss a vision and what actions are needed to create something better. I thank the member for King for her heartfelt contribution to this debate and for bringing this motion to the house. I thank her also for bringing to the house's attention the plight of many of her constituents, and I thank them also for courageously sharing their stories. I certainly wish the member for King, and those she spoke about, the very best in their journey around this issue.

What I think we can all agree on in this house is that we do not need lines in motions that may go to any hint of self-congratulation, sadly not supported by substance or fact. What we need is vision, leadership and real action on this issue. Eating disorders, as has been canvassed, have absolutely devastating consequences for those experiencing them, and their families and other loved ones. I have seen and heard heartbreaking examples of young people affected by eating disorders and the devastating long-term impact that they have on them, their parents, siblings and others close to them.

I know of families who have found it incredibly hard to navigate the health system, to find the right services and supports for the person they love who is experiencing and grappling with this extraordinarily complex condition. People living with eating disorders are experiencing amongst the gravest types of mental illnesses. Conditions such as anorexia have absolutely debilitating impacts on those affected and recovery is too often slow and not guaranteed, with too many lost as a result of this condition.

What is also debilitating is that treatment is often required over protracted periods, and specialist services in this state are limited. It is vital that we have services designed to address the many complex types of eating disorders and a system that fully supports young people at what is an extremely traumatic and dangerous time in their lives, and during what can be a very long journey.

I recently met with a mother whose daughter is experiencing an eating disorder. This lovely mum, her daughter and her wider family feel, and have been, let down by the system and the level of medical care they received for their loved one. After being admitted to hospital for an eating disorder and depression, this young woman and her family were extremely disappointed and worried about a lack of any associated follow-up or continued support following discharge.

Whilst their former GP was highly knowledgeable, dedicated, efficient and compassionate in understanding what this young woman and her family needed—and was thankfully prepared to wholeheartedly advocate for appropriate services for her—he has since retired.

Following a recent admission to Flinders Medical Centre and subsequent discharge, the young woman, sadly, continued to experience suicidal ideations. Her family is now absolutely desperate for support and are rightly adamant that this should have been arranged prior to her discharge; instead, they have been left feeling alone and finding it difficult to cope. It is absolutely heartbreaking, indeed.

As the weeks and months slip by, this young women continues to struggle to access appropriate long-term services and support, support that is steeped in deep understanding of her complex condition, support that will empower her to meaningfully address her eating disorder and depression, and support that will mean her family, who are becoming increasingly desperate for assistance, can feel confident about what they can access with and for her, and stop feeling utterly alone.

Unfortunately, this is not an isolated case. Instead of platitudes, this government must do so much better for these individuals and their families. The ongoing delays in establishing the statewide paediatric eating disorder service, the bureaucratic wrangling and infighting and inability of the government to listen to and amplify the voices of those who live with these conditions, is threatening

to derail what is a much-needed service for South Australians affected by eating disorders, as are the ongoing delays to the statewide eating disorder service.

Unfortunately, whilst families like the one I have described suffer, the government has sat on its hands as the Women's and Children's Health Network and Southern Adelaide Local Health Network slug it out over who should provide the service. Meanwhile, Royal Australian and New Zealand College of Psychiatrists (SA Branch) chairperson, Dr Paul Furst, told *The Advertiser* in April 'the failure to resolve the governance issues and model of care has seen a belated recruitment of less than two clinicians'. These views and growing frustration are widely shared by stakeholders, advocates, carers and people experiencing eating disorders, as well as SA Health's own advisory group, which expressed concerns about the proposed model.

As the member for Kaurna alluded to earlier this year, Professor Tracey Wade, a distinguished expert in this field, also raised a number of concerns about the new service, including that it was not the properly integrated model that consumers were needing and demanding. In March this year, Professor Wade told InDaily the model of care being established:

> …doesn't seem to have promoted integration, it seems to have moved away from it, and given that integration was the consumer's main request, then it just appears to me that the consumer voice on this was not heard.

She also said:

> So when you look at the model of care, which has three components to it, it seems to have actually not just ignored that request but actually moved in an almost opposite direction.

These delays and the infighting engulfing these two crucial services are destructive. They require strong, visionary leadership from this government and its senior health bureaucrats, not platitudes.

At the heart of this issue are struggling young people, so often women and their families. It is they who are at the heart of the member for Kaurna's amendment. Again, I thank the member for King for her genuine heartfelt words today, and call on her as the mover to back up those words and to demonstrate her support for the young people and families we have both spoken about and who we support by supporting this amendment.

In closing, I thank the family I have spoken about today and others who have shared their painful ongoing stories with me. I place on record my commitment to continuing to do what I can to amplify their voices so that real action will be taken.

Mr MURRAY (Davenport) (12:53): I rise with some reluctance to seek to address this issue. I have a particular and quite broad experience with no less than three family members who have suffered from eating disorders. I do not propose to dwell a great deal on the argy-bargy, as it were, as to how this amendment may or may not be worded, but I do want to take the opportunity to remind all of us of the opportunity we have.

I listened intently and respectfully to the contribution of the member for Kaurna, and similarly to the member for Reynell. I want to assure the house and, through this opportunity, my community, that I will hold both my own government, and the commitments we have made in the lead-up to the last election so far as this commitment is concerned, to account. I will hold the government to account, and I will also look forward to some commensurate, concrete actions to address what is a serious and quite frightening disease.

Before I move any further, can I just reiterate the congratulations on the enormous mental strength shown by the member for King, sharing her story here today. As I said, I do not propose, because I am at heart a bit of a softy, to dwell on any detail, but I will point out that I have particular and very acute knowledge of how bewildering and frightening these diseases can be.

An excerpt from the federal Department of Health website tells us—we are talking about anorexia here—that it has the highest death rate of all mental illnesses. Death from physical causes is five times that expected in the age group, and death by suicide is 32 times that expected for an age group. It typically manifests itself in young women, with only one in 10 of the sufferers being male.

The Marshall Liberal government has a commitment to provide $3.3 million in funding over four years for the provision of this service. I would make the point that any sort of assistance for the sufferers of these eating disorders is to be commended, and in particular I would make the point, as I said earlier, that I will look forward to holding both of the major parties to account—mine and that

of those opposite—as we move into an election cycle. I commend the fact that our government has provided these funds.

I have had some correspondence from a constituent, and I think this is a reminder. As I said, I do not propose to concern myself, frankly, with the minutiae of what this motion says or seeks to say, other than to urge, to plead with, both sides of politics to provide funding and practical assistance for these people. A young lady sent me this almost exactly a year ago. It is a good news story. This is a reminder for all of us:

> Dear Mr Murray…
>
> The two of us have never personally met, but I wanted to share my sincere gratitude towards you. Early last year. Early last year you were contacted by my father about anti-bullying laws, where he told you a bit about my story and my struggles with anorexia and the way my classmates treated me because of it…

We talked, which, she says, inspired her:

> I want to say thank you for the kind gestures you extended to me and my family, and for letting me know that your office would be a safe space if I ever need one...
>
> I just wanted to let you know that as of two weeks ago, I am officially recovered from Anorexia. Once again, thank you so much for your help. Having you as an ally has [been great]…Knowing that it does get better was honestly amazing.

So wherever the support comes from, it is important. The risk, if these people and their families do not get support, is enormous. So regardless of the politics I urge all members of both parties to provide concrete, tangible, far-sighted and, more particularly, strategic, focused delivery of the assistance that these diseases warrant and that the people that suffer from them, including their families, deserve.

Ms LUETHEN (King) (12:59): I thank the carers and people with eating disorders who have contributed to my speech today with their heartbreaking stories. I thank all members for their contributions and support, noting especially the member for Unley, the member for Davenport, the member for Reynell and the member for Kaurna. Thank you very much for speaking on this important topic.

The Marshall Liberal government are committed to ensuring people with eating disorders and their families can get the right help, and I look forward to the lived experience of people in South Australia being included in the design as we move forward. I note that we are building a new service at the Repat, which those opposite tried to sell, and that is the key reason I would not support the amendment.

Amendment negatived; motion carried.

Sitting suspended from 13:00 until 14:00.

Parliamentary Procedure

ANSWERS TABLED

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr TRELOAR (Flinders) (14:01): I bring up the 43rd report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

MEMBER FOR WAITE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:02): My question is to the Premier. Has the Premier or any of his staff spoken with the Hon. Tammy Franks since the member for Waite was acquitted on 24 August 2021?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:02): I speak to many members of parliament on a very regular basis. I can't speak for members of my office, whether they have spoken to her. I am not aware of them speaking to her and, in fact, I would be very surprised. I am happy to make an inquiry.

MEMBER FOR WAITE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:02): My question is to the Premier. Has the Premier spoken to the Hon. Tammy Franks since the acquittal of the member for Waite on 24 August 2021 regarding the member for Waite's actions?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:02): I speak to, as I said, various members of this house and the other house on a range of issues. I am certainly not going to be canvassing those issues here in question time. I think it is only right that we can speak to members in this parliament.

There are a range of issues I share with the honourable member, in particular our great vision for creating a voice to parliament, a voice to government. This is an area which I think needs to be addressed. It's one that we are working on. We know that Commissioner Roger Thomas has been doing quite a lot of extensive work in this area over the past 12 months to 18 months during the coronavirus. We are working on the final format for that.

Whilst I have only spoken in general terms to the Hon. Tammy Franks about that, she is very supportive. We previously served on the Aboriginal Lands Parliamentary Standing Committee together with the member for Florey and also a previous member of the Labor Party—I can't remember the name of the seat.

The Hon. V.A. Chapman: Taylor.

The Hon. S.S. MARSHALL: Taylor. Yes, you are quite right—Taylor.

MEMBER FOR WAITE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:04): My question is to the Premier. Has the Premier spoken to the member for Waite since the member for Waite was acquitted in August this year?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:04): Again, only in the normal course of walking past people in the corridor. I have not had any specific meeting on it, no.

Members interjecting:

The SPEAKER: Order, members on my right! I have already had occasion today to call the Deputy Premier to order. The members on my left will cease interjecting. The leader is entitled to be heard in silence.

MEMBER FOR WAITE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:04): My question is to the Premier. Why has the Premier found the time to talk to the Hon. Tammy Franks regarding Mr Duluk's matter but not the member for Waite?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:04): This is typical of the Leader of the Opposition: he gets the questions, they are texted down to him, he reads them out, he doesn't listen to the answer. They don't even make sense, the questions that he then asks subsequently because he's just not on his game whatsoever. He's always waiting for the member for West Torrens sitting behind him to save his bacon—

The Hon. A. KOUTSANTONIS: Point of order.

The Hon. S.S. MARSHALL: Here he is—right on cue!

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

The Hon. A. KOUTSANTONIS: Standing order 98: the Premier is debating the question.

Members interjecting:

The SPEAKER: Order! I just struggled—

Members interjecting:

The SPEAKER: The Premier and the leader! I just struggled to hear the member for West Torrens. I struggled but managed to hear the member for West Torrens' point of order. It's a point of order well made. However, I note the premise of the question prompted an answer that might have involved correcting the premise. I think the Premier might have concluded his answer. The Premier has concluded his answer. The leader is seeking the call.

MEMBER FOR WAITE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:06): My question is to the Premier. Why has the Premier been so keen to spruik the Hon. Tammy Franks' statement in the Legislative Council this afternoon to all who are willing to listen? With your leave, sir, and that of the house, I will explain.

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

The SPEAKER: The leader will resume his seat for a moment. The Minister for Energy and Mining on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: Speaker, as the leader knows, he is not able to put an argument 'why is the person so keen to do this that and the other' and then hide behind the following explanation. Argument at the front is argument at the front, and it's out of order.

The SPEAKER: To this extent, I uphold the point of order. Characterisation of the nature of doing something in fact is out of order. If the leader wishes to seek leave to introduce facts and then to put the question including those facts, then I will hear the leader about that. Does the leader seek leave?

Mr MALINAUSKAS: I am happy to rephrase the question and seek leave.

The SPEAKER: Well, it's a matter for the leader.

Mr MALINAUSKAS: Has the Premier been deliberately spruiking the Hon. Tammy Franks' statement in the Legislative Council this afternoon? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr MALINAUSKAS: On ABC radio this morning, the Premier alluded to the fact that the Hon. Ms Franks would be making a statement in parliament today about the 2019 Christmas party, and then in the Premier's press conference this morning the Premier mentioned the Hon. Tammy Franks' statement no less than three times when pressed about whether or not the Premier had a view about the member for Waite being let back into the Liberal Party.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:07): No.

The SPEAKER: Before I call the leader, I call to order the Premier and I call to order the member for West Torrens.

MEMBER FOR WAITE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:07): My question is to the Premier. Is the Premier taking his lead on forming a view regarding the member for Waite's future from the Hon. Ms Tammy Franks, rather than showing leadership and expressing a view himself?

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order: 97.

The SPEAKER: The Minister for Energy and Mining rises on a point of order. The point of order, pursuant to standing order 97, is well made. The question is out of order. Is there another question? Is there a member seeking a call?

MINISTER FOR INFRASTRUCTURE AND TRANSPORT

The Hon. A. KOUTSANTONIS (West Torrens) (14:08): My question is to the Minister for Transport and Infrastructure. Did the minister mislead parliament yesterday in response to a question regarding his knowledge of allegations by his staff of fraudulently submitting time sheets in his EO? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: Yesterday in parliament, in response to a question which I asked of him, and I quote:

> Have any members of his electorate office staff ever alleged with the minister that hours worked by Ms Tui Comas were being fraudulently recorded on time sheets submitted to the Department of Treasury and Finance for payment for hours and days Ms Comas had not worked?

the minister responded: 'Not to my knowledge, no.' The opposition is in receipt of a letter dated 5 January 2018 sent to the minister and Electorate Services, and I quote:

> …in April 2017 after I first raised concerns in relation to your decision to make an offer of employment to one of your family members Mrs Tui Comas. Your behaviour towards me became increasingly intolerable after I subsequently refused to be a party to the dishonest practice of recording her time in a manner that did not accurately reflect the hours that she worked, including occasions when she did not work at all.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:09): I thank the member for the question, and I did answer yesterday and say that I had no recollection of that. I am happy to see that. What I will say and what I did say yesterday was for every hour that every staff member has worked in my office it has been accounted for. I can't be any clearer than that.

I think that the member was referring to—and he said the date there and I will check the dates again. It was some almost four years ago, from memory. Across that time, I have had a lot of people work for my electoral office, people who have gone over and above and done a heck of a lot of work, and I think we all have. I think if you look across—

Members interjecting:

The SPEAKER: Order, Deputy Premier!

The Hon. C.L. WINGARD: I think if you look across all electorate offices, we all have very hardworking staff and, from my perspective, as I say, every hour that any staff member has ever worked has been accounted for in my office over I think it is coming up to nearly eight years that I have been in parliament now.

AQUACULTURE

Mr TRELOAR (Flinders) (14:10): My question is for the Minister for Primary Industries and Regional Development. My question is this: can the minister update the house on how the aquaculture industry is delivering jobs in the electorate of Flinders?

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (14:11): I thank the member for Flinders for his important question. He certainly knows how important Eyre Peninsula is in relation to aquaculture and fisheries generally. It is such a beautiful part of the world, has a pristine environment there and is a wonderful place for us to invest in aquaculture.

We have seen the highly successful tuna industry established there as an aquaculture industry, and to transition from a fishing sector into aquaculture has made that sector sustainable long term. We also see the wonderful oyster industry that operates over on the West Coast. The Coffin Bay oysters, known worldwide for how wonderful they are, are based on that beautiful coastline of the West Coast.

Aquaculture in South Australia supports thousands of jobs, and 70 per cent of those jobs are within the regions. The latest report into the economic contribution of aquaculture shows that the value of the South Australian aquaculture industry has grown to $229 million in the 2019-20 year. This sector is such an important part of our economy. It has 2,500 direct and indirect jobs out of this

sector, an increase of about 5 per cent on the previous financial year that we have seen growth in those job numbers. This is despite the COVID-19 impacts.

This is such an amazing, vibrant sector in what they are able to achieve. The Marshall Liberal government is proudly supporting the projects with big growth opportunities in this sector. One of the really exciting places where we are seeing investment and growth going forward is the seaweed industry. The seaweed industry is something that is very much in its infancy in Australia, but it has huge potential. South Australia has an amazing opportunity in this space.

We have ideal conditions for seaweed to be grown, with the gulfs being a protected environment. We have one variety of seaweed—there are two different strains of that seaweed that grow naturally here in South Australia—that has amazing potential here for us to develop a new industry. This is an industry that will actually support the livestock sector. By feeding about 100 grams of this seaweed to an animal on a daily basis, we can see a 90 per cent reduction in methane gas emissions.

When you talk about methane gas being 28 times that of carbon dioxide contributing to the environment, it is such an important industry that we continue to see develop. This is a great opportunity for South Australia to be the leader in this space. The potential revenue from that would see another $250 million per year into the economy supporting another 1,200 jobs in South Australia's regional areas. The industry is a sustainable, high-tech and highly valued new economic opportunity. It is going to help us deliver for the Growth State $23 billion by 2030.

Seaweed has the potential to provide jobs in regional coastal areas and produce high-value products for the domestic and export markets not just in this space of livestock fodder but also in pharmaceuticals, as well as other great opportunities. Another great use for this seaweed is to mitigate Australia's carbon emissions.

We are certainly very happy to support and see this industry grow. We see great opportunities not only in the electorate of the member for Flinders but also all South Australian coastal waters will have a great opportunity to see further investment in aquaculture, which will see our regions grow.

COMAS, MS T.

The Hon. A. KOUTSANTONIS (West Torrens) (14:15): My question is to the Premier, representing the Treasurer. Was Ms Tui Comas working at the Mitchell electorate office while also on paid maternity leave in March 2017?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:15): Thank you very much, and I am very happy to be representing the Treasurer in this house. I am happy to take that question on notice. I will refer it to the Treasurer and come back to the house with an answer.

COMAS, MS T.

The Hon. A. KOUTSANTONIS (West Torrens) (14:15): My question is to the Premier. Were fraudulent time sheets submitted to Electorate Services on the instruction of Minister Wingard to conceal that Ms Tui Comas was engaged in paid work while on paid maternity leave in March 2017? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: The opposition has obtained an email from Allison Mildren to another staff member in the Mitchell electorate office dated 15 March 2017 at 3.06pm, and I quote:

> On the phone earlier Corey mentioned the following details about Tui's working days here;
>
> Thursday March 6 is the first day Tui is allowed to get paid (given her Mat leave entitlements) however she is not able to be in the office on that day as she is away. Therefore she is planning on doing two half days BEFORE 6 April—…March 24 and another half day on…March 27.
>
> Then from Thursday 13 April she will be in regularly.
>
> Hope that all makes sense—Corey said he would follow it up with you and work out what paperwork needs to be arranged.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:16): I thank the member for his question. Yesterday, there was a similar line of questioning, and I did commit to speak to the Treasurer about this matter. He has made an investigation. He started an investigation, and so he will be making a statement when that is concluded. It could be today, it could be tomorrow, it could be on a subsequent day, but certainly he is looking at this issue.

There was a performance management issue, which goes back to the time when the previous government was in place. In fact, the member for West Torrens, the person who is asking the question today, was in fact the minister responsible for electorate offices during this time, so it begs the question what he knew at the time, what action he took at the time. I know for a fact there are many issues with regard—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —to staffing issues at electorate offices.

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. S.S. MARSHALL: We take them very seriously. One of the other things I committed to doing yesterday was asking the Treasurer whether there were other issues in electorate offices that he was aware of, and I've got to say I was a little bit surprised by some of the matters that were raised—for example, the electorate office in Badcoe where very serious allegations were raised about the very high staff turnover there. We know that the member for Badcoe is no longer the shadow minister in the opposition's front bench.

The SPEAKER: The Premier will resume his seat for a moment. The member for West Torrens rises on a point of order.

The Hon. A. KOUTSANTONIS: Standing order 98, sir: the Premier is debating the question rather than answering the substance of the question.

Members interjecting:

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

Members interjecting:

The SPEAKER: The member for Playford is warned.

Mr Brown interjecting:

The SPEAKER: The member for Playford is warned for a second time. The question in its terms was quite specific. Facts were introduced by leave. The Premier, in his capacity representing the Treasurer, was providing a substantive answer to the subject matter of the question. I will allow the Premier to complete his answer, but I do direct the Premier to the substance of the question.

The Hon. S.S. MARSHALL: Sir, the substance of the question, as you would be more than aware, was about some incidents with regard to activities in electorate offices. We know that the people who work in our electorate offices work very, very hard, but from time to time there are issues around performance management. As I was saying to the house, I spoke to the Treasurer regarding a matter that was raised yesterday—

The Hon. S.C. MULLIGHAN: Point of order, Mr Speaker.

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

The Hon. S.C. MULLIGHAN: Mr Speaker, you have already ruled on debate and you specifically directed the Premier to the substance of the question and not to stray from that, and he is immediately disobeying your ruling.

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order! I take the point of order as amplifying the point of order made by the member for West Torrens, and on the same terms. I just make the observation that the Premier has referred to the undertaking of an investigation. I am listening very carefully. It may be that there is

light to be shed on the scope of the investigation, otherwise the Premier is drawn back to the substance of the question. The Premier has the call.

The Hon. S.S. MARSHALL: Thank you very much, sir. The substance of the question was regarding an incident which occurred back before we came to government. I have updated the house that the minister responsible for this period of time for electorate offices was, of course, the member for West Torrens in his capacity as the Treasurer at the time, so now he has brought this matter here.

I committed yesterday to speak to the Treasurer in the other place. I have had that preliminary discussion. He said that he will be making a statement. He says that from time to time there is performance management within electorate offices, and there was one around this time. He is going to make a further statement to his house, and I will be able to table that in this house.

Yesterday, I also committed to asking him whether there are other issues within electorate offices around performance management, or any other allegations that might be occurring, and I must say I was absolutely shocked with what I heard from the Treasurer. There are a large number of issues being raised against issues that have occurred in electorate offices right across the Labor Party's electorate offices, and I must say I am flabbergasted. I was particularly concerned about what was going on in the Badcoe office.

Earlier in the year, we had the member for Badcoe who said that she was resigning for a deeply personal matter. We've really—

The Hon. S.C. MULLIGHAN: Point of order, Mr Speaker.

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

The Hon. S.C. MULLIGHAN: Standing order 98: this is now the third time within the same response that the Premier is debating the answer. The question was specific, about the misuse of time sheets in the minister's electorate office and nothing else. You have directed him twice to come back to the substance of the question, and each time the Premier chooses to ignore that and to stray into debate.

The SPEAKER: I once again—

Members interjecting:

The SPEAKER: Order! I once again uphold the point of order drawing attention, as it does, to the substance of the question. I have also adverted to the fact that the Premier, in answering the substance of the question, has highlighted the existence of an investigation of sorts. The Premier has, in describing the circumstances of the investigation, had occasion to describe the investigation. I have listened carefully to the answer. The Premier is drawn back to the substance of the question. Unless there is anything further to add in relation to the substance of the question, I invite the Premier to conclude his answer.

ELECTORATE OFFICES

Mr WHETSTONE (Chaffey) (14:23): Supplementary, sir: can the Premier please update the house on matters regarding other electorate offices?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:23): I thank the member for Chaffey for his excellent question because, let me tell you, they were very defensive on that side of the chamber when I was trying to provide information to the house—information that I think every single member should be aware of. There are issues in electorate offices from time to time. We are quite aware that there are issues regarding matters in electorate offices. I had no idea there were so many issues with regard to—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —electorate offices presided over by those opposite. They seem very defensive today—very, very defensive. They love throwing the mud. They don't like anybody raising any legitimate questions about the performance of the electorate offices which they

are presiding over, and the issues that have been raised with me are very serious. In fact, if they were true—

Members interjecting:

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

The Hon. S.S. MARSHALL: Well, in fact, I don't think they could be true. I don't think they could be because there is no way certain members would still remain in this parliament. It begs the question: what does the Leader of the Opposition know about issues within the Badcoe electorate office, within the Light electorate office, within the Reynell electorate office? I have just heard about others that I will probably go into as soon as I have been able to finalise the issues with regard to this.

Sir, let me tell you about some of the things that really concern me about what was happening in the member for Light's electorate office, a stalwart of the Labor Party. Bradley Johnson, who worked as a trainee—

Members interjecting:

The Hon. S.S. MARSHALL: The member for Light is a Labor Party stalwart. Apparently now the Leader of the Opposition doesn't think the member is a stalwart, or maybe he doesn't know what a stalwart is.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I would describe the member for Light as a stalwart of the Labor Party; maybe he doesn't. But, let me tell you, Bradley Johnson, who worked as a trainee in this member's office said, 'I would wake up some mornings unable to face Tony in the office, so I would call in sick.'

What we would like to know in this house is what has the Leader of the Opposition done about this? What action has he taken? Has he counselled the member for Light? Is there something we need to know about in this place—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —or has he further information regarding what went on in the Badcoe office? We know there have been some transfers of staff. We know that one member of staff from the Badcoe office is now in the West Torrens office. The big question we need to ask is: does the member for West Torrens have any information regarding what potentially went on in the Badcoe electorate office?

We know about very serious allegations within the electorate office of Reynell, and we are also concerned about others. The reality is that I will be asking further questions of the Treasurer overnight regarding some of these very serious matters that have been raised regarding electorate offices.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: The question is, though, the Leader of the Opposition often talks—

Mr Malinauskas interjecting:

The SPEAKER: The leader is called to order.

The Hon. S.S. MARSHALL: —about leadership: where is it? Sitting behind him is the member for West Torrens—

Mr Picton interjecting:

The SPEAKER: Member for Kaurna!

The Hon. S.S. MARSHALL: —who was famously described in the front page of *The Advertiser* as 'c-bomb Tom'—c-bomb Tom! What were the consequences?

Mr Malinauskas: It was wrong!

The Hon. S.S. MARSHALL: It was wrong—the Leader of the Opposition—

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —defending his mate the member for West Torrens, the guy who's actually pulling the strings. He was wrong. The *'Tiser* got it wrong, the ICAC got it wrong; there was no bullying whatsoever in that ministerial office with the former Treasurer, the former minister, discharging his duties.

Well, that is the standard of the Australian Labor Party. It's in their DNA. But it is time for the Leader of the Opposition to front up and tell us what he knows about what went on because I'm quite sure it's all going to come out.

Members interjecting:

The SPEAKER: Order!

Mr Malinauskas interjecting:

The SPEAKER: Order, the Leader of the Opposition! Before I call the member for West Torrens, I warn the member for Cheltenham, I call to order the Minister for Innovation and Skills, I call to order the member for Hurtle Vale and the member for Wright, the member for Kaurna and the Deputy Leader. I warn the Deputy Premier.

NEWLAND ELECTORATE OFFICE

The Hon. A. KOUTSANTONIS (West Torrens) (14:27): I have a supplementary question to the Premier. What were the circumstances in which Ms Kirsty Belton was moved from the Newland electorate office to your electorate office?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:27): That would be, of course, another matter I am happy to refer to the Treasurer and come back to the house—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —and provide an explanation.

Members interjecting:

The SPEAKER: The member for Lee is called to order. The member for Playford will leave for half an hour in accordance with standing order 137A—

An honourable member interjecting:

The SPEAKER: —in silence.

The honourable member for Playford having withdrawn from the chamber:

The SPEAKER: I remind honourable members on my right and on my left that it is disorderly to interject in the course of the question and in the course of the answer. The questioner is entitled to be heard in silence, as is the minister in answering the question.

MINISTER FOR INFRASTRUCTURE AND TRANSPORT

The Hon. A. KOUTSANTONIS (West Torrens) (14:28): My question is to the Premier, representing the Treasurer. Did an employee of Minister Wingard resign on 8 January 2018 because of allegations of bullying, harassment, abuse, physical aggression and dishonest practices by the Minister for Infrastructure and Transport in his electorate office. With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: The opposition is in receipt of a resignation letter, dated 5 January 2018, addressed to the member for Mitchell:

Mr Wingard,

I hereby give notice of my intention to resign with effect Monday, the 8th of January, 2018.

Since April 2017 I have been subject to bullying, harassment and abuse within the workplace which I am no longer prepared to tolerate. I consider your behaviour during this period to have been inappropriate and inconsistent with community expectations and safe workplace practices.

Efforts to resolve these matters through mediation with Electorate Services present on the 14th June did not result in any change in your behaviour and my subsequent request to re-engage the support of Electorate Services, an undertaking you agreed to in October, was never pursued.

These patterns of behaviour emerged in April 2017 after I first raised concerns in relation to your decision to make an offer of employment to one of your family members, Mrs Tui Comas. Your behaviour towards me became increasingly intolerable after I subsequently refused to be a party to [your] dishonest practice of recording her time in a manner that did not accurately reflect the hours that she worked, including occasions when she did not work at all.

The verbal abuse and physical aggression I was subjected to on the 20th of November, witnessed by other staff members, have rendered an office environment in which I no longer feel physically safe and cannot return [to] for fear of physical harm and psychological distress.

A legal representative will be in contact with you in due course in relation to the aforementioned matters.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:31): Not that I'm aware of.

The SPEAKER: The member for King.

The Hon. A. Koutsantonis: What was that? What was the answer, sir? We didn't hear an answer, sir. Can the Premier just repeat his answer?

The Hon. S.S. MARSHALL: Not that I'm aware of.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, members on my right! I heard the answer.

The Hon. V.A. Chapman interjecting:

The SPEAKER: Order, the Deputy Premier! I heard the answer. The Premier has now repeated the answer for the benefit of members. The member for King is seeking the call.

MINING INDUSTRY

Ms LUETHEN (King) (14:31): My question is to the Minister for Energy and Mining. Can the minister please update the house on the contribution mining is making to the South Australian economy and the jobs created for South Australians?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:32): Thank you to the member for King, an outstanding local member of parliament—and, yes, I can. It is with great pleasure that I can talk about the contribution of the mining sector to our economy and to employment. We would all know that over the last 18 months or more the global pandemic has had a huge impact, an enormous impact on our state's economy and further afield, and the mining sector has worked extraordinarily hard to keep itself afloat.

Obviously, the companies want to keep working, want to keep earning, but from the government's perspective the reason this has been so important is that it has kept people employed—kept thousands and thousands of people employed in South Australia—and, also very importantly, kept the flow of raw materials and processed materials coming out of these mining operations which then go on whether to export or whether as inputs into other parts of our economy. It is incredibly important, and very hard work has achieved great results, including some record sales performance results for the mining sector during this time.

I say again that, most importantly, keeping their employees working has been the greatest contribution of this sector. Of course, the government has contributed as well. The government has worked incredibly closely with the resources industry, with SA Health, with all the authorities in place

during the global pandemic. We have contributed in other ways too. We have tried very hard to support the industry at the exploration end. We all know that exploration is an expensive business. It's a risky business but, when exploration is fruitful, it rewards our economy enormously, but it also takes quite a while.

From the point in time when a fruitful well is discovered or a fruitful mineral resources deposit is discovered, it can be five, 10, 15 or, in some cases, 20 years until the flow of a productive mine comes along. So our Accelerated Discovery Initiative has been incredibly important with regard to supporting the industry. I would like to acknowledge both OZ Minerals and BHP, our two largest miners in South Australia—OZ Minerals with Prominent Hill and the Carrapateena mine and BHP with the Olympic Dam mine. They have both done extraordinarily well. They are not the only ones, but they are our largest contributors in this regard.

It is fantastic that Prominent Hill recently announced that it would be extending its mine life until 2036—$600 million of investment and of course continuation of 1,200 jobs on site until 2036, which is a huge step forward for our state. BHP has had the largest copper production on site in the last year since BHP took the mine over in 2005, so they have done a really truly extraordinary job.

Let me just share some more specific figures: BHP in South Australia has total payments to government of $136 million, BHP's royalties alone are $102 million, their combined employees are 7,788 employees, their total spend on suppliers in South Australia is $1 billion and they directly engage 265 different suppliers across South Australia. That is just one snapshot of many companies.

I can think of Iluka, Heathgate, Hillgrove, Santos, Beach, Cooper Energy, Strike Energy, Tri Star and many others at the production end of things and many more again on the exploration side of things, and then there is the services sector that supports all those companies, which is vital. It's a really important industry for our state.

MINISTER FOR INFRASTRUCTURE AND TRANSPORT

The Hon. A. KOUTSANTONIS (West Torrens) (14:36): My question is to the Premier. Was the Premier or his then Chief of Staff James Stevens made aware of the allegations against the Minister for Infrastructure and Transport that were occurring in his electorate office at any time during the period of the last term of parliament or this term of parliament?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:36): Not that I'm aware of.

COMAS, MS T.

The Hon. A. KOUTSANTONIS (West Torrens) (14:36): My question is to the Premier. Have you ever employed Tui Comas?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:36): Not that I'm aware of.

COMAS, MS T.

The Hon. A. KOUTSANTONIS (West Torrens) (14:36): My question is to the Premier. Has Ms Tui Comas ever been employed in the Dunstan or Morialta electorate offices?

The SPEAKER: I'm going to intervene at this point. I expressed disquiet yesterday in relation to standing order 96. I responded to a number of points of order in the course of question time yesterday. Insofar as the question is directed to matters that are concerning a member's conduct as a private member, they are out of order pursuant to standing order 96. To the extent that a question may be framed with a view to directing relevant ministerial responsibility, as earlier questions were, they are not so contravening the standing order.

I am very happy, for the benefit of members, to expand further, but I don't want to take up members' time in question time unduly, so I rule that question out of order. I will give the member for West Torrens the call if he's seeking it.

COMAS, MS T.

The Hon. A. KOUTSANTONIS (West Torrens) (14:38): My question is to the Premier in his capacity representing the Treasurer in the house. Has Ms Tui Comas ever been employed on a casual or full-time basis in the Dunstan or Morialta electorate offices?

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order: that is exactly the same question with the slight adjustment at the start with regard to 'the Premier' versus 'the Premier representing the Treasurer'. The reality is that the substance of the question is absolutely identical, and the suggestion that the Treasurer, let alone somebody representing the Treasurer, would know of any person employed in any electorate office is completely out of order.

The SPEAKER: The point of order is with respect to standing order 96. With respect to the minister, the minor difference in the question might make all the difference relevantly. To the extent that it's a question to the Treasurer that may be addressed by the Premier in his capacity representing the Treasurer in this place, I will allow the question. I wouldn't be surprised if the answer is somewhat constrained, but I will give the Premier the opportunity to respond.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:39): I am very happy to ask the Treasurer if he has any information with regard to that. Of course, I think it relates to a period when the Treasurer wasn't responsible for electorate offices. In fact, it was the member for West Torrens, who asks the question, so he should probably know. I suspect he does. But I am happy to ask the Treasurer and come back to the house with an answer.

OPENING UP OUR RESERVOIRS

Mr MURRAY (Davenport) (14:39): My question is directed to the Minister for Environment and Water. My question is: can the minister please update the house on how the Opening up our Reservoirs program is contributing to job creation and economic growth across the state?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:40): I thank the member for Davenport for his question and I know he is very excited about the upcoming opening of the Happy Valley Reservoir which will likely prove one of the jewels in the crown of the reservoir opening project that the Marshall Liberal government has been pursuing since coming to office in 2018.

We know that the opening of our reservoirs has been an incredibly successful initiative. It has been drawing people out into the natural environment to enjoy the great outdoors, to learn about nature, to undertake physical activity—whether it is walking, mountain biking, kayaking or throwing a line and catching some fish. It has been a very successful program to date and there is more to come. We know there have been around 250,000 people through the gates of our reservoirs over the last couple of years since they were opened up for recreational opportunities.

While conservation and managing these reservoirs in the same philosophy as our national parks is a really important part of it, the economic uplift that comes to the communities that have reservoirs on their doorstep is incredibly successful as well, no more so to date than Myponga Reservoir on the western Fleurieu Peninsula. We have seen people go down to that community. It is now a destination in its own right, more than it ever has been before. We are seeing people getting down to that community, spending money in existing cafes. We have seen a new cafe, the Valley of Yore, open up. We have seen the Myponga Kayak Hire start up there, I think initially just as a part-time opportunity by local residents and is now transitioning into a full-time prospect for them.

It is great to see these microeconomic opportunities roll off the back of what is in many ways quite a modest investment into the outdoor amenity that we are providing through the reservoirs. So for a relatively modest financial investment, we are getting a very significant economic uplift. We are also seeing that residences, both commercial and residential, in and around reservoirs are increasing in their value as people show more interest in those particular geographic locations.

It's not just down at Myponga; it's also in the northern reservoir precinct where we have South Para Reservoir, Barossa Reservoir and Warren Reservoir. We know that the Barossa Kayak Hire facility based in Williamstown, which was set up by a young family, is going gangbusters as we create a sense of place for these communities based around reservoirs, seeing the diversification of the local economies, drawing more people into these areas so that they can enjoy them, so that they can spend money on their way and have a whole range of really great experiences.

It is a fantastic opportunity. Labor make a lot of noise about this. They hate it. They will probably close the reservoirs; we know that. They have a very anti—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: And listen to the locker room thug himself! The deputy leader starts to just change—

Members interjecting:

The SPEAKER: The leader is warned.

The Hon. D.J. SPEIRS: —the subject with his interjections. He is a thug, he is a bully and he will close our reservoirs.

MINISTER FOR INFRASTRUCTURE AND TRANSPORT

The Hon. A. KOUTSANTONIS (West Torrens) (14:44): My question is to the Minister for Infrastructure and Transport. Did the minister or anyone in his office instruct the CE of the Office of Recreation, Sport and Racing, Ms Kylie Taylor, not to allow or invite Ms Cassidy, the Chief Executive of Sport SA, to attend an online COVID-19 industry briefing?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:44): This has been couched, I think, quite heavily in the media. I know the member for West Torrens has been pushing this case along. We did have a meeting. Ms Cassidy lodged a complaint about that, which we took very seriously, and I forwarded it to the appropriate authorities through my Chief of Staff. It was being considered, and at the time that was being considered there was an online forum for a lot of the sports. It was about the time of the COVID lockdown, so we engaged with those sporting bodies, as we always had, right throughout. I am very proud of the way the team has done that.

Ms Cassidy had lodged a complaint and my Chief of Staff did advise me that it would be best, to protect everyone, not to have her attend and in fact have someone else from Sport SA to attend that meeting whilst that matter was being sorted out. I took that advice and that was what proceeded.

MINISTER FOR INFRASTRUCTURE AND TRANSPORT

The Hon. A. KOUTSANTONIS (West Torrens) (14:45): My question is to the Minister for Infrastructure and Transport. Given that answer, did the minister mislead the estimates committee of the house on 3 August when he answered a question from the member for Reynell? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: The minister was asked if he instructed the CE of the Office for Recreation, Sport and Racing to tell Ms Leah Cassidy, the CE of Sport SA, not to attend a COVID-19 brief because she had made a complaint against the minister. The minister answered that question in estimates by saying, 'The answer to the question is no.' On 19 August, Ms Cassidy swore a statutory declaration saying the following, and I quote:

> I, Leah Cassidy, do solemnly and sincerely declare that on 28 July 2021 I was involved in a Microsoft teams meeting with Kylie Taylor, Chief Executive, Office for Recreation, Sport and Racing. At the end of the meeting I indicated to Kylie that I was shocked to receive a phone call from her (on July 22nd) indicating I should not attend an industry briefing called by the minister given my complaint to the minister regarding bullying and intimidation. I asked Kylie if this instruction had come from the minister's office to which she replied yep. When asked why Kylie indicated, 'the minister, the minister' there was a view it was in the best interest I didn't attend.

She makes this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1936.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:47): I received a complaint letter from Ms Leah Cassidy. On receiving that complaint, I forwarded it directly on to the Commissioner for Public Sector Employment in South Australia, Ms Erma Ranieri. She has appointed somebody to do an investigation of the allegations raised by Ms Cassidy. The minister has already outlined to the house the advice that he received was that she not attend that meeting following on from that complaint that had been made. I strongly support the advice that he received from his office. I think that is the correct course to take.

I think the other correct course to take is to forward that letter of complaint on to the Commissioner for Public Sector Employment in South Australia. That work is being done at the moment. I hope to be able to update the house on it very shortly.

The SPEAKER: The Premier will resume his seat. The member for West Torrens rises on a point of order.

The Hon. A. KOUTSANTONIS: Standing order 98: the Premier is not answering the substance of the question. The substance of the question was: was the parliament misled?

Members interjecting:

The SPEAKER: Order, members on my right! The Premier or any other minister is entitled to answer a question as may be appropriate. The Premier has referred to actions taken in relation to the circumstances. The Premier is entitled to answer the question in that way. Has the Premier concluded his answer?

The Hon. S.S. MARSHALL: No, sir. I think that the minister has provided a perfect explanation as to what has occurred and I do not believe for one second that he has misled the parliament. But if the member has information to suggest that he has—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: What we know about the member for West Torrens is it's one plus one equals 38,000. This is what we are used to. It was particularly worrying when he was the Treasurer of South Australia, when we had constant advice from those independent ratings agencies that we were just not up to scratch. In fact, we were the lowest rated jurisdiction in Australia when the member for West Torrens was the Treasurer of South Australia. That was the situation that we inherited from those opposite.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat for a moment. The leader on a point of order.

Mr MALINAUSKAS: Standing order 98: it's clearly debate. This was not a question relating to the exceptional economic management under the former Labor government, particularly with regard to debt, in comparison to this one. The question was very specific, sir.

Members interjecting:

The SPEAKER: Members on my right!

Mr MALINAUSKAS: The question was very specific regarding the inconsistencies between the statement made by the—

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: —Minister for Infrastructure—

Members interjecting:

The SPEAKER: Order, the Premier!

Mr MALINAUSKAS: —and what was just read out in a statutory declaration.

Members interjecting:

The SPEAKER: Order! The making of a point of order is no occasion to engage in impromptu debate. Members on my right will cease interjecting. I uphold the point of order. The question from the member from West Torrens was quite specific as to its subject matter. By leave, he introduced facts, and fulsomely so. The Premier has addressed the substance of the question in his answer, as he is entitled to do. I draw the Premier back to the substance of the question. The Premier has the call.

The Hon. S.S. MARSHALL: I have nothing further to add, sir.

The SPEAKER: The Premier has concluded his answer.

METROPOLITAN FIRE SERVICE

Mr COWDREY (Colton) (14:50): My question is to the Minister for Police, Emergency Services and Correctional Services. Can the minister please update the house on how the Marshall Liberal government is supporting the SAMFS to keep South Australians safe?

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (14:50): I thank the member for Colton for the question. Last week, I had the great pleasure of joining Squad 58 recruits at Angle Park Training Centre. It was absolutely a delight to go to see the new recruits at the MFS—young and fit and enthusiastic, exactly like the member for Colton, actually. I joined the MFS chief officer, Michael Morgan, Deputy Chief Officer Paul Fletcher, and also Assistant Chief Officer Peter Mason to join the new recruits and hear firsthand their wonderful experiences on joining the MFS and also kickstarting their training.

I have spoken in this place before about the world-class Structural Firefighting Training Facility at Angle Park. This provides real-life, world-class training in a secure environment. Some say it is the hottest property in Adelaide at the moment—$4.3 million has already been spent. It has been invested well. What it does is deliver quite a high-quality training, a range of exercises for our emergency services personnel. Our new MFS recruits get to experience these excellent facilities, ensuring that they are ready to respond to a whole range of incidents, thereby learning skills and protecting South Australian lives and property.

I am proud to inform the house that the MFS, as I alluded to, has 18 new recruits in Squad 58—16 men and two women—the oldest being 39 and the youngest just 22. The median age of the squad is just 29. It was fantastic to meet with these young people as they commence their training. The MFS, as we know, attracts only the best. These people come from a wide range of backgrounds, a wide range of experiences and a wide range of occupations. In this cohort of recruits, they have had previous occupations. One was from police security, there was a teacher and there was an exercise physiologist and people from sales and hospitality. There was a jeweller, a tradie, a train driver, a lab assistant and even a barista. I think the barista is going to be very popular.

While the reason for joining the MFS differs between recruits, it is evident that this new squad are eager to commence their training and be out in the community as soon as they can. It's a great time to be an MFS recruit in our state. These men and women are the beneficiaries of what are excellent training facilities at Angle Park, with more appliances arriving shortly, not to mention the improvements in technology, including automatic vehicle location that is being rolled out across the state.

Since coming to government, we have invested over $67 million in additional funding for our MFS. This includes $11½ million for 12 additional heavy urban appliances that are already being rolled out in many cases, with a couple already and more to come. They are being well received. Recently, I was in the member for Kavel's electorate, and I saw one of those and the enthusiasm on the faces of the MFS recruits as they received their new appliance. Also, there is over $4 million for new helmets and breathing apparatus. Our investment in emergency services will ensure that those who put their lives on the line for the community do so as safely as possible.

Last week, we saw a warm and windy start to spring, and with that a fire already in the Parawa region. The 2021 fire season is fast approaching, and now is the critical time to take the important steps to prepare your property, check your emergency kit and equipment and review, update and practise your bushfire survival plan.

Last week's Parawa fire was a timely reminder of how important it is for our emergency services agencies to be well resourced and trained, and that is why in delivering our $97.5 million action plan in response to the Keelty review we are ensuring that our dedicated MFS, CFS and SES personnel have the tools they need to keep our state safe and strong.

DIXON, MR B.

Ms HILDYARD (Reynell) (14:54): My question is to the Minister for Recreation, Sport and Racing. Why did the minister reject the advice of the chairs of the South Australian Jockey Club and

Country Racing SA on the appointment of Mr Brett Dixon to the Thoroughbred Racing SA board? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms HILDYARD: InDaily reported today that they had obtained a copy of the letter—

Members interjecting:

The SPEAKER: Members on my right! Leave is granted to the member for Reynell to introduce facts as may be necessary to explain the question. The member has leave.

Ms HILDYARD: InDaily reported today that they had obtained a copy of the letter from the chairs of the South Australian Jockey Club and Country Racing SA to the minister in which they advised him not to appoint Mr Brett Dixon to the board of Thoroughbred Racing SA because it would contravene the constitution.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:56): I thank the member for the question. I know that I have been asked a similar question, I think, in question time and also through estimates. I am happy to take the opportunity to explain the process again because I may not have been clear enough the first time, and I apologise for that.

The way this structure works at the moment is that we have an independent panel since we have committed money to the racing industry—some $24 million plus another $5 million, so $29 million that the industry has never seen before. From those opposite, all they got was a tax.

What we said was that if this money is going to the industry we want to see an independent panel put in place to help appoint people to their board to get good outside thinking and to help improve the industry and get good governance behind the industry.

There was an independent panel, which included members from Country Racing SA and the SAJC. They make a recommendation to me. They made the recommendations and Mr Dixon was one of those recommendations. In fact, they said that he was an exceptionally good candidate. I endorsed those recommendations, and the only authority I have is just to endorse those recommendations, if you can call it an authority really.

My endorsed recommendations then go the TRSA board, and it is for the TRSA board to ratify. So it is a decision for them. The TRSA obviously have a constitution and their constitution is a matter for them. As minister, there is nothing I can do to their constitution. They are responsible for that. They took the recommendations on board and they appointed the people appropriately. It is not a matter for the racing minister: it is a matter for the TRSA and their constitution.

DIXON, MR B.

Ms HILDYARD (Reynell) (14:57): My question again is to the Minister for Recreation, Sport and Racing. Can the minister explain why his office went to such extraordinary lengths to hide the contents of the letter from public view? With your leave, sir, and that of the house, I will explain.

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

The Hon. D.C. VAN HOLST PELLEKAAN: Argument, sir: 'went to extraordinary lengths to hide' something or other is clearly argument.

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

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

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

The SPEAKER: The member for Mawson is warned for a second time. I uphold the point of order. There is no occasion to introduce argument into the question. The question should be in order. If leave is sought, then leave may be obtained to introduce such facts as are necessary to explain it. I will give the member for Reynell an opportunity to rephrase.

Ms HILDYARD: Can the minister explain why his office hid the contents of the letter from public view? With you leave, sir, and that of the house, I will explain.

Leave granted.

Ms HILDYARD: On Friday 14 August, InDaily carried a story titled 'Why you can't read letter to Wingard about controversial appointment', which included a nearly fully redacted copy of the letter that they have now obtained.

Members interjecting:

The SPEAKER: The Minister for Innovation and Skills is warned.

Members interjecting:

The SPEAKER: The Premier will cease interjecting.

Members interjecting:

The SPEAKER: Order, member for Wright!

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:59): Thank you for clarifying the question. From our perspective, ministers don't interfere with FOI requests. It is done by an FOI officer. I am not sure what happened in their government, but that's the process and protocol here.

ADELAIDE HILLS, EXPANDED BOUNDARY SERVICES

Mr CREGAN (Kavel) (14:59): My question is to the Minister for Infrastructure and Transport. Can the minister please update the house on how the Marshall government is making the Adelaide Hills and the Mount Barker region more accessible to South Australians and visitors?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:00): I thank the member for Kavel for his question. I know how excited he is about the better services that are going up to the Adelaide Hills and the more jobs that we are creating in the Adelaide Hills and in Mount Barker. The question you ask is: how? Well, we are extending the metropolitan boundary for point-to-point transport services to include the entirety of the Adelaide Hills Council and the Mount Barker District Council as well.

The state government has been listening to Hills locals, Hills business owners, the member for Kavel and you, sir, for advocating for better point-to-point transport services, including rideshare, taxis and chauffeur-driven vehicles. Locals have been calling for rideshare options and taxi options to be expanded, and we have listened.

Many people love a day exploring the amazing food and wine that this region has to offer, but they want to do so safely and responsibly. We know the current metropolitan boundary for point-to-point services has remained largely unchanged since it was set almost 30 years ago, which can result in a lack of services at times, particularly during busy periods like tourism events and festivals and during summer holidays when you want to go to the Adelaide Hills.

These changes will mean that metropolitan-based point-to-point operators will now be able to choose to be able to provide services to the outer urban and regional customers with this expanded boundary. In other words, people in the Adelaide Hills will get the same service as people in the city, and so they should. This will mean that locals and tourists will be able to enjoy a glass of vino or two if they go to Paracombe or graze away on a long lunch at Woodside, explore the shops and the atmosphere of Hahndorf and then comfortably travel back to Adelaide. The choice is now theirs, thanks to the increased access to transport options the Marshall Liberal government's changes will provide.

I had a chance to speak to some small businesses and tourist operators in the Adelaide Hills who will benefit from this metropolitan boundary change. One of the business operators I spoke with was Milly from Inglewood Inn—and what a wonderful establishment it is too. Her business currently lies only a couple of kilometres outside the existing boundary, and she has plenty of frustrations with that.

After the member for Newland reached out, and with his assistance as well, these transport options will become available. It will help promote her business and it will help create more jobs for South Australians, which is so very important. I know the people of the broader Adelaide Hills

community and Mount Barker council are looking forward to us delivering, again for the people of South Australia, better services.

FORESTRY INDUSTRY ADVISORY COUNCIL

Mr BELL (Mount Gambier) (15:02): My question is to the minister for forestry. Can the minister explain to the Forest Industry Advisory Council (FIAC) why he has not responded to the report and recommendations delivered to his department in March 2020, some 18 months ago?

The SPEAKER: Before the minister responds, I just remind the member for Mount Gambier of standing order 123 and the requirement to refer to the member by his parliamentary title. The minister, relevantly, is the Minister for Primary Industries and Regional Development.

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (15:03): I thank the member for his question. My understanding is that I have met several times with FIAC and had several discussions in relation to that said report and have been working with that group on the recommendations in that said report, so I am at a bit of a loss to say that we have not responded. We have been in engagement in that process over many months. Yes, there have been some delays due to COVID and opportunities to meet, but I have met with them personally several times.

FORESTRY INDUSTRY ADVISORY COUNCIL

Mr BELL (Mount Gambier) (15:04): My question is to the Minister for Primary Industries and Regional Development. Can the minister explain why FIAC has not met for the last seven months?

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (15:04): Again, in relation to that, I am not sure that that's accurate either. I have to check dates, but I would have thought that they have definitely met within the last seven months because I feel I have been involved in the conversation with them in that time frame. I am happy to check dates and get back to the member.

KANGAROO ISLAND PLANTATION TIMBERS

Mr BELL (Mount Gambier) (15:04): My question is again to the Minister for Primary Industries and Regional Development. Has the insurer for Kangaroo Island Plantation Timbers, Primacy Underwriting Management Pty Ltd, initiated any claim against the state government regarding the Kangaroo Island bushfires?

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (15:05): Not that I am aware of.

ROYAL ADELAIDE HOSPITAL, OPHTHALMOLOGY SERVICES

Ms BEDFORD (Florey) (15:05): My question is to the Minister for Education in his role as representative for the Minister for Health. Does the Royal Adelaide Hospital still require referrals for ophthalmology services to be sent by fax machine? If not, when did the hospital receive the last referrals sent via fax for ophthalmology or any other service? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: One of my constituents lost his driver's licence and eventually completely lost his eyesight because of an appointment mix-up in 2017. Recent inquiries reviewing his case indicate that there still could be delays, with dreadful outcomes, because there is no appointment confirmation system in use at the Royal Adelaide Hospital.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:06): I thank the member for the question. I will make inquiries of the Minister for Health and bring back an answer.

ROYAL ADELAIDE HOSPITAL, OPHTHALMOLOGY SERVICES

Ms BEDFORD (Florey) (15:06): A supplementary: minister, could you also find out how the Royal Adelaide Hospital accepts and manages its appointment referrals?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:06): Rather than taking a separate question, I will draw the attention of the Minister for Health's office to the subsequent question in answering the first one.

EMPLOYMENT FIGURES

Ms BEDFORD (Florey) (15:06): My question is to the Minister for Infrastructure and Transport. Do the state employment figures for the Golden Grove Road upgrade and the Main North/Kings/McIntyre roads intersection upgrade count individuals who work at both sites as two different jobs?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:06): I can't speak for the state employment figures. I am not sure where we are heading, with these two incredibly important projects that are delivering great outcomes for our local community, but I'm happy to take that on notice and get more detail for the member.

ANTIMICROBIAL RESISTANCE

Ms BEDFORD (Florey) (15:07): My question is again to the Minister for Education, representing the Minister for Health. What research has the SA expert Advisory Group on Antimicrobial Resistance completed or is currently undertaking to reduce inappropriate antibiotic prescriptions? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: Of the hospitals that participated in the NAPS survey, 23.5 per cent of prescriptions prescribed were found to be inappropriate in 2017.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:07): I thank the member for the question. I will take that on notice.

COVID-19 ECONOMIC RESPONSE

Ms BEDFORD (Florey) (15:07): My question is to the Premier, representing the Treasurer. What can be done to assist people hoping to avoid penalties that might exist for those who accessed funds via the COVID-19 early release super scheme last year who are now looking to make repayments or multiple payments to replenish their funds? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: The height of last year's COVID-19 emergency saw early release withdrawals from super schemes by around 3.4 million Australians, each withdrawing up to $20,000 from their super funds—an overall $36 billion. More than 70 per cent now worry about their retirement security and fear working much longer than they would have liked. They wish to avoid penalties that might exist for those in the position to replace the funds they withdrew.

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:08): I'm not sure it's a state Treasury matter. It might be something that the Treasurer has discussed in his capacity as the chair of the Board of Treasurers or in his capacity of being on the Council on Federal Financial Relations. Certainly, superannuation is a matter for the federal government. I fully appreciate the issue that has been raised by the member for Florey, but I'm not sure this is an issue our Treasurer has been involved in. If he has, I am happy to come back with an answer to the house.

COVID-19 PUBLIC EXPOSURE SITES

Mr BELL (Mount Gambier) (15:09): My question is also to the Premier. Can the Premier explain to the residents of Mount Gambier why there was no public announcement about a public exposure site in Mount Gambier regarding COVID-19 last Thursday and Friday?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:09): The reality is those public exposure sites are announced by SA Health. They weigh up whether it is in the public interest to add additional sites onto that list that goes out broadly to the public. They do from time to time not make a disclosure if they are convinced that there is no way that the public could have come into contact

with a person who has been infected on a site at a certain period of time. I think this is an issue which Professor Nicola—

Members interjecting:

The Hon. S.S. MARSHALL: I've concluded my answer, sir.

The SPEAKER: Order!

ROAD SAFETY

Mr ELLIS (Narungga) (15:10): My question is to the Minister for Infrastructure and Transport. Can the minister advise about any delays—

Mr Malinauskas interjecting:

The SPEAKER: The leader!

Mr ELLIS: —at the Regency Park vehicle inspection facility? With your leave, and that of the house, I will explain further.

Members interjecting:

The SPEAKER: Order, the leader and the Premier! I am listening carefully to the member for Narungga. The member for Narungga has sought leave to introduce facts. Is leave granted?

Leave granted.

Mr ELLIS: Mike from Dublin Motors has been taking vehicles for inspection for years but has found this year that the wait has extended beyond what he considers reasonable and recently made a booking at the first available opportunity, being in late December.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:11): I will take the substance of that question on notice and get some more detail back to the member, but what I can say is that I am led to believe that through COVID, of course, there have been some restrictions put in place. Some anecdotal stories that come back to me are that a number of people here in South Australia who have perhaps got vehicles and who have been travelling back and forth across the border that might otherwise be registered in other states have actually looked to register their vehicles here.

We know that there are a number of people who are moving across South Australia as well because of the great job we have done through COVID, so I can maybe put it down to that as well if that is the case. I will certainly have a look at that. There may be some COVID implications as well as to the process that goes through there out at Regency Park. I am very happy to take that on notice and get more detail for the member to try to help his constituent get through that process as quickly as possible.

It is something that we look to do at every turn, but road safety, of course, is something that is paramount as well, so we have to make sure all the vehicles on our roads are as safe as possible, but for more detail I will take it on notice.

ROAD SAFETY

Mr ELLIS (Narungga) (15:12): As a follow-up question to the same minister, will the minister undertake to review the boundaries which businesses like Dublin Motors are assigned testing facilities? With your leave, and that the house, I will explain.

Leave granted.

Mr ELLIS: Dublin Motors is some 60 kilometres away from Regency Park and is assigned that as its testing facility but feels that it would be better served having a regional facility with perhaps shorter waiting times and closer access.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:13): Thank you very much again to the member for Narungga. I will wrap that into the same answer and have a look at what we may or may not be able to do and where the fastest path for the constituent he talks about might be to get that service delivered. We are about delivering better services. We want to do all we can, and I've talked about

that already today. So, yes, I will take that on notice, have a look and talk to the department about where the best avenue might be for such a person going forward.

PATIENT ASSISTANCE TRANSPORT SCHEME

Mr BELL (Mount Gambier) (15:13): My question is to the minister representing the Minister for Health. Will the Patient Assistance Transport Scheme office, which is located in the Mount Gambier hospital, be closed?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:13): I thank the member for the question. I will take it on notice and seek advice from the Minister for Health.

COVID-19 ESSENTIAL WORKERS

Ms BEDFORD (Florey) (15:13): My question is to the Premier. What is being done to ensure that the people who clean both trucks and buses are granted essential worker status? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: One of my constituents is involved in a cleaning business for trucks and buses. He has been unable to carry out his work because he is not considered essential, whereas the buses and trucks are considered essential. In an effort to curb COVID, it would make sense that we make sure the buses and the trucks were cleaned.

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:14): I don't follow the question. I think the member is talking about whether people are permitted to work during a period of state lockdown. Those declarations of essential workers do move around quite a bit, depending on the nature of the lockdown.

In our most recent lockdown, which was a seven-day lockdown, we were very, very tough on the types of work that could be done. There were some areas that were deemed essential, but there were many others that weren't and the reason for this is that we wanted to go hard, we wanted to go early and we wanted to lock down movement. This is a disease that is only transmitted when people move and that's why we were very keen to keep people at home.

We were aided in our most recent seven-day lockdown by the fact that it was freezing cold, raining a lot and the Olympics were on and that kept a lot of people indoors. We also had very strong public messaging that, 'Yes, you are entitled to go out for some exercise per day and you are entitled to go out and get essential items from the supermarket,' but we did say to people that if they didn't need to do that not to do that because we have seen examples in other jurisdictions of people living in lockdown exercising their 90-minute recreation time outside of their house on a daily basis, which resulted in tens of thousands of people out and, of course, we can see the consequences of the Delta strain transmitting even in that hard lockdown.

So ours was a very, very tough lockdown. That doesn't mean to say that at the next lockdown, if there is one, we would adopt that same approach. Each one is considered on its merits. You might recall the previous lockdown, which was held around the Parafield cluster, was for three days—

Mr Brown: The Peppers cluster.

The Hon. S.S. MARSHALL: —the Peppers cluster. That was three days and people weren't permitted to leave even for exercise because we wanted to go very hard and reduce that movement. But at other times earlier than that, we had very significant movement and the declaration of a large number of workers as essential.

I take on board the issue raised by the member for Florey. This is a disease that has significantly affected I think every single person in this state, whether it be somebody who couldn't attend a family function, was dislocated from family members for a long period of time or had a cap put in place for a wedding or a funeral. It has had a huge effect on businesses. It has had a massive effect on employment in this state. Everybody has made their sacrifices and all I can say is that those sacrifices, when we look at them cumulatively, are what has kept our state safe and our economy strong. Our focus is to minimise those restrictions but at the same time minimise the effects of this terrible, terrible disease.

Grievance Debate

MINISTER FOR INFRASTRUCTURE AND TRANSPORT

The Hon. A. KOUTSANTONIS (West Torrens) (15:18): The government wanted evidence of fraud. They wanted evidence of bullying and intimidation. They wanted evidence of physical intimidation by the Minister for Infrastructure and Transport. Well, here it is, sir. We have the receipts. The receipts are staff members in the Mitchell electorate office who were fed up with the conduct and behaviour of a man not fit to hold office, not fit to hold a commission from Her Majesty Queen Elizabeth, not fit to exercise the duties of a minister of the Crown, not fit to hold employees, not fit to hold public consultations and not fit to sit in this parliament.

These accusations are horrific. That resignation letter sent the parliament silent. This was a staff member of the minister crying out for help when they were abandoned by their employer. We even have a date of physical intimidation, and why? Because this staff member dared to speak truth to power to say, 'It is inappropriate for me to fill in time sheets inappropriately and I won't do it. I won't sign these time sheets. This person hasn't worked those hours. I don't care if they are related to you. I won't do it.'

Rather than being intimidated and bullied, this person should be promoted. This person should be held up as an example. Instead, what we get is the mind games, the victim blaming. The media today has been backgrounded by government MPs and the Premier's media unit: 'Disgruntled MP, couldn't sort out the mediation. These things happen.' They probably mentioned a few other things that are unmentionable in the parliament about this poor person.

Where are the real Liberals to stand up for this? Where are they? I thought you were the party of independence. Where are you to stand up for your employees? How can you sit back and watch this happen? We have an email thread from the minister's office saying: 'I was on the phone to Corey, and he mentioned details about Tui's working day.' Tui's maternity leave did not finish until April 6, but she could not be paid because it would affect the entitlements of her maternity leave.

But she worked days in March earlier that month, 'Oh, we will just fraudulently change the time sheets just to make it up—doctor the time sheets.' Well, this staff member would not put up with it. Meanwhile, what is the government doing? Running a protection racket for a minister. So the opposition will be referring these accusations to the Anti-Corruption Branch of South Australia Police.

There is no clearer example in my mind of something that needs referral for investigation. This cannot stand. This cannot be allowed to occur. We are given great authority and power in this place and that is the test of a person. Give them authority and power and how do they behave? Well, we have seen it with the Minister for Infrastructure and Transport: appalling, appalling, appalling.

In his electorate: an elderly, retired constituent abused, intimidated and threatened by the member; volunteer associations representing grassroots sports: bullied, intimidated and threatened by the member. Now it is the staff. Do you know the old saying, where there is smoke, there is fire? Well, the house is ablaze—ablaze with accusations and allegations, and the Premier told us today that he had no knowledge whatsoever about any of these accusations.

I do know that the resignation letter was dated 5 January 2018. There was something coming up in 2018 that was quite sensitive for the government: a state election. I wonder where Ms Tui Comas went to work. Where was she employed after she left the electorate office of the Minister for Infrastructure and Transport? Where did she go? We will find out. We have the answers on the record. We also have statutory declarations proving the minister misled the parliament. It is as clear as day. Again, the government does not act.

The standards you walk by are the standards you accept. This government has a riddled history of clogging up our courts and ICAC with accusations from their MPs and now there are more accusations. And what is the Premier's defence? Something about me, four years ago, five years ago, six years ago. Well, quite frankly, the Premier needs to clean up his act and his government's act very quickly.

MEMBER FOR WEST TORRENS

Mr WHETSTONE (Chaffey) (15:23): I, too, rise to speak and draw the house's attention to the latest incident involving Labor's standard-bearer, the member for West Torrens. The member for West Torrens is well known to the people of South Australia for his abusive language, speeding, not

paying fines, delivering the highest energy prices to the world. He is also very well known to the Independent Commissioner Against Corruption.

The issue I rise to speak about today will add to that shameful record. It is an issue that the opposition leader, who is blindly led around by the member for West Torrens, should pay attention to. Recently, at the Public Works Committee hearing on 26 August, the Department for Environment and Water presented evidence regarding the Glenthorne National Park. The member for West Torrens proceeded to behave, as he always does, aggressively.

On that day, two hardworking public servants from the Department for Environment and Water had to put up with the member for West Torrens' aggressive behaviour through questioning. One of those people collapsed during that questioning from the member for West Torrens, his aggressive interrogation, and that public servant required hospitalisation. When the meeting reconvened, the member for West Torrens appeared to be more concerned with how his conduct would be viewed rather than the wellbeing of that DEW employee who had now been rushed to the Royal Adelaide Hospital by ambulance.

Here is a phrase the opposition will be familiar with because they love using it: there are very serious questions to answer. Has the member for West Torrens discussed this matter with the Leader of the Opposition? Has the Leader of the Opposition had the decency to check on the wellbeing of that public servant involved in the incident? What actions has the opposition leader taken in response to this matter?

His manner must change. I have witnessed it personally. When I came into this place as a new MP, I was falsely accused of making a comment towards the member for West Torrens. But to have him pull up next to me—

Members interjecting:

The SPEAKER: Order!

Mr WHETSTONE: To have him pull up next to me at the traffic lights in his big white ministerial vehicle and run his finger around his throat demonstrated his bullyboy tactics. I watch and I listen too often to the language and the bullying of the member for Adelaide and the Deputy Premier by the member for West Torrens, all while the Leader of the Opposition sits by smiling without issue and without issuing any advice to stop the bullying. In my view, the Leader of the Opposition must take action to ensure his mate, the member for West Torrens, changes his behaviour.

Personal Explanation

PUBLIC WORKS COMMITTEE

The Hon. A. KOUTSANTONIS (West Torrens) (15:26): I seek leave to make a personal explanation.

Leave granted.

The Hon. A. KOUTSANTONIS: Given the accusations made by the member for Chaffey, the first person at that Public Works Committee to tell me that my conduct was perfectly acceptable and my questions were reasonable was the member for Chaffey.

Members interjecting:

The SPEAKER: Order! The member for Chaffey?

Mr WHETSTONE: What I must say is the public works meeting—

Members interjecting:

The SPEAKER: Order! Does the member for Chaffey wish to seek leave to make a personal explanation?

PUBLIC WORKS COMMITTEE

Mr WHETSTONE (Chaffey) (15:26): I seek leave to make a personal explanation.

The SPEAKER: Has the member for Chaffey been misrepresented?

Mr WHETSTONE: Yes, he has.

Leave granted.

Mr WHETSTONE: During that questioning of the two public servants, the meeting was abandoned as the public servant collapsed and hit the floor. We gave him help. We gave him comfort. We called an ambulance and that ambulance came to Parliament House, gave him tests, took him away—

The SPEAKER: The member for Chaffey will confine his explanation to the circumstances in which he has been misrepresented.

Mr WHETSTONE: The meeting was then reconvened and, as I have already explained, the first thing that the member for West Torrens was concerned about was himself. I did not endorse the way he questioned that public servant. I did not endorse his behaviour and I did not endorse that he had no part to play.

Grievance Debate

PUBLIC HOUSING

Ms COOK (Hurtle Vale) (15:28): Today, I will talk about a pretty appalling set of circumstances that some very good public housing tenants are currently experiencing.

Members interjecting:

The SPEAKER: Order!

Ms COOK: These public servants—

The SPEAKER: Members who are leaving the chamber! Member for Hurtle Vale, I am so sorry to interrupt you in the course of the grievance debate and I will consciously allow additional time. Members who are leaving the chamber will do so in silence. The member for Hurtle Vale has the call.

Ms COOK: I would like to talk about a pretty average set of circumstances that some very good public housing tenants are going through. People may be aware in this chamber that over previous years there had been some questions regarding ceiling products that had been used, in particular some gyprock that had been used to repair ceilings in some public housing properties. I think they were used in the original build. Over time, there had been an order for some 100-plus of these to be replaced.

This sorry saga started for a gentleman called Shane in Hectorville towards the beginning of the year, around March or April. He was advised that his ceiling required replacement. He tells us the inspections were not thorough. Not once did somebody go into the manhole. He says it was an ever-changing story. He advises that there was no labelling on the ceiling plaster that needed replacement; you would have to go into the manhole to see this, but this did not happen.

He had an unannounced visit from a Housing SA officer and, despite no inspection, no sagging, no visual damage, he was told to pack all his belongings—we are talking April or earlier this year—and that his household possessions would go into storage and he would be moved to a caravan park. Winding the clock forward, he can confirm that this ceiling product does have a name on it: it is plasterboard branded Boral. He himself paid for a contractor to inspect the ceiling because this gentleman did not want to be moved to a caravan park and relocated if it was unnecessary.

What happened following that was that he reached out to the Housing Authority, he reached out to the minister and he reached out to our team and we started to investigate it for him to see what was going to happen to try to ease his mind—he was very distressed—but there were no answers forthcoming. I then used the estimates process to ask some questions of the minister, and I was advised by the minister that there was a commitment that she would update us regarding this process so that we could put this man's mind at ease. I believe in the interim he received a letter from the CEO of the Housing Authority, Michael Buchan, in regard to this plasterboard, the problems and the need for replacing the ceilings in these properties.

This gentleman also knew that his neighbours had been told that they were going to have to move out and have this done. So we have this very anxious man who is not getting any feedback

but getting misleading information and a whole range of different answers. Then we have the neighbours. The neighbours are moved into a very nice city apartment and their stuff goes into storage. This happens for a period of a few weeks while all their internal fixtures are changed and updated within their house. Their ceiling is replaced.

Shane is petrified that this is actually imminent and that his property is going to be fixed because what happened to his next-door neighbours? Their property was left open while maintenance came and went and they had a beloved gift, a plant, stolen. After having eight years with no paint job in this house, they have Spakfilla filled holes not sanded back, no painting and cutting in done with different paint. It was filthy, dirty and it took over half a day to try to clean it up so they could get their property back. It was approved by an inspector as up to standard, no problems.

At the request of the property owner, we have asked the minister questions about this, and of course the minister says, 'Not acceptable on the surface, but Labor is probably making it up.' That is the answer we seem to get all the time. It is not good enough. These people have been left in an awful state. They have had property stolen. The fellow next door has been advised that he is now going to have to move out and get work done. He is not really confident.

I do not think it is up to standard and I do not think it is right. Apart from the mess, there were electrical faults, where if you switch on a light the fan turns on, so there are some safety issues that need to be addressed immediately. We would ask the minister to get that done today, tomorrow, as soon as possible.

BUSHFIRE PREPAREDNESS

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:34): It is a pleasure to rise on behalf of the people of Stuart on an important and serious matter—not one for alarm but one to be taken very seriously—and that is the topic of fire preparedness as we move into spring and summer. In our electorate of Stuart, we are no strangers to very serious bushfires.

In the last 11 or so years that I have been a member of parliament, we have had extremely serious fires in Woolundunga, a few in Wirrabara and Bundaleer forests, the Bangor fire—which of course engulfed much of the Wirrabara forest as well—and a couple in the Flinders Ranges. They are just the ones that you would call serious fires or campaign fires, and they are of course in addition to an enormous number of much smaller but still very serious bushfires.

We have, though, been very fortunate that in the last few years we have not had any extremely serious bushfires in our electorate, but we have certainly been close to them. We think of people on Yorke Peninsula, Eyre Peninsula and the Adelaide Hills who have been affected by bushfires lately. The most recent fires affecting the electorate of Stuart would be the Pinery fire and the Kangaroo Flat or Eden Valley fires.

The reason that the last few years without fire is so important is that we know that flammable material—vegetative matter—increases season after season without a fire. Of course, we are glad not to have those fires, but the risk does grow. Certainly, in the southern part of the electorate of Stuart it has been a pretty good cropping season so far, a good winter, with I would not say extremely high but good rainfall so far. That means that through spring and summer we will only have more flammable material available.

I cannot stress enough the importance of people preparing their bushfire preparedness plans, their bushfire action plans. It might be that a person lives in a home in Port Augusta or in a small country town like Wilmington, where I live, but anybody can be affected by a fire. A lot of our towns have vacant blocks, including in Port Augusta, where there quite a few sections of many acres of open area with grass and trees on them.

I know the CFS and the councils do a fantastic job trying to explain to people, when they have overgrown blocks in spring, that they need to slash them, that they need to remove that flammable material. Even with the best will in the world and the best compliance in the world, it can still happen that even within a town a fire could be started that could threaten a home that one might not normally think was under threat from fires. Then, of course, the risk grows exponentially for farmhouses in country and agricultural areas surrounded by scrub and/or pasture and/or crops.

I just want to take this opportunity to stress to everybody that we all have a part to play. We are incredibly grateful for the work of the CFS, the SES, and the farm firefighting units, which year by year become a more and more important part of the combined firefighting capacity of the MFS on occasions. Harking back to what I said once before, in the Woolundunga fire, I think it was, we had MFS fire trucks—red fire trucks—patrolling the streets of Wilmington 300 kilometres from Adelaide because it was a concern that the fire might reach the houses and town. If the MFS was in town, the CFS did not need to then focus any attention on the town but could go out to where the greater fire risk was. That is a Wilmington example, it is a hometown example from me, but exactly the same thing has happened in other towns all around the state.

This is a very serious issue. We are blessed not to have had extremely serious bushfires in our electorate of Stuart in recent years. But what that means is that the available flammable material is now more abundant than it is during times when you have had a fire, so the risks are greater. I urge everybody to do everything they can to support those services and take responsibility for themselves.

GAWLER-ANGASTON TRAIN LINE

The Hon. A. PICCOLO (Light) (15:39): On this day 110 years ago, the Gawler-Angaston train line was officially opened by the then state Governor. Over the past 110 years, this line has played an important role in serving the people of the Barossa, but its future now is in doubt because the current Liberal government has endorsed state-sanctioned vandalism to the track and rail corridor. Sadly, this government is determined to erase the line from the history of the Barossa. A brief history of the line is as follows, and I am indebted for the research undertaken by Mr Peter Hoye on which this speech is based.

During 1857 a railway line was laid in three sections from Adelaide, then to Salisbury, then to Smithfield and finally to Gawler. During this same period, from about the 1840s, predominantly Lutheran migrants were establishing themselves in the Barossa Valley area along with their agricultural-based industries which flourished very quickly. Charles Hargrave, a civil engineer and surveyor, was commissioned to explore various options to get a railway into the Barossa Valley.

Roads at the time were virtually non-existent bullock tracts, slow and tortuous. The year of 1874 saw a royal commission recommend the building of a railway line into the Barossa Valley, yet by the 1880s still no action had been undertaken. In 1889, the Hon. James Martin MLC, a resident of Gawler, moved a motion in state parliament to get things moving in line with the recommendations of the 1874 royal commission, and 1897 produced the first Angaston Railway Bill, which gave the opportunity for the Commissioner of Public Works to start gathering firm estimates for the construction of the line.

The Angaston Railway Bill underwent a second reading during which such matters as 'ruling grades' and 'track curvature' were hammered out, along with multitudes of railway-related matters. The final Angaston Railway Bill was then passed at the end of 1909 to include the Angaston extension. Construction of earthworks began in September 1909 by the contractor Smith and Timms Co., which had won the contract to build the line from Gawler to Angaston.

Considerable numbers of men were equipped with just picks and shovels to create the necessary embankments and cuttings required along the route. Soil was transported from A to B as required by horse and dray. Hundreds of tonnes of soil were dug and then transported and shovelled to level, all by manual labour. Work continued at different positions along the route, so progress was quite rapid as the corridor for the track itself was formed. Meanwhile, during 1910 jarrah sleepers and rails were being stacked near the Gawler station and were soon being laid down to form the new railway track.

Smith and Timms estimated that 16 kilometres of track could be laid each month. Shortly after the line had reached Lyndoch, a dispute over workers' rates of pay threatened to bring the project to a halt. Four parties were involved, being Smith and Timms, all their subcontractors, the workers’ union and the South Australian Government Railway Commissioner. The then state Premier, the Hon. John Verran (a Labor premier), replied that all piecework let out by him (the contractor) would be arranged at prices that would enable an able-bodied man to earn a least seven shillings for every full day's work of eight hours. Even then we were talking about insecure work for people.

Nevertheless, construction continued with such a pace that Nuriootpa saw its first passenger train departing en route to Gawler on 15 February 1911. The train was operated by the contractor with passengers being charged four shillings each way. Finally, the very first test train carrying engineers and various work group bosses steamed into the brand-new Angaston station on 25 August . The official opening of the Gawler-Angaston railway line occurred on 8 September 1911. Interestingly, the builder of the whole line, Smith and Timms, continued to operate passenger and goods trains to a rough timetable well into 1911 using their own locomotives and rolling stock.

The hire of the contractor's trains was rapidly becoming the norm for special tourist and sporting events, resulting in a good income for Smith and Timms as well as the Tanunda wineries and local businesses. Very quickly local businesses, clubs and organisations, plus the public, began to place more demand on the railway. Picnic trains were being organised, as were tourist trains by local wineries and children's parties and school outings.

A major flaw in running mixed trains was that the goods had to be unloaded and loaded, or trucks had to be shunted into sidings. This, or course, became an inconvenience and annoyance to passengers on the same train. From November 1911, a new passenger timetable was produced with a reviewed goods timetable.

My electorate office has organised a photographic and artefacts exhibition providing glimpses into the history of this wonderful train line. The exhibition will be officially opened by the executive officer of the National Rail Museum, Mr Robert Sampson.

NORWOOD MORIALTA HIGH SCHOOL REDEVELOPMENT

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:44): I am really pleased to be able to share with the parliament today some of the enthusiasm and excitement that are building in the eastern suburbs and north-eastern suburbs as a result of the government's decision to invest $84 million in building a new school on the site of the old Norwood Morialta High School's middle campus.

This is a project that is grounded in evidence and advice from the education department and Infrastructure SA. It is welcomed not just by the communities that are going to be served by the new school—which are, of course, in the member for Hartley's electorate, in my electorate and, indeed, in your electorate to be, sir, in Heysen—but by the broader areas and surrounding schools, many of which are at capacity or over capacity and are expected to be at capacity or significantly over capacity for a number of years to come.

A number of schools are having to enforce capacity management plans or are enforcing their zones, reducing opportunities for children to go there who may have a particular aptitude in a specialist area that one of the schools offers. It is noteworthy that at the Norwood Morialta High School Parade campus, despite the substantial investment and campus expansion that are going on there, and the expansion of Norwood Morialta High School overall, that school is expected to be under massive enrolment pressure without the new school taking place and without adjustments to the boundaries and the zonings.

It is a significant investment to be sure, but it needs to be made. For many years, I have been drawing to the house's attention the dilapidated facilities at the Rostrevor campus of Norwood Morialta High School. We welcomed in opposition the announcement that the former government made that they would be spending $30 million to improve Norwood Morialta High School by consolidating onto the one campus. We did raise questions at the time as to whether that would be enough. What was not provided in the answer was that there was not enough money. Indeed, we have discovered that the upgrade necessary to consolidate the campus is in the order of $50 million.

What was also not advised before the election was that the former government's plan was to sell off the land at the Rostrevor campus for housing. Not only was it a secret that was never revealed to the people of South Australia or the people of these areas before the election, which is bad enough in itself, but the wrong-headedness of the policy solution they had identified was that they might have expected $15 million to be banked towards the new school project, but they were also going to increase pressure on those school systems—Charles Campbell, Norwood Morialta and other surrounding schools—that were already at significant capacity pressure with that extra housing coming in.

Urban infill and the new developments in the east were already creating pressure, and the former government's response would have made it much worse. This government has responded by taking advice from the education department, noting that schools were headed towards being at 132 per cent of their capacity, noting the business case presented to Infrastructure SA and endorsed for investment by Infrastructure SA. We acted—$84 million.

A zone has been released for public consultation—which closes tomorrow—that sees the northern boundary at Montacute Road, the eastern boundary also being at Montacute Road at the other end, then coming back via Nicholls Road, Norton Summit Road, Kintyre Road, Koongarra Avenue and Shakespeare Avenue at the south, and Glynburn Road at the west.

The opportunity for public consultation is to identify if there are any localised issues that the Department for Education has missed, but it is worth noting that the evidence that has been used by the Department for Education to draft these boundaries is based on what is needed by the public school system that will serve to ensure that all the schools can manage their capacity. As the local MP, I have intentionally stayed at arm's length from that process and let the department handle that design, and I am looking forward to them taking that feedback and identifying if any changes will be made.

Also, some changes have been mooted to the Marryatville High School zone, noting that currently Marryatville High School takes a significant number of students from the western part of the Norwood Morialta School zone—the boundaries to the west of Ashbrook Avenue, Salop Street, Shipsters Road and Tusmore Road are proposed to be moved to Marryatville, which is effectively putting in place what happens now for many families.

In 2023, it is proposed there will be 200 students, and then it will grow every year by 200 until we are full at 1,200 students, with the first graduating class in 2028. I am sure we will see this school proudly represented by those students. A name? More than 200 suggestions have come in from the community, and an announcement will be coming very soon. I look forward to seeing this project developed to serve the communities of the eastern suburbs. I wish the Labor Party would stop bagging it, get on board and support this public education option for our children and young people.

PUBLIC EDUCATION AWARDS

Mr BELL (Mount Gambier) (15:49): I also want to talk about public education today, but before I do I want to pay my respects to the Minister for Education, who I believe is one of the best ministers this government has in a very difficult role.

Having come from the public education sector, there were many comments when I was entering parliament about a previous Liberal minister, who I will not name but who had a reputation for closing schools and cutting services to public education. This minister has done an outstanding job reaffirming the government's commitment to public education, and I know that does not go unnoticed amongst many of my friends who are teachers. So thank you, minister.

I rise today to talk about the 2021 Public Education Awards showcase; again, a great initiative highlighting the wonderful work that many teachers put in, the countless hours, unrecognised hours in the eyes of many. It is a wonderful thing to celebrate their achievements. Finalists and winners are awarded grants to undertake professional learning or activities, with winners in each category receiving $10,000 and two finalists in each category receiving $2,000.

I want to congratulate the two finalists from the Mount Gambier electorate in the 2021 Public Education Awards. I would first like to congratulate the entrepreneurial teaching team of Grant High School, a school where I taught and where I also did my year 12. They were nominated in the University of South Australia Team Teaching Award.

The team at Grant High School, comprising Bekkie Houston, Amelia Redman, Jayden Cutting, Maddie Whaites, Kelly Albanese, Tom O'Connor and Liam Goodfellow, have worked to create programs that resonate with students by providing real life connections to the community. This program is an integral part of the school curriculum as it involves over 750 students participating in various programs that the school has developed.

Some of the programs include the Young Change Agents Program, where year 8s focus on developing an idea for a social enterprise that could benefit the local community. Year 9 is where the

young entrepreneurs really shine; with a financial contribution of $20 to start their businesses, students develop a business and those who are successful are able to keep any profits they make.

Moving on to year 10, students complete shark tank challenges and are also involved in Career Immersion Week, where they experience work life in a career path of their choice, interacting with businesses and services in the local community.

Our second finalist is Celeste Raymond, a social worker based at Melaleuca Park Primary School. Working collaboratively with both families and teachers within the school, Celeste provides frameworks to support and assist children through their school journey, helping the students navigate through their junior school years.

I also take this opportunity to commend Lynette Corletto, the principal at Melaleuca Park Primary School and all the staff. I often bump into Lynette on flights backwards and forwards to Adelaide, and her child plays on the same sporting team as mine. The work Lynette does at Melaleuca, as well as all her staff, really needs to be commended.

Lastly, I would like to congratulate Josh Praolini at Mount Gambier High School's entrepreneurial program. Josh regularly gets me in to talk to students, and the work that school is doing in the entrepreneurial space is a real credit to him and the leadership team at that school. Quite often, students are immersed in entrepreneurial activities from year 8 right through to past year 10, and it is the hard work and dedication of Josh that not only make all that possible but also broaden awareness with other curriculum areas and teachers of how to introduce entrepreneurial ideas and practices into their curriculum.

Congratulations to all the finalists and all the hardworking teachers in my electorate. You do a job we are all very grateful for.

GLAUCOMA

Ms BEDFORD (Florey) (15:54): Glaucoma is an eye disease which causes irreversible loss of vision due to damage to the optic nerve. Two in every 100 Australians will develop glaucoma in their lifetime, and 50 per cent of those people with glaucoma do not know they have it. Luckily, with regular eye tests and proper detection, there is treatment available to successfully manage the condition with eyedrops, laser treatment, surgery or a combination of the three to prevent escalation and eventual loss of sight.

My constituent, Mr Ron Stone, was not fortunate enough to have received adequate care to properly identify, diagnose, refer or treat his glaucoma because an appointment request to the Royal Adelaide Hospital from Modbury Specsavers was never received. Mr Stone is now legally blind. His driving privileges have been removed and he is no longer capable of doing many of his usual activities. He cannot drive his wife, who has Parkinson's, to the medical appointments she needs and he cannot read the newspaper, watch TV, or see his beautiful grandchildren clearly.

Mr Stone attended a regular appointment at Specsavers Tea Tree Plaza on 28 June 2017. He saw an optometrist who is no longer in Australia or working for the Specsavers franchise. The optometrist advised Mr Stone of the early signs of his glaucoma with an eye pressure reading of 27. I am told 27 is a high reading and eyedrops should have been immediately prescribed. If the optometrist was not certified to provide a script, another optometrist at the store should have been made aware and the script immediately written for Mr Stone as a matter of urgency. This unfortunately did not occur.

Mr Stone was advised he would be referred to a specialist ophthalmologist at the Royal Adelaide Hospital and, if he did not hear back from the hospital in three months, Mr Stone was required to contact the optometrist again. Mr Stone tells me he was not informed of the urgency of this matter and, on examination of all the documentation, it appears his deteriorating eyesight was not referred to the Royal Adelaide Hospital as an urgent issue.

It is not a secret our hospitals have long waiting lists. In fact, I was told recently there are waiting lists to get on the waiting lists. More baffling was that Mr Stone's referral was sent by fax, as the Royal Adelaide Hospital apparently only accepts referrals by fax. Even in 2017, we lived in a digital age.

Three months passed and, as Mr Stone had not heard anything, he returned to Specsavers to find out what had happened to his referral. The Royal Adelaide Hospital advised them they had never received the referral. Specsavers had not confirmed with the RAH whether they had received the referral when it was originally sent in June, nor did they follow up at any other time.

Since his first consultation, Mr Stone's intraocular pressure had increased further to an alarming level and another referral was sent to the Royal Adelaide Hospital marked as urgent. This time the RAH responded and somehow Mr Stone was placed on a non-urgent waiting list, another terrible problem for Mr Stone. Mr Stone eventually saw a specialist at the RAH some five months after his glaucoma was diagnosed and in need of urgent attention. Mr Stone needed two operations at the RAH and was told this five-month delay in treatment had made a significant contribution to his loss of site, and another two-month wait would have resulted in complete blindness.

Mr Stone's loss of sight is due to negligence, as the first consultation should have triggered the administering, prescribing or providing of an urgent prescription for eyedrops; a follow-up on the first referral sent to the RAH; informing Mr Stone of the urgency for treatment of his glaucoma and the risk of delay; the provision of alternative referrals to another hospital or specialist in the interim; and compliance with Specsavers' own advice and both Specsavers and national legislation and guidelines regarding glaucoma.

In seeking a remedy for this entirely preventable issue, Mr Stone received what can only be described as an insulting offer from Specsavers of a $100 discount on his next glasses. This is not acceptable. Mr Stone should be compensated for the poor treatment he received at Specsavers which, on the kindest of assessments of events, neglected their duty of care to this customer. This particular franchise and all other chains like it need to be held accountable for the provision of the highest care and best practice to prevent similar occurrences. While Mr Stone's situation cannot be remedied, it cannot be allowed to happen again.

It saddens me to know this has happened to one of my constituents. Guidelines are in place for a reason. The outcome of not treating glaucoma is well documented. Mistakes can happen, but in situations such as these, where the consequences can be life changing or life threatening, there must be failsafe systems in place, much as we have seen put in place since the problems with chemotherapy doses.

Along with my colleague the Hon. Frank Pangallo, I will continue to fight for Mr Stone and ensure that all avenues are explored to see he is properly compensated for his loss of sight and to ensure all my constituents are properly cared for and never placed in such a dreadful situation.

Ministerial Statement

MEMBER FOR WEST TORRENS, PARLIAMENTARY PRIVILEGE

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:59): I table a copy of a ministerial statement made earlier today in another place by the Treasurer, the Hon. Rob Lucas MLC.

Bills

DRIVER TRAINING AND ASSESSMENT INDUSTRY BILL

Introduction and First Reading

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (16:00): Obtained leave and introduced a bill for an act to provide for the accreditation of driver trainer-examiners, to make related amendments to the Motor Vehicles Act 1959, and for other purposes. Read a first time.

Second Reading

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (16:00): I move:

That this bill be now read a second time.

The Driver Training and Assessment Industry Bill 2021 provides the framework for more effective regulation of the driver training industry. It will enable high industry standards and enjoy the accurate and consistent driver training and assessment of novice drivers before obtaining a driver's licence. It

contains a suite of reforms, including authorised officer powers, which will strengthen the regulation of the driver training and assessment industry. The bill also makes a number of consequential amendments to the Motor Vehicles Act 1959.

At the heart of it, the objectives of this bill are to strengthen regulations to improve transparency and accountability of the driver training and assessment industry and address the poor behaviour, corruption and misconduct within the industry. Unfortunately, in recent years we have seen numerous reports, some played out in court and subsequently via the media, about some quite reprehensible behaviour in this industry, particularly with respect to minors.

Aside from measures aimed at protecting students during training and assessment, particularly teenagers, this bill also aims to improve the overall standards within the industry. We know that young adults, those aged 16 to 24, are over-represented in the lives lost on our roads each year and improving the standards in the driver training industry could go some way to better preparing our young people for life on the road.

I commend the bill to the house and seek leave to have the remainder of the second reading explanation and the explanation of clauses inserted into *Hansard* without my reading them.

Leave granted.

In South Australia, Motor Driving Instructors (MDIs) and Authorised Examiners (AEs) provide driver training and driver assessment, with oversight provided by the Registrar of Motor Vehicles (the Registrar). MDIs are licensed by the Registrar under the Motor Vehicles Act, enabling them to provide driver training for fee or reward. Authorised Examiners are MDIs who have been appointed by the Registrar to conduct practical driving tests, the result of which the Registrar will accept for the issue of a driver's licence. There are currently approximately 300 MDIs and 300 AEs in South Australia. Most AEs operate as sole traders or as contractors to driving schools and Registered Training Organisations (in the case of heavy vehicles).

In South Australia, the Graduated Licensing Scheme (GLS) supports novice drivers to gain appropriate experience at an appropriate age, as they progress through the stages of holding a learner's permit, followed by a provisional licence and finally graduate to a full (unrestricted) licence. The training and assessment process ensures that novice drivers demonstrate their competency to drive a vehicle and their understanding of the road rules. In this way, the role played by the driver training and assessment industry is a significant contributor to the effectiveness of the driver licensing system in South Australia in helping keep our roads safe.

I also highlight that research shows that young people continue to be over-represented in road trauma statistics. Over the five year period from 2016 to 2020, on average 19 people aged 16 to 24 lost their lives on our roads every year and 133 were seriously injured. This Bill represents the most extensive reform to the regulation of the driver training and assessment industry since the early 1990s. It creates an intentionally agile regulatory framework that will be able to adapt in response to changes to the composition and culture of the industry over time and to the introduction of new technologies.

This Bill was prompted by a growing body of evidence about the inappropriate behaviour of some individual industry members leading to their arrest, prosecution and conviction. This behaviour places young people at risk of inappropriate behaviour, including unnecessary touching, inappropriate conversations and sexual assault. Corruption and poor standards also create a risk of people who have not been properly trained to drive being issued with a car or heavy vehicle driver's licence when they are not able to safely drive on our roads – placing the driver and other road users at risk.

A comprehensive community and industry consultation and engagement process has been conducted over the past three years. In total three formal consultation stages have occurred, two with the industry and one with the community. This extensive consultation identified what changes are required within the industry and helped shape the development of a suite of reforms that will be enabled by this Bill. The draft of the Bill was then shared with key bodies.

This reform presents a significant change to industry. The consultation indicated broad support for reform and a desire to address poor conduct. Some industry members expressed a concern about the impact of the reforms on them as an individual – such concern is to be expected when implementing significant reform. However the regulatory controls proposed will effectively bring the industry up to a level of control provided for in other occupational licensing schemes, which have been effective in regulating the standard of other professions. The suite of reforms is proposed to produce a significant improvement in industry standards by addressing the majority of the corruption, malpractice, inappropriate behaviour and poor performance within the industry.

The Bill proposes that all driver training and assessment would continue to be undertaken by the private sector with greater regulation and oversight by the Registrar through implementation of the suite of reforms.

The Bill sets up a regulatory framework which will be supported by other instruments, including Regulations and a Code of Practice which will be gazetted. The underpinning Regulations and the Code of Practice, which will apply to the entire industry, will contain much of the operational detail of the scheme. These subordinate instruments

will be drafted upon successful passage of this Bill through this House and the other place, and I understand that industry are keen to provide input into both these instruments.

I now take this opportunity to outline to Members a summary of the key proposals within the Bill. The Bill contains authority for the Registrar to implement the following reforms:

- Requiring higher standards to enter the industry and to remain in the industry. It is anticipated that this would involve new requirements such as a mandatory working with children check, higher medical fitness requirements and an enhanced driving assessment requirement.
- Merging the two current accreditations, MDI and AE into a single *Driver Trainer Examiner* accreditation that enables the person to both train and assess novice drivers.
- Provides for the Registrar to set standards for the use and installation of cameras and GPS in all driver training and assessment vehicles to record all driver training and all practical driving tests conducted by Trainer Examiners.
- Creation of an online register of all industry members to enable the community to make an informed decision as to the best provider for their needs.
- Creation of a Code of Practice to outline the day to day expectations of the Registrar.
- A range of options for the Registrar to sanction industry members who do the wrong thing such as the suspension or cancellation of a Trainer Examiner accreditation and the creation of expiable offences.
- The ability to impose mandatory driver training and assessment vehicle requirements and an age limit for light vehicles.
- Mandating the training material that must be used for training novice drivers. Introducing mandatory training material for each licence class will help track the progress of each novice driver, should they change professional driver trainers, and also ensure that the Registrar can keep Trainer Examiners accountable.

I now take this opportunity to briefly summarise the structure and content of the legislation:

Part 1 contains the preliminary provisions, including the objects of the Bill in addition to a definition of a fit and proper person relevant to the driver training and assessment industry.

Part 2 contains the accreditation requirements for Trainer Examiners. It expands upon the current regulatory structure around MDIs and AEs and provides a more comprehensive regulatory framework that can be flexible in its future requirements as the industry continues to develop and evolve. A new offence provision has been created which makes it an offence to act for fee or reward as a driver trainer-examiner without holding an accreditation. This offence attracts a maximum penalty of $20,000. This Part includes an express authority for the Registrar to audit the industry in order to ensure compliance. It also provides authority for the new mandatory Code of Practice for all Trainer Examiners; authority to create and publish standards in the Government Gazette that will outline the technical requirements of the camera management scheme and finally provides authority for the online register of Trainer Examiners. I also specifically draw Members' attention to clause 16(10) which provides the House with visibility of the camera standards and an ability to disallow the standards, should there be any concern as to the technical requirements or specifications required by the Registrar.

In addition, Division 5 outlines the disciplinary action available to the Registrar and includes a new power in clause 21(7) for the Registrar to immediately suspend an accreditation if the Registrar considers that it is necessary to do so in the public interest. This enables the Registrar to intervene to protect the community.

Part 3 outlines a two stage review process for Trainer Examiners who may be aggrieved by decisions made by the Registrar. These mirror the existing provisions set out under the Motor Vehicles Act.

Part 4 of the Bill contains a suite of Authorised Officer powers which are commonly found in other legislation. These powers enable the provisions within the Bill to be enforced and include such powers as requiring a person to provide data from cameras and GPS tracking devices; or requiring by written notice that a person attend at a time and place specified to answer questions; requiring a vehicle to be examined, tested or weighed; or an ability for an Authorised Officer to take photos, films or audio video recordings. The Bill also contains an offence to hinder Authorised Officers which attracts a maximum penalty of $20,000.

Part 5 of the Bill provides for the requisite machinery provisions necessary when establishing a regulatory framework such as: delegation and evidentiary provisions, service of documents and regulation making authority.

Schedule 1 contains various consequential amendments to the Motor Vehicles Act to improve the effective operation and administration of the legislation. It also provides a suite of Authorised Officer powers in the Motor Vehicles Act to enable the Registrar to effectively regulate and administer all matters under that Act.

The Schedule also contains the transitional provisions for current driver training and assessment industry members to transition to the new scheme. These provisions allow for each existing industry member to receive 'deemed accreditation' which will be subject to the same terms and conditions as their current MDI licence or AE appointment. Each industry member will then need to apply to remain in the new scheme and must demonstrate their competency to meet the higher entry standards, which will include a practical Regulator Assessment in which their

own driving standard and their competency standards in teaching and assessing others will be assessed. During the transition period industry members can continue to operate in the industry under their deemed accreditation until the end of the transition period. If, at this point, a deemed accreditation holder has been unable to meet the higher standards then they will need to exit the industry.

In summary, this Bill will deliver a strengthened Trainer Examiner accreditation scheme and conveys a clear message to current members of the driver training assessment industry that poor behaviour and misconduct has no place in this industry. It is a Bill which will give South Australia a modern and usable piece of legislation which will deliver a transition to a more skilled and competent driver training and assessment industry, the corollary of which is more skilled and competent novice drivers. I commend this Bill to the House and I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects of Act

This clause sets out the objects of the measure.

4—Interpretation

This clause defines terms used in the measure.

For the purposes of the measure a person *acts as a driver trainer-examiner* if the person—

(a) teaches another person to drive a motor vehicle; or

(b) conducts a practical driving test or any other test, assessment or examination to enable another person to—

(i) obtain a driver's licence; or

(ii) have the person's driver's licence assigned a particular classification for the purposes of the *Motor Vehicles Act 1959*.

5—Fit and proper person

This clause sets out detailed criteria for determining whether a person is a *fit and proper person* to hold driver trainer-examiner accreditation.

Part 2—Accreditation of driver trainer-examiners

Division 1—Requirement to hold accreditation

6—Requirement to hold accreditation

This clause makes it an offence for a person to act as a driver trainer-examiner for fee or reward unless the person holds driver trainer-examiner accreditation. The proposed maximum penalty is $20,000.

The offence does not apply to—

(a) a person who teaches another to drive a motor vehicle if both the teacher and the learner are employed by the same employer and are acting in the ordinary course of their employment; or

(b) a person, or class of persons, specified by the Registrar by notice in the Gazette.

The clause also makes it an offence for a person who does not hold driver trainer-examiner accreditation to—

(a) hold themself out as, or pretend to be, the holder driver trainer-examiner accreditation; or

(b) use any name, title or description likely to cause any person reasonably to believe that the person holds driver trainer-examiner accreditation; or

(c) use a prescribed word, or its derivatives, to describe themself or a service that the person provides.

The proposed maximum penalty is $20,000.

Division 2—Application for grant or renewal of accreditation

7—Application for accreditation

This clause sets out the process for applying for the issue or renewal of a driver trainer-examiner accreditation.

8—Grant or renewal of accreditation

This clause empowers the Registrar of Motor Vehicles to grant or renew a driver trainer-examiner accreditation.

The Registrar must not grant or renew a driver trainer-examiner accreditation unless satisfied that the person is a fit and proper person to hold such accreditation, is medically fit to act as a driver trainer-examiner, holds an unconditional licence, holds a qualification determined by the Registrar, has satisfactorily completed a course of training recognised by the Registrar and conducted by an approved provider, and the person complies with any requirements prescribed by the regulations.

The clause also sets out the matters to which the Registrar must have regard before granting or renewing accreditation. The Registrar may require the applicant to provide medical evidence or undergo a medical assessment to prove they are medically fit, and may require an applicant to complete a course or qualification or otherwise prove that they have the relevant skills and qualifications required to carry on the activities authorised by accreditation.

The Registrar may refuse to grant or renew accreditation if the Registrar determines that it would not be in the public interest to grant or renew accreditation.

Division 3—General provisions

9—Authority conferred by accreditation

This clause provides that an accreditation authorises the person named in the accreditation to act as a driver trainer-examiner for fee or reward subject to, and in accordance with, the terms and conditions of the accreditation.

10—Class of accreditation

This clause allows the Registrar to assign a class to each accreditation in accordance with a scheme for the classification of accreditations determined by the Registrar.

11—Term of accreditation

This clause provides that driver trainer-examiner accreditation remains in force for the period specified in the accreditation on its grant or renewal and takes effect on the date specified in the accreditation.

12—Conditions of accreditation

This clause empowers the Registrar to impose conditions on accreditations and makes it an offence for an accreditation holder to contravene a condition of their accreditation. The proposed maximum penalty is $15,000 and the proposed expiation fee is $1,200.

13—Audits

This clause empowers the Registrar to authorise a person to audit the activities of an accreditation holder.

The Registrar may require an accreditation holder to provide evidence of compliance with the conditions of their accreditation.

If an auditor identifies any contravention or failure on the part of the accreditation holder, in undertaking activities authorised by the accreditation, to comply with any requirements under this measure or any conditions of their accreditation in a significant respect or to a significant degree, the auditor must report that contravention or failure to the Registrar.

If an auditor is not satisfied that a person has passed a practical driving test or any other test, assessment or examination conducted by an accreditation holder, the auditor must advise the Registrar accordingly.

If the Registrar receives such advice or report, the Registrar may—

(a) make recommendations to the accreditation holder; or

(b) give directions to the accreditation holder to rectify any matter, or to take any other action (including, for example, acting under clause 12(3); or

(c) take disciplinary action against the accreditation holder.

If the Registrar makes a recommendation but the accreditation does not take appropriate action, the Registrar may give directions to the accreditation holder (and it is a condition of accreditation that the holder must not contravene such a direction).

14—Issue of duplicate accreditation

This clause empowers the Registrar to issue a duplicate accreditation if the original accreditation is lost, stolen or destroyed.

15—Medical assessment of accreditation holder

This clause empowers the Registrar to require an accreditation holder to provide medical evidence or undergo a medical or health assessment to determine whether the holder is medically fit to hold accreditation. The Registrar may cancel or suspend an accreditation if satisfied that the holder is not medically fit.

16—Standards for the use, installation and maintenance of devices and other equipment

This clause empowers the Registrar to publish standards (*Registrar standards*) setting out requirements to be observed by accreditation holders relating to—

(a) the installation and use of 1 or more designated devices in a motor vehicle used by an accreditation holder in the provision of services under the accreditation; and

(b) the downloading, uploading and storage of information and material on, from or in connection with designated devices, including in relation to the use of specified software or device-based or internet enabled applications; and

(c) the provision of information or material (including audio or visual information or material) to the Registrar; and

(d) the design, service, maintenance and testing of designated devices and any associated equipment or software; and

(e) any other matter related to designated devices and any associated equipment or software.

The term *designated device* is defined to mean a camera, GPS tracking device or any other device, equipment or vehicle fitting determined (from time to time) by the Registrar by notice in the Gazette.

The clause provides that information or material (including audio or visual recordings) derived from the use of a designated device and provided to the Registrar in accordance with this measure is the property of the Crown and may be may be used in evidence in civil or criminal proceedings against any person (including the person who provided the information or material).

The clause makes it an offence to fail to comply with Registrar's standards.

The standards must be published in the Gazette and section 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* will apply to such a notice.

17—Requirement to produce accreditation

This clause requires an accreditation holder to produce their accreditation immediately if requested to do so by a police officer or authorised officer and to display the accreditation at all times when seated next to a learner driver in a vehicle being driven by the learner driver. The proposed maximum penalty is $5,000 and the proposed expiation fee is $500.

18—Surrender of accreditation

This clause allows an accreditation holder to surrender their accreditation to the Registrar.

19—Requirement to return accreditation on request

This clause requires an accreditation holder to return their accreditation if requested to do so by the Registrar, a court or a tribunal within the period stated by the Registrar, court or tribunal so that the accreditation can be replaced, or altered to record disciplinary actions, and makes it an offence to fail to do so. The proposed maximum penalty is $2,500 and the proposed expiation fee is $210.

Division 4—Code of practice

20—Code of practice for accreditation holders

This clause empowers the Registrar to publish a code of practice to be observed by accreditation holders.

A code of practice must be published in the Gazette.

It is a condition of every accreditation that an accreditation holder must not contravene a code of practice.

Division 5—Disciplinary action

21—Registrar may take disciplinary action

This clause empowers the Registrar to suspend or cancel an accreditation, or to vary or revoke the conditions of an accreditation. If the Registrar cancels a person's accreditation, the Registrar may also disqualify the person from obtaining accreditation.

The clause establishes what constitutes proper cause for the Registrar to take disciplinary action against an accreditation holder.

The clause provides that if the Registrar suspends or cancels an accreditation and requests the accreditation holder to return the accreditation to the Registrar, the accreditation holder must do so within 14 days of the request. The proposed maximum penalty for failing to do so is $2,500 and the proposed expiation fee is $210.

No civil liability attaches to the Registrar or the Crown in respect of the exercise of a power in good faith under this clause.

Division 6—Register of accreditations

22—Register

This clause requires the Registrar to keep a register of driver trainer-examiner accreditations. The register must include the name and contact details of the accreditation holder, any conditions of the accreditation, disciplinary actions taken under against the accreditation holder and any prescribed information. The register may also include any other information the Registrar thinks fit.

The Registrar may alter information in the register to ensure accuracy.

Part 3—Review

Division 1—Review

23—Internal Review by Registrar

This clause empowers a person aggrieved by a decision of the Registrar to apply to the Registrar for a review of the decision.

24—Review by Tribunal

This clause allows a person who is dissatisfied by the result of an internal review to seek a review of the decision by the Tribunal.

Part 4—Enforcement

Division 1—Appointment of authorised officers

25—Appointment of authorised officers

This clause establishes who is an authorised officer for the purposes of the measure and sets out the method of appointing authorised officers.

26—Proof of identity

This clause requires that authorised officers, other than police officers, be issued with proof of identity in a form approved by the Minister.

Authorised officers are required to comply with requests to identify themselves immediately or as soon as it is practicable to do so.

This clause requires authorised officers appointed under the measure who for any reason cease to be authorised officers to immediately return their proof of identity to the Minister.

Division 2—Powers of authorised officers

27—General powers of authorised officers

This clause sets out the general powers of authorised officers.

28—Provisions relating to warrants

This clause empowers magistrates to issue warrants on application by authorised officers.

Applications for warrants may be made in person or over telephone, and must be done in accordance with any requirements established by the regulations.

Warrants expire 1 month from the date of issue if not executed.

29—Provisions relating to seizure

This clause outlines requirements and procedures in relation to the use of seizure orders. A seizure order must be presented to the owner or controller of the thing to which the order relates and may be varied or revoked by further notice.

The clause makes it an offence to remove or interfere with the thing to which a seizure order relates without the approval of the Minister prior to either an order being made in respect of the thing, or the seizure order has been discharged. The proposed maximum penalty is $10,000.

30—Offences to hinder etc authorised officers

This clause establishes offences in relation to authorised officers. The proposed maximum penalty is $20,000.

31—Self-incrimination

This clause establishes that a person is required to answer a question, or to provide a copy of a document or information even if to do so would incriminate them or make them liable to a penalty, however such answers, documents or information will not be admissible against the person except in proceedings regarding making a false or misleading statement, or as otherwise provided by the measure.

Part 5—Miscellaneous

32—Learner driver to produce identification

This clause requires learner drivers to produce identification to an auditor or authorised officer should the auditor or authorised officer request it, and makes it an offence to fail to do so. The proposed maximum penalty is $1,250 and the proposed expiation fee is $110.

33—Delegation

This clause allows the Minister or Registrar to delegate powers under the measure, and sets out the requirements should they do so.

The clause establishes that further subdelegation is permitted so long as it is contemplated in the instrument of delegation.

34—False or misleading statements

This clause makes it an offence to make a false or misleading statement. The proposed maximum penalty is $10 000 if the person made the statement knowing it was false or misleading, and $5,000 in any other case.

35—Statutory declaration

This clause allows the Registrar to impose the requirement that information provided be verified by statutory declaration.

36—Commissioner of Police to give certain information to Registrar

This clause requires the Commissioner of Police to give to the Registrar, upon request from the Registrar, any information that is relevant to whether a particular person is a fit and proper person to hold an accreditation under the measure, or to have powers or functions of the Registrar delegated to them. The Police Commissioner may also provide this information at any other time.

37—Confidentiality

This clause requires persons who obtain information in the course of the administration or enforcement of the measure not to divulge any such information except in certain circumstances, and makes it an offence to do so. The maximum proposed penalty is $10,000.

A person involved in enforcing or administering the measure may provide information about disciplinary action taken by the Registrar to an agency or instrumentality of the State or another Australian jurisdiction for the purposes of the performance of its functions.

Any information disclosed under this clause must not be used for any other purpose by the person to whom it is disclosed, or by any other person who gains access to the information as a result of the disclosure, and it is an offence to do so. The maximum proposed penalty is $10,000.

38—Service of documents

This clause outlines how the Registrar may serve documents on people.

39—Commencement of proceedings

This clause establishes the time limits for the commencement of proceedings in respect of offences committed against the measure.

40—Evidence

This clause inserts an evidentiary provision so that where a document purporting to be a certificate signed by the Registrar saying that—

(a) a specified person was or was not the holder of a driver trainer-examiner accreditation on a specified day; or

(b) a specified person was or was not the holder of a driver trainer-examiner accreditation of a specified class or subject to specified conditions on a specified day; or

(c) a specified person was an authorised officer; or

(d) a specified person had specified powers under this Act; or

(e) a specified device or item of equipment (such as a camera or GPS tracking device) was or was not in use in a specified motor vehicle at a specified time,

is proof of the matter so stated in the absence of evidence to the contrary.

The clause inserts an evidentiary provision so that a document purporting to be an extract from, or copy of, an entry contained in a register kept by the Registrar, and purporting to be certified as such an extract or copy by the Registrar is, in the absence of proof to the contrary, proof of the matters stated without the production of any register, licence, notice or other document upon which any entry may be founded.

41—Regulations and fee notices

This clause provides power to make regulations and to prescribe fees by fee notice.

Schedule 1—Related amendments and transitional provisions Part 1—Preliminary

1—Amendment provisions

This clause is formal

Part 2—Amendment of Motor Vehicles Act 1959

2—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act to expand on the definition of authorised examiner and to insert a definition of authorised officer.

3—Amendment of section 72A—Qualified supervising drivers

This clause deletes section 72A(1)(c) of the principal Act.

4—Amendment of section 75A—Learner's Permit

This clause makes a minor, technical amendment to section 75A of the principal Act.

5—Repeal of section 98AA

This clause repeals section 98AA of the principal Act.

6—Amendment of section 98Z—Review by Registrar

This clause makes a consequential amendment to section 98Z of the principal Act.

7—Repeal of Part 3A

This clause repeals Part 3A of the principal Act.

8—Insertion of Part 4AB

This clause inserts new Part 4AB into the *Motor Vehicles Act 1959*

Part 4AB—Enforcement

Division 1—Appointment of authorised officers

134MA—Appointment of authorised officers

This clause allows the Minister to appoint a person or a class of persons as authorised officers. The appointment may be subject to conditions or limitations as are specified in the appointment. The Minister may vary or revoke an appointment or the conditions or limitations of an appointment at any time.

134MB—Proof of identity

This clause requires authorised officers to be issued with proof of identity in a form approved by the Minister. An authorised officer must, on request by a person in relation to whom the officer intends to exercise their powers, produce their proof of identity so that it may be inspected.

Division 2—Powers of authorised officers

134MC—General powers of authorised officers

This clause sets out the general powers of authorised officers.

134MD—Provisions relating to warrants

This clause enables a magistrate to issue a warrant on application by an authorised officer.

134ME—Provisions relating to seizure

This clause outlines requirements and procedures in relation to the use of seizure orders. A seizure order must be presented to the owner or controller of the thing to which the order relates and may be varied or revoked by further notice in the prescribed form.

The clause makes it an offence to remove or interfere with the thing to which a seizure order relates without the approval of the Minister. The proposed maximum penalty is $10,000.

134MF—Offences against authorised officers

This clause establishes offences in relation to authorised officers. The proposed maximum penalty is $20,000

134MG—Self-incrimination

This clause establishes that a person is required to answer a question, or to provide a copy of a document or information even if to do so would incriminate them or make them liable to a penalty, however such answers, documents or information will not be admissible against the person except in proceedings regarding making a false or misleading statement, or as otherwise provided by the measure.

134MH—Interaction of this Division with Part 2 Division 5 of Road Traffic Act

This clause establishes that this Division operates in addition to, and do not derogate from Part 2 Division 5 of the *Road Traffic Act 1961*.

Part 3—Transitional provisions

9—Interpretation

This clause defines terms used in the Part relating to the proposed transitional arrangements to support the measure.

10—Applications for motor driving instructor licences under *Motor Vehicles Act 1959*

This clause establishes that an application for the issue of a motor driving instructor's licence under section 98A of the *Motor Vehicles Act 1959* cannot be made on or after the relevant day

This does not apply in relation to an application made by the holder of a motor driving instructor's licence for the issue of a further instructor's licence to the holder to take effect on the expiration of an earlier instructor's licence.

11—Current motor driving instructor licence holders

This clause sets out the transitional arrangements applying to a person who holds a motor driving instructor's licence in force under section 98A of the *Motor Vehicles Act 1959* immediately before the designated day and to a person who also holds an appointment as an authorised examiner under paragraph (b) of the definition of *authorised examiner* in section 5 of the *Motor Vehicles Act 1959*.

12—Crown not liable to pay compensation

This clause provides that the Crown is not liable to pay compensation in respect of the transitional provisions.

Debate adjourned on motion of Mr Odenwalder.

ROAD TRAFFIC (DRUG DRIVING AND CARELESS OR DANGEROUS DRIVING) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (16:03): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961 and to make related amendments to the Motor Vehicles Act 1959. Read a first time.

Second Reading

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (16:03): I move:

That this bill be now read a second time.

The Marshall Liberal government is committed to ensuring that South Australian roads are as safe as possible and that drivers who put other road users at risk are excluded from driving as soon as they are caught. This bill allows police to step in at the roadside where drivers have engaged in clear-cut behaviour that puts the safety of road users at risk. For the first time anywhere in Australia, the bill will allow for police to issue a notice of immediate loss of licence for a first offence of drug driving.

The bill complements the recent amendments to the Criminal Law Consolidation Act 1935 which allows police to issue a notice of immediate loss of licence for the offences of extreme speed and causing death or harm through use of a motor vehicle.

Speed kills. Reckless and dangerous driving kills. Drug driving kills. Offenders should have, and will have, their authority to drive removed at the earliest possible opportunity. This bill will see justice that is swift, certain and fair. Most importantly, these changes seek to protect the law-abiding community.

Driving is a privilege, not a right. If irresponsible and selfish drivers are putting other road users at risk, our community would expect action to be taken immediately. So the bill will allow police to issue a notice of immediate loss of licence for the offences of reckless and dangerous driving, and drug driving. It removes the need for police to first issue an expiation notice for the offence of excessive speed before issuing a notice of immediate loss of licence.

The bill extends the scope of aggravating circumstances that will now be applicable to the offences of both careless driving and excessive speed. They will align with those in the Criminal Law Consolidation Act 1935 including driving a stolen vehicle, driving on a restricted licence or without proper authorisation to begin with or having passengers in the vehicle.

Too many lives have been needlessly lost through this type of behaviour, and I want to take this opportunity to thank the family and friends of Nicholas Holbrook for allowing police to recently bring the story of his tragic death to bear on the public conscience.

The bill also raises the financial penalty for excessive speed and allows for imprisonment for an aggravated or subsequent offence. It will also provide for the possibility of a longer imprisonment term for a subsequent offence of reckless and dangerous driving.

Importantly, the bill will enable the Commissioner of Police to withdraw a notice of immediate loss of licence and reissue a fresh notice. This power will allow irregularities to be cured without losing sight of the original offending. Until now, a person to whom a notice of immediate loss of licence is given has had to apply to a court to lift or modify a roadside suspension or disqualification. In the past, this has occurred, for example, when an offender has given a false name and/or address, requiring an innocent party to seek the assistance of the court to clear their name. Under this bill, such issues will be able to be cured administratively by police.

For those who persist in driving when prohibited from doing so, the bill also increases the relevant penalties. Driving suspended or disqualified, when not a fines enforcement matter, will be increased to 12 months' imprisonment for a first offence, with a second or subsequent offence attracting up to three years' imprisonment.

The Road Traffic (Drug Driving and Careless or Dangerous Driving) Amendment Bill 2021 is another significant step as part of a suite of measures already implemented by the Marshall Liberal government since 2018 to increase road safety for the community. The bill significantly strengthens the legislative response both to the initial stage for breaches of our road rules and also to the penalty regimes that follow.

I look forward to all members joining me in sending a message to selfish drivers that their reprehensible behaviour will not be tolerated. I commend the bill to the house and I 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 *Road Traffic Act 1961*

4—Amendment of section 45—Careless driving

This clause amends section 45 of the principal Act to expand the list of aggravating circumstances that apply.

5—Amendment of section 45A—Excessive speed

This clause amends section 45A of the principal Act to make provision for aggravated offences and sets out the aggravating circumstances that apply.

6—Amendment of section 45B—Power of police to impose licence disqualification or suspension

This clause amends section 45B of the principal Act to provide that the notice of licence disqualification or suspension may be issued if the police officer reasonably believes that the person has committed an offence against section 45A of the principal Act.

This clause deletes subsection (6).

The clause also makes provision for the withdrawal of a notice in certain, specified circumstances.

7—Amendment of section 45D—Power of police to impose licence disqualification or suspension for section 45C etc offences

This clause amends section 45D of the principal Act to alter the commencement of the relevant period for the purposes of the provision.

8—Amendment of section 46—Reckless and dangerous driving

This clause substitutes the penalty provision to provide for first and subsequent offences.

9—Amendment of section 47D—Payment of costs incidental to apprehension etc

This clause amends section 47D of the principal Act to expand the list of costs that the court may order.

10—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

This clause amends section 47IAA of the principal Act to include offences against sections 46 and 47BA(1) or (1a) in the list of offences to which section 47IAA applies.

The clause substitutes subsection (2) to make special provision for the issuing of a notice of immediate licence disqualification or suspension in the case of an offence against section 47BA(1) or (1a).

The clause amends subsection (12) to make special provision (in relation to the commencement of the relevant period) for a notice of immediate licence disqualification or suspension in respect of an offence against section 47BA(1) or (1a). It also amends subsection (12) to make special provision (in relation to the end of the relevant period) for a notice that relates to an offence against 47BA(1) or (1a).

The clause also makes provision for the withdrawal of a notice in certain, specified circumstances.

11—Amendment of section 47IAB—Application to Court to have disqualification or suspension lifted

This clause amends section 47IAB of the principal Act to facilitate the making of an application to the Magistrates Court to have a disqualification or suspension lifted in relation to a notice of disqualification or suspension issued under section 45B(1)(b).

12—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause inserts subsection (4a1), which disapplies subsection (4) in the case of an expiable offence against section 79B if the prescribed offence that the vehicle appears to have been involved in is an offence against section 45A of the principal Act.

Schedule 1—Related amendments

Part 1—Amendment of *Motor Vehicles Act 1959*

1—Amendment of section 74—Duty to hold licence or learner's permit

This clause amends section 4 of the principal Act to insert a reference to section 91(5a).

2—Amendment of section 81D—Disqualification for certain drug driving offences

This clause amends section 81D of the principal Act to provide for the cancellation or disqualification of a licence or permit on expiation of an offence to which the section applies.

3—Amendment of section 91—Effect of suspension and disqualification

This clause amends section 91 of the principal Act to provide that a person must not drive a motor vehicle on a road while the person's licence or learner's permit is suspended or while the person is disqualified from holding or obtaining a licence or learner's permits. The provision sets different penalties depending on whether the person's licence or learner's permit is suspended under section 38 of the *Fines Enforcement and Debt Recovery Act 2017*.

4—Amendment of section 139BD—Service and commencement of notices of disqualification

This clause makes an amendment consequent on the proposed amendments to section 81D(2).

Debate adjourned on motion of Mr Picton.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (16:09): Obtained leave and introduced a bill for an act to amend the Firearms Act 2015. Read a first time.

Second Reading

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (16:09): I move:

That this bill be now read a second time.

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

Leave granted.

The Firearms (Miscellaneous) Amendment Bill 2021 amends the *Firearms Act 2015 (SA)* (the Firearms Act) to enhance public safety and address the Coronial inquest recommendations arising from the tragic murder of Mr Lewis McPherson. The Bill also fulfils South Australia's commitment to the National Firearms Agreement to re-categorise lever action shotguns.

Tragically, in 2012, 18-year-old Lewis McPherson was fatally shot in an unprovoked manner, by a youth in unlawful possession of a handgun. In 2014, the offender was sentenced to 27 years imprisonment for murder.

In 2017, the Deputy State Coroner released his findings from the related Inquest, including recommendations for legislative change. The Coroner ultimately made a total of 17 recommendations impacting on several government agencies. Recommendations 7–10 were directed to South Australia Police (SAPOL) to enhance public safety (the recommendations). The Recommendations are addressed by the amendments contained in this Bill.

This Bill contains amendments to the sentencing for the offence of trafficking in firearms currently contained in section 22 of the Firearms Act. The Bill proposes greater penalties for aggravated offences, with an aggravated offence being defined as circumstances in which it has been proven that the person to whom the firearm was supplied was a person under the age of 18 years. Under the Bill, if a person supplies a firearm to a juvenile, they will be subject to greater penalties.

Another important aspect addressed in this Bill is the introduction of a requirement upon a court to impose cumulative sentences for certain offences relating to the unlawful possession, use and acquisition of firearms and supply of ammunition as contained in sections 9, 22(2)a, 31(1) and 31(4) of the Firearms Act.

Following the 1996 tragic mass shootings at Port Arthur in Tasmania, a National Firearms Agreement was reached between all States and Territories of the Commonwealth. The 1996 agreement was reviewed between 2015 and 2017 with the agreement ultimately updated in 2017 with all States and Territories becoming signatories to the revised agreement.

Part of the revised agreement was to increase controls on lever action shotguns through a re-categorisation of that type of firearm. Under the Firearms Act, firearms are grouped into different categories that require different levels of control. Lever action shotguns are currently categorised under section 5 of the Firearms Act as a Category A firearm, regardless of their magazine capacity. Under this category a licence holder is not required to establish a genuine need to acquire each particular Category A firearm. This means licensees are generally at liberty to acquire as many of these rapid action firearms as they wish.

The concern raised during the agreement was the elevated risk to community safety given a lever action shotgun is capable of being fired rapidly and having the potential for a capacity of greater than 5 rounds. Accordingly, the national agreement required the re-categorisation of lever action shotguns from Category A to Category B or D, depending on magazine capacity.

This Bill amends the Categories of Firearms in section 5 of the Firearms Act, so that lever action shotguns with a capacity of 5 rounds or less are Category B firearms. Lever action shotguns with a capacity of more than 5 are Category D firearms. This re-categorisation also provides consistency in controls upon lever action shotguns and pump action shotguns of equal capacities, as pump action shotguns have been categorised in this manner for an extended period now. The Bill includes a transition provision for owners of lever action shotguns.

SAPOL has consulted with all owners of lever action shotguns and advised of the intention to re-classify their firearm to either Category B or D. Upon passing of this Bill, SAPOL Firearms Branch will again contact the owners of any registered lever action shotgun affected by the change, confirm the status of their lever action shotgun, and advise of any transitional provisions. Any licence holder that does not have the requisite category of licence will be provided with a temporary variation for the ownership life of the specific firearm. This variation will be at no cost to the owner (normally a fee applies to licence variations).

The Government's Bill delivers on South Australia's commitment to the National Firearms Agreement on lever action firearms controls and will provide for stronger penalties for criminals that supply firearms to minors, as occurred during the tragic murder of Mr McPherson.

The Marshall Liberal Government is dedicated to ensuring public safety through a balanced governance of firearms that reduces the risk of harm and criminal enterprise. The Government looks forward to enacting these important reforms without delay.

I commend this Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Firearms Act 2015*

4—Amendment of section 5—Categories and types of firearms

This clause amends the categories of firearms to include a lever action shotgun with a magazine capacity of 5 rounds or less as a category B firearm and a lever action shotgun with a magazine capacity of more than 5 rounds as a category D firearm.

5—Amendment of section 22—Trafficking in firearms

This clause inserts a penalty in relation to an aggravated offence where it is proved that the illegal supply of a firearm was to a person under the age of 18 years of age. Where the firearm is a category C, D, or H firearm or a prescribed firearm, the maximum penalty is $100,000 or 20 years imprisonment, or in the case of a category A or B, the maximum penalty is $50,000 or imprisonment for 10 years.

6—Insertion of section 66A

This clause inserts new provision 66A:

66A—Cumulative sentences of imprisonment for certain offences

This clause provides that unless the court is satisfied that there are special reasons for not doing so, a court must order that any sentences of imprisonment imposed for certain offences are to be cumulative. This applies where a court convicts a person of an offence against section 9 of the Act for the illegal possession or use of a firearm and also convicts the person of an offence against section 31(1) of the Act for the illegal acquisition or possession of ammunition. It also applies in relation to a conviction against section 22(2)(a) for the illegal supply of a firearm where the person is also convicted of an offence against section 31(4) for the illegal supply of ammunition.

Schedule 1—Transitional provisions

1—Transitional provisions—lever action shotguns

This clause sets out the transitional arrangements in relation to lever action shotguns that are lawfully held by persons as category A firearms immediately before the commencement of this measure. The provisions allow for those persons to continue to possess the firearms as either holders of a firearms licence that authorises possession of a category B firearm (in the case of a lever action shotgun with a magazine capacity of 5 rounds or less) or as the holder of a category 12 (miscellaneous) licence (in the case of a lever action shotgun with a magazine capacity of more than 5 rounds). It also provides for the corresponding registration of those firearms to reflect their re-categorisation as either category B or D firearms.

Debate adjourned on motion of Mr Odenwalder.

ELECTORAL (ELECTRONIC DOCUMENTS AND OTHER MATTERS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 7 September 2021.)

Clause 1.

The CHAIR: The house resumes in committee. We are still on clause 1, and I have in my notes three questions thus far from the member for Kaurna, one from the member for West Torrens,

two from the member for Playford, two from the Leader of the Opposition and one from the member for Lee.

Mr ODENWALDER: I rise to ask a few questions on clause 1. I do note there was some lengthy discussion last night about the contribution of the AEC to this debate. My question is: can the Attorney provide advice on who else was consulted for this bill?

The Hon. V.A. CHAPMAN: Let's be clear about this. I have only consulted the South Australian Electoral Commissioner in respect of the capacity for the accommodation of an enrolment option up to polling day on which he consulted the AEC and provided the information. We have not consulted generally on the bill. It had come to my attention via the Electoral Commissioner here in South Australia that it was the AEC that actually needed to facilitate such a proposal; therefore, he obtained the information, but we have not consulted the AEC directly.

In relation to the original bill, which has been through the system and been dismissed in the other place, I recall writing to every member of the parliament and all known registered political parties at the time. Those who were consulted in addition to the Electoral Commission itself were various academic commentators, and I will refer to some who responded. I will not repeat all the political parties because they would be known to the member and all the members of parliament.

Those not represented here in the parliament were Mr Avery Hilditch for the Child Protection Party; Associate Professor Haydon Manning, Flinders University; Professor Dean Jaensch, Flinders University; Emeritus Professor Clem Macintyre; and Mr Antony Green. The member might recall that Mr Green came and gave a briefing to the parliament in relation to reform generally, and I have appreciated his indication of support in relation to a number of these meritorious advances.

Those who provided a submission to us included the Child Protection Party. They were in support of the corflutes ban, in support of the OPV, and raised some concerns about some of the fees and some aspects of pre-polling. The Local Government Association, as you know, supports corflute bans—and we have already dealt with that through the local government legislation reforms—so they have already got rid of them for their own elections and sought to extend the ban to local government elections, which we have done.

University of Adelaide Professor Clem Macintyre, on behalf of three academics—Professor Lisa Hill, Dr Jonathon Lauf and Dr Glynn Evans—provided a submission and indicated partial support. He raised the issue about newspaper advertising and amendments to the itinerant voter provisions, which we picked up. He did not express a view on a corflute ban. He opposed OPV and sought the establishment of a parliamentary committee.

The National Party of Australia provided partial support. There is no sitting member of the National Party in the parliament at present, but their party, of course, under the registered parties, were provided that. They supported a corflute ban, opposed the OPV and raised some issues in relation to the other practices. The Animal Justice Party SA supported most of the amendments and opposed OPV. The internal consultation, which we do not provide the memorandum of advice on, is from the Electoral Commissioner of SA, the AGD Royal Commission Response Unit and the Office of Local Government, all of which are public sector bodies. I think that covers the matters.

The CHAIR: My attention has been brought to the state of the house. I am counting, and I see that there is not a quorum present. Please ring the bells.

A quorum having been formed:

The CHAIR: I just remind members that, when the bells are ringing, once they are in the chamber they are not to leave the chamber while the bells ringing. We have a quorum. The member for Playford.

Ms Bedford interjecting:

The CHAIR: Order!

Mr BROWN: The Attorney has indicated to the house on a number of occasions that the genesis of this bill is the review conducted by the commissioner into the 2018 election campaign. My question is: are there any provisions in this bill that she can point to that have come from the suggestions of anyone else other than the Electoral Commissioner?

The Hon. V.A. CHAPMAN: Could you just repeat the beginning of the question again?

Mr BROWN: The Attorney has already indicated to this house on a number of occasions that the genesis of this particular bill is the review into the 2018 election, which was done by the Electoral Commissioner. Can she point to any provisions of this bill that were suggested by anyone other than the Electoral Commissioner?

The Hon. V.A. CHAPMAN: In relation to the original bill, OPV and corflutes were both extraneous to the report done by the Electoral Commissioner. I will check whether there are any other aspects. I thought we had actually clawed back to what were the principal recommendations of the Electoral Commissioner. We will go back and check just in case there are anything.

Some of the amendments may be consequential upon recommendations made, but I have not done that exercise of making sure that every clause relates to a recommendation, but there are four or five significant tranches of reform in this which are recommendations out of that report. This is the bit we thought was going to be non-controversial.

Mr ODENWALDER: If I understood the Attorney's previous answer, the consultation was conducted in relation to the first bill—we will call it the first bill of the two. Can you clarify then when exactly that consultation was undertaken, and whether in fact any consultation with any of those parties has been revisited since the failure of that first bill?

The Hon. V.A. CHAPMAN: I can advise that on 27 July the 2020 bill went out for consultation. The consultation period was July to August 2020. I will just check the dates on this bill—no, no specific consultation. There is nothing new in this bill that was not in the old bill. I can clarify that. The telephone-assisted voting aspect was separate from the report. It was his recommendation but it was separate from the report.

Mr ODENWALDER: I am not intimately familiar with the first bill. You are saying that was an addition in the second bill, and if that is the case was that particular aspect consulted on more widely?

The Hon. V.A. CHAPMAN: It was expanded in this bill for the reasons I think I have outlined. Initially, telephone-assisted voting was really for people with a disability. He identified a major problem at the last election in being able to get overseas voters' votes back via a postal vote. Literally thousands were eligible and only hundreds got back in time, therefore it was recommended that it would apply to that, and he has expanded that further obviously because of COVID.

The CHAIR: Member for Elizabeth, given that there are 40 clauses and a number of amendments, and I have you down as having one question yesterday—

Mr ODENWALDER: No, not me. I can guarantee it was not me, sir.

The CHAIR: My apologies. I stand corrected. Obviously, I will allow you a question now, member for Elizabeth, but given how involved this bill is and will be during the committee, I am going to apply the standing orders and restrict questions to three per member.

Mr ODENWALDER: Given that this is my last question, I wonder whether the Attorney could first of all just clarify something she said earlier, which is that all registered political parties were consulted? I will put that to one side for second, I just want to clarify that was indeed the case.

Following from that, how was the decision made about who to consult? What was the methodology used by which you decided who should and should not be consulted? It seems to me that a fairly narrow class of people and organisations was consulted. For instance, were the Law Society and other such bodies consulted?

The Hon. V.A. CHAPMAN: I cannot recall specifically having discussions with the Law Society on this matter, but I do recall writing to all political parties—their registered secretaries or chair registered in South Australia—and there are quite a number of them, not all represented here in the parliament.

I also remember signing letters with a copy of the draft to all members of the state parliament, upper and lower house. Obviously, there are Independents in this parliament, and I certainly felt it was important that they all be advised because it is all going to affect them.

Political parties obviously have an interest because they are also responsible usually for the development preselection, paying for supervision, regulation, etc., of candidates of those political parties. So it is important that they understood what was going to be happening. I was not involved in the direct consultation with any of those political parties, other than the Australian Labor Party. I think there were several meetings, but the meeting I was involved in was in relation to the funding reforms, which relate to another bill that is before the parliament.

There are certain academics, as I think I have listed, who show a direct interest in relation to electoral matters. I have to say this is not a type of law that has a lot of interest from average citizens, to be frank. It is obviously very interesting to people such as us in this chamber, but I would not call it a barbecue stopper in the sense of things. I still think it is very important reform, and obviously for our political process it is very important.

My adviser has just confirmed to me the SACAT response in respect of the amendment to section 113 of the Electoral Act. As proposed in this bill, they come into the process to assist with the false and misleading advertising enforcement, if I can put it that way. I had a letter from Judy Hughes on that matter indicating the importance of her tribunal being independent. Obviously, it may well need resources to add to that responsibility that they would have.

I think I explained during the course of the debate that the practical difficulty in being able to determine these matters and issue a judgement, or whatever the edict was going to be as to any retraction, for example, or publication of further material that might be required by the Electoral Commissioner has really been a challenge both in the envelope of electronic information conveyance and during the course of the election, especially during pre-poll periods where there is so much other work to be done by Electoral Commission personnel. Delay is sometimes experienced in people having a speedy response to a complaint in that area, so we definitely had some consultation with SACAT on that matter.

Clause passed.

Clause 2.

Mr PICTON: My question in relation to clause 2, which is obviously the commencement and says that the act comes into operation on a day to be fixed by proclamation. If the bill passes, what date does the Attorney have in mind for the proclamation and commencement of this act? Has the Electoral Commissioner given any particular deadline by which that would need to happen to be in place before the next state election for this to be implemented?

The Hon. V.A. CHAPMAN: Firstly, we have consulted with the Electoral Commissioner all the way through in relation to the progress of these three bills. To answer the question, if the parliament passes the bill and whatever new initiatives are to be advanced through that, that the proclamation occur as soon as practicable. The Electoral Commissioner has certainly conveyed that to me in relation to these initiatives and the funding variations that are foreshadowed in another bill.

The training of staff, the implementation of the planning for changes that are accommodated by this, is something that he would like to get on with fairly quickly. I assume that has also been conveyed through the consultation that the opposition have had—if they or their representative have taken up that opportunity. I cannot recall any specific aspect other than training was a matter that was of consideration.

In funding as well, because there would need to be training offered to political parties—when I say 'training', I mean the information sessions as to what interpretations, for example, would be carried out by the Electoral Commissioner for the new rules—as soon as practicable, in short.

Mr PICTON: It has not really answered the second part of my question in terms of whether any particular dates have been identified by the Electoral Commissioner in which this would need to come in to enable it to be in place before the state election. I presume a proclamation in mid-January would be too late for the Electoral Commissioner to implement this before the election.

I seek guidance from the Attorney on whether the commencement of this act will have an impact upon the next state election and that timing—given the close proximity between us debating this and when the election is held—and when the latest possible time for that could be proclaimed and the Electoral Commissioner be able to get all those measures in place, including that training, for this to be active before that election.

The Hon. V.A. CHAPMAN: Well, I repeat that I have not been given a specific date. The commissioner is aware, though, that we have sitting days until November with an optional week, so clearly, unless this matter is dealt with this year and concluded by this parliament in the positive—that is, the advance of this bill—then it would not be progressing at sometime in January. But, no, the Electoral Commissioner has not given me any dates.

Mr BROWN: The Attorney has indicated to the house that the commissioner has advised her that, should the bill pass, there is still time to implement all the provisions in the bill before the election. Is the Attorney aware of any formal planning that has been conducted by the Electoral Commissioner over how long it would take to implement individual parts of this bill?

The Hon. V.A. CHAPMAN: Not specifically, but that was canvassed quite at length during the estimates committee. It may not have been the member for Kaurna, but somebody was asking questions about it. I thought it was the member for Kaurna actually.

Mr Picton: They were very good questions.

The Hon. V.A. CHAPMAN: I am sure they were very good questions. I just make the point that he has been down here to the parliament and that there were some questions certainly asked about that in relation to process. He has certainly not indicated a date to me, some sort of cut-off point, although obviously I am not sure what the Australian Labor Party have done in their inquiry with him. There has been no indication to me that there is some kind of deadline point, but I know that he is aware that the parliament's scheduled time will conclude in November or possibly December.

Mr BROWN: Will the Attorney undertake to provide to the house advice from the Electoral Commissioner advising the house how long the commissioner will take to implement the various aspects of this bill?

The Hon. V.A. CHAPMAN: I can ask him that between the houses, but again these are matters that I would have expected the opposition would have raised with the Electoral Commission. But, again, he has made himself available and continues to make himself available if the members have any questions in that regard.

At the moment, he has said, as he confirmed in estimates, that he is preparing for two elections in between some smaller ones he is obliged to undertake. Again, I think he referred to these in estimates—the state election in March and/or April next year and of course the local government in November next year. He knows that is ahead of him.

Mr PICTON: Has there been any preparation or training or work done on the implementation of these measures prior to their passage by the parliament?

The Hon. V.A. CHAPMAN: By the Electoral Commissioner? I do not know what preparation he has already required to be done, but I am advised by him that he is preparing for next year's election, whether there is any component of these. He has certainly given advice, as you know—it is all in his report—about what he thinks should happen. He has identified the weaknesses of postal voting in the 21st century, when we have snail mail and all sorts of things like COVID. We have accepted those recommendations, and you have a bill before you to consider whether you to do.

Clause passed.

Clause 3.

Mr PICTON: This clause provides:

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

I cannot identify any other acts that are specifically mentioned that would be affected. Can the Attorney confirm whether the amendments in this bill affect any other acts? If so, which acts and how are they affected?

The Hon. V.A. CHAPMAN: I think the member is right; I think the amendments are to the Electoral Act 1985. It is just a standard clause in the preamble to many of these pieces of legislation.

In the foreshadowed amendments I have from the member for Kaurna, there does not appear to be any other act that seeks to be open. I am not sure you can do that anyway. It is a standard clause.

Mr BROWN: Given the Attorney's previous answer, was any consideration given to not having this clause in the bill, given that it is superfluous?

The Hon. V.A. CHAPMAN: It may not be if there were other things that did need to translate into other legislation. We are not at the end of this bill yet. I would simply say that at this point I have not given it any consideration. I have accepted parliamentary counsel's drafting of that as being a usual clause.

Clause passed.

Clause 4.

Mr PICTON: This changes a number of definitions in the act. Firstly, in relation to 'how-to-vote card', it deletes 'a card' and substitutes 'written information', and secondly it removes the definition of 'remote subdivision' entirely. Why is the definition of remote subdivision being removed from the act under the proposal?

The Hon. V.A. CHAPMAN: This is consequential to changes to mobile polling in section 77: mobile polling is now called pre-polling and is not restricted to remote areas. So it is no longer necessary.

Mr PICTON: What is replacing that definition of 'remote subdivision' that was previously in the act?

The Hon. V.A. CHAPMAN: We are now going completely to pre-polling rather than mobile. The whole mobile polling process is deleted, so 'mobile polling booth' is to be deleted and substituted with a 'pre-polling booth'. We no longer need to identify that for the purposes of these remote regions, which we have otherwise talked about as a remote subdivision of the polling areas.

Mr BROWN: I would like to ask a question about the changes to the definition of 'how-to-vote card'. Can the Attorney explain what the impacts would be of this change of definition and also whether there is any impact to the section on false and misleading material?

The Hon. V.A. CHAPMAN: I think on the latter, no. In relation to the former, obviously we now have information provided electronically, so we no longer have all information on a card. Some of that is in electronic form.

Clause passed.

Clause 5.

Mr PICTON: I move:

Amendment No 1 [Picton-2]—

Page 3, lines 15 and 16—

This clause will be opposed.

This amendment to oppose this clause is to retain the power of the Electoral Commissioner to promote voting at a polling booth on election day. This provision was added into the Electoral Act under the previous government. It is based on equality of access, particularly about access to information, so we can provide an electoral system that encourages the greatest number of people to vote with the same information available to them.

We accept that there are many reasons why people cannot vote on election day, but the opposition's position is that, unless there is a compelling reason to vote beforehand, there should be an encouragement to vote on election day. We know that it is certainly seen as a great festival of democracy that we have in Australia and in South Australia. People are widely celebrating now with democracy sausages at polling booths across the state. It is also fantastic for our local schools and community groups to get involved and make sure that people know that there is an election on and that that people know where in their local area to go and vote.

We see keeping this clause, to encourage the Electoral Commissioner to promote voting at a polling booth on election day, is important to make sure that we continue to encourage people to

use their democratic right on election day and that they will have the greatest possible breadth of information before they vote at their local polling booth on election day. Of course, the other clauses would remain that would enable them to vote by other means if they were unable to.

In addition to saying that, I ask the Attorney: is this function being removed by the deletion of this clause, or is the promotion of voting by election day slated to move to a different person? Is there another body that would be promoting voting on election day other than the Electoral Commissioner? In her view, what is the exact practical effect of deleting that clause from the bill?

The Hon. V.A. CHAPMAN: Clause 5 I think is very clear and consistent with the recommendation from ECSA in their election report. It specifically removes the provision, which was put in by the former government, that the Electoral Commissioner is required to encourage people to vote on election day.

This was a very strong position of not only the Australian Labor Party but the former commissioner Kay Mousley, who I think was probably the commissioner at the time it was introduced. But we are in the 21st century and we are in COVID. Even if you did not think this was a good idea before, we are now in a COVID circumstance in the 21st century.

I make this point: I do not think there is any basis for saying, on the one hand, that people have a right and opportunity to vote, yet somehow or another we are going to tell them they have to sit and listen to all the information about an election because they have to vote on election day. It is just a nonsense. This is just not recognising the democratic right of people to vote and vote when it is convenient to them and, in particular, in a COVID situation, where the obligation to turn up on election day, especially if there are vulnerable health circumstances, is outrageous.

We completely agree with the Electoral Commissioner on this. The effect of this clause is to remove that antiquated obligation, which is frankly inconsistent with democratic principles and which arguably is something that is just back from last century. The Australian Labor Party have pushed it for a long time and they have introduced it in their time in government. The Electoral Commissioner does not agree it should stay there, certainly not in COVID, and neither do we, and that is why we are moving it.

Mr PICTON: It is interesting the Attorney is using COVID as a reason to move this amendment which, as she herself has noted, was suggested before COVID, so I am not sure how COVID is the reason why this amendment is now being promoted. But I would ask her, for her to come to this house and say this is so important for COVID, has she sought any advice from SA Health? Is there any expert health advice she is relying upon for her advice to the parliament today? Very clearly in her answers earlier to the parliament, in relation to questions from the member for Elizabeth, SA Health was, to my knowledge, not listed as one of the organisations the Attorney consulted with.

An honourable member interjecting:

Mr PICTON: Yes, that's right. Why was that not the case if not, or does the Attorney have some other advice she is now relying upon for the view she is professing to the parliament today—that it is somehow essential for COVID reasons that the Electoral Commissioner not promote people going to polling booths to vote on election day?

The Hon. V.A. CHAPMAN: The member is quite right: this was a recommendation pre COVID by the commissioner, so he thought it was a good idea to get rid of it in the first place. I am making the point, though, that during COVID it is even more important. Have I consulted the Minister for Health? No, but if the member is alert to all the things that have been happening through COVID, he will know that we have had elections in other states and our electoral commissioners confer with other electoral commissioners. There have been reports of investigations into how we conduct elections, including pre-poll opportunities from two to four weeks out before an election in other states, to enable us to manage the circumstance.

If the member has not read it, I invite him to look at the Parliament of the Commonwealth of Australia report of the 'Inquiry on the future conduct of elections operating during times of emergency situations'—it was the Joint Standing Committee on Electoral Matters, June 2021, in Canberra—to

name one of the areas of reform that has been tried and tested already in elections in Queensland, Western Australia, New Zealand and the Northern Territory, where they have had to deal with this difficult issue. I accept the advice of the Electoral Commissioner and I hope the parliament will as well.

Mr PICTON: So is it the view of the Attorney that she is putting forward that people should not vote on election day or at a polling booth because of the risk of COVID?

The Hon. V.A. CHAPMAN: We think that people should have the right to vote when it suits them, particularly if they are in a vulnerable circumstance and they do not want to be out with crowds on election day. They want to be able to access alternate and earlier voting options and we have always thought that they should have the democratic right to that. The Electoral Commissioner supports that. The reports of other agencies and other elections, including three Labor governments who have gone to the polls during COVID, have supported this and I would ask the parliament to consider it favourably.

Mr BROWN: My question to the Attorney is: is the Attorney in receipt of any advice from SA Health that has been provided to the Electoral Commissioner specifically on the conduct of South Australian elections and the impact of COVID-19 on the same?

The Hon. V.A. CHAPMAN: I have said that several times. The Electoral Commissioner has.

Mr ODENWALDER: Further to that, and given the Attorney's previous answers, has she had any conversations, formal or informal, with any other member of the Transition Committee, for instance, or the State Controller, concerning the conduct of the coming state election?

The Hon. V.A. CHAPMAN: No, not at all. I do not have any conversations with people who are on the Transition Committee. I do not sit on it. I do not have a role in it. The Electoral Commissioner, under the statute here in the parliament, is the independent commission that is responsible for the conduct of elections. The commissioner in particular and his senior people, including Mr David Gully, who has been very much available during the course of these reforms, have provided that advice and I am confident in it and I have appreciated it.

Mr ODENWALDER: Did any of the persons or parties consulted with, which the Attorney previously outlined, express any specific concerns about this particular clause and what were they?

The Hon. V.A. CHAPMAN: I am being advised no, but if there is something that we find we will advise it between the houses.

The committee divided on the clause:

Ayes.....23
Noes 19
Majority 4

AYES

Basham, D.K.B.	Bell, T.S.	Chapman, V.A.
Cowdrey, M.J.	Cregan, D.	Duluk, S.
Ellis, F.J.	Gardner, J.A.W.	Harvey, R.M. (teller)
Knoll, S.K.	Luethen, P.	McBride, N.
Murray, S.	Patterson, S.J.R.	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.	Brown, M.E.	Close, S.E.
Cook, N.F.	Gee, J.P.	Hildyard, K.A.
Hughes, E.J.	Koutsantonis, A.	Malinauskas, P.
Michaels, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J. (teller)	Stinson, J.M.

NOES

Wortley, D.

PAIRS

Marshall, S.S. Szakacs, J.K. Pederick, A.S.
Brock, G.G.

Clause thus passed.

Clause 6.

Mr PICTON: This appears to delete that the Electoral Commissioner may, by notice published in the *Gazette*, declare a particular subdivision to be a remote subdivision or revoke such a declaration. With regard to these particular subdivisions, what have been declared remote subdivisions in the past? Are they particular locations or are they particular electorates? Do you have a list of those, for instance, that at the previous election would have been relevant subdivisions?

The Hon. V.A. CHAPMAN: I think the member is just inquiring what remote subdivisions currently exist, if any. I think there are some still but they are being removed in this clause. I will undertake to get that between the houses. I do not have that here.

Mr PICTON: Thank you. What is the practical effect of removing this? Is it that essentially previously there had to be a declaration under this clause to enable a pre-polling booth to happen or is this about remote voting and what will be the impact now and does there have to be any particular declaration for where those locations will be if the act were passed?

The Hon. V.A. CHAPMAN: As I have explained before in detail, we are going from mobile booths to pre-poll booths. To the best of my knowledge, the mobile booths have gone to all the settlements in the APY lands and did up to and including the last election. As to other areas, I am not particularly familiar with that. They will have a pre-poll access under the new regime and so all this becomes redundant, for the reasons I have already explained.

Mr PICTON: What will be the impact upon mobile polling booths? The Attorney mentioned the APY lands as one area, and I think most of us would be familiar, in terms of our own electorates, with aged-care facilities having mobile polling booths as well going to them. Will they no longer be mobile polling booths and, if that is the case—presumably we are stilling going to provide such a service to people—what will be the new legislative arrangements that will be in place for that type of voting?

The Hon. V.A. CHAPMAN: As I say, it will simply go from mobile booth voting to pre-poll booth voting. As the member recalls, at estimates the Electoral Commissioner indicated that he had no intention at this point of any reductions or changes. There may be changes depending on the availability of a school, for example, as a polling booth on election day, but he has not identified any areas of reduction to the current service that is provided. That includes mobile polling services, which will become pre-poll.

Mr ODENWALDER: Given the Attorney's previous answers, can she share with the committee what groups in remote communities themselves were consulted about this change?

The Hon. V.A. CHAPMAN: At this stage, I think the question is: are there any electoral subdivisions or people within them who were individually consulted? None by me. These are matters that were on the recommendation of the Electoral Commissioner.

Mr ODENWALDER: So no specific consultation was undertaken in relation to this particular amendment, on top of the consultation you spoke about previously?

The Hon. V.A. CHAPMAN: Correct.

Clause passed.

Clause 7.

Mr PICTON: My understanding is that essentially the Attorney is seeking to change from advertising in newspapers 'generally throughout the state' to 'on a website' throughout the state in relation to where the polling booths are. I think the Attorney, in her second reading contribution and summing up, basically outlined that she does not think young people read newspapers, so it will no longer be necessary to advertise in newspapers. What other manners of advertising are envisaged for the regulations? Why is the government not proposing to give discretion to the Electoral Commissioner about advertising options beyond a website that is now proposed to be in this revised section 18?

The Hon. V.A. CHAPMAN: This is directly from a recommendation of the Electoral Commissioner.

Mr PICTON: That may be the case, but that was not really an answer to what I was asking, which is why we will not have the discretion of the Electoral Commissioner about advertising other options beyond a website. If the Attorney is refusing to answer that—

The Hon. V.A. Chapman: I'm not refusing to answer anything.

Mr PICTON: Well, you didn't answer the question at all. Why is there no discretion about advertising other options beyond a website? In terms of the website that is being proposed in the amendments, what will be the requirements of that website and will there be accessibility for people with disability? Will that be defined anywhere in the regulations or elsewhere?

The Hon. V.A. CHAPMAN: This specifically provides for 'in any other manner prescribed by regulation'. This is in relation to the polling places that are ultimately identified as a place to vote. I note that there is no amendment on this aspect of the electronic versus printed advertising foreshadowed amendment that the member has not raised in this clause, so I am not sure where he is coming from in this regard.

I would have thought that this is completely uncontroversial. There is a later provision in relation to publication of information in either printed country papers or online. I think I understand the argument that the Australian Labor Party are running there, but I do not think there is anything else I can add. This is what he is proposing.

Mr BROWN: My question is to the Attorney. This clause was put forward, you say, by the Electoral Commissioner. Has an analysis been done by the Electoral Commissioner of the media consumption of those people who did not cast votes in the election so as to make sure that those who are unaware of polling places are properly served by the provision of the publication of the information? In other words, is it correct the assertion that seems implicit in this particular amendment, that those who did not cast votes in elections do not read newspapers?

The Hon. V.A. CHAPMAN: I do not think it suggests that at all. I am not aware of any modelling, surveying or investigation that the Electoral Commissioner has raised. I think the implication of the question is: were there people who did not vote because they could not find a polling booth because they did not see it in the *Advertiser*? Not that I know of.

The Hon. S.C. MULLIGHAN: I will preface my question with some comments about the wording of this clause:

> on a website determined by the Electoral Commissioner and in any other manner prescribed by the regulations

Other than the reference to the Electoral Commissioner, this is exactly the same clause that we have seen this government roll out in bill after bill after bill to remove the requirement on government agencies and other statutory authorities to advertise in printed publications, in newspapers circulated throughout the state.

It is clear that there is a view from the government that they do not value the benefit of printed advertisements in newspapers either of statewide circulation or specific circulation in regional communities across South Australia. This raises the interesting dilemma for a voter about how they would find the information they would otherwise get from a printed advertisement about the location of a polling place. According to this clause, there will be a website maintained by the commissioner—presumably the Electoral Commission of South Australia website—or perhaps some other temporary

website established for the purposes of a particular election being run where this information is going to be held.

My question is: how does somebody become aware of that website and web address so that they can access it? There seems to be this assumption from the government that merely having a website with information on it means that South Australians will instinctively, intuitively, become aware of that website and know how to access it, including its web address. It is farcical.

Sure, *The Advertiser* may only reach on a smaller consumption day of the week approximately 100,000 purchases, which is of course a smaller number than who reads it, but on a Saturday, on an election day, far more people read that Saturday edition of the Adelaide *Advertiser*, and in the preceding week of course far more people read the *Sunday Mail* on the Sunday or the Sundays leading up to election day.

That is nothing to take away from the regional newspapers, including those that serve your electorate, Chair, and those other regional electorates around South Australia. What the minister proposes to do here, what the Deputy Premier thinks is a good idea, is yet a further contraction of the capacity of South Australians to inform themselves of the opportunity to vote. I can completely understand that the government might take the view, 'Sure, we're going to print advertisements. We'll make sure we do what we've always done.'

The thing that South Australians have become used to for decade after decade is that either on the day of the election or in the days leading up to the election we can rely on the fact that there will be printed advertisements in the Adelaide *Advertiser*, in the *Sunday Mail* and in other newspapers circulating throughout the state. They are used to that and can always have a look to see where their polling place is going to be. I can understand if the government says, 'Yes, we'll continue to do that, but we're going to do websites as well.' That is not what this does and that is not what the government has sought to do in a lot of its amending legislation during this parliament.

The first one, of course, the most egregious one, particularly for regional communities, Chair, you might recall, was the government's so-called simplify bill, which was not reducing red tape for the community of South Australia: it was reducing red tape for the government—removing the requirement for ministers and their agencies to advertise key information or decisions from newspapers either circulating throughout the state or servicing regional communities, including declarations by the Country Fire Service and the State Emergency Service.

No longer, for example, thanks to this government, will there be a requirement to print advertisements about the fire danger season. No longer is there a requirement to publish information about state or local emergencies from the SES. Now we see this minister continue the trend by removing the requirement to advertise really important information that goes to the absolute heart of people's capacity to best inform themselves about where to vote.

I realise that is a lengthy preface, but my question is: with the removal of printed advertisements or advertisements printed in newspapers circulating throughout the state, how will South Australians become aware of the website, and the web address of that website, by which they can go and gain access to this information now?

The Hon. V.A. CHAPMAN: Firstly, can I say that the opposition has foreshadowed amendment No. 7, which deals with the same issue but specifically in relation to clause 12. It is the same issue, and it has been foreshadowed. I do not know why the opposition have not put an amendment to this clause complaining about this aspect of this. This is not a question about whether something is online or in a country newspaper.

Instead of saying that there is to be an advertisement in a newspaper circulating generally, i.e. *The Advertiser*—I do not know of any other statewide papers; I suppose *The Australian* is a statewide paper, it is an Australia-wide paper—that would offer that, this proposal is to substitute on a website determined by the Electoral Commissioner—

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: —and in any other matter prescribed by the regulations. I am advised by the commissioner that, as to the specific question of the website and where they find that, there is a one-month advertising campaign in the lead-up to the election starting, as announced by the commissioner for this next election, on 22 January, and the information about what is available on the website is on all the bus stops, in their advertisements and in their campaign in relation to that in the lead-up to the election.

So, yes, there is significant information that goes out. It may be that the Electoral Commissioner determines that he still puts it in *The Advertiser* and he puts it in social media and he puts it in other electronic form and he does some profiles in relation to social media platforms.

Mr Picton: It doesn't say that. It says based on what the regulations say.

The Hon. V.A. CHAPMAN: I am just putting to you that that is why it is a matter that he can present. Later, in the foreshadowed amendments, there is reference to this control over how it is to be done as described only by the Electoral Commissioner. That may be an option. I have often said in this place that if you have a good person who is able to competently undertake their role, that is fine. I would not have any problem trusting Mr Sherry to undertake his job competently. He has already demonstrated his capacity to do that in the various elections he has been involved in here and has undertaken his role competently.

I have never seen a situation where the terms of reference, and what is prescribed or not, are to be done by an independent commissioner who does not have the supervision of the parliament. The whole idea of having a regulation is so that it is this parliament that can have some supervision over that and a capacity to challenge it. I anticipate from the opposition's indication that they are looking to change the prescription by regulation to enable the flexibility the commissioner is seeking, which he is prepared to sign up to under the umbrella of the protections of the regulation laws, rather than to be determined as appropriate by him.

The commissioner has presented that position to us. It does not stop him continuing to advertise in any kind of print or social media that he suggests. Obviously, it seems to me that if there is a regulation in relation to this area it may include 'on the advice of an Electoral Commissioner'. I do not think there would be any harm in adding that, but I just remind members of parliament that that then reduces the scrutiny of the parliament. In any event, that may be an option we look at down the track, but it is not even before us in this clause. I do not know why, but anyway that is fine.

Mr BROWN: Arising out of the Attorney's previous answer, she has obviously indicated her great confidence in Mr Sherry, as we all have. She has raised this concept of this rogue electoral commissioner who is off doing their own thing and who the parliament should not have confidence in. I want to ask the Attorney: are there any other clauses in the bill that the Attorney is introducing as a way of checking the power of rogue electoral commissioners in the concept she has just flagged with the parliament?

The Hon. V.A. CHAPMAN: I think that is a nonsense. What I am suggesting is that the foreshadowed amendment of the opposition, that is, the medium by which there is a publication of this material, is to be determined, 'considered appropriate by the Electoral Commissioner'. It is the opposition introducing that concept and not us.

The Hon. S.C. MULLIGHAN: That is just a bogus argument from the Deputy Premier, made deliberately to obfuscate the point we are trying to make here: that is, that currently we have a legislative prescription requiring that advertisements must be placed in newspapers—must be placed in newspapers.

What clause 7 seeks to do is delete 'by advertisement in a newspaper circulating generally throughout the state'. That is being removed by the Attorney, that is being deleted, and it is to be substituted with 'a website'. Then we hear from the Deputy Premier that what she is doing is, in fact, enhancing parliamentary scrutiny by saying that if we have a good electoral commissioner there will be a set of regulations that may or may not go further than just having a website.

Of course, that then raises the questions: where are the regulations and what do they say? Have they been drafted yet? The answer, of course, is no, because what will an electoral commissioner do when they are working out how to conduct an election and advertise polling places? They will work out how much money they have to do it and what they think is the most effective way within that limited amount of money to advertise it. What is the cheapest way to do things? Put it on

a website: not take out an advertisement, a half-page or a full-page advertisement in the paper about polling places. That is very expensive.

So we now have a regime where we have lost the legislative requirement to advertise in a newspaper. It has been substituted by a far cheaper way of advertising. Let us all remind ourselves what we should be in the business of here, and that is giving South Australians who are entitled to vote absolutely every opportunity to vote. Restricting access to information about where they can go to vote is not consistent with enhancing people's opportunities to vote. It just is not. The Attorney might berate us for moving an amendment in one area or another; I think the member for Kaurna is now fixing that. If she wants us to fix the other deficiencies in the bill, then we look forward to doing that here.

But I do not understand why this government continues to run this campaign against newspapers here in South Australia, either those circulating generally throughout the state or those servicing regional communities. It is absolutely clear that to give South Australians the best chance of understanding how they can go about casting their vote, where their polling places might be and which ones are suitable for them, we enhance and not reduce the level of advertising.

The Attorney still has not answered my question, other than saying, 'We might advertise the website on a bus stop.' I do not know how many buses service your electorate, Chair—not an Adelaide Metro hotspot in my recollection as transport minister, not too many services are provided there. I am not sure what it is like in the member for Stuart's electorate or the member for Frome's electorate, the member for MacKillop's electorate, the member Mount Gambier's electorate—

An honourable member interjecting:

The Hon. S.C. MULLIGHAN: Yes, I had a few, and they were to be even fewer if the government had had its way. However, that is not a sufficient explanation to the parliament about how we can be assured that our constituents are going to have the best opportunity to be informed about where their polling places are. If the Deputy Premier and the party she represents will not stand up for country newspapers, will not stand up for other newspapers circulating generally throughout the state, then the Labor opposition is happy to.

The Hon. V.A. CHAPMAN: I will take that as a statement. I think there was one other matter raised. It was so long back in the presentation that I cannot remember what it was, but I was listening intently. I think I am hearing that there is a foreshadowed amendment coming to deal with the deficiency of the current tabled amendments, and that is fine.

I place on the record, as I have said throughout the debate, that I love newspapers—I read them, the country and city newspapers—but not everybody does. I accept that there are alternate sources of information, and the Electoral Commissioner is asking to add in there the provision for the website and the regulation power obviously allows for alternates.

The new information was that question in the middle: have there been any regulations drafted? As I understand it, there are drafted regulations on the funding bill and corflutes bill because there have been specific requests by the parties, including the representative from the Australian Labor Party, to have those and to be able to review them before we debated the bill. It is not the usual course. It has not been asked for in this bill, and so we are just following the usual course. We will do the regulations as soon as whatever gets through the parliament is passed.

The Hon. S.C. MULLIGHAN: My third question on this is: given the night is but young, can the Deputy Premier furnish us with some draft regulations with regard to this bill so that we can have a reasonable assessment about whether at least this provision will be sufficiently canvassed by regulations, let alone all of the other legislative amendments the bill seeks to effect?

The Hon. V.A. CHAPMAN: Clearly, I cannot, as I have just indicated that we have not prepared any draft regulations for this bill, but if there is an opportunity for that to be progressed, as I say, the representative who has the carriage of this matter in the other place, to the best of my knowledge, has not asked for some consideration of what the regulatory provisions will be under this bill.

That work has not been done. It is an unusual situation to be done. If the member is now asking it be done, I will see whether there is a possibility for that to occur and whether that may be

able to be undertaken between now and dealing with this in the other place. But I just make the point that it has not been asked for to date. Again, I do not know whether there have been any requests made to anyone else, but as I have the carriage of the bill, it seems a little unusual to request that at 5.40 halfway through the committee stage, but we will do what we can.

The Hon. S.C. MULLIGHAN: Halfway through? We are just beginning.

The Hon. V.A. CHAPMAN: That is what I am saying. We are halfway through. We have already had two days, I think, on this bill. That is what I am counting—three days.

Ms COOK: Just inquiring whether there were any recommendations or any feedback given to the Attorney throughout consultation that this was an 'and' kind of arrangement, so that the best practice in order to enfranchise as many people as we could in the voting system in South Australia would be to advertise in the newspaper and on a website in order to provide maximum reach.

The Hon. V.A. CHAPMAN: If the member looks at the first line of the substitute clauses, it says 'on a website determined by the Electoral Commissioner and in any other'.

Ms COOK: Just to confirm then, the Attorney is saying that we would continue to advertise all of our polling places etc. in a newspaper and on a website.

The Hon. V.A. CHAPMAN: This is the wording recommended by the commissioner. I am just indicating to you when you ask whether it is to be 'or' or 'and', it has made provision to allow for 'and' and that is precisely what is there.

Ms COOK: In relation to the options that were offered to you and suggestions that were made, were there any other means by which it was suggested that you should be advertising using any other 'and' platforms like 'and Facebook' or 'and Instagram' or any other types of platforms?

The Hon. V.A. CHAPMAN: I have left that open. I refer to my previous answers on that.

Mr PICTON: I have filed an amendment, which the Attorney was practically begging me to file to address the deficiencies in her legislation, so I have now done that, which is very similar to amendments Nos 7 and 8 I have already put on the record. I move:

Page 3, line 23—Delete 'prescribed by the regulations' and substitute 'considered appropriate by the Electoral Commissioner'

Hopefully, that explanation clarifies any handwriting discrepancies. The Attorney said earlier that what is being proposed here is to implement what the Electoral Commissioner recommended, and she said that very definitively. It is worth going back to see what the Electoral Commissioner did recommend in his report because, surprise, surprise, it is not actually what the Electoral Commissioner recommended. If you look at page 43 of the report from the 2018 state election, which of course has been sitting around for years now, recommendation 5 is:

That the Act be amended to remove the obligation for the Electoral Commissioner to publish public notices by advertisement in a newspaper circulating generally throughout the state, so that the notices can instead be published on ECSA's website or by any other means the Electoral Commissioner deems appropriate.

This is very different from what the Attorney has in her proposed bill, which is 'on a website determined by the Electoral Commissioner and in any other manner prescribed by the regulations'. So here we have the Electoral Commissioner saying very clearly that the Electoral Commissioner should be able to advertise it by any means they deem appropriate, whereas the Attorney-General is saying by any other means that the government of the day deems appropriate by issuing regulations. That is a very different proposition and that is why we have moved this amendment.

I do not know whether this straw man argument was about some rogue electoral commissioner. We have faith in the Electoral Commissioner. We have faith in the fact that the Electoral Commissioner will make the appropriate determination as to where these things should be advertised to make sure that people are appropriately notified.

What we have concerns about is that the Attorney is proposing that the government of the day should issue regulations, which they could do right before the election, that would have no ability for parliamentary oversight because parliament would have been suspended or prorogued and it essentially would be up to the government to determine what other matters would be prescribed by regulations.

This amendment, and the subsequent amendments that we have to the legislation, give the Electoral Commissioner the ability to determine which are the appropriate ways in which things should be advertised. It seems very clear that the government want to control this, whereas I am sure that the Electoral Commissioner would make the appropriate decisions to make sure that the public could be best notified by whatever means available to him or, in the future, her.

The CHAIR: The member for Kaurna has moved an amendment. Attorney, do you wish to speak to that?

The Hon. V.A. CHAPMAN: Only briefly again to say that there is no sinister move here in relation to the translation of what is raised in the report. The Electoral Commissioner has been through this bill. He has accepted that this is consistent with what he wants and he has not raised any concern or desire to me or to my advisers that he would prefer to have this drafted in terms that have been indicated by the opposition. If the member has some indication that that is the case—

Mr Picton: Yes, the report.

The Hon. V.A. CHAPMAN: Well, then, I would ask him to convey that information to the Electoral Commissioner—

Mr Picton: I will send you a copy of the report.

The Hon. V.A. CHAPMAN: I have the report, thank you, and I have read it.

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: We have had the discussion. Firstly, if there was a circumstance where that was inconsistent, bearing in mind that the Electoral Commissioner has been very involved in the development of this bill as to its application to what he has sought consistent with those recommendations, there has been no indication to us that there is a change. You have introduced a change. To the best of my knowledge, it has not even been with any consultation with the Electoral Commissioner, so I would ask you to inquire about that.

As I said earlier, it may be something that would be achievable by regulations that have in some way had the input of the Electoral Commissioner. We have no desire to remove him from all those different options I have referred to, which have been repeated again by the member for Hurtle Vale, that he may consider as appropriate not just on polling days but on all the other clauses that you referred to as to how the public get their information to prepare them for election day.

I simply indicate at this stage that I would propose that the clause stand and that the amendment being proposed by the member be opposed. But if it was a circumstance where, between the houses, the Electoral Commissioner came to me and said, 'This is something that we can live with or I am happy to be accommodated by some change which involves some consultation process with me as the Electoral Commissioner,' then I am happy to have a look at it. But, to date, this is just brand new.

Ms BEDFORD: In light of that answer to that question, Attorney, could this be something you could approach the commissioner about rather than wait to see if he approaches you? If what the member for Kaurna is saying is true and the words in that report are accurate, why can you not go and ask in the interests of a really good bill?

The Hon. V.A. CHAPMAN: I think just before we go on, because there are a number of amendments being proposed by the opposition we do not agree with, on the information before us at present the Electoral Commissioner has agreed with what is in the bill, not what is being proposed. What I am indicating, though, is if any member produces an amendment to a bill and wants to propose it, then of course they are welcome to get sufficient evidence or support for it.

The Electoral Commissioner, of course, will be following this debate and may already be in the process of presenting to me some argument about why we should continue to oppose it. I do not know the answer to that. I cannot research and do the work for or read the mind of other people who want to move amendments. I am giving an assurance to the house that what is before you in this area is entirely consistent with what the Electoral Commissioner has sought, in what he has reported

in his report. He has been active in the development of this bill and he has not raised any question to it. If there are other members, including Independents, who have a view—

Ms Bedford: Thank you for including me. That's lovely.

The Hon. V.A. CHAPMAN: Yes—including Independents, who have a view. The member may have missed the debate earlier where I wanted to give assurance that all members of political parties, including Independent members, were written to about this bill so that they would have the full information back in 2020 about what was being presented to them.

But I cannot argue for or look at—and then even be accused of, 'Well, you did not ask this or you did not ask that.' I cannot read the minds of people who want to present an argument for a change. I welcome a consideration of that. I am happy to take that up. At this stage, therefore, I foreshadow this is the first one that comes in relation to this aspect, which is suggesting a change. It has not been raised by the Electoral Commissioner with me as a change that he would embrace. So I am indicating to the house that, if there is some evidence that comes in the meantime upon presentation of that, of course I will have a look at it between the houses. But, at the moment, I oppose the amendment.

Ms BEDFORD: I just want to follow up on that. If all these other amendments are about something that is written in the report and has not been picked up, to me that is a concern, because if the Electoral Commissioner is missed in what he said in his report when reviewing the legislation, I am a bit concerned that we are not all on the same page.

It is no secret. I oppose a lot of what is going to on down here today. I am very concerned about electoral processes and care very much about democracy and the value of the vote. I will work with whatever you give me, whatever boundary I am given—I do not care. But I think in the interests of making sure we have a very good bill, it is beholden on all of us to make sure we do come out with the best possible bill and, if there are some misinterpretations of wording between the houses, that this is sorted out and not just left in the air so that somebody has to do something else. I am sure all the members on this side of the house will follow that up and I would be really reassured if I knew you were doing that as well because then I could be assured it was going to be fair.

The Hon. V.A. CHAPMAN: I thank the member for her contribution. I want to assure the house again in the member's presence that I have done all that. I have done all of that and I would hope that any member who wants to present an alternate argument or suggest that there is some weakness and go to the Electoral Commissioner—and I repeatedly said he is making himself available to be consulted with—they can do so. So I have done that. I want to reassure the member I have done that. I am bringing to the parliament what has been through the sieve of the Electoral Commissioner and I would invite any member to take that offer up from the Electoral Commissioner.

Ms Bedford interjecting:

The CHAIR: Thanks, member for Florey, for that information.

The Hon. S.C. MULLIGHAN: I support the member for Kaurna's amendment because, of course, it accurately reflects what the Electoral Commissioner has recommended to the parliament. I do not denigrate the Deputy Premier, but I will say that she has repeatedly provided an assurance that the specific wording of this clause accurately reflects what the Electoral Commissioner wants, but it is different from what the Electoral Commissioner recommended in his report.

We cannot be clearer than that. I do agree with the Deputy Premier that we find ourselves in the fortunate circumstance of having a good Electoral Commissioner, but we cannot always assure ourselves that that will be the case. We are legislating the parameters of electoral law, not for the personalities who may be involved in administering it.

I cast members' attention to the fact that it is we here in this place who set the strictures and the standards about how elections are to be conducted here in South Australia. I am not quite sure how much joy those three people up on the tapestry would have had if electoral reform were left up to whatever version of the Electoral Commissioner was in existence during the 1890s. We are the ones who determine what the electoral law is, whether it is based on the advice of a statutory officer or not.

Unfortunately, we are in the invidious position of having a report that is more than two years old versus what the Attorney tells us is her specific interaction with the Electoral Commissioner, the details of which we do not have. We have shown already there is an inconsistency. There is a remedy to this, but I would urge all members that we should tread carefully when we receive assurances from the Deputy Premier about what the Electoral Commissioner wants when it seems to be at variance with what is in his actual report.

Given how much faith the Deputy Premier has put in the Electoral Commissioner, I do not see that the member for Kaurna's proposal is unreasonable. It is not doing anything that derogates from what the Attorney's original amendment in the bill seeks to achieve. I would strongly encourage members to support the member for Kaurna's amendment.

Mr PICTON: I would like to reiterate that the Attorney was saying, 'If you have some evidence of what the Electoral Commissioner wants in relation to this clause.' Funnily enough, we do because the Electoral Commissioner wrote a report in 2018, and it has been sitting with the Attorney for a number of years now, and recommendation 5 is in stark contrast to what the Attorney has proposed to this parliament.

On the one hand, the Electoral Commissioner said 'or by any other means the Electoral Commissioner deems appropriate' and, on the other hand, the Attorney says 'and in any other manner prescribed by the regulations'. Decision made by the Electoral Commissioner; decision made by the government of the day—it could not be more stark in terms of who makes that decision. It is very clear what the Electoral Commissioner was seeking because he made that very clear to the parliament in his annual report.

Our proposed amendment seeks to exactly implement what the Electoral Commissioner recommended to the parliament and to make sure that the Electrical Commissioner has that ability to decide based on what he believes, independently from the government of the day, is the best way to promote polling booth locations.

Therefore, I think it is important that we listen to that advice and that we not leave this, and many other things the Attorney is trying to seek to leave up to regulation, up to the regulation of the government of the day, particularly when they very well could implement regulations after the parliament has finished at the end of this year and we cannot do anything, there is no oversight whatsoever and there is no ability for regulations to be disallowed through either house of parliament.

I think it is quite telling that the Attorney is saying that there are no regulations she can circulate, that we still have to do that work and that we are going to look at that down the track. I feel quite confident that the Attorney, if she wanted to, could have had that work done, could have presented it to the parliament and said, 'Here is the bill and, just so you are completely assured, here are the regulations we want to implement at the same time.' The Attorney has not done that.

The Attorney is going to leave it up until after the bill has passed, she hopes, for that work to happen, and that could well happen after parliament is finished and there will be no ability for oversight whatsoever. This is one area of a number in this bill where I propose that it would be far more prudent that the Electoral Commissioner have the ability to decide, rather than the government of the day, and it so happens that is exactly what the Electoral Commissioner wanted and said so in his report.

The Hon. V.A. CHAPMAN: As only just one matter to that, I just remind members that section 18 of the act, which relates to polling places, sets out obligations as to what the Electoral Commissioner may do and what he or she must do. Subparagraph (iv), which is being referred to here, in addition to all the others, sets out a mandated notice via advertisement in the newspaper circulated generally throughout the state of the position of the polling places for the district. It is that mandated provision which is all that is changing.

The Electoral Commissioner can spend his money—he has a fairly wide range on this—to do it in a number of different places if he wishes to. This is what he has asked be removed, this piece, to enable him to have that discretion. He is saying, 'I want to be able to put this on the website as the principle place or area,' but that does not stop him from publishing in a local paper or a little newsletter, if it is on a remote community, for example, or on social platforms, as I have referred to

before. It does not prevent him from doing that. I just ask members to appreciate that in what we are actually changing here.

This is not a situation where it is either able or designed to exclude what he can do, but we are really talking about what he must do. With that, as I have indicated, I am happy to look at anything further between houses on this matter, but at this point I have his proposal supporting what is before you, as in the bill not in the amendment.

The CHAIR: The member for Kaurna has moved an amendment to clause 7 and we will deal with that now.

The committee divided on the amendment:

Ayes.....21
Noes 21
Majority 0

AYES

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

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	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.
Speirs, D.J.	Tarzia, V.A.	Teague, J.B.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

PAIRS

Brock, G.G.	Marshall, S.S.	Szakacs, J.K.
Sanderson, R.		

The CHAIR: There being 21 ayes and 21 noes, as the Chair I have the casting vote, and I give my vote with the noes.

Amendment thus negatived; clause passed.

Clause 8.

Mr PICTON: I move:

Amendment No. 2 [Picton-2]—

Clause 8, page 3, lines 24 and 25—

Delete all of the contents of lines 24 and 25 and substitute:

8—Amendment of section 25—Printing of rolls

Section 25—delete 'or the Minister'

In relation to clause 8, my amendment No. 2 would retain the power for the Electoral Commissioner to be able to print the roll, if required. The 2014 election report and recommendation 2 recommended that the act be amended to either remove this section or remove the reference to the minister directing them to be printed. This amendment will still allow the Electoral Commissioner to direct that

the rolls be printed. Whilst it may not be necessary on a regular basis, there are a few instances where a printout will be useful. Despite dramatic advances in technology, there is always the need for redundancy in the ability of a paper electoral roll that would support this.

It would be unacceptable if we adopted an entirely digital model and then there were issues in the technology, or issues in terms of power or the like, that would lead to voters being unable to cast their votes. A paper backup could prove vital to avoid this situation. We certainly agree with the removal of the provision that the minister should be able to print the electoral roll. I am not sure why that was ever in the Electoral Act to begin with or whether or not it has ever actually been used.

To enable the Electoral Commissioner to print the roll seems an appropriate measure. Therefore, we promote this amendment to make sure that the Electoral Commissioner should be able to retain that ability in the future.

The Hon. V.A. CHAPMAN: I remind members that section 25 states: 'A roll must be printed whenever the Electoral Commissioner or the Minister so directs.' Our proposal is to delete it completely on the basis that the roll is now electronic. That is why we are removing it altogether. I think I understand why the member suggests that it stay in there, but we are now going to leave in: 'A roll must be printed whenever the Electoral Commissioner so directs.'

It is currently held in electronic form, and I suppose if somebody receives it, as many members of parliament have, they can print out sections of it if they wish. It does not stop there being a printed version or portion of it if the user of the roll wants to do that. We are proposing, consistent with the recommendation, that we just delete it altogether. It does not mean that it cannot be done. So that is why it is there.

Mr BROWN: Can the Attorney furnish the house with information about whether section 25 has actually been used at any stage?

The Hon. V.A. CHAPMAN: I am sure it has been over the years. If the member reads the recommendation in the report, its recommendation on the printing of the roll states:

> That the Act be amended to remove this section or delete reference to 'or the Minister so directs' as the rolls are available in electronic form and prepared for close of rolls for any relevant election.

I am sure it has been previously, but it is now all electronic.

The CHAIR: Member for Playford, just a point of clarification: this is the member for Kaurna's amendment, and you are quite at liberty to ask the Attorney questions—

Mr BROWN: I am asking her about the clause not the amendment.

The CHAIR: When we get to the clause, because we will deal with the clause as it is printed depending on what happens with the amendment.

Mr BROWN: Okay.

Mr PICTON: I might just respond to what the Attorney said, and I thank her for reading out the recommendation of the Electoral Commissioner because, once again, it highlights that the amendment that the opposition is moving is entirely consistent with what the Electoral Commissioner recommended in his report.

Two different options were proposed. The Attorney has gone with deleting it entirely, whereas we see that there might be a requirement in the future for the Electoral Commissioner to do it. But we wholly agree with the Electoral Commissioner's recommendation that the words 'or the minister' be deleted, because it is hard to envisage a situation in which the minister would need to or should be able to order a printing of the electoral roll.

The production of an electoral roll in a printed form does seem to be envisaged as potentially necessary, and the fact that the Electoral Commissioner put forward those two different options in his report I think would make a future redundancy available, even in the case of an electronic roll. Hence I moved this amendment to the house, that we keep that ability and go with the other option that the Electoral Commissioner put up rather than the one the Attorney-General suggested.

The committee divided on the amendment:

Ayes.....19
Noes 19
Majority 0

AYES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Boyer, B.I.	Brown, M.E.	Close, S.E.
Cook, N.F.	Duluk, S.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J.	Stinson, J.M. (teller)
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.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Power, C.	Speirs, D.J.	Tarzia, V.A.
Teague, J.B.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.		

PAIRS

Bignell, L.W.K.	Cregan, D.	Brock, G.G.
Marshall, S.S.	Piccolo, A.	Murray, S.
Szakacs, J.K.	Sanderson, R.	

The CHAIR: There being 19 ayes and 19 noes, the vote is tied. As Chair, I have a casting vote and I give my vote with the noes.

Amendment thus negatived.

Progress reported; committee to sit again.

Sitting suspended from 18:02 to 19:30.

Personal Explanation

FRUIT FLY

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (19:30): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.K.B. BASHAM: I have this afternoon been provided with advice from the Department of Primary Industries and Regions in relation to an answer I provided during estimates questioning on 29 July 2021. In answer to a question from the member for Lee in relation to how much Ms Poh Ling Yeow was paid for appearing in fruit fly advertisements, I was advised in writing by the department in a briefing note dated 23 July 2021 that the payment amount is commercial-in-confidence.

In answer to further questions on this matter, my department advisers verbally informed me it was their understanding that it was Ms Poh Ling Yeow's firm that requested the amount be treated as commercial-in-confidence. That was the answer I then provided. The advice provided to me was incorrect. I am now advised by the department that there is no confidentiality clause in the final signed contract with Ms Poh Ling Yeow. The contract was for a 12-month period from 12 February 2021 for an amount of $10,000 for the use of images.

Bills

ELECTORAL (ELECTRONIC DOCUMENTS AND OTHER MATTERS) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 8.

The CHAIR: Prior to the dinner break, amendment No. 2 on schedule 2 was not agreed to. We now come to clause 8 as printed. Are there any questions?

Mr PICTON: Thank you for reminding me of the tragic loss of amendment No. 2 on your tie breaking vote. I will not reflect.

The Hon. V.A. Chapman: You can't reflect on a vote.

Mr PICTON: Well, the Chair did.

The CHAIR: Thank you for reminding me, member for Kaurna.

Mr PICTON: Yes, that is right. Attorney, in your explanation earlier, I think you said, essentially, that the roll is electronic and does not need to be printed anymore. If the rolls no longer need to be printed, what is the reason why they need to be closed?

The Hon. V.A. CHAPMAN: Of course, we do regularly look at legislation that is redundant, essentially, and this is one of those occasions. That is since 2014, I might say.

Mr PICTON: I think the Attorney might have misunderstood my question. If the electoral roll no longer needs to be printed, as the Attorney has said previously, why is there a need to have a closure of the roll where, after a certain date, people cannot join the roll anymore?

My understanding is that the Attorney's proposal and amendments would still have a date on which the electoral roll would close and no further people could be admitted to the roll. My understanding is that back in the day that would be when the rolls would be printed, when they would be distributed, but we are now finding out that there is never a particular date when they are printed because it is an electronic, always evolving roll. Why do we have to close the roll? Why could we not just keep it open for new people who need to enrol through the process?

The Hon. V.A. CHAPMAN: Just because the roll is now kept in electronic form does not mean that there is a process that has to be undertaken for people to apply, which they can do online, but you still have to apply. Someone has to assess it, someone has to collate that data, and it goes through that system. Just because it is electronic does not mean it is still a job that needs to be done and approved. It is not a question where you just go on and press a button and you are automatically on the roll. There is still a process. That is why we have seen an indication from the AEC that this is not something that they can accommodate as a process when they are preparing for a federal election.

I am not the arbiter of how much they do and what they do, but we have had electronic recording of our data for years. In 2014, this recommendation came from the Electoral Commissioner—the former one, I think it was Ms Mousley.

Mr BROWN: I will try to ask the question I was going to ask the Attorney previously, before the tragic demise of the amendment.

The Hon. V.A. Chapman interjecting:

Mr BROWN: It is always tragic to see an amendment of any type fail. It does not matter what its merits are. This particular section obviously removes the ability to have on demand a printed roll produced. The question I asked earlier was that this is a savings provision of sorts. A physical roll must be produced. Can the Attorney inform the house when the last time, according to either her knowledge or the adviser's knowledge, this particular section was actually used by a minister or the commissioner?

The Hon. V.A. CHAPMAN: We do not know the answer to that, but it has been electronically recorded for a number of years. I think members would be familiar with the fact that there are products

that you can purchase, obviously, accessing the electoral roll, which has been electronic for a number of years. How long since somebody has actually printed out the entire roll? I have no idea. We can make that inquiry between the houses and provide an answer.

Mr PICTON: Following the Attorney's previous answer where she said that basically the reason why the roll had to be closed was that people needed to process it, why is it the case that in Queensland there can be enrolment up to the day before election day there; in the ACT, as I understand it, the roll never closes; and in the Northern Territory people are able to change their enrolment on the day? It seems that in those jurisdictions there is an ability for that change and that processing to take place. Presumably, the now digital roll that the Attorney is talking about would make that easier. Is this just a question of staffing or a policy decision for why that could not be the case in this instance?

The Hon. V.A. CHAPMAN: You have made it very clear during the course of the debate that it is acknowledged that there are some jurisdictions that have moved to this and have some cooperative arrangement with the AEC, whatever that may be. What the AEC are saying, if you read the letter that I provided to the parliament yesterday, is they are making it very clear to the customer here, namely, ECSA, that this is not feasible this cycle for this election. They make that very clear.

Clearly, work has to be done to accommodate a whole state coming into that process. That is what they are telling us, and I cannot offer any more. Obviously, this is a proposal coming from the Australian Labor Party. Whilst we respect the proposal, we do not agree with it. As I have indicated, and I have spoken at length about this proposal, there is work to be done that has to be done and, as I understand it, at some cost.

As I have said right from the start, we identified areas of, we think, important reform—pre-polls, telephone voting, etc.—which we think had merit. As it turned out, in a COVID circumstance it is now imperative that we can advance. There are costs associated with even those things, so we have had to make provision for those in the budget. You have raised questions in estimates about those initiatives, and I have indicated there are more coming as a result of COVID and COVID planning, extra staff required for all the physical requirements on the basis that we are not completely out of the woods—potentially in March or April next year.

That is where we are at. There are extra costs. We have not had those costed because we understand that is a provision. We have identified what we think is achievable. I think the AEC make note in their letter, also, that they are undertaking a whole lot of reforms themselves, presumably as a result of amendments to the commonwealth act. We are in their hands in that regard. I hope that assists.

Mr PICTON: Just to correct the record, the Attorney says that this is some proposal from the Australian Labor Party: it is actually a proposal originally from the Electoral Commissioner in his report. In recommendation 1 he says that the act be amended to enable eligible electors to enrol up to and on polling day.

The Hon. V.A. Chapman interjecting:

Mr PICTON: I am just correcting the record.

Ms COOK: Did the minister have any feedback at all throughout the consultation process regarding whether or not this would disadvantage any particular age group or demographic?

The Hon. V.A. CHAPMAN: Only the suggestion that was raised by the children's commissioner, and I have referred to that at length. I am not sure whether the member for Hurtle Vale was in a position to be able to listen attentively to exactly what I was presenting at that stage. In short, I identified that the six days to two-day provision is a complete red herring; there will be a full month of advertising campaign.

In relation to this other aspect, it has been raised. I have identified the actual nine people she has listened to. Of all the quotes I read out from their response to the survey on that, there had not been any which actually identified their right to be able to vote up to election day as being critical to children at all. Nevertheless, she raised other important initiatives that she thinks would be of assistance in helping the education of children during that period, and encouraging them to have a voice, have a vote.

I do not make any criticism of that, but I make the point that, apart from her letter, yes, there has been reference to that. Each one of the members of the house on the other side have read it out. I have not had other people complain about it; there have been no other people who have written to me, that I am aware of, who said, 'This is something that must be done.'

It was considered by the Electoral Commissioner in his 2019 report. I have explained the reasons why that is not physically practical and provided the documentation from the AEC to confirm that.

Clause passed.

Mr BROWN: Chair, I draw your attention to the state of the house.

A quorum having been formed:

Clause 9.

Mr PICTON: Attorney, does the amendment to change clause 9 make any practical difference or is this tidying up the wording? Was this recommended by the Electoral Commissioner in the report or has this come via some other process?

The Hon. V.A. CHAPMAN: I am advised that clauses 8 and 9 are reflective of the fact that the roll is now electronic. I point out that the 2014 election report Recommendation 2 refers to the matter we have just discussed, as to the recommendation there. Recommendation 3, relates to 'Inspection and provision of rolls' and that the act be amended to remove the reference to 'of the latest prints' of the rolls if section 25 is removed under the previous recommendations. So it is essentially consequential on what we have already dealt with.

Clause passed.

New clause 9A

Mr PICTON: I move:

Amendment No 3 [Picton—3]

Page 3, after line 27—Insert:

9A—Amendment of section 29—Entitlement to enrolment

Section 29(1)(a)(iii)—delete subparagraph (iii) and substitute:

(iii) has their principal place of residence in the subdivision and—

(a) has lived at that place of residence for a continuous period of at least 1 month immediately preceding the date of the claim for enrolment; or

(b) lives at that place of residence and satisfies the Electoral Commissioner with evidence that complies with any requirements of the Electoral Commissioner they will live there for more than 1 month from the date of the claim for enrolment; and

This amendment would allow someone who has changed their principal place of residence to change their enrolment prior to completing one month of residence if they can satisfy the Electoral Commissioner that they will live there for more than one month from their claim of enrolment. This could be in the form of a lease, a tenancy agreement, a statutory declaration or any form of evidence approved and accepted by the Electoral Commissioner. This provision seeks to ensure that everyone can vote in the electorate in which they live. It is a fundamental principle, and I am sure everybody in the house agrees with it.

The current system has been working well, but it does not have the flexibility to deal with people who have recently moved into a house and will be living there for some or all of the upcoming term of parliament. Importantly, the amendment will leave it up to the Electoral Commissioner to choose what kind of evidence will provide sufficient proof that a person will live somewhere for at least the next month.

I am sure that if you ask somebody in Rundle Mall tomorrow what they do when they move address, they will probably say they will change their bank details, their utilities and maybe their electoral roll. I do not think many people realise that, technically, under the law you have to wait a

month that you have been in the new residence before you can change it. Perhaps this is an area in which many people update that before the month, and this goes through to the keeper in lots of ways.

I think it is appropriate that our laws make sure that people can vote where they are going to be living in the long term. If people can demonstrate that they will be there for at least a month, then it is appropriate that they will be able to be enrolled at that address.

Mr BROWN: I would like to speak briefly in favour of the amendment. I would like to thank the member for Kaurna for moving this amendment. I think it is a noble aim to update our Electoral Act to take account of people's changed circumstances. As I am sure many of us in this place do, I meet people from time to time who have moved into the area but have either not updated their electoral enrolment or only just updated their electoral enrolment. I think it would be most appropriate that those people are able to choose their members at an election, those people who are prospectively going to be in a particular area. That way, members can be more responsible to those people who will be in the long term living in the areas they represent.

Also, I think it would be something that would lead to better decision-making about members in their local areas and the state as a whole. Whilst we are here looking at the act, and trying to make changes to the act to allow it to be more responsive to the situation we find ourselves in and the way people live their lives at the moment, I think this sort of amendment is exactly the sort of thing that we should be putting in, rather than some of the other things the government has put into this bill.

The Hon. V.A. CHAPMAN: Section 31A, under division 2A—Itinerant persons, sets out the circumstances by which a person may apply for enrolment under this section. It provides that the person (a) is in South Australia and has lived here for a continuous period of a month prior to the date of the application of enrolment and (b) qualifies for enrolment under certain sections.

This amendment obviously makes amendments to those provisions so that itinerant electors who fail to vote or who are outside SA for more than a month do not lose their itinerant status as itinerant electors and are no longer required to give notice of their intent to leave the state for at least a month. Reference is made to this from the 2018 election report at page 16.

This amendment is also purporting to facilitate late enrolment, so it is how we might deal with this for the itinerants or itinerant persons. To ensure that as many South Australians as possible can participate in state elections, particularly young electors, a recommendation for enrolment up to and on polling day was made in the election report, and that is acknowledged. However, due to the cost and complexity of this, this recommendation was not included in this bill.

Advice has since been sought from the Electoral Commissioner—and you have the letter to review, members, that I tabled yesterday—regarding enrolment on the day. The federal Electoral Commissioner, in short, stated that the Australian Electoral Commission would not be able to, at this time, provide the necessary support to action and progress the volumes of enrolment transactions that would be likely should the recommendation be progressed.

The processes and procedures for the AEC to support this proposal, including the transfer and integration of data from the processes and systems, would require significant planning and systems changes to ensure that it would be introduced properly and they would be severely restricted in their ability to do so for the following reasons: one, they are currently within their election window where the Prime Minister could call an election at any stage; and, two, they are presently required to implement significant operational and system changes stemming from recent federal legislative changes. Accordingly, I indicate that I will be opposing amendment No. 3.

Mr PICTON: I will just respond to a comment from the Attorney in relation to the amendment. She points to section 31A in relation to itinerant electors as a potential way in which people could be covered. I think that misreads what we are attempting to do here, to cover people who are not what you would define as itinerant, which I understand means to move from place to place, but people who have moved from one location to another and are seeking to be in that second location for a long period of time and who want to make sure that they can enrol in time for the next election for where they are going to be living.

I do not see any particular reason the Attorney has outlined, including reiterating the AEC advice on a completely separate issue, that would mean that this could not be in place and that we could not have the ability for people to be enrolled in the place where they are living, have moved to and intend to be for some time into the future.

Ms COOK: I just want to point out that I think some of the issues that are important are actually being lost here. I think what is important is that everybody has a right to enrol to vote and that is no matter who people are and where they are and where they are living. We talk about people who are itinerant, for example. People who through no fault of their own end up without a place to call home. They need to identify somewhere that they can call home in order to be enrolled on the electoral roll.

I think we have to look at the big picture here. This bill in its entirety should be about avoiding the disenfranchisement of people who are at risk of being so. This whole bill needs to focus on who needs to have a say, who does the parliament affect the most by the decisions that it makes. We are waiting for the new Census numbers, but we have 6,000-odd people on the last Census numbers in South Australia who did not have a place to call home.

These people have to be able to trust somewhere someone enough to put their digs down and enrol to vote. Actually, I could not care what those rules are around that, to be quite frank, because the decisions we make in the parliament, as we have seen the decisions that the government can make separate to the parliament, affect those people in an inversely disproportionate way.

With what has happened recently to people who are homeless without somewhere to call home, they want to have a say about that, and to have a say about that they have to do it at the ballot box. Irrespective of how we set those rules, our focus must be on young people whose future it is we affect, newly arrived people to Australia who commit to become part of the country they have chosen and love, and people who are at risk because, through no fault of their own, they have nowhere to call home. No matter how this happens, it needs to be in a way that means those people get to have a say.

I support what the member for Kaurna is saying and will continue to predicate this argument and remind the Attorney that we come from privilege. We have not had that choice or lack or choice. We have not been at risk of being disenfranchised like people who do not have a place to call home. So, however this happens, I would like the Attorney to put that at the front of her mind along with young people, people from other backgrounds, people who have chronic health conditions, mental health conditions—people who need to have a say. However that happens, I would ask the Attorney to put that at front of mind and behind goes the political stuff.

The Hon. V.A. CHAPMAN: I think the member for Hurtle Vale makes a very good point. It is important that our itinerant persons, for whatever circumstance they find themselves in, have an opportunity to be able to participate in the voting process, and that is the whole purpose of what is already in the act. If the member were to have a look at the whole division 2A, which is in there for itinerant persons—I would have to check back and see when it actually came in—this is an issue that was dealt with some time ago. It is already in the act.

It used to be easy for Australians to vote wherever they were driving around in their caravan or whatever, but it is more difficult and more complicated to be within the jurisdiction of the state if they are doing the same thing. Let's face it: we have a very large population of people who are on the road, not necessarily homeless but interested in travelling. and they are out of the jurisdiction for significant periods of time. The whole of division 2A sets out a process that enables them to qualify. They have to qualify in certain ways. For example, and I read this before:

> (1) A person may apply for enrolment under this section if the person—
>
> (a) is in South Australia and has lived in South Australia for a continuous period of 1 month prior to the date of the application for enrolment;

and (b) qualifies for enrolment under a number of these other sections. So we already have a process to recognise those circumstances, particularly the one the member has suggested, that is, suddenly finding themselves homeless. The house has been sold up by the bank, they are removed or evicted from a rental property, whatever the circumstance that might be a hardship circumstance like that. So we have that.

This is now an amendment being proposed by the member for Kaurna that suggests the facilitation of the entitlement to enrolment and then we are about to have the entitlement for transfer amendment or making a claim for enrolment or transfer of an enrolment, foreshadowing

amendment No 4, to facilitate an enrolment up to election day, and that is not what we are agreeing to. I do not disagree with the sentiment of the matter that has been raised, but that is already part of the act.

The committee divided on the new clause:

Ayes.....15
Noes 20
Majority 5

AYES

Bedford, F.E.	Bettison, Z.L.	Brown, M.E.
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Michaels, A.	Mullighan, S.C.	Odenwalder, L.K.
Picton, C.J. (teller)	Stinson, J.M.	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)	Knoll, S.K.	Luethen, P.
McBride, N.	Patterson, S.J.R.	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

Bignell, L.W.K.	Cregan, D.	Brock, G.G.
Pederick, A.S.	Malinauskas, P.	Marshall, S.S.
Szakacs, J.K.	Murray, S.	

New clause thus negatived.

Clause 10.

Mr PICTON: In regard to itinerant electors, how do they currently appear on the electoral roll?

The Hon. V.A. CHAPMAN: I am not sure I understand the question. Is their name identified without an address; is that what you are asking me?

Mr Picton: There is no further information that is—

The Hon. V.A. CHAPMAN: I am not quite sure I understand the question. Is it to be how they are literally described, just a name?

The CHAIR: We will get the member for Kaurna to repeat the question.

Mr PICTON: In regard to itinerant electors, obviously there is a separate process for their registration on the electoral roll, so the question is: how are they recorded on the electoral roll? How do they appear? Is there a separate element of the roll in which they are kept? Is there separate identifying information that needs to happen in relation to them, or is it merely, as you were leading to suggest, that it is basically the same but without an address?

The Hon. V.A. CHAPMAN: I do not know the answer to that question. That is why I was trying to seek some clarification. We will make that inquiry with the commission as to whether they are on a separate roll. I imagine they are a bit like those with a silent address. As members will know, from time to time as members we support people having a confidential address, an undisclosed address. Sometimes it is for protection in a domestic violence situation and things of that nature.

How they are recorded or whether they are recorded in a separate electronic list, I do not know the answer to that, but I will make that inquiry between the houses.

Mr PICTON: How is it determined what division an itinerant elector is enrolled in?

The Hon. V.A. CHAPMAN: I think that is set out in the section itself of the current act. That relates, presumably, to section 31A, which provides:

> (1) A person may apply for enrolment under this section if the person—
>
> (a) is in South Australia and has lived in South Australia for a continuous period of 1 month prior to the date of the application for enrolment...

You have to have had a place that you did live in. I am assuming it relates to that region. If you have left and you still qualify as being itinerant, presumably it would have been in that electorate. But if it is anything different, I will get that information to you.

Mr PICTON: In relation to the amendments that the Attorney is moving, from my reading, clause 10(1) and 10(3) relate to where people had been leaving the state for a month. That was an element in which they would leave the roll, and that is being removed now. Is it possible, under these new provisions, that an itinerant elector could end up being enrolled as a voter in multiple states? If so, how is that going to be mitigated?

The Hon. V.A. CHAPMAN: On the information I have here in relation to that section, I do not think that it relates, although there is a harmonisation provision. Consistent with the concept that itinerant voters do have a chance to have a vote and that they don't get disenfranchised from lack of having a permanent address, I am advised as follows: before the 2018 state election ECSA stakeholder partners from the homeless sector raised concerns during the consultation that by encouraging their clients to enrol as itinerant electors and participate in the election they could be setting them up for failure.

ECSA seeks legislative changes to section 31A(10)—this is the changes we are looking at here of the act—so that itinerant electors who fail to vote at a state election or who remain outside the state for a period of more than one month are not stripped of itinerant status and removed from the electoral roll. Both provisions are inconsistent with the commonwealth legislation, which leads to a situation whereby South Australians who are enrolled as itinerant electors and then do not vote or go travelling are removed from the roll for state elections but continue to be enrolled for federal elections.

This is another case where harmonisation with the commonwealth would be beneficial. This provision is important for grey nomads and other non-overseas travellers who are currently unable to remain on the state roll if they leave the state for more than a month. If this change is made, 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. So the amendment in clause 10(1) deletes paragraph (b). So essentially this is to not disenfranchise people who are itinerant but they are actually outside the state for more than a month. That is as I understand it.

Mr BROWN: The Attorney has already indicated to us that the commissioner has had a number of conversations with the AEC regarding parts of the operation of the bill. Is she aware of conversations that the commissioner has had with the AEC regarding harmonisation and how it might be interplayed between these provisions of the state act and the commonwealth enrolment of itinerant voters?

The Hon. V.A. CHAPMAN: No, I am not. They are two separate things in relation to what the entitlements are to vote on the AEC and then what the eligibility or disqualification is for within state voting. Obviously there are attempts to harmonise, as I understand it. Here what we are trying to do is to—because people can fall foul of the state thresholds but still be able to stay on the commonwealth thresholds. So you can whiz around Australia and not be disenfranchised from a federal election, it seems, but itinerants out of states are at risk. My understanding is that we are doing these amendments to provide for that.

I indicate to the committee—because I was asked about the recording on the roll of itinerants—that I am advised that under section 31A(3)(c) is provision for how they are recorded and

I will just quickly indicate, for those members who are interested in this, that the Electoral Commissioner will cause the name of the person to be entered on the roll for the subdivision for which the person last had an entitlement to be enrolled; or if the person has never had an entitlement for a subdivision for which any of the person's next of kin is enrolled; or if neither subparagraph (i) nor subparagraph (ii) applies, for the subdivision in which the person was born; or if none of subparagraphs (i), (ii) and (iii) applies, the subdivision with which the person has the closest connection.

Subsection (4) sets out the Electoral Commissioner may, in connection with the operation of subsection (3), include on the roll an address in the subdivision that is taken to be the person's principal place of residence for the purposes of this Act and any other Act or law relating to enrolment under this Act. And then, under subsection (5), the Electoral Commissioner will also annotate the roll so as to indicate that the person is enrolled under this section.

So it appears as though they do actually go in the normal list, they are annotated in some way and they may have a descriptor address there relevant to however they might qualify under that, but that is the process. It is all set out in section 31A.

Ms COOK: I do not know whether the Attorney referred at all to the report done by the University of South Australia in partnership with the University of Adelaide for the Electoral Commission only a few years ago. No, you have not looked at that? I will just tell you a couple of things in relation to itinerant or homelessness and electoral participation because this is what this whole study was about and it is actually pretty recent that it was done. One of the quotes I found pretty poignant was:

> That was one of the main things for me, being homeless, you know, the politicians knowing that okay, we are constituents, you know, members of society, the homeless are actually coming out to vote, that my vote matters as much as those people who are working.

That was a 30-year-old fellow who was homeless talking about the importance of voting. It is 86 pages and I do not intend to try to read the whole lot because I am sure we would all have enough of that by the end, but I think there were some really important findings in that. My take on that report is that, irrespective of people's circumstances and where they live and what situation they find themselves in, people are interested in having a participatory role in their destiny and having a say.

It was found through this study of quite a lot of homeless people that in fact, while their voter turnout is relatively low, it is the barriers that are put in place by our society and by those making the decisions that actually often dictate the participation rate of the voter that is homeless, but that is not proportionate in terms of their political engagement and their knowledge of politics itself and how important it is. So if we were to actually listen to those people, I think we would make a much greater effort.

I think, Attorney, you were not sure before about the process of how people identify where they are. My understanding is that you pick a provider, you can pick a person who is providing those services and affix yourself to there as a voter to be able to receive the information and to put the statement that, 'I belong here. This is where I am casting my vote.' I guess the way that homelessness is with people who do not have a permanent roof, that creates quite a number of people who are around the city of Adelaide who are seeking service and shelter and social supports. Attorney, with respect to this particular section, were homeless people consulted?

The Hon. V.A. CHAPMAN: I do not believe so, but can I just say this: I am not sure of the report you are referring to, but I thought I had made it clear but, if I had not, ECSA acknowledged that before 2018 this whole question of homelessness and the even inadvertent disenfranchising of these people was an important matter to be considered.

I think since about 2014 we have had provision for itinerant voters, but they considered that it needed to be strengthened. So I am assuming that when they talk about the homeless sector and partnering them in relation to this as stakeholders, we are talking about representatives of the homeless people, which I accept. Therefore, one of the reasons we are doing these clause 10 provisions in the bill is actually to make sure we capture the work they have done in recognition of the very points you make.

What I read out earlier, which sets out the provisions of subsections (3), (4) and (5) of section 31A—Itinerant persons, is the process that you alluded to, and that is exactly what I have

just read out, where they can put their last known address, where they were born, where they are closely attached to, and that can be via a service provider or a homeless service, for example.

You are absolutely right. I thought I had read it all out to make that clear. There is a whole section in the act already to recognise itinerants. We are strengthening it. The member for Kaurna's motion is one which is dovetailed into allowing for the whole proposal for registration of itinerant voters and/or transfer of votes up to polling day, and I have explained that that is simply—for everybody, not just for homeless people—not achievable by the AEC at present.

So, yes, we have a law for itinerants and, yes, we are strengthening it. The amendment the member for Kaurna is presenting is really just a part of the package to do up until polling day. I have traversed it many times, but I make absolutely clear that this is simply not achievable for the AEC for this election.

Ms COOK: A question with respect to that enrolment process: is it essential that someone has a last known address in order to be able to enrol or re-enrol and get back on the electoral roll? Do they have to have a last known address?

The Hon. V.A. CHAPMAN: Either (i), (ii), (iii) or (iv), and if they do not have a last known address where they are entitled to be enrolled they can go under (ii), (iii) or (iv), even to the closest connection, whatever that can be determined as. I assume that can be, for example, via a carer service, a homeless service or a shelter provision, which they may have no legal entitlement to but which they may have some temporary service provision for. It can be care of Shelter SA or of such and such housing co-op or something of that nature. So, in answer to the question, yes.

Clause passed.

New clause 10A.

Mr PICTON: I move:

Amendment No 4 [Picton–2]—

Page 3, after line 31—Insert:

10A—Amendment of section 32—Making of claim for enrolment or transfer of enrolment

Section 32—after subsection (1a) insert:

(1b) If a person makes a claim for enrolment or transfer of enrolment pursuant to section 69(1a), the person will be taken to have made a claim for enrolment or transfer of enrolment in accordance with this Act (even if the claim does not comply with the requirements to be in the manner and form approved by the Electoral Commissioner and given to an electoral registrar).

I remind the committee of recommendation No. 1 from the Electoral Commissioner in his report that was delivered to the government some years ago now:

Recommendation 1.

That [the act] be amended to enable eligible electors to enrol up to and on polling day. After claiming enrolment, these electors would be allowed to cast declaration votes which would not be admitted to the count until an enrolment investigation had been satisfactorily completed in the week after polling day.

Those are the Electoral Commissioner's own words. This is a bill where the government has claimed to be implementing the recommendations of the Electoral Commissioner's report. However, they have decided to omit the key first recommendation, recommendation 1. This is not recommendation 37—this is recommendation 1.

The government are trying to have it both ways: they are trying to say, 'We've got plenty of time until the next election to implement these changes that we are bringing to the parliament and debating in September before the March election,' but then, on the other hand, they are saying, 'Oh, no, no, no, we can't do recommendation 1 of the Electoral Commissioner because it's too close to the election, too close to implement that one, but all these other changes, we've got plenty of time to do them'. They are trying to have their cake and eat it too.

This amendment is the first in a series that will allow enrolment or transfers of enrolment up to the close of polls on polling day. Anyone who enrols or transfers after the rolls are closed will be

required to make a declaration vote. This acts on recommendation No. 1 from the Electoral Commissioner and already occurs in other jurisdictions. In recent times, the government introduced four electoral bills. Not a single one of those included that No. 1 recommendation of the Electoral Commissioner resulting from the 2018 election.

It is interesting, looking back at comments from the member for Bragg in previous debates we have had in this parliament in relation to electoral bills. I looked back at something she had to say in 2016 on a previous set of amendments that were being raised about the electoral bill after the 2014 election—so 2016, well before the 2018 election. The member for Bragg said to the parliament:

> The bill we are currently dealing with, the miscellaneous bill, carries the bulk of the recommendations the government has picked up from the Electoral Commissioner post the 2014 election. In fact, it is about half of what the Electoral Commissioner, Ms Kay Mousley, recommended in her report to the parliament in July 2015. Ms Mousley recommended some 30 reforms in legislation, primarily to the Electoral Act, that she considered were worthy of the parliament's consideration before we advanced to the next state election. I am completely at a loss why it has taken the government until November this year—

2016, remember—

> to table a bill, especially as it incorporates only half of the recommendations of the Electoral Commissioner.

So now we are in a situation where we are in September, before the election in March, with half of the recommendations from the electoral report being ignored and the Attorney seemingly has changed her mind. Not only has she changed her mind but the Attorney is the delay. Not only has the Attorney taken several years to bring on this bill but she has waited so long that it is apparently too late to implement the number one recommendation of the 2018 report now, but all the others are fine. When the Attorney was asked about resourcing she said:

> Let me just explain therefore that, if we were to introduce these reforms and all the provisions that we have in relation to extra personnel, etc., required by the commission to deal with the COVID circumstances, then we are going to have to identify what else is the most important. I am advised that in relation to recommendation 1, yes, there would be a cost obviously because there would be a requirement for the Electoral Commission to be able to process and then ultimately assess, and then open and count later, declarations in relation to late enrolments as we move up to either the day before the election or the day of the election. That clearly is an extra cost, and we had to make some decision about how much we could advance in this tranche of legislation and what was going to have to be the priority.

The letter tabled by the Attorney last night from the Australian Electoral Commissioner, Tom Rogers, to the South Australian Electoral Commissioner, Mick Sherry, said that this change was technically possible but that resourcing was a key risk. Let's be abundantly clear: if the government wanted to enfranchise all South Australians and let them enrol up to election day, they could.

Instead, this government has decided to pursue various pet projects from the Attorney-General that no-one asked for and that were roundly rejected by this parliament. Unfortunately, this is not surprising. You just have to look at the last time the Liberals were in government, when they tried to abolish compulsory voting. This government clearly does not want every South Australian over the age of 18 to be able to vote.

This is a late stage to make this electoral change to the system, but the entire bill is too late. You cannot on the one hand say that in terms of this bill there is plenty of time before the next election to make a huge amount of changes but on the other hand say that we cannot make this change that was the number one recommendation of the Electoral Commissioner.

It is important that this very important enfranchisement of all eligible voters in South Australia proceed. These amendments set out that if a person makes a claim for enrolment or transfer of enrolment under this act before the close of polls, they will be entitled to vote for the relevant district by way of a declaration vote. In practice, this declaration vote will give the Electoral Commission time to verify that the voter is in fact eligible to vote in that district.

It also includes a savings provision. If there were a minor error in the manner and form of someone making a claim for enrolment or transfer enrolment, they would not be disenfranchised. If a person goes to a polling booth and votes, they can be sure that even if there is a minor technical error in their claim of enrolment or transfer enrolment, their vote would still be counted. This will be important when the Electoral Commission checks the entitlement to vote for people under this section.

This set of amendments is a simple proposition. Any South Australian who is eligible to vote can turn up to a polling booth and vote. It might be somebody who has just turned 18. It might be

somebody who has recently become an Australian citizen. It might have been somebody who was turned away at a previous election because they were not on the roll. There have been limits in technology in the past that meant it would be difficult for a person to vote on election day, if they were enrolled on the same day, but we do not have those limitations anymore, and jurisdictions around Australia and the world have been allowing eligible people to vote when they turn up.

As has already been mentioned, enough electors to fill an entire state seat enrolled to vote in the last six days before enrolments were shut prior to the 2018 election. We do not know how many people tried to enrol after that point but were turned away. We know that young people were disproportionately represented among those who were not enrolled to vote. There was a record enrolment by young people prior to the marriage equality postal survey four years ago, but still many thousands of young people are not enrolled.

This will give South Australians—all South Australians over the age of 18—the ability to have a voice regarding who represents them. New South Wales, which has had enrolment up to and including election day, saw more than 83,000 enrolment provisional votes at their 2019 election—83,000. Of course, they have a larger population, so in South Australia it would obviously be proportionately less, but we are still talking about well over 10,000-odd people who would be updating or enrolling for the first time here in South Australia if this measure was to be able to be passed.

The Electoral Commissioner thought this change was important enough to make it his number one recommendation in the 2018 report. Unfortunately, this government sought to do the opposite, but this is the opportunity for the parliament to now fix that.

The Hon. V.A. CHAPMAN: This is also part of the proposed amendments to facilitate up to election day enrolment, and I think I have canvassed the general aspects of that quite at length. This particular amendment, though, to insert the 10A provisions which allow for enrolment or a transfer of enrolment, actually goes further than recommendation No. 1 of the electoral report suggests. This amendment relating to late transfer of enrolment is opposed for the reasons I have outlined already, but this amendment goes further than the Electoral Commission recommendation and includes transfer of enrolment as well as late enrolment for new electors. The recommendation relates to late enrolment. This adds transfer of enrolment as well. It is just a further feature as to why we would say, as the AEC has pointed out, that they are not in a position to facilitate this.

We can revisit the merits or otherwise of the argument of the member for Kaurna that somehow or other nothing has happened in this space since 2019. There are two things that have happened. A bill was introduced in this parliament last year. It was dismissed; that is acknowledged. At no time since this report has been published has the opposition presented a bill at all. At no time did the opposition raise this as an issue when we debated the bill last time. I do not know: suddenly they might have had some apparition about why they would want to proceed with this.

They were very attentive to questions of pre-poll and other matters that they raised, like being anti removal of corflutes, but this seemed to completely miss the attention of the entire opposition. That is how important it was to them. In any event, it is here and it has been raised late in the piece of the development of this bill—of this second bill—with no inquiry with ECSA or the AEC as to whether they could accommodate it. We have already indicated that we have identified areas of reform that are achievable. Now that we are in a COVID envelope, it is even more significant, and therefore to ask the AEC to do the impossible is just not acceptable to be able to progress this, and we would not impose that when the AEC is preparing for the next federal election. We just would not impose that.

If the parliament determines that it is going to happen and there is more chaos in the election, so be it, but I make the point that this is a very late apparent interest of the opposition. I do not discount it. I just make the point that if they had gone and asked the AEC before they embarked on this new program of not just transfer of enrolment but allowing enrolment up to election day, we might have avoided all this debate. Nevertheless, it is here. I make the point again: for all these reasons, this amendment is opposed.

Mr BROWN: I just want to speak in favour of the amendment and again start off by thanking the member for Kaurna for bringing it forward. I do not intend to too widely traverse the links between the Liberal Party and Trumpian forces in the United States, as I know that is something that has been

canvassed very widely in this parliament. In fact, it should be something that is known to all members as it has been canvassed so widely.

As it turns out, when I hear members of the government talk about how they are not actually interested in voter suppression, that they are actually interested in empowering voters and getting people onto the roll, I take them at their word. I think, yes, they are true representatives who want to see more people get on the roll and want to enfranchise people in South Australia. They are not interested in following the line of their Trumpian friends in the United States who meet with James Stevens and other people and figure out ways to suppress voters. They are not interested in that. I take them at their word and I believe them and I know they want to see more people get enfranchised.

Having said that I take them at their word, this is a chance for members of the government to prove that they actually do have noble intentions and that they actually do believe in enfranchising more people. By voting for this amendment, they have the chance to empower people and to enfranchise them, not see them stripped of their vote just because of an administrative problem or the fact that they have moved house. There are all sorts of reasons why people would not be able to vote in the district in which they now live. They should get the opportunity to vote for a member to represent them in the parliament not where they used to live before, when they forgot to update their enrolment, but where they live now.

So I believe members and I say to every single member of the government that this is your chance to vote for a noble cause because this amendment that the member for Kaurna has so nobly moved here tonight enables you to do a good thing. Being members of this government, I know that it is very difficult for you to get opportunities to do good things, but now is your chance, so I invite all members and I encourage all members to vote for this amendment.

Ms COOK: Thank you very much, Mr Chair. It might surprise you to hear that I am supporting the member for Kaurna as well in this amendment. I am sure that those on the other side can remember the Fisher by-election, which I was victorious in—five people, nine votes. I met the five people—how many times? I was and I still am really connected to that community. I have lived in that community my whole life. Being an active member of the community, as many on both sides of our house are, people say, 'You have thousands of people on Facebook. Do you know them?' Well, yes, actually I do know them. People comment and participate in debate and engage in conversation on your newsfeed. Yes, you know them.

On the day of the Fisher by-election, it was bonkers how many people contacted me and messaged me and said, 'I live in the electorate. I have just gone to vote and I have just found out I can't. I thought I could turn up at the polling booth and it would be okay and I could just show my ID and my change of address and it would be alright.' People just do not understand. Well-educated, engaged adults, subjected to nine candidates and possibly 5½ thousand to 10,000 corflutes, on the day thought they could go and turn up and change their address.

If you can prove where you are living and you live there and you are engaged in that community, why can you not vote there? What is the issue? If we have a set-up and technology today that could ensure that you are not voting in two spots and that you are voting where you live, why can that not happen? We can land on the moon. It is not rocket science.

Mr PICTON: I would like to respond to a comment made by the Attorney earlier in this debate, where she said that the opposition had not raised this at any stage in the previous discussion of the legislation. Of course, the Attorney-General was completely wrong. I will give her an opportunity to correct the record before we raise any issues about potentially trying to mislead the chamber, but I can correct that the Hon. Kyam Maher MLC did raise this issue in the Legislative Council and in fact filed amendments and in fact filed an identical amendment to the one we are discussing right here. He filed it on 12 March this year because this bill was only debated in the Legislative Council this year.

The Hon. V.A. Chapman: This is this bill, not the last bill.

Mr PICTON: Yes, but you said we never raised this previously.

The Hon. V.A. Chapman: This is this bill.

Mr PICTON: Yes. In the previous bill, which was the Electoral (Miscellaneous) Amendment Bill 2020, which was the previous bill that dealt with recommendations from the

Electoral Commissioner to which the Attorney tacked on her pet projects of corflutes and optional preferential voting, which was very roundly dismissed by those in the other place, it did not include addressing recommendation 1 in that bill that was presented to parliament either.

The Attorney said earlier, 'How dare you. You are just a Johnny-come-lately to this issue. You have never raised this issue before.' Well, very clearly we have, and I am happy to table or provide copies to the Attorney showing that this was raised in the Legislative Council by filing those amendments. Of course, the Legislative Council—not meaning to reflect too much—never got to the stage of committee because of the various issues with the Attorney's previous bill.

This amendment that we are talking about now we have had on the record as something that the opposition has been raising since 12 March 2021. It is something that has been raised since 2019 by the Electoral Commissioner. The reason why this has not been implemented prior to now is one person and one government's fault, and they are sitting opposite.

The Hon. V.A. CHAPMAN: For the benefit of the committee, if the member suggests that it was raised in the Legislative Council a few months ago I am happy to defer to that. What I am referring to is in relation to when we had this debate here. This bill was introduced and debated here in 2020, and it was not mentioned. That is my entire recollection, that it was not mentioned at all. What was raised in the upper house this year, when it came back on for debate and was dismissed, is something that I do not take issue with. I am quite sure the member is correct in that regard.

This report was published in 2019. Apart from complaining that we have not moved this as quickly as it should have been, post COVID coming in we have introduced a bill, we have debated it, it has been in the Legislative Council this year, it has been dismissed, we have issued a new bill and here we are. If it was raised in the dying arguments of the Legislative Council I am quite happy to accept that, but we are talking two years later.

Members interjecting:

The Hon. V.A. CHAPMAN: I just make this point: please do not come in here and say, 'Oh, woe is me. This is a terrible government. You have failed to advance this part of the package of reform.' I have explained to you why we have not done it. You can take it or leave it. You do not have to accept it. That is our position.

The AEC have said, 'Don't overload us. We can't do all this at once. We are about to prepare for a federal election, and we can't do it.' If you want to ignore that, be disrespectful to them. I have tried to explain to you what the situation is. They are the ones who have to do the job that we are wanting to pass a law here to implement. They say they can do what we are doing. To add on to them a provision for enrolment, and now a transfer in this amendment, up to polling day is not an achievable thing for them, so I cannot make it any clearer.

Ms COOK: I do understand where the commissioner is coming from in terms of putting this provision in at this particular time, which is after dinner on the night before election day. Why is it possible to do that with the other things? What makes this bit here so different? If you are concerned about overloading the commission, and all the rest, why not hold it back and make some sort of commitment to do it after the next election or debate it after the next election when we are in government?

The CHAIR: I just remind the member for Hurtle Vale that we are actually debating an amendment in the name of the member for Kaurna.

Ms COOK: I understand that.

The CHAIR: The Attorney can choose to make a further comment, which in fact would be her third and final because it is the member for Kaurna's amendment. I will take it as a comment, unless the Attorney particularly wants to comment. No. Member for Kaurna, do you have any closing remarks?

Mr PICTON: No.

The committee divided on the new clause:

Ayes 18

Noes 20
Majority 2

AYES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Boyer, B.I.	Brown, M.E.	Close, S.E.
Cook, N.F.	Gee, J.P.	Hildyard, K.A.
Hughes, E.J.	Koutsantonis, A.	Malinauskas, P.
Michaels, A.	Mullighan, S.C.	Odenwalder, L.K.
Picton, C.J. (teller)	Stinson, J.M.	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)	Knoll, S.K.	Luethen, P.
McBride, N.	Patterson, S.J.R.	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

Bignell, L.W.K.	Cregan, D.	Brock, G.G.
Marshall, S.S.	Piccolo, A.	Murray, S.
Szakacs, J.K.	Pederick, A.S.	

New clause thus negatived.

The CHAIR: Before we go to clause 11, I just have some comments I would like to make to the committee and draw the attention of the member for Kaurna to his amendments Nos 9 and 10. These amendments appear to be consequential on his amendment No. 4, which was negatived. In accordance with Erskine May at chapter 28, paragraph 105, in the online version, inadmissible amendments are described as:

> An amendment cannot be admitted if it is governed by or dependent upon amendments which have already been negatived.

Can the member please advise if his amendments Nos 9 and 10 are consequential?

Mr PICTON: Thank you, Chair. That sounds a lot like the script I saw the Deputy Clerk type in before. My understanding is that amendments Nos 9 and 10 are consequential, and I am happy not to proceed with them. I am not sure that this is the usual practice that we have seen in previous debates before.

The CHAIR: Well, we are a team up here at the desk.

Mr PICTON: I am very happy to confirm that and will not proceed.

The CHAIR: Thank you, member for Kaurna.

Mr PICTON: There was not a need to quote Erskine May or anything like that.

The CHAIR: I appreciate your comments. I just thought it was better to discuss that now rather than when we get that point so we are all clear.

Clause 11.

The CHAIR: Any questions on clause 11?

The Hon. A. Koutsantonis: There are now. There weren't before but there are now.

The CHAIR: I do not know if that is quite right, member for West Torrens.

The Hon. A. Koutsantonis: He could have gone home sick, but he chose not to.

The CHAIR: It was not my choice, member for West Torrens.

Members interjecting:

The CHAIR: Order! The member for Kaurna has the call. Questions on clause 11.

Mr PICTON: This clause is in regard to publication of notice of application, deleting 'in the Gazette and in a newspaper circulating generally in the State'. It will be in the *Gazette* and on a website and in any other manner prescribed by the regulations, which is similar to what we have previously discussed. Why is there again a decision made that there should be a prescription in the regulations for the manner in which this should be published rather than what previously was the case as a newspaper or what was recommended by the Electoral Commissioner as being up to the Electoral Commissioner to determine?

The Hon. V.A. CHAPMAN: This is from page 43 of the election report. I am advised that instead of requiring notices to be published in newspapers, they may be now published online. That is the upshot of this commentary. Of course, there is an allowance for other methods to be prescribed in regulations. From page 43 of the election report:

> The Electoral Commissioner is bound by legislation to publish certain statutory notices in newspapers, often at considerable expense. As one example, section 18 of the act states that, '…the Electoral Commissioner must, between the date of the issue of the writ and polling day, give public notice by advertisement in a newspaper circulating generally throughout the State of the position of all polling places for the district.'

We have used that example in some previous discussion. The report states:

> To meet this requirement and publish the details of all 693 polling booths used at the State Election, ECSA was required to book four consecutive pages in The Advertiser at a cost of approximately $42,000.
>
> Given the high costs involved in publishing notices in newspapers and the prevalence of online and digital media…ECSA—

ECSA, not me—

> recommends that the Act be amended to allow the Commissioner the flexibility to publish notices on ECSA's website and by any other means deemed appropriate, instead of in newspapers circulating throughout the state. ECSA notes that this amendment would align with other jurisdictions such as Victoria, where legislation defines publish as 'by any means including by publication on the Internet.'

I am advised also that the legislation only sets out the minimum requirement. ECSA can still advertise in newspapers as it considers necessary and appropriate and this may include regional newspapers. I refer these comments in particular to clause 7, to which there has been a late amendment attempt; clause 11, which we are dealing with now; clause 12; clause 13; and clause 26.

Mr PICTON: What is in the revised section 41(1)(c) where it says 'any other manner'? What does the government envisage would be the 'any other manners' which might be considered for regulations?

The Hon. V.A. CHAPMAN: What I said just then.

The CHAIR: I think that the Attorney's answer was that she will refer to her previous answer, essentially.

Mr BROWN: My question is to the Attorney. Has there been any analysis conducted by the commissioner, or any other agency that the Attorney is aware of, as to what the likely impact is of the reduction of exposure of requests for registration of new political parties by the fact that the paper of record, the Adelaide *Advertiser,* will no longer need to carry advertisements indicating that these parties are trying to set up in our state.

The Hon. V.A. CHAPMAN: Sorry, I did not hear half the question or understand it. Could you just repeat it?

Mr BROWN: Has there been any analysis of just how many fewer people will be aware of the fact that parties are trying to register in South Australia by the fact that these advertisements will no longer need to run in the Adelaide *Advertiser*.

The Hon. V.A. CHAPMAN: To the best of my knowledge, no. I do not know of any modelling.

Mr BROWN: Will the Attorney please attempt to get that information and make it available between the houses?

The Hon. V.A. CHAPMAN: I can ask the Electoral Commissioner if there is anything useful they can add in relation to that but, as I understand it, the question is whether there is any research or modelling to identify the direct effect on the number of electors who may be making inquiries as to whether they have been left out and uninformed about the application for the registration of a new political party. I am not quite sure how they would actually do that but, in any event, I will make the inquiry.

Ms COOK: Could I just clarify that the wording actually drops the essential criteria of placing this in a newspaper. So, if I interpret this right, it is an option that a paper, even a regional publication—is that clarified that that is actually the case that it does not have to be in a newspaper any longer?

The Hon. V.A. CHAPMAN: The other way around. ECSA can still advertise—

Ms COOK: Can or must?

The Hon. V.A. CHAPMAN: It can.

Ms COOK: So it does not have 'must have'?

The Hon. V.A. CHAPMAN: No, that is correct. It is allowing for the new provisions, given all the reasons I have explained why and the cost and all the things that have been brought to the attention of the Electoral Commission SA, which is recommending this. However, as I have pointed out, the legislation only sets out the minimum requirement. ECSA can still advertise in newspapers, as it considers necessary and appropriate, and this may include regional newspapers.

Ms COOK: How much exactly does it cost for ECSA to advertise in metropolitan and regional papers for elections? How much does the placement of these advertisements cost in metropolitan and regional papers for a state election?

The Hon. V.A. CHAPMAN: I do not have that information with me. I imagine it is in their budget papers for the provision that we have dealt with at estimates, but I just gave you an example, an expensive one, which relates to the publication of all the polling booths. Their indication is that it takes four consecutive pages in the *Advertiser* at a cost of $42,000.

Ms COOK: Given that the readership of newspapers is generally in the older demographic—and I would expect that we have a combination of an ageing population regionally, poor internet connection in many regional and metropolitan areas, and a low level of digital literacy in the older age group—what modelling was done and what consultation was done, particularly with peak groups such as COTA, in relation to how removal of said advertisements out of the essential newspapers? Let's be frank, if it does not have to happen you are not going to do it. Has there been modelling done and consultation done with these types of peak groups as to the impact on older people with lower digital literacy levels and high levels of use of printed publications, such as their local regional paper and their daily news here in South Australia?

The Hon. V.A. CHAPMAN: I reiterate that I am not aware of any modelling done. This is a recommendation presented to us in relation to cost and, of course, easy accessibility. I agree with the member—but one minute you are arguing from opposition amendments asking to give the Electoral Commissioner the option to be able to determine what medium he provides information on, and you are telling me that you would rather have him do it than have it by regulation of the parliament, and now you are saying to me, 'Well, you can't trust him to make a decision about what options he considers might be appropriate.'

For example, let's assume that there is a provision of pre-poll services, in the far western part of the state. There might be a pre-poll facility for example, and a polling booth in Ceduna north of the area for those who are from Koonibba and across that northern area. There may be low internet connection, as the member says. There may be limited access to equipment to be able to access the internet. There may be some level of electronic literacy, so to speak, but no access to that medium which, as you say quite reasonably, many of us have the opportunity to access. It may be that in fact the commissioner thinks that the best way to advertise where the pre-poll will be at Yalata

or at one of the camps, or anywhere else, would be by some internal newsletter or maybe by a local newspaper. It might be the—I can't remember what the *Ceduna Times* is called now—intercontinental or something, isn't it?

The CHAIR: It was *The West Coast Sentinel*.

The Hon. V.A. CHAPMAN: *The West Coast Sentinel*, that's right, but what is it called now?

The CHAIR: The *Eyre Peninsula Advocate*.

The Hon. V.A. CHAPMAN: The *Eyre Peninsula Advocate*, I am reliably informed by the Chair of the committee. He would know, and I appreciate that.

The CHAIR: I read it cover to cover.

The Hon. V.A. CHAPMAN: I cannot understand the opposition's modus operandi here. One minute they are telling me, 'We don't want to trust the Electoral Commissioner to make a decision on this,' yet in the last half an hour we have been arguing about not trusting the parliament to do something and the government introducing regulations and letting him do it.

Ms Cook interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: I think be consistent.

Ms Cook interjecting:

The CHAIR: Order, member for Hurtle Vale!

The Hon. V.A. CHAPMAN: That is why I think the publication of notice of the applications and the amendments to go with it, which is to obviously raise the question in certain communities, particularly where there might be electronic illiteracy and/or inaccessibility to that medium, absolutely may be the best way to deal with it. That is why it is set as a minimum, and that will then be a matter at the discretion of the Electoral Commissioner, who now for some reason you cannot trust to do anything.

The CHAIR: I might add that I will be reading the new *Eyre Peninsula Advocate* each and every week on the lookout for election notices.

The Hon. V.A. CHAPMAN: Excellent—you and me both.

The CHAIR: Indeed.

Mr BROWN: I am sure you will remain in there constantly until election day, Mr Chair. My question is to the Attorney: given the concern that I am sure we all have in this place about the rise of extremist groups in Australia, just as other countries around the world, I wonder if there has been any consideration of the possible security implications of restricting the publicity around the registration of political parties?

Will the fact that there will no longer be a requirement to publish these notices in the newspaper mean that fewer people are likely to see them, and will that mean that vulnerable groups which might then be able to make objections to the registration of political parties will no longer be able to because they will not know that they are trying to be registered?

The Hon. V.A. CHAPMAN: I am not sure that is relevant just to extremist groups. I think the question is: is there a risk? As I understand the reasoning behind this question, if I have it correctly, is there not a risk that people just will not know about the registration of new parties—whether they are good or bad—and be able to make any comment, either supportive or in an objection way, unless they are via a number of mediums and that unless you provide this notice across a number of mediums that that is just extending the risk?

I think there was a bit of cybersecurity in there somewhere, but I did not quite understand that bit of the question. In any event, I think I understand what is being said. What I am saying here is that, in relation to this matter, the Electoral Commissioner understands the significance of what he needs to do in relation to publications. Newspapers alone are not the only medium in which this is

done. He is suggesting that there be amendments, but he is making it very clear that even if something is not in the state newspaper it still may be very accessible by these other mediums.

If there is a regional area of interest—say, a political party which is the 'Let's excise the western half of the Flinders electorate to Western Australia' party—and people on the West Coast might have a really big interest in that, it may well be that the Electoral Commissioner takes the view, given the policies pronounced by that party, that it is critical that there be a saturation of information going to that western region of the electorate of Flinders so that the people there have an understanding. It might put advertisements in local papers, it might call public meetings, it may give notices in any way that it considers appropriate.

Please do not present an argument one minute that you trust only the commissioner to do something if it is your amendment but you do not trust him in relation to this. I just find that entirely inconsistent.

Mr BROWN: The Attorney raises the prospect of the commissioner deciding on an ad hoc basis how these individual advertisements are to be communicated to the public at large. She says that the commissioner might make an assessment about the nature of the individual political party and decide where to advertise and in what form to advertise.

The Hon. V.A. Chapman interjecting:

Mr BROWN: I am pointing this out. The Attorney spoke earlier during the committee stage about a rogue commissioner, this idea of a commissioner exceeding their powers or doing things that the parliament did not intend. Surely under those circumstances she can accept that it is better to have a consistent approach across the individual political parties that are applying, rather than the commissioner deciding on a case-by-case basis how and where these advertisements are to run.

The Hon. V.A. CHAPMAN: I will take that as a comment.

The CHAIR: As will I, member for Playford, because you managed to slip a fourth question under the radar then and that is entirely my fault.

Clause passed.

Clause 12.

The CHAIR: Member for Kaurna, I am just going to clarify whether you wish to move these individually or en bloc. It is up to you.

Mr PICTON: I am happy to consider an en bloc arrangement, if you like, but I am happy to start individually and then consider that a test.

The CHAIR: I am in your hands. I am just putting it to you as an option really.

Mr PICTON: I think we will do them individually, if that is alright. I move:

Amendment No 5 [Picton–2]—

Page 4, line 10—Delete '2' and substitute '14'

This is a first amendment of two amendments to keep the rolls open for 14 days after issuing the writs. Obviously, there would be an element that this is a test clause. I do not think there is any need to read Erskine May. I am happy to consider that, if this were not to be successful, then I would not move those other amendments.

The CHAIR: Can I just interrupt, member for Kaurna. There was a very particular reason why we quoted Erskine May. My understanding is that there is a push from both the Clerk and the Speaker to get some of the precedents on record. It just so happens that it was in this committee tonight that that particular issue came up. That was the reason for my statement earlier.

Mr PICTON: It was particularly unusual compared with previous legislation I have dealt with. This amendment is the first of two amendments that seek to keep the rolls open for 14 days after the issue of the writs. To clarify the difference with my previous amendment that sought to allow enrolment up to and including election day, this amendment extends the time for closing of the rolls to 14 days. This would still be before pre-poll begins.

If enrolment up to and on the day were allowed, this would simply reduce the number of declaration votes needed by setting the close of rolls roughly halfway through the election period. However, this has become even more important, given the failure of the other amendment extending the time for South Australians to get on the electoral roll. Of course, this is a way that the government can undo what they have in this bill, which I believe is a cruel attempt to close the rolls earlier and will disenfranchise South Australians.

We have had the discussion from the Attorney that the fact we are closing rolls earlier does not really matter. She says not to worry about that because we are going to put the advertising campaign earlier. What a complete boondoggle of an argument that is. The fact is that people will still not be able to enrol. The presumption in that argument is that the only way people might enrol is if they see an ad on TV from the Electoral Commissioner. That is the only prompt they might have for enrolment, as opposed to talking to their friends, as opposed to seeing television advertisements from any of the parties, as opposed to corflutes going up on poles.

Mr Brown: Legal till today.

Mr PICTON: Exactly—still part of our legislation, even if this act were to pass. Even if the Attorney's other legislation, which we will not dwell on, were to pass, there would still be corflutes going up on private residences. There would be letters in people's mailboxes telling them about the coming election, and there might be postal vote applications being sent out from people. All these things might be happening that might be a prompt to people to say, 'Hey, I really should get on that electoral roll. I'm a new citizen,' or, 'I've just turned 18. This is the prompt for me to do that.' To say that the only reason that people are going to do that is because of ECSA's advertising campaign I think is completely naive.

Obviously, our position was consistent with the Electoral Commissioner's, that we would have hoped for enrolment right up until election day, but at least, if this amendment could pass, then we could have enrolment for 14 days after the issuing of the writs.

There are of course a number of jurisdictions that have enrolment up to on election day, and they can manage in those states issues regarding the closure of nominations. They are all able to be managed in those states as well. This amendment, if passed, gives more South Australians the opportunity to enrol to vote, enfranchises more people and makes sure that more South Australians will get to have their say at the next election.

The Hon. V.A. CHAPMAN: Changes to the date of close of polls from six days after the issue of the writs to two days after the issue of the writs were made on the recommendation of the Electoral Commission and were consequential on changes made to postal voting time lines. This opposition amendment significantly extends the date for the close of rolls from the current six days after the issue of the writ to 14 days. This creates major delays in processing postal votes. There are major workability issues with the opposition amendment. The opposition amendment goes against the ECSA recommendation intended to enfranchise postal voters and will make the 14-day pre-poll voting period very difficult. I think I have otherwise canvassed this matter.

Mr BROWN: Again, I just want to thank the member for Kaurna for bringing forward this amendment. I will not reflect on a vote of the house, but I will say that members who at any stage previously have not taken the opportunity to enfranchise voters will now receive another opportunity to enfranchise voters by voting for this particular amendment.

There is little doubt that it is important for all of us to do everything we can to allow people's votes to be counted. I understand what the Attorney said, that is, 'This was not necessarily a recommendation from the Electoral Commissioner.' She is always keen to point to the fact that this was a recommendation, this was not a recommendation. Again, she does not talk about recommendation No. 1—which for some reason is not as important as the rest of the recommendations—but we will not go over that ground again.

I do not intend to go back again over the number of links between the Liberal Party and Trumpian voter suppression that has been canvassed widely in this parliament already. I will say that I think it is important that amendments such as this be supported so that we as a parliament can make the statement that we think it is important that as many people be allowed to vote as possible.

I have confidence in the Electoral Commissioner, in his ability to make sure that amendments like this are properly incorporated, that the work gets done and that as many people as possible are allowed to vote. We need to give him the rules he needs to make it happen for people to be able to vote. For us to accept recommendations that we should somehow restrict that I think is not the sort of thing this parliament should be doing, and I urge all members to support the amendment.

Ms COOK: As completely surprised as you are, I am supporting the amendment put up by the member for Kaurna, very sensibly. Again, there are many people who struggle to engage in the electoral cycle and it is not because of a lack of will to participate in the democratic process. Many people are highly engaged in the political process and very interested in what is going on in their community at a local, state and federal level. We all are privy to and have the joy of getting input via various means from people who are highly opinionated and wish us to take on board their views and their values.

Making the period of time after the writs shorter, in terms of people being able to get on the roll if they need to change their details or enrol, will reduce the capacity of people to engage in the democratic process. This will disproportionately affect younger people, older people, people with English as a second language, people who have mental health problems, people who are socially isolated and people who are homeless. They are the very people decisions in this place affect the most in terms of the negative or positive consequences of what legislation and policy can do to their lives.

Reducing the time available for them once the excited cycle begins, where there is an increased and a heightened level of publicity, I believe has a negative impact and we should have that process go for longer, not shorter. I do not know if I have told you, but I won my by-election by nine votes—that is five people. I reckon I have met those five people thousands of times in the past few years. Again, the story is the same. The number of people who contacted me on the day or within days of the election to say that they had not enrolled to vote or had their details changed was huge, and it was ridiculous given that there were thousands and thousands of corflutes around. I cannot imagine how many more people would have been disadvantaged if that time frame had have been shorter. So I support this amendment, which increases that amount of time.

The CHAIR: Thank you, member for Hurtle Vale. I bring members' attention to standing order 128, which deals with repetition. As wonderful as your story is, member for Hurtle Vale—

Ms Cook: Very powerful.

The CHAIR: —you are very proud of it—we have heard it already.

Ms COOK: Sir, I do not think we have ever had that ruling before. I get driven insane with the repetition. How many times have we been asked about the dog fence in question time? I would want to facepalm!

The CHAIR: I am not looking for an open discussion here, member for Hurtle Vale. I am merely bringing all members' attention to standing order No 128, which also deals with irrelevance—and I am by no means suggesting that your win in the by-election was irrelevant—but repetition stands.

The committee divided on the amendment:

Ayes.....18
Noes 20
Majority 2

AYES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Boyer, B.I.	Brown, M.E.	Close, S.E.
Cook, N.F.	Gee, J.P.	Hildyard, K.A.
Hughes, E.J.	Koutsantonis, A.	Malinauskas, P.
Michaels, A.	Mullighan, S.C.	Odenwalder, L.K.
Picton, C.J. (teller)	Stinson, J.M.	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)	Knoll, S.K.	Luethen, P.
McBride, N.	Patterson, S.J.R.	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

Bignell, L.W.K.	Murray, S.	Brock, G.G.
Marshall, S.S.	Piccolo, A.	Pederick, A.S.
Szakacs, J.K.	Cregan, D.	

Amendment thus negatived.

The CHAIR: Member for Kaurna, you have amendment No. 6 standing in your name.

Mr PICTON: I think we are not proceeding with that, because I understand that amendment No. 6 is consequential on amendment No. 5, but I will move amendment No. 7. Accordingly, I move:

Amendment No 7 [Picton–2]—

Page 4, line 14—Delete 'prescribed by the regulations' and substitute:

considered appropriate by the Electoral Commissioner

This is the first amendment, apart from the other amendment that we discussed earlier, that allows the Electoral Commissioner to determine how to advertise elections and their various components, rather than letting it be done by regulation. This amendment more accurately reflects the change that was requested in the 2018 report. As I stated earlier, the details of the actual recommendation of the report of the Electoral Commissioner very specifically said that it should be within the decision making of the Electoral Commissioner himself or herself to decide upon what additional advertising should take place.

The Attorney has put forward an alternative proposition, which is that the advertising should happen by the nature of regulations which she and the cabinet would advise the Governor to put in place and which could happen without parliamentary oversight because we could well be having regulations put in place while parliament is prorogued from December onwards, particularly since the Attorney says that such regulations have not yet even been drafted, so it seems that it would be particularly late that that would be occurring.

Therefore, we are making this change in relation to what the government has put forward in clause 12. I will reference the exact provision in the current act, section 48(7), which provides:

(7) As soon as practicable after the issue of a writ for an election—

(a) its terms must be advertised by the Electoral Commissioner in a newspaper circulating throughout the State;

That is the current section, the current law that is in place. We believe that the Electoral Commissioner should have the ability to consider how that advertising and notification should take place. It should not be left to the government in a regulation without the potential for proper parliamentary oversight to consider that matter; hence, I have moved the amendment standing in my name.

The Hon. V.A. CHAPMAN: It is appropriate to set out the requirements for giving notice in regulations. The government will consult with the Electoral Commissioner in the preparation of any regulations made under this section.

Mr BROWN: Again, I thank the member for Kaurna for bringing forth this amendment, which I think does a far superior job than that which is proposed by the government. I think it is important for all of us to contemplate the fact that, while this particular government might not be of such a bent to play around with the formal provisions of writs for its own political ends, who is to say that a future government might not be of the same bent?

I think it is important that these things have parliamentary scrutiny. Given the fact that writs are such an important thing and something that can be done so late in the piece—in fact, they are necessarily done very late in the piece, in fact at the very end of a parliament—I think it is important that the form and manner in which they are done is fixed by the parliament and not something that is left to the will of the government of the day. So I urge everyone to support the amendment.

Ms COOK: You will be pleased to know that I am not going to talk about the by-election. I would support the member for Kaurna's amendment purely on the basis that, if this is being left to so late in the electoral cycle and we got to a point where it is deemed by regulation that a certain process can happen, that will not be scrutinised. My confidence lies with the Electoral Commissioner being able to determine this, and not merely being prescribed by regulations. I would support the amendment.

The Hon. V.A. Chapman interjecting:

The CHAIR: If the Attorney wishes to speak, she needs to rise. If not, I will put the amendment.

The committee divided on the amendment:

Ayes.....17
Noes 21
Majority 4

AYES

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

NOES

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)	Knoll, S.K.
Luethen, P.	McBride, N.	Patterson, S.J.R.
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

Bignell, L.W.K.	Murray, S.	Brock, G.G.
Marshall, S.S.	Piccolo, A.	Cregan, D.
Szakacs, J.K.	Pederick, A.S.	

Amendment thus negatived.

The CHAIR: That brings us to clause 12 as printed. Are there any questions?

Mr PICTON: Yes, why is the closing of the rolls required for other processes to continue in the electoral process?

The Hon. V.A. CHAPMAN: Can the member repeat the question?

Mr PICTON: Can the Attorney outline why the closing of the rolls, which obviously this government is bringing forward to two days rather than six days in the current legislation, is required for other processes to happen in the electoral process, in particular compared to other states where that does not occur?

The Hon. V.A. CHAPMAN: It is the experience with postal voting. That is why the Electoral Commissioner has identified the necessity to bring that forward, to ensure that there is sufficient time to deal with the postal voting process, which although it is used less often nowadays is still an important means and a lawful mechanism to vote.

Unfortunately, the snail mail pace has affected postal voting, and the commissioner has identified in his report his concern about that unless he changes that. To accommodate any reduced time that there may be in the opportunity to encourage people to get ready and enrol, etc., for voting purposes, he has indicated his commitment to commence his drive for that on 22 January next year. I think that pretty much covers it. In particular, that relates to the preparation of materials and so on to go to the election. That is what is there. It is all in the report.

Mr PICTON: So why in other states that all have postal voting as well are there rolls that go right up until election day? What is unique about South Australian postal voting that requires the closure of the rolls here, whereas in other states they have postal voting continue without the same sort of problems you are anticipating?

The Hon. V.A. CHAPMAN: The understanding of my adviser is that it is done as a savings provision. I am referring to page 15, A Call for Legislative Change: Enrolment on the Day, which relates to this. It says:

> One of the solutions to address falling participation rates successfully implemented by ECSA's counterparts in New South Wales (NSW), New Zealand (NZ), Queensland and Victoria (as well as most Canadian jurisdictions) has been to allow people to enrol after the close of rolls. Although the commissions of these jurisdictions continue to have and to advertise a close of rolls, they allow enrolment on the day as a 'savings provision' to enfranchise people who inadvertently miss the close of rolls. This helps avoid the situation at each election where thousands of people turn up to polling booths and are told they are not on the roll and cannot vote.

So that is how that operates in other jurisdictions.

Dr CLOSE: I am interested in the consultation that was undertaken for the decision to go from six to two, in particular knowing that it would be disproportionately disadvantaging young people and presumably some migrant communities. In other words, anyone who has become a citizen or has come of age since the last election is, by definition, likely to have to get enrolled in order to vote. Was there any targeted consultation with those groups to understand the likely impact of the move from six days to two days after the writs and therefore any ways in which that could be better managed in order to communicate so people know they have that amount of time and not that amount of time?

The Hon. V.A. CHAPMAN: Yes. The six to two days is around the need to accommodate the viability of continued postal voting as an option to ensure there is able to be sufficient time to return those votes as valid votes. To compensate for reducing from six to two days, the Electoral Commissioner has said that he will open the campaign to encourage people to vote and remind them of their opportunity to enrol and vote starting on 22 January when usually it is 28 January, so you could say that the loss of days at one end will be complemented at the other end.

The member suggests that it is going to disenfranchise young people or people of cultural background. There is no evidence presented of that—none. There is no evidence whatsoever. What is important to note is that the commission undertakes a program of the opportunity of going from six to two and then starts to claim the area further. If the member had read the erratum that had been tabled yesterday from the Electoral Commissioner, the 25,000 that is referred to is for the period in a month, not the last six days.

This has been a theme through all the speeches that have been given in this debate. It is incorrect; the commissioner has made it clear that it is incorrect. We have referred to other documents that he published at the time, which clarifies that. To ensure that it is consistent with the report, he has tabled via me, obviously, as Attorney, the erratum to make that abundantly clear.

There are certain concerns raised by the Commissioner for Children and Young People in her letter about what could possibly occur in relation to children. On the other hand, she claims that in the work that she did from 2017 onwards—having a youth polling day and things of that nature, which were all helpful additions—she has continued to canvass with the Electoral Commissioner, a dedicated person, how there can be rewards offered for information about voting and enrolling to vote. There were different initiatives, some which might be useful and some which might not be. However, there has been no evidence presented at all as to whether it is—

An honourable member interjecting:

The Hon. V.A. CHAPMAN: I am just telling you what she said. Are you listening?

An honourable member interjecting:

The Hon. V.A. CHAPMAN: Well, no. She does not suggest that there is evidence of there being a change from the six to two days that it affects because she, too, relies on that erroneous data which was referred to and which the Electoral Commissioner has changed. There can be lots of predictions about whether it may or may not assist to use a different approach to encourage children to vote. She certainly provided some ideas in her contribution about engagement with children and how that could be better done to inspire them to become civically active, etc. That is all meritorious, but it does not tell us whether those things have directly improved the enrolment rate of children or not.

What we do know from that report is that there was a 20 per cent reduction in the last election after all these initiatives were apparently carried out in the overall enrolment during that period. Whether they are 80 or 18 has not been identified. Everyone can guess as much as they like. The reality is, though, that the Electoral Commissioner has said, 'I think we need to move from six to two days to accommodate the problem that we have in the close of the roll and the postal vote process, and to accommodate that means a reduction in days at one end.' He says that, to ensure we do not minimise or reduce the exposure of all the different programs, he has half a million dollars to spend on this to encourage people to sign up, enrol and vote if they are new to the state or have in fact turned 18. Somebody could do that analysis if they wished to, I suppose, but that is not what has been presented.

The children's commissioner has not presented that. She just says, 'I have interviewed a lot of children'—in fairness to her, I do not want to paraphrase it—'I have considered this democracy issue over a period of several years, and these are the sorts of statements children make to me about voting early, voting from 16, being respected in their views, etc.' She has set them all out in her letter. That is fine, but it does not actually tell us whether there has been an increase or a decrease, or what programs have actually worked from the 2014 election to the 2018 election, in which she has participated. Somebody can do that work for sure, but that does not undermine in any way the proposal of the Electoral Commissioner to go from six to two days for the reasons I have outlined.

Dr CLOSE: There has been no analysis done of who enrols in the lead-up to an election, but presumably that analysis could be undertaken. When people apply, they must put their date of birth, for example. They may include that they have become citizens recently. Did the minister not consider that that would be important? The perspective that I am bringing to this is that a group of people are being disadvantaged, but the Attorney in wanting to do this might choose to say, 'Because we need to do this,' by the justification made by the Attorney, 'we need to make sure that we are approaching the right groups'.

The Commissioner for Children is obviously doing an excellent job reaching out and talking to children, but there are other organisations, there are other groups of young people, who could be engaged with should it be identified that they are at risk in a shortening of the enrolment time. Therefore, strategies could be developed specifically targeted to those groups. Was there no request from the Attorney to the commissioner to do that evidence gathering on who is enrolling late?

The Hon. V.A. CHAPMAN: No, because the Electoral Commissioner is an independent commissioner. Frankly, if anybody, including the children's commissioner, wanted to put that request to the Electoral Commissioner they can do that. That is a matter for the Electoral Commissioner. He is presenting to us, via this bill, a proposal that he says is necessary to remedy the deficiencies we

are now faced with with postal voting because of the slow post. He has identified that. If he has done any of this research he has not seen fit to publish it or provide it to us.

The member also keeps referring to a shortening of the period. I reiterate that it is the intention of the Electoral Commissioner—which he has published—that there will not be a shortening. The six to two days at one end is correspondingly opened up from 22 January so that there is no shortening of the overall period.

Mr Picton: The advertising campaign is not the enrolment period.

The Hon. V.A. CHAPMAN: I am just putting it to the member—

Mr Picton: It is completely false.

The Hon. V.A. CHAPMAN: —the importance, which has been raised many times, of making people who are entitled to vote alert that an election is coming up, and that they should do so. I have indicated a lot—

An honourable member interjecting:

The Hon. V.A. CHAPMAN: I am just outlining the position of the Electoral Commissioner. We oscillate in this debate: one minute they love the Electoral Commissioner, they trust what he is doing and want him to be setting the rules, and the next minute they are trying to say, 'Look, how can we trust what he is saying on this bit, because we don't like it.'

I am sorry; I am putting the position the Electoral Commissioner has presented. It is obviously an important phase in the lead up to the closing of the polls, and it is important to be able to provide that. I cannot make it any clearer.

Mr BROWN: The Attorney previously talked about the commissioner having done research and cogitated on the important period of time that would be available to people, and at the end of that process has come forward to change six days to two days. Is the Attorney able to provide to the house copies of any of that research that has been conducted by the commissioner or evidence of any conclusions the commissioner has made, other than the recommendations she talks about?

The Hon. V.A. CHAPMAN: Firstly, the member has completely misunderstood what I have said. I am not aware of any research; I am indicating to the committee that I am not aware of any research he has done. He has identified this as a means of dealing with the ill of the delay in the postal vote and the inability for that to be effective, given the delay in postal deliveries we now face.

To deal with that he has recommended this occur, to compensate, in his view, for the importance of having a full period to alert people, having a major campaign in doing it, and adding to it initiatives from people like the children's commissioner or anyone who has some good ideas, ensuring we captivate the attention of those we think should be addressed, particularly if there is a very low take-up rate.

I do not think there is anything new about the enrolment of children being not 100 per cent. I am sure there are variations in all age groups. I think it is pretty clear that all those who are eligible to vote at 18 prior to the election are enrolled—they are clearly not. This is part of the reason why the Electoral Commissioner does this intensive campaign, apparently. I have seen some of it. It is targeted at people for whom English is a second language but also at young people. It is important.

I would imagine there is targeting of itinerants as well because that is a relatively new initiative that is able to be accommodated in our current electoral laws. There is no change; we still have fixed terms. Everyone knows they can start advertising now, I suppose, to say that we have an election on the third Saturday in March and the fourth anniversary, which will next fall in 2022.

It is not a situation where the Electoral Commissioner has undertaken research. I am not aware of any. He may have, but I am not aware of any. I again indicate that if members want to canvass that with him, they are perfectly entitled to do so.

Mr BROWN: It may well be for the Attorney to basically say the unenrolled will always be with us. I may ask her to confirm for the committee's benefit if it is her position that this particular shortening of the period is just arbitrarily picked and is not on the basis of any research or properly thought through argument.

The Hon. V.A. CHAPMAN: The only other thing that I can helpfully add is that I am advised by Mr Gully, who is the deputy commissioner, that the Australian Labor Party reduced the voting period—I assume after the 2014 election, but I will have to check that—from 10 days to six days to assist postal application processing from when the fixed date election provisions came into operation. This is simply an extension of exactly the same reason. Funny about that: you have done it and now suddenly you are objecting to it.

Mr BOYER: Attorney, can you tell us how many people enrolled to vote between day two and day six at the last state election? Are you able to tell us what that number was?

The Hon. V.A. CHAPMAN: I think I have seen it somewhere, but I will have to check between the houses. There is 25,000 in that month, from memory. I read it out the other day. This is what I read yesterday:

South Australians responded positively to ECSA's calls for enrolment with approximately 25,000 enrolment and updates effected in the month leading up to the close of rolls. During the six days from the issue of the writs to the close of the rolls there were approximately 11,900 enrolments—

Mr Picton: 12,000.

The Hon. V.A. CHAPMAN: In round figures, 12,000—

and updates to the electoral roll, representing a decrease of 20.6 per cent from the same period in 2014.

From their press release, I provided information that there were 60,000 more voters in the 2018 election than there were in the 2014 election.

Mr BOYER: Just to clarify that, Attorney, are you saying it is roughly 12,000 in that period who enrolled to vote or close to 12,000 in that period who—

The Hon. V.A. CHAPMAN: That is how I understand it, yes. So it is a whole month to move forward. I am expecting it to be repeated.

Mr PICTON: What seems clear is that even if the Attorney is now pointing out the erratum, that it is a lower number, very clearly in those six days it was 12,000 people at the last state election who enrolled to vote. Those six days will be reduced to two days. The argument that the Attorney has brought to the house that, 'There's no real change because we are starting the advertising campaign earlier,' is completely bogus. It is not the advertising campaign that gets people to enrol to vote; that is one element out of many.

People see the advertising going on TV, they see the corflutes going up, they see the letters coming in the mailbox, they see the stories on the television news, they see things popping up on their Facebook and they know the election is on. I am a keen follower of elections, very clearly, and of all the election noise and advertising you see, the advertising from the Electoral Commission telling people to enrol to vote would have to be a tiny slither of the election news out there in the public domain.

The Hon. V.A. Chapman: Says who?

Mr PICTON: Says me. That is what I am saying. I do not think you can doubt that with all the discussion on the airwaves, on social media, in paid advertising by political campaigns and also in all the unpaid discussion in the media—as well as corflutes, which are still legal and this bill does not seek to change that—people get to find out about the election from a variety of different sources.

Another element I think is very important when looking at those 12,000 people in the last state election, if my memory serves me correctly, is that the last state election happened shortly after we had the gay marriage plebiscite, which saw a huge number of people enrolled to vote. So that is potentially lower, and I think the Attorney mentioned, in fact, that there had been a reduction compared with the numbers in previous elections because many people no doubt brought forward their enrolment, and there had been a lot of discussion and commentary at the time that we saw huge numbers of young people at that time enrolling to vote so that they could have their say in that federal plebiscite.

So, potentially, we are looking at more than 12,000 people who will be impacted by this change that the Attorney is proposing—

Members interjecting:

Mr PICTON: It is of course unparliamentary to respond to an interjection, but the—

The CHAIR: It is, and also I am going to call members to order for chatting across the chamber because we are having a debate in the committee.

Mr PICTON: If the Attorney-General has to be ejected, I am sure that somebody else could take over.

The CHAIR: No, it has not reached that stage, member for Kaurna.

Mr PICTON: That unparliamentary interjection from the member for Bragg reminded me of a number of questions that I hope the Attorney could take. If she does not have the details here, she can take them on notice between the houses.

Firstly, of the almost 12,000 people at the last state election, what was the percentage of those who were 18 to 24 year olds? Presumably, that is something that the commission would know because they know the age of everybody who enrols. What were the relevant figures for the 2014 election for the last six days of enrolment, and four days if possible, and the breakdown by age from the 2014 election as well, and right now what is the percentage of people who are aged 18 to 24 who are enrolled to vote?

From the literature I have seen, there have been various studies put out federally that we have a much lower percentage of people 18 to 24 who are enrolled to vote, not just in South Australia but across Australia, and it is likely to be in the tens of thousands, if not more than 100,000 people, who are young voters probably under 30, and a smaller number in the 18 to 24 group. I think it would be useful for the parliament to know exactly how many people in that younger age bracket are right now not on the electoral roll in South Australia. I hope that the Attorney, if she does not know the answers to those questions, can take them on notice and provide them between houses.

The CHAIR: So, Attorney, are you thinking you can take that on notice?

The Hon. V.A. CHAPMAN: I will make the inquiries.

The CHAIR: The question before the Chair is that clause 12 stands as printed.

The committee divided on the clause:

Ayes 21
Noes..... 16
Majority..... 5

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)	Knoll, S.K.
Luethen, P.	McBride, N.	Patterson, S.J.R.
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

Bettison, Z.L.	Boyer, B.I.	Brown, M.E.
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J. (teller)	Stinson, J.M.
Wortley, D.		

PAIRS

Cregan, D.	Bignell, L.W.K.	Marshall, S.S.
Brock, G.G.	Murray, S.	Piccolo, A.
Pederick, A.S.	Szakacs, J.K.	

Clause thus passed.

Clause 13.

Mr PICTON: I move:

Amendment No 8 [Picton–2]—

Page 4, line 19—Delete 'prescribed by the regulations' and substitute:

considered appropriate by the Electoral Commissioner

This amends clause 13, which amends section 49(1). This is a section that is probably not considered very much in terms of a deferral of election, but you never know, particularly in the upcoming set of scenarios we might have.

Under the provisions currently, a deferral of election needs to be advertised in a newspaper circulating generally throughout the state. The Attorney is proposing that should be on a website and in a means determined by the executive through a regulation. We are supporting, again, what the Electoral Commissioner actually put forward in his report, which is that it should be a website but also a means determined by the Electoral Commissioner himself.

It is an amendment consistent with the others that we have moved so far. Once again, particularly where we do not have the Attorney providing us with her draft regulations or any detail of what she thinks this regulation might say—and the Attorney may well introduce these regulations after the start of December, when parliament will not be sitting and will not have the opportunity to review and to potentially hold the government to account in terms of deciding whether or not the regulation should stand—we believe that the Electoral Commissioner would be a better arbiter of where such publications should occur. That is consistent with what is in his report.

The Hon. V.A. CHAPMAN: I indicate that this is, I think, the third time that we are back to the Electoral Commissioner setting the agenda according to this proposed amendment. Again, I point out that the Electoral Commissioner has worked in advising on the bill and the development of the bill and, consistent with usual practice, it is appropriate to set out the requirements for giving notice in regulations. It is not a government rule, but indeed a process which has the supervision of the parliament. The government will consult with the Electoral Commissioner, as I have indicated, in preparation of any regulations made under this section.

Mr BROWN: I just want to express my support for the amendment moved by the member for Kaurna and again express disappointment in the government's view, which I know has been expressed a number of times by the Attorney, for which she has not yet provided any evidence—this idea, this concept of the rogue Electoral Commissioner, that the Electoral Commissioner may decide to do something that is out of step with what the parliament wants and that the best remedy for that is to somehow give the executive control over the form and function of things.

I do not intend to traverse again the fact that regulations could be made very late in the piece and would not have the scrutiny of this parliament, and would provide too much power and authority to the executive. That pretty much goes without saying by the fact that they are regulations. I would endorse this particular amendment and suggest that members support it.

Amendment negatived.

The CHAIR: We now come to clause 13 as printed.

Mr PICTON: Obviously, it has been a matter of discussion, and I believe the Attorney has discussed it a number of times in the parliament already, that there may be a deferral of the upcoming state election. There may be the need for significant education and communication to the public in terms of the deferral of that election because of the looming federal action at the same time. Given that this clause is in relation to how the public should be notified of such a change, has the

government given any thought to what would need to be put in place, and in particular whether any additional budget would be provided to the Electoral Commissioner in the event that the date had to be changed for the 2022 state election?

The Hon. V.A. CHAPMAN: Yes, and as the member would recall, this was a matter considered and questions asked by him to me. The Electoral Commissioner provided information at estimates confirming that, yes, planning is in process by him and a budget allowance is being made for the contingency of there being an announcement of a federal election during the month of March, which could delay our election up to three weeks. I think, if the member might recall, he answered the member for Kaurna's questions about making inquiries as to bookings for alternate dates for schools and halls and the like for polling booths in the event that that were to occur.

Some preparatory work has been underway. As I understand it, a plan is being put together in the event that that needs to become operational. Obviously, if the Prime Minister were to announce his election, which of course at the federal level are not fixed term elections, anytime in the meantime prior to March, then that will not be necessary to change.

I would also remind members, as I think I have reported to the parliament before, that the election can only be put into April and it cannot be brought forward into February. So it cannot be bought forward; it has to be postponed. There has been certainly commentary around what happens then. Just to remind members, it is not just a situation if a Prime Minister announced an election on our proposed election day; it would be any date within March that could affect our needing to take it forward. Yes, all of those matters were traversed, in fact by the member for Kaurna, at estimates.

Mr PICTON: I thank the Attorney for going through some of what we had heard previously in relation to polling booths and the like. I guess my question was more specifically in regard to the communication that would need to happen with the public in that event. Has there been planning in terms of what communication and advertising campaign would need to happen to alert the public? Has that been provided an additional budget in that event? Have there been estimates around that budget? From my recollection, the discussion in estimates did not cover that communication element, which is obviously relevant to what we are discussing now.

The Hon. V.A. CHAPMAN: How much of the anticipated extra costs there would be—for example, cancelling venues, reappointing staff, all of these sorts of things and what the advertising budget of that—I have not got that information here, but I will make that inquiry.

Dr CLOSE: The reason for the deferral of the election, should it happen next year, will of course be because the federal election comes in the way. I wonder if the Attorney can describe any discussions that she has had with the Electoral Commissioner about making sure in informing the public about the deferral of the date that it is clear that this is the state election that is being deferred and that the federal election is taking place first.

There has been some consideration about the manner in which that is communicated in order to help distinguish between the two elections, which might otherwise become very confusing, given that there is likely to be advertising coming from both levels of politics. There are likely to be media stories coming from both levels of politics. Has there been any consideration about the way in which it will become clear that on this date it will be the federal and on this date it will be the state election?

The Hon. V.A. CHAPMAN: I have not been briefed in relation to that specifically. There has certainly been some discussion around it included with Mr Reggie Martin when we discussed the funding bill with Mr Gully. We were in a meeting in relation to that and there were questions raised about what will be relevant advertising during campaigns, for example, which include, say, the Leader of the Opposition federally with the Leader of the Opposition in South Australia or the Prime Minister and the Premier in the same photographs and advertising material.

Is that relevant to caps in elections, for the state election or the federal election, these types of issues? These are the complications that come potentially when there is some overlap in the time that is being devoted to the first election and then the second and whether, if there is some proximity of those, as to the allocation of that for funding purposes and disclosure purposes. So that is one issue that has been raised.

As to the question of what do you need to explain to the public and what program is specifically there to assist them to understand that, firstly, there would be a federal election and, secondly, consequentially there is an adjourned date for the state election. I have not had the particulars of that discussion but these are all matters which I think, pretty clearly—just discussing it with Mr Martin, for example, who is obviously very involved in the development of the campaigns for the Australian Labor Party—senior personnel in political movements or parties are considering as we speak.

As to the Electoral Commissioner, I have not sought detail from him as to the particulars of how he is going to manage that issue of, effectively, contemporaneous elections.

Clause passed.

Clauses 14 to 21 passed.

Clause 22.

Mr PICTON: My understanding is that some of the changes here at least are in relation to the changes that have been proposed in relation to expansion of pre-poll voting. Is it the Attorney's intention, through at least the first two elements of clause 22, that essentially this is going to change the manner in which booths are thought of, in that we are now going to have 12 different election days rather than just the one and each one of those pre-poll days would be considered a polling day, and the polling booth would include the pre-poll booth operating on each of those 12 different days?

The Hon. V.A. CHAPMAN: I think the member can describe it however he wishes. The fact is, the proposal is that the pre-polling will be available for 12 days prior to the polling day. I think it is fair to say that, firstly, there has been a surge in popularity in recent years in South Australia and across Australia to vote during this pre-poll period. In fact, at the last election I recall we had significantly long lines, and again the Electoral Commissioner indicated during his estimates that he was proposing that there be an extension of the number of pre-poll booths in addition to this proposal.

Key to this expansion is the convenience voting and the removal of the eligibility for pre-poll voting. Four Australian jurisdictions—NT, Queensland, Victoria and WA—have removed pre-poll eligibility requirements in the past decade, while the ACT government is currently considering removing its requirements. ECSA's 2018 elector survey showed broad support for removing pre-poll eligibility requirements in South Australia, with 58 per cent of pre-poll voters stating that people should not have to provide a valid reason to vote early.

Another important reason to remove eligibility requirements is ECSA's inability to enforce compliance. As progressively more people vote early, the eligibility test has become problematic. The reality is that polling officials cannot test voters' claims to be travelling or caring for an ill family member and must simply accept them at face value. Given the indisputable rise in demand for pre-poll voting, mirroring national and international trends, the public's support for removing eligibility requirements and the impracticality of enforcing compliance, ECSA recommends legislative change to remove the eligibility criteria for pre-poll voting in South Australia.

Even if members were not convinced by the indications of popularity that are flowing in the other jurisdictions and in our own state, as I have indicated—and New Zealand is actually another one that has shown a massive appetite for that—now we are in COVID circumstances, so this is an important amendment to ensure that the election can proceed in a COVID-safe manner.

While we are on estimates, the Electoral Commissioner again set out the significance of having to have a COVID plan ready for this forthcoming election. The COVID safety plan includes reducing large numbers of people attending at polling booths on polling day. These are all factors which enhance the desirability of us removing the eligibility criteria, and it is of course all consistent with recommendation 11 of the Electoral Commissioner.

Mr PICTON: I am not quite sure what the COVID difference is between a large number of people at an election day polling booth and a large number of people at a pre-poll polling booth, but we will leave that be for the minute. Clause 22(3) changes the kilometre limit to be able to do a declaration vote, from eight kilometres to 20 kilometres away from the nearest polling booth. Why has that change been made to expand how far somebody would have to be before they undertook that type of vote?

The Hon. V.A. CHAPMAN: I am advised that it is to meet the consistency with provisions in section 74—Issue of declaration voting papers by post or other means, specifically section 74(3)(c), which sets out that the elector's place of residence not be within 20 kilometres, so it is for consistency purposes of the act I am referring to of course.

Mr PICTON: There is a change in 22(4), which amends section 71(2)(c) to delete that paragraph. That paragraph states that a resident of a declared institution is entitled to make a declaration vote. Why is there an amendment to stop a resident of a declared institution from being able to make a declaration vote?

The Hon. V.A. CHAPMAN: Again, I referred to this earlier. This is in relation to replacing mobile polling booths with pre-poll.

Mr BROWN: Can the Attorney clarify that? Is the Attorney informing the house that she envisages that the ability of those residents of declared institutions will be curtailed and that they no longer will be able to cast declaration votes and will now be required to attend a polling booth?

The Hon. V.A. CHAPMAN: No, not at all. You misunderstand that completely. They will still have that facility, but it will be treated as a pre-poll vote.

Mr BROWN: Attorney, I am happy to explain a bit more fulsomely. What about those who are unable to attend a booth located at a declared institution?

The Hon. V.A. CHAPMAN: The declared institution becomes the site at which the pre-poll is available. It is no different from the person who is in the nursing home. They will still have that accessibility: it is called a pre-poll.

Mr Cowdrey interjecting:

The Hon. V.A. CHAPMAN: Yes, thank you, member for Colton. It is called a pre-poll.

Mr Brown interjecting:

The Hon. V.A. CHAPMAN: I have said this many times during this debate. For all the reasons I have just listed—the appetite of the public, the demand for the opportunity to be able to have a vote without having to sign a declaration, the incapacity to scrutinise that and enforce it, even to try to prove that you were not actually caring for a sick person at home, or that you were not pregnant or you were not having to work—we are moving away from the declaration vote and we are not making it impossible for people to access, but that does not mean we will not provide the capacity for someone to receive a pre-poll vote process at the nursing home.

The Electoral Commissioner has already made that very clear at estimates. He is not proposing to change or reduce the accessibility of people to vote via pre-polling booths. He went on to say that he is going to expand pre-poll booths. He said that for people in nursing homes, instead of having a mobile unit with a declaration procedure, they will have a pre-poll procedure, but they will still have a procedure. And, if we ever get telephone-assisted voting through, they will be able to do it on a telephone.

Mr BOYER: Attorney, I think you touched on this in an answer to a question from the member for Kaurna, but in the proposed change from eight kilometres to 20 kilometres what modelling was done in terms of why 20 kilometres was chosen as the substitute?

The Hon. V.A. CHAPMAN: I am indicating that it is to be consistent with other provisions in the act, including section 74. We are moving away from a declaration system to a pre-poll system, where you do not have to have a declaration where you have to sign that you are pregnant or looking after somebody, and that you have to be able to have this access to be able to do that, and we are setting up the rules around it to be consistent through the act. That is all I am advised is the reason for it.

Mr BOYER: Attorney, what questions have you yourself asked as to why that 20 figure was chosen? I understand you are saying consistency, and I am sure it is one reason, but surely that is not reason enough to make a change like this. What modelling was done in terms of why people from that distance would be more eligible than others? We are talking about potential disenfranchisement of people. What questions did you ask about how many people potentially would

be affected by the change? Surely with something as important as voting, consistency alone is not enough.

The Hon. V.A. CHAPMAN: Well, it is, and it is an important thing because, if we are moving the manner of voting for an elector who is entitled to vote in an election, and we are moving away from a declaration procedure so that we have more people casting ordinary votes that can be counted on the day, we need to have consistency between those models. So I entirely agree with the Electoral Commissioner, and when he says to me, 'This is a consistency aspect,' I absolutely agree with him.

Clause passed.

Clause 23.

Mr PICTON: This change appears to me to be essentially about changing, when you go to vote, what questions you are asked. I think all of us would be familiar: you are asked what your name is, what your address is, have you previously voted in this election. The proposal is to no longer ask the question about the address of the person's principal place of residence. I wonder if the Attorney can outline why the decision has been made to put this amendment to no longer ask that question regarding the person's principal place of residence.

The Hon. V.A. CHAPMAN: This was raised by ECSA, as it was 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 necessary to establish whether the person is entitled to vote. So that is the reason.

Mr PICTON: This is not something I have had to encounter, with my name, but there may potentially be names where there might be multiple people of the same name in the one electorate. So if we are not asking for a person's address, how are you determining which person they are on the electoral roll?

The Hon. V.A. CHAPMAN: Again, that is exactly why there is a capacity for the authorised officer to put further questions as are necessary. So if it turned out there were 10 Chris Pictons in the seat of Kaurna—heaven forbid; it is a frightening thought, but anyway, let us assume that occurred—and you turn up to say, 'I'm here to vote, and my name is Chris Picton,' and they say, 'Well, which one are you? Are you at Maslin Beach or are you at Noarlunga?' They can ask those things, but we have already traversed in this debate the significance and importance of the silent voter.

It has been raised with the Electoral Commissioner. His view is that the best way is to not as a matter of course say, 'Are you the Chris Picton of such and such address at Noarlunga?' with everyone able to hear. Is it better that he ask what your name is and then identify if there are six or 10 Chris Pictons in the area and, if it is necessary, then traverse further detail and ask more questions? It seems a fairly simple way of resolving an issue that has been raised with the Electoral Commissioner, and I agree with it.

Mr BROWN: On that point, Attorney, you have indicated that one of the reasons behind this change is to deal with silent electors. Is it no longer the commissioner's position to encourage silent electors to become general postal voters so they do not need to turn up to booths and give their address?

The Hon. V.A. CHAPMAN: Not that I am aware of, no.

Mr BOYER: In relation to the member for Kaurna's question, Attorney, do you have any understanding of what the other questions that might need to be asked might be in lieu of asking for an address? If, for instance, there are a number of Chris Pictons in a seat, and the person needs to establish that it is this one in particular—

An honourable member: This is going to be a theme.

Mr BOYER: It is. Do you have any understanding or did you ask any questions about what those other questions might be that need to be asked to establish the identity of the person?

The Hon. V.A. CHAPMAN: It may be, for example, to address the suburb of where the person may live to differentiate. It may be that the person is asked whether they have any concerns about disclosing their address verbally—if it could be audible—and they may be invited to write it

down, for example; or the person who is doing the sign-off, which is electronic these days, assuming they have a pencil available, could write it down and show it to the person. They could try to do it that way.

What we are looking at here is ensuring that it is not necessary, most of the time, and where it is necessary, that there is another means by which that can be obtained without causing embarrassment or a threat to the safety of the person who is being asked.

Clause passed.

Clauses 24 and 25 passed.

Clause 26.

Mr PICTON: Firstly, I think if there is anybody who is going to have multiple people in the electorate in their name, it is probably the member for Playford. There are probably many out there. I move:

Amendment No 11 [Picton–2]—

Page 8, after line 34 [clause 26, after subclause (2)]—Insert:

(2a) Section 77(2)(b)—delete '12' and substitute '7'

This seeks to implement a position that the South Australian Labor Party has had for some time, which is consistent with the position that we have had in relation to encouraging people to vote on election day. This would give South Australians seven days to vote at a polling booth, six days at a pre-poll booth and election as well, in addition of course to the other types of voting in relation to postal votes, declaration votes, mobile booths and the like.

This is also part of the effort to make sure that constituents have the best access to, and equality of access to, information before they vote, making sure that everybody has the same information. Always, there is particularly new information that comes out before polling day, and as many people who can get that same information can be the best possible informed voters.

This will allow someone to vote on any day of the week. Voters will still have access to postal votes and some voters will have access to telephone voting as well. As the act stands, any South Australian who votes at a pre-poll centre must have a valid reason to vote early and cast a declaration vote. With those barriers being diminished and based on the principle that people should be encouraged to vote on election day, this amendment therefore balances that. The period to vote is slightly shorter, but it will have to be a declaration vote and they will not have to meet the requirements that the bill removes.

The Hon. V.A. CHAPMAN: This amendment will reduce the amount of time available for pre-polling from 12 days to seven days. ECSA's election report noted the significant increases I have detailed to this committee in demand for pre-polling voting in recent years, and this demand is expected to continue. To reduce the number of days that are available for pre-poll voting will put significant pressure on pre-polling booths and most likely create queues and delays for people who want to vote early. Pre-polling is an important part of ensuring that election occurs in a COVID-safe manner.

It just seems rather peculiar to me that the member would now be saying something like, 'It's bad enough that people can vote before at all, because they all should be voting on polling day, but we are going to punish them by only leaving them with five days to be able to do it.' This is the 21st century, this is the COVID situation we are in, and it is almost unbelievable to think that we have this obsession with holding onto the idea that we are going to make everybody vote on polling day. Where is the democracy in that?

It is this idea that the Australian Labor Party thinks that people have to go along and have to all listen for exactly the same period to what is happening out there. Some people make their decision very early. Some people do not make it until the minute they walk into the polling booth. Some people never vote at all, or turn up even, which of course is against the law, but that is the reality. This is the situation that exists. The Labor Party has this archaic idea that we all have to tune into what is

happening and we all have to have the same amount of information at the time of voting; heaven forbid that we have any decision-making independence.

Members interjecting:

The CHAIR: Order!

The Hon. V.A. CHAPMAN: The age of paternalism is over. People are entitled to have a vote. We on this side of the house respect that. We think they should have a choice to vote for whom they wish and when they wish. In a COVID environment, it is even more critical that we give them an opportunity to do that at a safe distance from others.

I do not just say that; the Electoral Commissioner supports this position being extended to 12 and, with the amendments to the declaration vote, the relaxation of that will enable us to increase the number of votes that can be ultimately counted on the night. Is that not that a great thing? We will actually have some chance of knowing who has won their seat.

Even if there are a few outstanding, there will still be some indication and capacity to identify who is going to be able to form government. Why is that important? It is not very helpful if we have to wait months to sort that out before we can have the calling together of the parliament to continue the business of the state. So for all these reasons, I applaud the commission's approach on this.

I am also very pleased to have heard the contribution by Antony Green, a long-term commentator in this area, when he visited South Australia. He even provided an information forum at the parliament. We have not always agreed on things. In fact, one night I was sitting on an election panel and he announced that the seat of Bragg had fallen. That was clearly a mistake and thankfully it was, as I was sweating away on television.

Obviously, it was wrong. Obviously, they had got the figures wrong or something. I was not panicking at that point, but I was trying to be very confident on television having to defend that position. Nevertheless, Mr Green has obviously watched elections and been a significant commentator on Australian elections. He has given great service in this area and, importantly, he has come along to endorse this groundbreaking approach from the South Australian parliament. I was very pleased to have that endorsement.

The CHAIR: Are we speaking to the amendment, deputy leader?

Dr CLOSE: Yes, it is a question for the Attorney, though. In criticising the amendment, the Attorney referenced the importance of safety in COVID times. We all hope this is an event that will pass eventually and one ought to probably not make ongoing laws on the basis of it. Has the Attorney contemplated that a longer period might be appropriate by regulation under a particular health circumstance but not necessary in an ongoing sense, given that—we clearly have a disagreement—the principle of democracy is that everyone makes a decision, as near as possible, at the same time with, as much as possible, the same information?

The Hon. V.A. CHAPMAN: I understand where the member is coming from. I think the idea that the Electoral Commissioner—I think it is the only one in Australia—is bound by this obligation to encourage electors to vote on election day is actually a peculiar quirk of the South Australian legislation. It is a rather bizarre thing, but anyway the former Labor government put it into the act and it impedes the opportunity for people to have a choice.

Breaking down the access to vote, not having to sign declarations—the old declaration vote—will assist in that, but this is the real world. Even pre COVID, we had election after election where there was a desire for people to be able to vote at different times, other than attending at a polling booth on election day. Some do it by postal votes. Hopefully, telephone-assisted voting will also be extended to people other than just those people who might be visually impaired. It is obviously designed to assist those overseas, for all the reasons I have pointed out.

This is the real world. People do expect the capacity. We are also getting inquiries about electronic voting. I think that is a bit premature yet. The Electoral Commissioner tells me that he is ever alert to these options around the world, but we have seen some shockers in other jurisdictions that have been hopeless. Obviously, we have to get it right if we are going to go into large-scale electronic voting.

In any event, at the moment I think the position is pretty clear: this is something the public has an appetite for. I think there is a level of unease at present in relation to being in proximity to others. In fact, we are being advised by health advisers that, even as we come through the safe vaccination periods that have been identified for the relaxation of travel and restrictions and the like, there is still a strong encouragement we are hearing from health professionals that we keep some distance, wear masks at the moment, still wash our hands, etc., and those sorts of things.

It would be unrealistic to expect that everyone is going to feel comfortable to come out on election day and mix with other crowds—they may even have to line up in queues—especially if they are frail aged or in a circumstance where they may have some comorbidity with health problems. I would think this is a very important initiative and is just enhanced by the fact that we are in a COVID situation.

Amendment negatived; clause passed.

Clauses 27 and 28 passed.

Clause 29.

Mr PICTON: I move:

Amendment No 12 [Picton–2]—

Page 10, after line 4 [clause 29, after subclause (5)]—Insert:

(5a) Section 84A—after subsection (2) insert:

(2a) Regulations relating to an assisted voting method that involves telephone voting must at least provide for the method to include the following requirements:

(a) a witness who listens to the entire telephone communication between a prescribed elector voting using the method and the relevant officer taking the vote and ensures that—

(i) the prescribed elector's vote is accurately marked by the officer in the presence of the witness; and

(ii) the officer then reads the marked vote aloud to the prescribed elector; and

(iii) the prescribed elector confirms that their vote has been accurately marked or, if the prescribed elector seeks to amend their vote, the officer accurately marks the amendments and reads the amended marked vote aloud to the prescribed elector;

(b) a witness who performs the functions referred to in paragraph (a) in relation to an assisted vote—

(i) records a unique identifier number (being a number provided to the prescribed elector in relation to their assisted vote) on the declaration envelope into which the vote is to be placed; and

(ii) signs the declaration envelope; and

(iii) folds the ballot paper and seals it inside the declaration envelope.

(2b) Regulations made under section 84A(2)(f) cannot disapply or modify the operation of subsection (2a) in relation to an assisted voting method that involves telephone voting.

One of the features of the Attorney's legislation is in regard to telephone voting. This amendment sets out requirements that would be in place for an assisted voting method, i.e. telephone voting. Essentially, we have set out what the Attorney-General said in her contribution the requirements would be for telephone voting. The Attorney outlined in her words what she regards would need to be put in regulations. We have turned her words, and we have spoken to parliamentary counsel and proposed this amendment that would make sure there is a statutory basis for it, rather than relying on regulation.

As a number of members have raised in their second reading contribution, there are concerns about integrity with telephone voting. Therefore, we are seeking to put in the statute the requirements, as the Attorney outlined. I would anticipate that the regulations around this would be similar to what is in the amendment. We think it is important, though, to ensure that they are spelled out in the legislation, given the importance of making sure that protections are there in this very important area where we are significantly expanding the use of assisted voting.

The Hon. V.A. CHAPMAN: The advice I have is that the provisions being put in the act are unnecessarily prescriptive. Certainly, this outlines what I have been advised, and I have made statements about my understanding of how this works. The member would also understand that the telephone voting that we have could well change, and there may be more packages or modules that make this slightly different, and what would happen then if there were an automatic transfer without a prescription number and how that process would work.

At the last election, my understanding is that the package we bought from Western Australia to assist people to vote was one where they had to attend at the Royal Society of the Blind or one of those agencies. You physically had to go in and attend and, with the assistance of somebody there, undertake the vote. That was slightly different.

We apparently purchased this program from Western Australia, and this will supersede that, so we will now have this new system. This is what technology is like: it enables us to upgrade. In this instance, the Electoral Commissioner is suggesting that it be made available for people other than those who are sight impaired but in fact made available to overcome the problem of the overseas voters who may well still be stuck overseas by the time we get to an election.

The postal vote there has been wildly inadequate, as we knew from the last election; that is, there is not sufficient time to get the mail back for them to be able to cast a valid vote. Talk about excluding people who have an entitlement to vote. He is recommending that this new technology be available for them to be able to do that as well via a telephone-assisted vote. This has turned up at a time when, hopefully, it will be useful when we are dealing with COVID restrictions as well. However, I am advised that if there are changes to technology and we have to come back to have that changed, that would be difficult to do, obviously, after December.

I am further advised that the Electoral Commissioner would, of course, be consulted in the preparation of any regulations, but I can tell the parliament that my reading of this is consistent with what I am advised is the process in terms of how this would operate. Ordinarily this type of material would be in a regulation; it would be unusual to put it in an act and, in this case, unnecessarily prescriptive.

Dr CLOSE: I will ask the mover of the amendment to elaborate on some of the concerns he is seeking to address and risks that he sees in not having a more careful prescription of the regulations that relate to this form of voting assistance.

Mr PICTON: Thank you for the question without notice from the deputy leader. It gives me an opportunity to outline what we are seeking which, I say again, is what the Attorney-General outlined would be the protections in place for the assisted voting method.

A witness who listens to the entire telephone communication between a prescribed elector voting using the method and the relevant officer taking the vote ensures that the vote is accurately marked. The officer then reads the marked vote aloud to the prescribed elector. The prescribed elector confirms the vote has been accurately marked or, if the prescribed elector seeks to amend the vote, the officer accurately marks the amendments and reads the amended vote aloud to the prescribed elector.

This is a very different approach to voting from what we have known. There are good reasons why we need to have it in place, in particular, for people with disabilities, and the next amendment seeks to better define exactly who would be eligible for such a vote. However, it is important that we set forth some of those requirements about how that process should take place—just as the Attorney outlined would be in the regulations—to make sure that it is done appropriately, safely and with the right safeguards in place.

A witness who performs the functions in relation to an assisted vote records a unique identifying number, being a number provided to the prescribed elector in relation to the assisted vote, on the declaration envelope in which the vote is to be placed, signs the declaration envelope, folds

the ballot paper and seals it in the declaration envelope. So there is protection there about how the vote is to be dealt with to make sure that confidentiality is maintained, the unique identifying number not being able to be recognised as a name or address would be.

Of course, there can be regulations that would be put in place to address what I think the Attorney's concerns are, but I think with these particular requirements, as technology changes you would still see the need for these requirements and features in the future.

Dr Close: You've convinced me.

Mr PICTON: I have convinced the member for Port Adelaide, thank goodness.

The committee divided on the amendment:

Ayes 16
Noes..... 21
Majority..... 5

AYES

Bettison, Z.L.	Boyer, B.I.	Brown, M.E.
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J.	Stinson, J.M. (teller)
Wortley, D.		

NOES

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)	Knoll, S.K.
Luethen, P.	McBride, N.	Patterson, S.J.R.
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

Bignell, L.W.K.	Murray, S.	Brock, G.G.
Marshall, S.S.	Piccolo, A.	Cregan, D.
Szakacs, J.K.	Pederick, A.S.	

Amendment thus negatived.

Mr PICTON: I move:

Amendment No 13 [Picton–2]—

Page 10, lines 6 and 7 [clause 29(6), definition of *prescribed elector*]—Delete the definition of *prescribed elector* and substitute '*prescribed elector* means—'

(a) a sight-impaired elector; or

(b) an elector with a disability within the meaning of the *Disability Inclusion Act 2018* (other than sight-impairment); or

(d) any other elector, or class of elector, specified for the purposes of this definition in a direction under section 25 of the *Emergency Management Act 2004*.

Amendment No 14 [Picton–2]—

Page 10, after line 7—Insert:

(7) Section 84—after subsection (4) insert:

(5) For the purposes of paragraph (b) of the definition of *prescribed elector* in subsection (4), the regulations may declare that a reference to a disability in that paragraph—

(a) will be taken to include a disability of a kind prescribed by the regulations; and

(b) will be taken not to include a disability of a kind prescribed by the regulations.

Amendment No. 13—and No. 14 is subsequent—spells out which electors will be eligible for a telephone vote. Sight-impaired electors are of course already included, but this amendment allows for an elector with a disability. The definition has been based upon the Disability Inclusion Act 2018 or any elector or a class of elector as set out in the directions by the State Coordinator under section 25 of the Emergency Management Act. Obviously, we are in a COVID situation, the emergency has been going for some time, but there is also the potential that people might be in bushfire particular areas, etc., hence the need for the State Coordinator who might be able to in the future set out a particular class of people who would be eligible for the telephone voting.

It is important, I think, to set out clearly in the legislation who can cast their vote by telephone. Regulations can be made after parliament has risen for this electoral act. We have talked about this a number of times. We have not seen a draft of the regulations from the Attorney, regulations probably likely to be put into place after parliament is prorogued. There would not be an opportunity for parliament to disallow them before the election.

There would be nothing stopping the government changing regulations to include any electors without the possibility of a disallowance, if this amendment is not agreed to. We accept that there may be emergency situations that might become an issue and hence, for that reason, the State Coordinator will have the power to make directions for any class of voter under the Emergency Management Act.

We believe this amendment strikes the right balance in defining the people who are being sought to be aimed at for this class of voting, being able to deal with emergency management issues in the future and also making sure of proper parliamentary oversight in terms of the drafting of this section.

The Hon. V.A. CHAPMAN: In relation to amendment 13, which attempts to restrict who can be in the prescribed elector category, and amendment 14, which I suppose in some ways restricts the definition of disability, with the flexibility around the definition of disabilities being a good thing, the government's view is that all categories of electors who can access telephone-assisted voting should be prescribed by regulation.

If I just go back to the first one, the proposal in the amendment is to allow for categories of prescribed electors to be prescribed by regulation; specifically, it is to be a sight-impaired elector, or an elector of a class prescribed by the regulations and, clearly, one of the reasons for telephone-assisted voting is to provide options for overseas electors who struggle to return their ballots in time to be counted.

The government considers that the flexibility to add or remove categories of electors by regulation is a key part of the workability of the telephone-assisted voting, especially in relation to ensuring a COVID election. So it may well be that the prescribed elector may, in the regulations, include an elector with a disability under the meaning of the Disability Inclusion Act. That may be a sensible thing to include, other than sight impairment obviously because that is already provided for. It may be that the elector class would include people who may be the subject of a direction under the Emergency Management Act, whether that is a bushfire or a COVID circumstance.

These may all be sensible things to be accommodated, but so are already a known class of people who are currently prejudiced by being overseas and having to rely on a postal system. That is a difficulty that we have already been through an election and experienced, and which the Electoral Commissioner has highlighted as an area of need. So why on earth would we be then trying to be prescriptive, as the proposer of this amendment is, when we already know that there is a significant class that is already disadvantaged? So much for democracy.

These are the reasons why we think it is important. It may turn out that telephone voting is highly sought after by people who are simply frail aged and have some difficulty in being able to

access a polling booth safely, in their eyes, and do not want to take that risk. In any event, the examples that have been given by the mover of the amendment I think are worthy of inclusion in any regulation which sets out the prescribed classes.

Certainly, we would want to see the overseas electors included, who have already been identified and highlighted by ECSA as requiring attention. This is a complementary way of ensuring that their vote will be able to be received and not excluded by virtue of returning after the cut-off time for the election.

I do not know what is going to hold in relation to overseas travel and when it will resume and how people can get back or whether they can afford to get back—those sorts of things—we just do not know that. The Electoral Commissioner has highlighted that to us. I think this is in direct contradiction of what he is trying to do, and I support the Electoral Commissioner's position.

Mr PICTON: The Attorney, in highlighting the provisions in relation to overseas voters—certainly, we would welcome considering an amendment to this amendment, but what the opposition has been trying to do in putting forth this amendment is to make sure that there is the ability for parliament to have in the statute the criteria around who would be eligible for this assisted telephone voting.

I am pretty sure you could look back at any number of speeches by the member for Bragg of four years ago around whether we should be prioritising regulation or statute, and she would have erred on the side of putting things in the statute. Of course, the member for Bragg of today is saying, 'It's all fine. Just leave it all up to the regulation.' Funnily enough, we do not have that view. We believe that this should be articulated and codified in the legislation. We, therefore, are happy to consider any amendment that the Attorney-General may propose to expand the criteria as to what has been put here but, above all, our position is that we want to see this codified.

I am intrigued that the Attorney in her contribution just then suggested that it may include older people who do not want to go to the polling booth. That is a very substantial increase in the number of people who would be able to use telephone-assisted voting in South Australia. I think that would be the largest expansion of any such assisted voting in Australia.

This highlights the need to have the parliament consider this rather than it be left to the cabinet to advise the Governor to put some regulations in just before the election where there would not be the ability for parliament to provide any oversight, and there would not be the ability to disallow any regulations that completely would seek to overstep the mark, such as the Attorney-General was just suggesting in her contribution.

Amendments negatived.

The CHAIR: We need to deal with clause 29 as printed.

Mr PICTON: Clearly, now this clause is going to give the government the power to consider any class of voter that the regulation could be put in place to cover, in terms of this telephone-assisted voting.

Can the Attorney outline for the house whether there have been any draft regulations put forth or drafted already in terms of who would be the classes. Can she elaborate on her suggestion of five minutes ago that a class of people may well include older people who do not wish to go to the polling booth on election day. Is that the potential class of people the government would consider a regulation to include in this class of voting?

The Hon. V.A. CHAPMAN: I was certainly using that as an example of someone who may be fearful in a COVID environment—if they have comorbidity issues or they are frail aged—to be able to have access to that. What I was trying to indicate is that may be accessible for the two areas that have been identified by the mover, which included people with other disabilities and/or people who were the subject of some kind of restriction arising out of an emergency management declaration or public health restriction or biosecurity act restriction.

I think there is some merit in starting some work as to what is going to be included in this. I think just from the very point of view of working with the Electoral Commissioner as to what they have

in mind is not a bad idea. As I indicated before, to the best of my knowledge no draft regulations have been prepared for this bill or anything that comes out of this bill.

Whilst we have telephone-assisted voting, it is in a different format at the moment because we are using the old piece of technology from Western Australia and it requires you to actually attend at a place. I think there is something in the report about this—that of the many people who were sight impaired, I think only a couple of hundred took up this opportunity, using this fairly dated software from Western Australia that was acquired. I think that the mover is right that it is worthwhile our getting started on that. I will put in place a request for that to commence so that we hopefully have something to be able to look at.

As I have indicated in relation to corflutes, there are regulations for that because during consultation people asked for that and also for the legislation proposed in relation to funding amendments, which is for debate in this house. There has certainly been provision of draft regulations so that can be reviewed. I think that probably would be helpful, ultimately, for the parliament to have a look at, particularly by the time we get to the Legislative Council to deal with that.

If any members have any other areas they think ought to be included in prescription, other than the disability definition and the emergency management definition, then we would be happy to hear from them on that. How those two would work and how they should be best described I will leave to the experts on the drafting, but they seem to be worthy inclusions.

Mr PICTON: Under the provisions proposed here, is there anything that would stop a future government from using the regulation power to prescribe that all voters would be eligible for assisted voting under this provision?

The Hon. V.A. CHAPMAN: I suppose that is strictly possible. This is not a cheap process, let's be realistic here. The employment of people to supervise this type of voting is not insignificant. Extra funding has been requested by the Electoral Commissioner to make this service available, so it is not one that is seen as really affordable in presenting for election. We may need to extend the time for voting even to a much greater period or greater time frame if we are going to have everyone deal with this electronically.

This has been identified for certain categories that are currently alienated from being able to vote unless they have assistance. We have older technology. We now have a new program. The cost of that is in place, but it still has to be populated with people to make it happen, so it is not something that is a cheaper option. This is, on balance, more expensive, as I would see it. We would have to look at employing what might be thousands of people to actually operate something like this if the whole population went onto telephone-assisted voting.

We may well be at a stage where we are starting to look at whether electronic voting is something where a package is developed that is workable and is actually reliable, but at the moment, from the ones I have read about in other jurisdictions overseas, they have been disasters. It does not mean there will not be in the future. I do not know whether other members get people writing to them like they do to me, saying, 'Why can't we just have electronic voting?' There is a good reason: nobody is actually coming up with anything that is actually foolproof enough or sufficiently reliable.

There was one out of Florida, I remember, where it was like a computer printout, and when it came to the actual counting of the vote there were defects in the holes that were punched. I think the declaration of that poll ended up in the Supreme Court of the United States. These things are not without a fair bit of work to go to.

There is certainly no intention at this point in applying such an expensive piece of technology with the support that is needed to supervise it—take the phone calls, supervise the vote, ensure that that is transferred. We are certainly not anticipating this would be widespread.

Mr PICTON: The Attorney in her contribution highlights the expense of the technology that would need to be in place. We have of course discussed many times that we are essentially five minutes to midnight until the next election. What work has happened in terms of procuring the technology that would need to be put in place to enact this section for the next state election? The Attorney says she was in receipt also of cost estimates from the Electoral Commissioner in terms of what those costs would be. What are the costs of enacting these provisions?

Presumably the cost, as per the Attorney's last contribution, would also depend on how many people she regulates would be eligible for this provision as well. Your determination in that regulation would also presumably determine the cost. Presumably there are estimates that have been made on how many people would use it. Are we going to get this technology up in place in time? Is there already technology that has been worked out, ready to go, and how much is this likely to cost?

The Hon. V.A. CHAPMAN: I cannot remember offhand how much it is, but I know I have sought and obtained approval for extra funding for the Electoral Commissioner for various things that he wants to do, including telephone-assisted voting, so he has put in a submission. It has been approved, so my understanding is, yes, that is available.

I am sure he has done some modelling as to how many would use it. I remember, and it is also in the report, his suggestion that there was a low take-up of the option that was available for sight-impaired people under the Western Australian model, when they bought that second-hand from Western Australia. It may be because you physically had to go to the place that people thought, 'I might just go to the polling booth anyway and get some assistance there.'

This is designed to be obviously much more user-friendly. Certainly, we have provided some money. In relation to a memo that I had received from the Electoral Commissioner in October 2020, it said, 'The Attorney-General, as the minister responsible for the Electoral Commissioner's budget, approved the proposal to the Treasurer for an increase in the Electoral Commission's budget for the conduct of the 2022 state election by $150,000 for operating expenditure for the 2021-22 year.' That was to provide for the 'telephone voting as a method of voting to assist those electors who are vision impaired, otherwise disabled or overseas'. So that is the cohort he had identified as needing that extra money. I assume that was for all the people who were sitting on the other end of the line.

Dr CLOSE: Just to follow up, when the modelling was being done what assumptions were built into that modelling for who would be eligible to use this, because presumably it would cost and would operate in very different ways depending on their eligibility?

The Hon. V.A. CHAPMAN: Those three: sight-impaired, disabled and overseas.

Dr CLOSE: What consultation has been undertaken with disability advocacy groups on the best approach for this and also the best way to capture it in legislation?

The Hon. V.A. CHAPMAN: I would have to ask the Electoral Commissioner on that matter. I know that obviously he had a consultation with the RSB because they were using the services at their premises for the last election with the Western Australian technology. As I said, the uptake was very low.

It is identified here that ECSA worked in partnership with the Royal Society for the Blind to implement the Adelaide-based trial of electronically assisted voting software called VoteAssist, for those who do not know, which has been successfully used at the previous Western Australian state election. VoteAssist uses specifically designed computer terminals coupled with headphones and a numeric keyboard and audio prompts guiding the elector through the voting process.

It goes on to say that it was only used by 100 South Australians, rather than a couple of hundred. It requires voters with vision impairment to vote in person, etc. The Electoral Commissioner has advised of the situation that occurred with the overseas voting. At the 2018 state election, 712 postal voting packs were issued to South Australian electors overseas, using Australia Post's International Economy Air service. Of these, just 48 postal votes (6.7 per cent) arrived back in time to be admitted.

In the 2019 Cheltenham and Enfield by-elections, 81 postal voting packages were issued to South Australian electors located overseas, but this time ECSA used Australia Post's International Express Post service at approximately three times the unit cost. Of those, just nine postal votes (11 per cent) arrived back in time to be admitted to the count.

I think the challenges in relation to that are obvious and who knows how many people are trapped overseas as a result of COVID. Yes, the request to me to get the extra money—which I have secured—is to deal with sight-impaired, disability and overseas voters.

Clause passed.

Clauses 30 to 32 passed.

Clause 33.

Mr PICTON: I am sure we can all agree that it has been a frustrating thing to have the wait for postal and pre-poll votes, and this section is trying to address that issue, in part by now allowing pre-poll booths to be counted before polling day. However, that is quite a substantial change to the way that elections have been conducted, to have votes counted before the polling day finishes. It says 'at such times and in such manner before the close of poll as determined by the Electoral Commissioner'. That is basically all the detail we get on how that conduct is set to take place, except, of course, in relation to within the act in requirements prescribed by the regulations.

This is a pretty substantial change to the way the scrutiny of the votes takes place. Yet again this is another area where there has been no detail codified in the legislation about how that would operate. I do understand that there are some states—and I would be interested to get the confirmation of which jurisdictions have this pre close of the poll scrutiny of votes taking place already, but this a big change to make without any details.

Does the Attorney have the details of how this count would be conducted? Will there be secrecy requirements, and, if so, how will they be maintained in how the count will be conducted? What will be the security arrangements in place around that count as well? How far before the close of polling day is it envisaged that the count of these pre-poll votes starts? These are all questions that I think should be answered. I think ultimately it would be better if they were codified in the legislation, but, at the very least, can the Attorney outline what work has taken place and what she envisages the regulations will say?

The Hon. V.A. CHAPMAN: As I have indicated, I have not either sighted or understood that any regulations have been finalised for this bill, but, for the reasons that have been outlined, I think there is some merit in that being advanced. Let me put this on the record: clause 33 would provide for the new scrutiny provisions of ordinary pre-poll votes during polling day at such times and in such a manner as determined by the commissioner and regulation.

The proposed amendment to section 89 provides that any scrutiny undertaken before close of polls must be in accordance with the act and regulations. The Electoral Commission has provided information about the system used in New Zealand, which requires early counting to occur in a restricted area and a range of rules and restrictions apply to ensure the security of the restricted area. It is intended that new regulations will set out the details of how the scrutiny undertaken before the close of polls will occur in a secure manner.

I have inquired as to whether there have been any problems in relation to New Zealand, which has been an early convert to this approach, and I understand there has been no breach of security as such. There have not been any problems identified in relation to this process. Recommendation 16, if I now go to page 70 of the election report, relating to the scrutiny of ordinary pre-poll votes during polling day, states:

> As the number of declaration votes cast at pre-poll centres increases at state elections, the counting process becomes more drawn out, and the more likely it becomes that results in close elections remain unknown for several days. ECSA recognises that a situation could arise in a close election with a large number of declaration votes where South Australians might have to wait for a week after polling day to know the outcome of the election due to the extra time needed for the count.
>
> The current declaration vote scrutiny process cannot take place until the week after polling day once the rolls have been scanned and declaration envelopes delivered to each Returning Officer. A number of jurisdictions—the ACT, the Commonwealth, New Zealand, NT, Tasmania and Victoria—have resolved this problem by issuing the majority of pre-poll votes as ordinary votes and then counting these on polling day. ECSA recommends this approach be adopted in South Australia and seeks legislative change to do so.
>
> …if ECSA is permitted to issue ordinary votes at pre-poll centres to electors from the electoral district where the centre is located, this will ensure that most pre-poll votes are ordinary votes and can be counted sooner. Following the New Zealand model, on the evening prior to polling day these ordinary votes cast will be transferred to the central processing centre, where they would be counted on polling day in a restricted area under tight security conditions to guarantee the secrecy of the count until after polls close. This would result in a much larger number of votes being included in the results reported on election night and provide the public with greater knowledge of the outcome of the election that same night. The resultant smaller number of pre-poll votes issued as declaration votes would be scrutinised as usual in the week after polling day to ensure their validity before their inclusion in the count.

There is some extra detail here, I am advised, of the New Zealand scheme. This has been provided by ECSA:

1. The early count must be conducted in a 'restricted area'. The Act defines this as an area designated for the purpose of counting pre-poll votes and with features that:

(i) prevent people not in the area from seeing or hearing any aspect of the count; and

(ii) permit the returning officer to control who may enter or exit the area.

2. Access to the restricted areas is restricted to the returning officer, his or her assistants and one appointed scrutineer per constituency candidate. To guarantee this the Electoral Commission employs security guards to control access to each restricted area.

3. Signage at the entrance and exit to the restricted area states that it is an offence to enter or exit without the express authorisation of the returning officer.

4. Notice must be given in writing by the returning officer to each constituency candidate about the time and place at which the early count will commence. Each candidate may appoint (in a written and signed declaration) a single scrutineer to witness the early count. Every scrutineer must sign a declaration agreeing to the conditions and other requirements issued by the Electoral Commission to maintain the secrecy of the early count.

5. No person who enters the restricted area may leave before the close of poll without the express authorisation of the returning officer.

6. No scrutineer may enter the restricted area with a device such as a mobile phone that enables information to be conveyed outside the area.

7. Any person who fails to abide by the conditions commits an offence and may be fined.

In preparing regulations regard will be had to the safeguards set out in the New Zealand legislation.

Clearly, if it works, obviously that is a model to be looked at. They have had a number of elections using this model. It sounds very much like a beefed up scrutineering that we have at 6 o'clock at most polling booths, but there will be security guards there as well.

Certainly, in all those lovely hours I spent with the former member for Enfield, Michael Atkinson, in scrutineering at the electoral offices—

Mr Boyer: Enfield was Rau. Croydon.

The Hon. V.A. CHAPMAN: Croydon, I beg your pardon. Rau was not there—I was definitely with the Hon. Michael Atkinson. We spent many hours locked up in these places and certainly they were not using this direct model. In relation to the scrutineering on recounts, for example, there are very strict rules: you cannot touch any of the ballot papers, all those sorts of things, no phones available.

Clearly, there has to be a level of scrutiny. It seems to work in other jurisdictions and others are signing up in this way. I think it is time that we did and it certainly has the support of the Electoral Commissioner. Again, just so that it is absolutely clear about what each will be responsible for in this area, it is worthwhile us advancing or requesting the Electoral Commissioner to advance, in this context that he is suggesting, some drafts for the other place to look at, if and when we ever finish the debate here.

The CHAIR: That is in the hands of those in the committee.

Mr PICTON: The Attorney in her contribution raised the New Zealand model as the one that the government is looking at to implement—

An honourable member interjecting:

Mr PICTON: The Electoral Commissioner, so not necessarily even the government, is looking at in terms of putting into regulation. As I understand it, and as I think the Attorney alluded to, the provisions in the New Zealand model are legislated in the relevant electoral act in New Zealand, so they are codified in the legislation there. I believe some things you referred to there said, 'The act says' etc.

If we are looking at New Zealand as a model, they have a model which you outlined very specifically. All their requirements on the face of it, without having seen them in detail, appear to be sensible in terms of how the security of this should be put in place, whereas the model you are

proposing is, 'Oh, leave it up to the regulations. The government will tell you later.' Why have you not looked at codifying those arrangements in the legislation, particularly given the detail you have on the New Zealand model, rather than once again leaving that to regulation?

The Hon. V.A. CHAPMAN: I am not sure that the member is correct in assuming the procedures for this are actually set out in the New Zealand Electoral Act, but I will certainly have a look at that. It may be some addendum to it, but we will certainly have a look at it. In the information I have been provided, it just says that in preparing regulation regard would be had to the safeguards set out in the New Zealand legislation. Well, that could be in the act and the regulation, just like we have a similar model here. We both inherited the British system, and I think there is every likelihood they have a similar situation to ours.

In whatever format it is, I think it is reasonable for the house to see what is being proposed. I have been provided this information from the ECSA as to what they would be recommending we look at. If it is tried and tested and secure, then it is probably a good reason that we do. But I think that is a matter we can have a look at between the houses.

Dr CLOSE: This may again have to take some research and therefore come between the houses, but have their really been no examples of a breach of security, no scrutineer who smuggles a phone in, no-one who leaves? Are we to believe that that is possible—that human nature has not been able to sneak around the rules? You are satisfied that there has been no breach?

The Hon. V.A. CHAPMAN: What I have indicated to the committee is that I made that inquiry: 'Well, does it work? Has there been a problem? Has there been a leak of votes before whatever it is—the 6, 7 or 8 o'clock cut-off time?' But apparently not. Whether there have been breaches of the rules but without there being a prosecution or without there being a consequence of disclosure, for example, which in some way adversely affected the vote or the count or the early release of information, I am advised this has worked in New Zealand, so I think it is reasonable that we have a look at their system.

Mr PICTON: I just refer the Attorney-General to the New Zealand Electoral Act 1993, which I am sure she is familiar with—

The Hon. V.A. Chapman interjecting:

Mr PICTON: There's something the Attorney has not read; I am shocked. I refer her in particular to sections 174 and 174A through to 174G. All those separate sections set out the very specific requirements for the preliminary count of votes that takes place in relation to the early vote for New Zealand elections. So it is very clear that there is a model that is codified in the legislation in New Zealand. At least the Electoral Commissioner, if not the government, is looking at that as the model. There does not seem to be any reason why we could not have that codified in this legislation as well.

The Hon. V.A. CHAPMAN: As I have indicated, that is a matter I think ought to be available for consideration in the other place.

The CHAIR: Yes, and we will take that as a comment.

Clause passed.

Clauses 34 and 35 passed.

Clause 36.

Mr PICTON: I move:

Amendment No 15 [Picton–2]—

Page 11, line 27 to page 12, line 9—

This clause will be opposed.

This is an amendment to oppose this clause. Essentially, what the government is seeking to do here is change the decision-making power over false and misleading advertising from the Electoral Commissioner through to SACAT.

As has been raised by members in earlier contributions to the debate, there is some uncertainty as to how SACAT will be able to deal with these matters. Often there is a necessary

requirement for decision-making about misleading advertising that requires a ruling within hours. The Electoral Commissioner and previous commissioners have been able to accommodate this, and we have not yet heard any adequate explanation from the Attorney in relation to these concerns.

I know in my second reading speech I noted that, certainly from my interactions with SACAT so far, it is a very lengthy process to get consideration of matters through SACAT. One FOI matter underway at the moment has been going for many months. How that works in the context of an election campaign I do not think has been adequately explained. Hence, we believe that the current arrangements in place that have worked well would be more suitable to maintain, particularly given the lack of explanation from the Attorney-General.

The Hon. V.A. CHAPMAN: This is a matter that has been raised by the Electoral Commissioner. I think what is important is that it stems from the election report, where the Electoral Commissioner sets out the significant challenges of regulating misleading advertising. We are fairly unique here. We have this clause, and I think there is a general consensus that it is probably a good thing to keep. Certainly, it sets a standard, I suppose, and a means by which there be some integrity in the material that is published during an election campaign, but the Electoral Commissioner says there are a lot of challenges with this, and he has set out in his report the option of how this could be dealt with.

At the moment, the member is absolutely right: there are decisions made by the Electoral Commissioner, sometimes someone he has deputised, to make a decision about whether an advertiser needs to withdraw an advertisement, publish a retraction, etc., and the commissioner or his delegate makes that decision. There is an appellate process, an application that can be made to the Supreme Court seeking orders for withdrawal or retraction.

This is a process that is being introduced to enable SACAT to do that and to have personnel available. As I have indicated, we have had an indication from Judge Hughes, who is the president of the SACAT, identifying that there would need to be some allocation of resource to actually hear these. Time is of the essence. There is no question about that, especially with electronic conveying of information, and if it is false or misleading then of course it needs to be dealt with very quickly.

There were many applications by political parties during the last election. Frankly, some of them were against other parties. In particular, I think Mr Xenophon came under fire quite a bit from other political parties. I know that because I put in a number of complaints myself. I am sure the opposition also did. In any event, it is a process that we have access to. It is fairly unique in South Australia. It is something I think we appreciate having, but it does mean that it impedes the Electoral Commissioner, from his perspective, in getting on with the general administration of the election, getting involved in these fairly partisan disputes. Not that I am suggesting he is partisan, but it can be difficult.

This tribunal option has been considered. I think it ticks all the boxes, because it clearly got to the stage in the last election where there was a significant delay, and having even a couple of days' delay is highly damaging in an election campaign if it is ultimately determined that material is inappropriate. I simply present this as having the support. It has been considered as to how else we would best deal with it.

Obviously, expensive applications can be made to the Supreme Court, but we are talking about having an accessible arbiter to be able to deal with these matters as expeditiously as possible, order retractions and be able to enforce them, which I think would make it much more a scheme of relief than we currently have, and that is to wait in line to have our various grievances dealt with during a very busy election campaign period, usually in that last week.

There is no sinister proposal here. It is designed to be able to make sure that all those who are unfairly treated in advertising during campaigns are able to seek a prompt remedy and relief. Obviously, it will be dismissed if it is frivolous or inadequate in its justification of that, but we would have some dedicated resource to do it.

There has been some consideration about whether magistrates should do this. I know that in previous elections that has been considered. Again, there is the facility to do that and who would do it, particularly magistrates, whereas if we had the SACAT there is a panel of people who could be available to hear these matters and be able to deal with them. This was generally seen as the most

expeditious and it is overseen by a Supreme Court judge, Judge Judy Hughes. That is really what we are doing: offering a quicker service that simply is not available through the Electoral Commission and it is something that he has raised not for the first time.

Other reports I have read suggest that we get rid of the clause altogether to save having any disputes. You would not be able to have any disputes. But I think there is a general appetite by parties to have this kept in South Australia and that we have access to it, but we need to be able to find a way to have a prompt remedy.

Mr PICTON: That was a very detailed explanation of why the Electoral Commissioner thinks this needs to be in place, but not a particularly significant explanation of how this is going to be dealt with quickly at the SACAT end. Has the Attorney had conversations with the President of SACAT or SACAT officers about how it would be put in place if this was to be enacted? How many people who sit on SACAT at the moment would hear these matters? What would be the expected turnaround time for a decision, noting, as the Attorney said, that sometimes these have been dealt with within hours previously by the Electoral Commissioner? How will SACAT fast-track that from what can be a lengthy SACAT process at the moment to something that can fit the needs of a fast-paced election campaign?

The Hon. V.A. CHAPMAN: There was certainly a letter I had from Justice Hughes that talked about resources and so on, but, yes, I did briefly speak to her in one of our meetings about taking on this role. She understood that these are expeditious requirements, and the expectation is that there would be a complaint lodged. Time would be allocated in one of the hearing rooms there and it may need to be by telephone or audio, depending on where people are for that purpose. Notice would be given to the other side. There would be an expectation to present the argument and so forth, so every minute counts in this. It would be same day resolution, at the very least, maybe within a couple of hours. Courts can act quickly in these circumstances.

Some of these applications are made in this way by the Electoral Commissioner or his deputy during election campaigns, but when a flood of them comes in you just have to wait your turn. Not for me, of course. You have to wait your turn and really the value in complaining can be completely lost within the day, so this is why the commissioner is looking for some relief. He just cannot deal with these and so we have to find something that is expeditious and gives everyone a fair opportunity to be able to submit their position.

At the moment, as you know, you put in a submission and you then get emailed back to you a copy of what the response is from the other side—yes, no, rubbish, whatever the answer is—and then there is some adjudication. Sometimes the representative adjudicator comes back to you to say, 'I want some more information on this or that.' They attempt to do it as quickly as they possibly can. I understand that, but I do not think it is as good as it needs to be.

The Electoral Commissioner is not a judge and is not necessarily trained in this area of work. That is not to say that he has not had experienced senior people over the years to help with this, but we need somebody who can do it expeditiously and, if necessary, act as though it was an injunction application and promptly deal with it. That is why it is being proposed, there is no other reason, unless the Labor Party held the view, 'Let's just cancel having false and misleading advertising clauses altogether.' But I think there is a general appetite, we have had the benefit of it in South Australia, and I think most people want to keep it.

But these reports keep coming back: these are all the problems with us having to deal with this, we are not geared up to deal with it and we really need some assistance if you are going to keep it. Well, actually, okay, let's say we keep it; let's just find someone else who can adjudicate these things.

Mr PICTON: Will there be any additional resources provided to SACAT to undertake this new function?

The Hon. V.A. CHAPMAN: My recollection—and that is why I was looking for the letter—of my discussion with Justice Hughes was that she expected that there may be some extra expense just in the time of having somebody allocated. It may not turn out to be. I have received no direct submission from her to say, 'I need to have funding for a week to set aside somebody to make these decisions or hear these applications.' More likely, I think it would be a matter of seeing what happens if this legislation is passed, and, if clearly they need extra resources, we would need to budget for it

in future. She has the personnel to do it and that is not the issue. The fact is that if they are doing this job they are not going to be able to do other normal business work.

Progress reported; committee to sit again.

BURIAL AND CREMATION (INTERMENT RIGHTS) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 23:58 the house adjourned until Thursday 9 September 2021 at 11:00.

Answers to Questions

FROME ELECTORATE, COVID-19 VACCINATION

In reply to **the Hon. G.G. BROCK (Frome)** (23 June 2021).

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised of the following:

As at 24 August 2021, vaccination statistics for state government run residential aged-care facilities in Port Pirie, Crystal Brook and Clare are as follows:

Hammill House, Port Pirie–29 residents

- 27 residents have had their first dose of the COVID-19 vaccine
- 24 residents have had their second dose of the COVID-19 vaccine; and
- two residents have not had a vaccination.

Crystal Brook–nine residents

- Eight residents have had their first dose of the COVID-19 vaccine
- seven residents have had their second dose of the COVID-19 vaccine; and
- one resident has not had a vaccination.

Kara House, Clare–18 residents

- All residents have had their first dose of the COVID-19 vaccine; and
- 17 residents have had their second dose of the COVID-19 vaccine.