LEGISLATIVE COUNCIL

Wednesday, 24 February 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:16 and read prayers.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:17): I bring up the 19th report of the committee.

Report received.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

Murray-Darling Basin Authority—Report, 2014-15

Ministerial Statement

HOSPITAL MANAGEMENT INVESTIGATION

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:17): I lay upon the table a ministerial statement made by the Minister for Health in the other place, entitled 'Inappropriate access to patient record'.

Question Time

ENVIRONMENT PROTECTION AUTHORITY AIR QUALITY POLICY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the Environment Protection Authority's air quality policy 2015.

Leave granted.

The Hon. D.W. RIDGWAY: On Monday this week, 22 February, the EPA put out a media statement, entitled Environment Protection (Air Quality Policy) 2015. It states:

> The public consultation for the [what I will call the EPA Air Quality Policy 2016] took place between the 22 October 2015 and 15 January 2016 and included eight public forums across South Australia.
>
> The Public Forum venues were promoted through the Advertiser, various regional media, the EPA website, Local Government Circular and the State Government's yourSAy website.
>
> The EPA is currently assessing and responding to the submissions from individuals, councils, (including Yorke Peninsula), government agencies, industry, industry groups, businesses and non-government organisations.
>
> Changes as a result of the consultation are expected to include a revision of clauses 8 and 9 of the 'Burning in the Open' policy.
>
> The Policy will allow for burning in the open in specified circumstances, including to reduce the risk of bushfires through fuel reduction burns.
>
> The EPA (Air Quality) Policy 2016 is expected to be in operation by mid-2016.

My questions to the minister are:

1. Given that the EPA is still currently assessing and responding to submissions, why is it that in their statement they say that changes as a result of the consultation are expected to include revision of clauses 8 and 9?

2. What changes are we likely to see to clauses 8 and 9?

3. Can the minister give this chamber and our primary producers in South Australia an assurance that this new policy will have no impact on the way that they go about their daily business of running their farming operations?

The Hon. R.L. Brokenshire: Huge.

The Hon. D.W. RIDGWAY: I thank the member for—

The PRESIDENT: For the sound effects, yes. Minister.

The Hon. R.L. Brokenshire: I'm very worried about this. This is crazy.

The PRESIDENT: The Hon. Mr Brokenshire will allow the minister to answer the question, please, in silence.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20): Thank you, Mr President. I thank the honourable member for his question, although the Hon. Mr Brokenshire calls the honourable member crazy for asking such a question.

Can I advise that the Environment Protection Authority undertakes ambient air quality monitoring, evaluation and reporting, and regulates industries using a range of tools, including licence conditions, such as long-term monitoring around major facilities. I am advised that within Greater Adelaide air quality is very good when compared to national standards. However, I am also advised that particle levels are at times higher than desirable in some areas of Adelaide.

I am pleased to inform that the South Australian government, through the EPA and in collaboration with other agencies, including SA Health, have been actively participating in a major Council of Australian Governments' initiative to create a national clean air agreement. In December 2015, jurisdictional environment ministers agreed to a national clean air agreement, variations to the National Environment Protection (Ambient Air Quality) Measure to update airborne particle standards, PM10 and PM2.5, and national product standards for domestic solid fuel heaters and non-road engines.

The National Clean Air Agreement will, for the first time, provide a formal consistent framework within all states and territories towards the cost-effective management of air quality over the coming decades. Initial priorities are focused on proposed variations to air quality standards within the air quality NEPM and relevant national product standards.

A recent statutory review of the air quality NEPM considered the current standards, including a valuation of the health and economic cost of PM2.5 particle pollution and the overwhelming net benefits of their abatement, especially in Australian cities, but it also applies to our rural and regional areas as well and the people living in those areas. I am very surprised that the Hon. Mr Brokenshire has no interest in improving the health of our rural and regional residents of South Australia.

At the December 2015 meeting, environment ministers agreed to the conversion of current advisory reporting standards for PM2.5 particles into full compliance standards. We will also consider the introduction of a population exposure reduction methodology for Australia. PM2.5 particles have a significant impact on our communities, and substantial benefits are likely to accrue through their abatement, particularly in our cities and our major towns and in the country, of course, through impacts on wood fires and inappropriate burning or inappropriate heaters that do not meet Australian standards.

The standards will cover both short-term (daily) and long-term (annual) impacts of PM2.5 particles, and work is continuing at a national level to develop the best ways of measuring and reporting on PM2.5 levels to provide comprehensive information on air quality. The second stage of the review of the air quality NEPM commenced in June last year, I am advised, to look at the ambient air quality standards for ozone, nitrogen dioxide and sulfur dioxide. The second stage review is now well underway, with the appointment of specialist health consultants to review current knowledge about the effects of these three pollutants. The work is expected to be completed by around the end of this year, I am advised.

The government is developing a South Australian air quality framework. The framework will reference any new national standards and include enhanced state policies that promote the inclusion of air quality principles into planning processes. The EPA is leading this project and working with key stakeholders on an engagement plan. The framework provides broad principles to guide air quality management within our state over the coming decades. It recognises that while there are broad contributors to air pollution, such as motor vehicles and domestic and industrial sources, individual local communities, both within Greater Adelaide and our regional centres, have particular concerns that require particular solutions relevant to them.

Some aspects of the air quality framework are already being implemented. SA Health and the EPA are collaborating with the University of Adelaide, investigating the air quality elements of the North West Adelaide Health Study, including exposure to traffic emissions. The study has indicated that people living closer to major roads may experience more health issues than those living further away. The EPA established a second air monitoring station on the Lefevre Peninsula in September 2013 and a further station in the Adelaide CBD, located in Victoria Square, in May 2014.

The EPA today, of course, launched at Lefevre Primary School an upgrade of its Lefevre No. 1 station, so it too now can record particles of the size of 2.5 as well as PM10s. The EPA is expanding its monitoring capability for PM2.5, very fine particulate matter, within Greater Adelaide to complement existing long-term and PM10 fine particulate matter monitoring.

As part of the expansion of monitoring capabilities, on 24 February I was pleased to announce the completion of an upgrade to the Birkenhead air quality monitoring station—today. The original Birkenhead station, the very first on Lefevre Peninsula I am advised, was installed in 2006 to monitor PM10 from surrounding industries, and due to its size could only fit one particle monitor at the time. The station has been upgraded to now also monitor, as I said, the finer PM2.5 particles, as well as NOx and SOx.

The upgrades to the Birkenhead station complement the other air quality monitoring stations on Lefevre Peninsula, located at North Haven (Lefevre 2), which was installed in September 2013. The upgrade will help improve our understanding of health outcomes, as well as bring wider benefits for the area through greater awareness of air pollution sources, improving our ability to manage them.

Recognising the contributions that wood heaters make to PM2.5 pollution, the government introduced an interim Environment Protection (Solid Fuel Heaters) Policy in July last year, which requires wood heaters to meet and be installed in accordance with Australian standards. That was largely supported by our industry here. In terms of the ongoing review, the EPA has also undertaken a major review of the Environment Protection (Air Quality) Policy 1994.

As I understand it, a revised draft was released in November of last year for community consultation. As part of that consultation on the draft policy, the EPA has held consultation forums in northern Adelaide, south of Adelaide, Port Pirie, Ottoway, Mount Gambier, Karoonda, Wudinna and the Adelaide Hills. Consultation on the draft environment protection policy closed on 15 January. All comments and submissions are being considered by the EPA before the policy is finalised later this year.

The revised policy is consistent, I understand, with current standards and regulatory practice and incorporates elements of the previous open burning policy and the interim solid fuel heater policy, both of which will be revoked when the new air quality policy comes into effect. It also introduces new provisions for wood heaters, including requirements for excessive smoke emissions from in-service heaters and for moisture content of firewood sold in South Australia. The motor fuel quality standard will also be revoked in favour of the Commonwealth Fuel Quality Standards Act 2001 which regulates import sales and quality of fuel within Australia.

As to why the EPA could signify what some of the changes would be is probably because of the feedback through its consultation process. We take public consultation and the feedback we receive very seriously, and of course we work that into our policy statements as we go forward. In terms of the changes, they will come in in the timetable that I described. With a bit of luck, I suspect that will be perhaps even earlier, and I would hope there would be broad support for these very common-sense changes which will improve air quality for not only people who live in cities but people who live in rural and regional centres as well.

The PRESIDENT: Supplementary, Mr Ridgway?

ENVIRONMENT PROTECTION AUTHORITY AIR QUALITY POLICY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): I apologise to members that the minister has taken 10 minutes to give an answer that did not address any of the questions.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Mr President, please just allow me—given that the EPA press release says 'expected to conclude revisions of clauses 8 and 9', which is burning in the open, my questions are:

1. What are the likely changes to clauses 8 and 9?

2. What impact is that likely to have on our primary producers?

3. Did I hear the minister correctly when he said the current policy will be revoked and we will have a new policy that includes these changes to clauses 8 and 9?

Could he please answer the questions I asked, Mr President?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:28): The honourable member—

Members interjecting:

The PRESIDENT: Order! You have asked your question. Let him answer.

The Hon. I.K. HUNTER: —chastises me for giving a thorough-going answer to a very important question, and then he stands up and asks a supplementary, inviting me to give another 10 minutes' response, and I could because I have additional notes. Let me just read back into the record what he obviously didn't listen to: the last few comments that I made.

All comments and submissions are being considered by the EPA before the policy is finalised later this year. Obviously, I said the EPA could possibly project what some of the changes will be because they respond to the feedback. What that change will be I don't know yet, because that would be presuming me writing these changes into policy and I have not been informed by that public consultation. That would be wrong. Why would the honourable member expect that that would be the case; it's stupid, just stupid. The revised policy, I said, is consistent with current standards and regulatory practice and incorporates elements of the previous open burning policy—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: Well, I am just explaining it to him, Mr President.

The Hon. D.W. Ridgway: You said there was no revised policy.

The Hon. I.K. HUNTER: And then I am going on to explain it to you. Listen for a change, Mr Ridgway.

The PRESIDENT: Order! All comments through the chair.

The Hon. I.K. HUNTER: And incorporates elements of the previous open burning policy and the interim solid fuel heater policy, both of which will be revoked when the new air quality policy comes into effect. It's pretty straightforward. It's pretty understandable and straightforward but the Hon. Mr Ridgway clearly does not understand the first part of this important public policy. I can only imagine who wrote this question and sent it in to him for him to ask today, but clearly they didn't give him enough backup material.

It incorporates new provisions for wood heaters—this is what I said in my answer, Mr President. It incorporates new provisions for wood heaters, including requirements for excessive smoke emissions from in-service heaters and for moisture content of firewood sold in South Australia. The motor fuel quality standard will also be revoked—I am speaking very slowly so the honourable

member understands—in favour of the Commonwealth Fuel Quality Standards Act 2001, which regulates import sales and quality of fuel within Australia. I don't know how much clearer I can be.

Members interjecting:

The PRESIDENT: Order! I will let the Leader of the Opposition have the supplementary.

ENVIRONMENT PROTECTION AUTHORITY AIR QUALITY POLICY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): What impact will this new policy have on primary producers in South Australia in relation to the burning—as you would hopefully know, minister—of stubble during our autumn period?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): The honourable member presumes that I have written the new policy before I have actually responded to the feedback. Of course that is not the case.

ENVIRONMENT PROTECTION AUTHORITY AIR QUALITY POLICY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): Further supplementary: so, minister, you have no idea what the new policy's impact will be on primary producers in South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): We are remaking our current policy. We are engaging in a process of public engagement, seeking feedback from the public about how we should manage that public policy change. The Hon. Mr Ridgway is asking and inviting me to actually ignore all that feedback, write policy without any public input and then explain it. He's got it completely backwards. First we consult, then we make the changes to the policy and then we explain it. The Hon. Mr Ridgway, if he had his druthers, in his world, he would be out there announcing and then defending. That is not what we in this government do. We consult with communities, make changes on the basis of that consultation and prepare better public policy because of it.

The Hon. D.W. RIDGWAY: Final supplementary, if I may.

The PRESIDENT: Final supplementary.

ENVIRONMENT PROTECTION AUTHORITY AIR QUALITY POLICY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): Why then is the EPA giving the member for Goyder a briefing on the policy on Monday but the minister is unable to tell us what the policy is today?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:32): We are an inclusive and open government and I always offer members of the opposition briefings on the policy and the changes and reviews that we are undertaking. The process is simply this: we will background opposition MPs—indeed any MPs or any member of the public—on the process we are undertaking. When the policy is finally delivered to me as a draft, I will then be in a position to make further public comment about the impacts of it. But to presume that I have already drafted and authorised a policy change without taking into account that public feedback first is absolutely wrong.

ENVIRONMENT PROTECTION AUTHORITY AIR QUALITY POLICY

The Hon. R.L. BROKENSHIRE (14:33): Supplementary, given the answers of the minister: can the minister rule out two proposals in the new regulations: (1) that farmers will not be able to conduct burn offs of stubble within 300 metres of township boundaries, and (2) that pitfires and open campfires, particularly in tourism areas, will be banned unless they only use coke and no other material? That's what is being told to the people out there in the real world.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:33): I fail to see how

the honourable member can find that as a supplementary from my original answer. If he wishes to ask that question he should do so when his time is up for a question.

ENVIRONMENT PROTECTION AUTHORITY AIR QUALITY POLICY

The Hon. M.C. PARNELL (14:34): My question does relate to the minister's original answer from some little while ago now. The minister referred to new monitoring stations for fine particles (PM2.5), and that is welcome. My questions are:

1. Is the government considering monitoring for fine particle pollution along major arterial roads, particularly those roads that are earmarked for higher density development?

2. In years gone by, the EPA has gone down to Mount Gambier and monitored fine particles that largely result from the wood-burning stove operations. Will that monitoring be undertaken again this winter?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:34): I thank the honourable member for his very excellent supplementary. As I said, the EPA is, at least at some stations that I am aware of, not only monitoring for PM2.5 but also monitoring for nitrogen dioxide and sulfur dioxide (NOx and SOx, as I said). Where those stations are physically located I couldn't say. I do not have that information before me, but I would imagine our scientific EPA advisers would be making decisions about those placements so that they get the best possible readings in the areas of most concern to us, presumably.

Two of them down on Lefevre are around areas with local industry, a working port and very many serious heavy transport routes to take into consideration. Those are the sorts of premises where I would expect them to be placed. But they also need to have a comprehensive review across the Greater Adelaide region and the rest of the state, and so there would be representative locations in the major cities, but I don't know which ones they are.

I will undertake to undertake a search through our records and come back to the honourable member with the locations of those stations. I will also ask the question for him about whether the station is located in a permanent place in Mount Gambier or whether we go down and do it on a yearly basis. I will get those answers and bring them back.

SOUTH AUSTRALIA POLICE

The Hon. S.G. WADE (14:36): I ask the Minister for Police:

1. In relation to SAPOL criminal and traffic records, what protections are in place to protect the privacy of South Australians?

2. What audits are done to detect unlawful, unauthorised or inappropriate access?

3. What penalties are in place for unlawful, unauthorised or inappropriate access?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:36): I thank the honourable member, Mr Wade, for his question. First things first, SAPOL being the professional organisation that it is, absolutely has, I am advised, rigorous policies in place in regard to protecting the privacy of all those they engage with. Operationally, it is up to SAPOL itself to review whether those procedures have been updated adequately and are in place, but I am more than happy to take the specific nature of the question on notice and provide a response in due course.

SOUTH AUSTRALIA POLICE

The Hon. A.L. McLACHLAN (14:37): A question arising out of the answer from the minister: has the minister given any direction to the police commissioner to review their compliance systems in relation to privacy, having regard to the Minister for Health's statement?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:37): Again, I thank the honourable member for his question. Of course, the honourable member would be aware of the fact that it is not my place, nor would it be appropriate for me, to be directing or issuing instructions to the

police commissioner on how to perform their functions. The honourable member will be pleased to know that I regularly meet with the police commissioner and we chat about a whole range of topical issues, as is appropriate from time to time, and I have absolute confidence that the police commissioner is fulfilling his duties and obligations, as the public would reasonably expect.

SOUTH AUSTRALIA POLICE

The Hon. A.L. McLACHLAN (14:37): A supplementary: will the minister assure the house that he will seek the comfort of the police commissioner, rather than direction, that their privacy mechanisms are appropriate, having regard to the problems in Health?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38): I thank the honourable member for his supplementary question on my supplementary answer. Nevertheless, the honourable member should have complete confidence in the fact that we in South Australia are very ably led by a professional police commissioner who is duly paying attention to all issues that are current. He should also take confidence in the fact that I, on a regular basis, talk to the police commissioner about a range of topical issues.

Personally I will not be a police minister who attempts to instruct or intervene in what are reasonable police operations. Again, I refer to my original answer, which is that the South Australian public should have total confidence in the fact that the South Australian police force seeks to implement all appropriate privacy measures, as people would reasonably expect.

SOUTH AUSTRALIA POLICE

The Hon. S.G. WADE (14:39): I would like clarification from the minister. Does he regard compliance with statutory obligations on the police as operational matters?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:39): I regard that all matters involving police operations are a matter for the police commissioner. There is a longstanding tradition within government across the Westminster system that governments should not be seeking to interfere or impose upon police commissioners, or those leading the South Australian police force, how to do their job.

It is reasonable for the South Australian public to take confidence in the fact that it is for the government to make sure that the South Australian police force is adequately resourced to be able to meet reasonable expectations, but I do believe passionately that the independence of the police force to be able to conduct themselves operationally as they see fit is something that's worth preserving.

SOUTH AUSTRALIA POLICE

The Hon. S.G. WADE (14:39): Is the minister suggesting—

The Hon. K.J. Maher: Is this a supplementary? Is this a new question?

The Hon. S.G. WADE: Yes, it's supplementary.

The PRESIDENT: Supplementary.

The Hon. S.G. WADE: Thanks, Mr President, I'm glad to see that we've only got one chair and not two. Does the minister consider the laws that this parliament has enforced that apply to the police are an inappropriate invasion of the separation of powers?

The Hon. I.K. HUNTER: Mr President, point of order. I have to say that I was listening very closely to the original question and answer. The Hon. Mr Wade is leading some loyally tricky approach to interrogation of the minister, taking us down a whole new pathway that has no bearing on the original answer, and that's how supplementaries are held in this place. If he wants to ask another question, let him get up and do so when another Liberal question comes up.

The PRESIDENT: I understand, Mr Wade, that the Minister for Police has made it quite clear that he has a passionate belief that the police will be in charge of operational matters. So, I don't think he could be more clear than that. The Hon. Mr Lucas.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:41): My question is directed to the Leader of the Government on the subject of the Northern Economic Plan. Given that the plan outlines an aim for the government to grow employment by 15,000 new jobs, to reach 165,000 by 2025, can the minister outline which section of the Public Service, his department, Treasury or the Department of the Premier and Cabinet calculated or estimated that job growth number and were any consultants employed to advise the government on that job growth number?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:41): I thank the honourable member for his question on the generally very well received Northern Economic Plan, which many of the councils in the north have been very heavily involved with and have praised to quite some extent.

In relation to the desire to increase employment by 15,000 by 2025, that is from 150,000 employed in northern Adelaide to 165,000. That was a target set by the leader's group under the Northern Economic Plan—that is, the state government and the councils, represented by the mayors. That's an aim that we have. The principal reason for that aim is to try to grow jobs.

As we know, jobs are going to be lost in the automotive manufacturing sector over the time period to come. It's an aim, a stated aim that we want to do over the next decade. There weren't consultants involved in coming up with this target. This was an aim that has been put forward by the local mayors and myself.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:42): Can I clarify: is the minister indicating that this was a political agreement entered into by him, as a minister, and mayors as an arbitrary target based upon no factual advice at all?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:42): This was an aim that the organisations who put forward the Northern Economic Plan have come up with as an aim to increase employment in the area.

The Hon. R.I. Lucas: Your aim too?

The Hon. K.J. MAHER: Yes, it's those partners of the Northern Economic Plan, which include the Salisbury council, the Port Adelaide Enfield council and the Playford council. It's our aim to make sure as jobs change, with the changing nature of the economy, that we aim towards keeping the jobs that are there and increasing employment in the area. I think that's a worthwhile aim for us to have there. It doesn't matter how critical the opposition are, we will aim to create jobs where we can.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:43): Supplementary question: can the minister confirm then—given this was part of his target of 15,000 new jobs—upon what basis did he decide 15,000 was the target, as opposed to 20, 25 or 10?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:43): I think it's pretty much the same question that's been answered, so I will answer it again. This is an aim from those who contributed to the plan.

The Hon. R.I. Lucas: Yes, but why did you choose 15?

The Hon. K.J. MAHER: It's an aim for all of those who contributed to the plan.

The Hon. R.I. Lucas: It's your aim.

The Hon. K.J. MAHER: It's not my sole aim that I put forward. It's an aim that is in the Northern Economic Plan, put forward by all those partners to the Northern Economic Plan as an aim to increase employment. This is a target that has been put forward by the partners to the Northern Economic Plan as an aim to increase jobs—and we will look to increase jobs and that's what we will do under the Northern Economic Plan.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:44): Supplementary question arising out of the minister's answer: can the minister—

The Hon. K.J. Maher: The answered supplementary or the original answer?

The Hon. R.I. LUCAS: The original answer. You can't ask a supplementary on a supplementary response. That's contrary to standing order 108.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas—

Members interjecting:

The PRESIDENT: Will the Leader of the Government please control himself? The Hon. Mr Lucas has the floor.

The Hon. R.I. LUCAS: I'm not sure why the minister would ask that question, Mr President; it is clearly contrary to standing orders. My supplementary question is: is the minister indicating that, for example, the economic forecasting section of the Department of the Premier and Cabinet was not consulted on the 15,000 job growth target that he agreed to as part of the Northern Economic Plan?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:45): I thank the honourable member for his supplementary question arising from the original answer given and for his chastising of his colleagues, who do not seem to understand the standing orders as well as he does. I thank him for that as well.

In relation to that target, it is an aim of the partners in that group. There was consultation from many areas—not just of state government but local government—that had input into the plan. There was a steering group that consisted of a wide range of government departments that had input into the plan, into various sectors of the plan. This is an aim of those partners to the plan.

The PRESIDENT: The Hon. Mr Gazzola.

Members interjecting:

The PRESIDENT: Order! The question is over and the Hon. Mr Gazzola has the floor. The Hon. Mr Gazzola.

The Hon. K.J. Maher interjecting:

The Hon. J.S.L. Dawkins: Chuck him out! The Leader of the Government is defying you, Mr President.

The PRESIDENT: He is a little bit unruly today. He couldn't have had his Vegemite this morning. The Hon. Mr Gazzola.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gazzola.

FRUSIC

The Hon. J.M. GAZZOLA (14:46): My question is to the Minister for Manufacturing and Innovation. Can the minister update the council on the launch of FRUSIC, the new Fringe music initiative?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:46): I thank the honourable member for his question and his ongoing commitment to the development of live music and innovation around live music in South Australia. On 10 February, I attended the launch of FRUSIC, the Adelaide Fringe Festival's dedicated music program that was launched at the Jade Monkey.

The purpose of FRUSIC is to highlight the importance of live music during the Fringe and to promote local venues and musicians and innovation in the music sector. The initiative is being delivered by Music SA with support from the Music Development Office, the Adelaide Fringe, the Australian Hotels Association and the Adelaide City Council. Through FRUSIC, Adelaide will be further showcased during the 2016 Adelaide Fringe as an innovative, technologically advanced city, which aligns well with the Smart City initiatives being pursued by the City Council and the state government.

I am pleased to say that the launch was a resounding success, with the well-known rock 'n' roll icon, the Hon. John Gazzola, making an impassioned speech. The Hon. Mr Gazzola is a well-known drummer and fan of the theremin, and he spoke of the importance of live music to our state and the benefits that would flow from the initiative. We also heard from Lisa Bishop, General Manager of Music SA, whose passion and commitment to the local music industry is as strong as ever.

The launch was a great opportunity to showcase the technologies that will be featuring in FRUSIC, and some of the innovations are absolutely world class. Innovative technology elements include the Adelaide Music Trail, the Little Birdy Network, and Reality Media. I understand that the Music Development Office has supported these technologies through its Connected Music City initiative, which aims to activate and differentiate Adelaide as the place to experience live music in Australia, enabled by technology.

The Little Birdy Network is a local app, developed locally, that uses the Internet of Things and location-based mobile phone technology to go to live entertainment through the use of social media and a loyalty scheme. I saw a demonstration of the Little Birdy app when I was there, and it has the entire FRUSIC catalogue on that app. It has also installed its beacon and smart base technology around 17 venues to date. After winning the Connected Music City Challenge I think it is fair to say that the Little Birdy team are a great example of an innovative team taking their innovative ideas and skills base and creating a fantastic new product, and I was pleased to be able to talk to members from the Little Birdy team at the FRUSIC launch.

The Adelaide Music Trail is an interactive walking trail that tells stories of iconic Adelaide music venues and includes exclusive video content and links to Fringe music shows. This app and website were funded by the Music Development Office and they are being delivered by the National Trust of South Australia as part of its existing Adelaide City Explorer platform.

Also, Reality Media is a local developer that works with augmented reality and uses the Aurasma App to tag the FRUSIC printed brochure. With the brochure, when you turn the pages over and you hold your phone over a particular photo, if it has this app loaded on it, the picture in the photo will come to life. If it is a photo that accompanies an article about a band, you might see a video clip as that photo comes to life or even if it's an ad, if it is an ad for the soft drink Fruita, that might come to life and you might see video content on your phone with this augmented reality app. The mix of live music and technology will ensure the inaugural FRUSIC program will be a highlight for live music venues in Adelaide during the Fringe.

South Australia has a rich and long tradition and history of live music. Many local musicians and bands who have come to national and international prominence over the decades have started their career playing music in live venues around Adelaide. FRUSIC is a brilliant way to introduce the current and next generation of music lovers to our city's live music culture. I encourage people to download the apps and try them for themselves and see how the new round of technology is improving the live music experience. I might add that it was a very enjoyable night for all and I encourage everyone to avail themselves of the benefits of the FRUSIC part of the Fringe.

WATER PRICING

The Hon. R.L. BROKENSHIRE (14:51): I seek leave to make an explanation before asking the Minister for Sustainability, Environment and Conservation questions about the water levies and the NRM.

Leave granted.

The Hon. R.L. BROKENSHIRE: Thanks to the minister's office, I have received a copy of the National Water Initiative. There is a chapter in the National Water Initiative Pricing Principles with subchapters of principles for recovering the costs of water planning and management activities. Some of the relevant principles include the following:

> In the context of the NWI and for the purpose of cost recovery, water planning and management are those activities undertaken by, or on behalf of governments as a result of water use…only
>
> Governments have committed in the NWI to publicly report the total cost of water planning and management and the proportion of the total cost of water planning and management…attributed to water access entitlement holders and the basis on which this proportion is determined.
>
> Having identified water planning and management costs to be recovered from water users, in whole or in part, activities should be 'tested' for cost-effectiveness by an independent party and the findings of the cost-effectiveness review are to be made public.
>
> Costs are to be allocated between the water users and governments using an impactor pays approach.

That clause continues and a couple of others:

> Water planning and management costs are to be identified and differentiated by catchment or valley…Water planning and management charges should in turn, recover the costs of activities concerned and be differentiated by catchment or valley or region and by water source…where practicable.

Principle 10 in the introduction to the NWI Pricing Principles states:

> These principles have been agreed by Australian governments as the basis for setting water prices/charges in their jurisdictions. Governments agree that if a decision was made not to apply these principles in a particular case, the reasons for this would be tabled in parliament.

My questions are:

1. Has the minister tabled any of this in parliament?

2. If the minister has not, does the minister believe that he and/or his department are in breach of section 99 of the Natural Resources Management Act?

3. Based on all of that, and to get some confidence back for payers of the levy, will the minister agree to the Primary Producers South Australia call for a totally independent and transparent review of costings and prices?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:54): I am not sure, no, and no.

The PRESIDENT: The Hon. Mr Dawkins.

WATER PRICING

The Hon. R.L. BROKENSHIRE (14:54): A supplementary question.

The PRESIDENT: I have already called Mr Dawkins.

The Hon. R.L. BROKENSHIRE: Based on the answer, which was at least honest—

The PRESIDENT: The honourable member—

The Hon. R.L. BROKENSHIRE: —can the minister agree—

The PRESIDENT: I have actually called the Hon. Mr Dawkins. You took too long to get out of your chair, so be a little bit quicker next time—sorry. The Hon. Mr Dawkins.

An honourable member interjecting:

The PRESIDENT: Unfortunately, the brief explanations to these questions are turning into almost theses. Let's just try to keep them down. The longer the question, the less questions we have to answer. The Hon. Mr Dawkins.

SUICIDE PREVENTION STRATEGY

The Hon. J.S.L. DAWKINS (14:55): I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for Mental Health and Substance Abuse, questions about the state Suicide Prevention Strategy 2017-2020.

Leave granted.

The Hon. J.S.L. DAWKINS: Honourable members will be aware that the state Suicide Prevention Strategy 2012-2016 resulted from the successful passage of motions moved by the honourable member for Adelaide in another place and myself in 2011. Last year, following prompting from me, the then minister for mental health, the member for Playford in another place, advised that preparations for the state Suicide Prevention Strategy 2017-2020 had been initiated. My questions are:

1. Will the minister outline the latest developments and the preparation of the state's Suicide Prevention Strategy 2017-2020?

2. Will the minister confirm that this work is still being led by the Office of the Chief Psychiatrist?

3. Is the Office of the Chief Psychiatrist being provided with additional assistance in this work given the whole-of-government approach that the government has committed to?

4. To what extent have individual government departments been involved in developing the whole-of-government approach?

5. When is it envisaged that the strategy will be released?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:56): I thank the honourable member for his important question, mental health being an incredibly important topic within our community. However, I will have to refer the question to the responsible minister in the other place and gain a response for him to ensure an accurate answer.

CATCHMENT TO COAST PROJECT

The Hon. G.A. KANDELAARS (14:56): My question is to the Minister for Sustainability, Environment and Conservation. Can the minister update the chamber about the Environmental Protection Authority Catchment to Coast project and how it is engaging local communities to become more involved in the health of our urban waterways and coastal areas?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57): I thank the honourable member for his most important question. The Environment Protection Authority released the Adelaide Coastal Water Management Quality Improvement Plan in July 2013 based on the Adelaide Coastal Waters Study.

The plan gives effect to the 14 recommendations of the final report of the Adelaide Coastal Waters Study. The study found that discharges from wastewater and stormwater resulted in a loss of seagrass, reduction in water quality and sediment instability along the Adelaide coastline. In response to this, the Adelaide Coastal Water Quality Improvement Plan sets out eight strategies to address conditions of our coastal waters. These include reducing the loads of nutrients and sediments washing into Adelaide's beaches and promoting activities that people can undertake to improve coastal water quality.

The EPA was successful in obtaining $2 million of funding under the Australian government's Caring for our Country funding program, now called the National Landcare Program. This funding is being used to implement certain sections of the Adelaide Coastal Water Quality Improvement Plan and is referred to as the Catchment to Coast project. This includes information sharing, educational

programs in schools, demonstration sites for water sensitive urban design, Aboriginal engagement, the Rain Garden 500 grants program and additional water quality monitoring work.

The Catchment to Coast project is a highly collaborative initiative. The federal funding will be matched with in-kind support from the EPA and project partners including DEWNR, natural resources, Adelaide and Mount Lofty Ranges, SA Water, local government and other organisations. The funding is being used to run local capacity-building projects and some monitoring activities. Our partners include local councils, local Aboriginal groups, research, community and education groups.

The Rain Garden 500 grants program, for example, one of the initiatives of the Catchment to Coast project, is a fantastic local initiative. It aims to improve the management of stormwater by encouraging local governments, community groups, schools, businesses, sporting clubs and even individuals to apply for funding to build rain gardens in the Adelaide region.

The purpose of the rain gardens is to improve the quality of stormwater from our streets and other hard surfaces, such as car parks, before it travels to our local creeks and then on to the sea. Funding grants from $3,000 to $50,000 are available for the development of rain gardens in urban street environments. This financial year, seven rain gardens from four councils, Mitcham, Unley, Campbelltown and Onkaparinga, and also the RAA are expected to be delivered under the Catchment to Coast project. Further rounds of funding will be offered in 2016-17, I am advised, with a call for grant applications expected early in the year.

The Catchment to Coast program also supports the work that a number of local councils are doing to manage stormwater in a more clever way. With nitrogen reductions to Adelaide's coast well underway, improved management of stormwater is the key to the eventual return of seagrass to our coast. SA Water has invested $630 million over the past 20 years to reduce the amount of nitrogen discharged to metropolitan waters, which has resulted in a reduction, I am advised, of close to 75 per cent to the nitrogen load.

Substantial investment has been made to upgrade wastewater treatment plants at Bolivar, Christies Beach and Glenelg, as well as the development of water re-use schemes in locations like Mawson Lakes and Virginia. The impact of this work means there has been a reduction of more than 1,800 tonnes a year in the amount of nitrogen being discharged into the ocean from wastewater treatment plants in metropolitan areas since the mid-nineties. The total reduction since 1996, I am advised, is more than 24,000 tonnes, which I think is an incredible outcome.

This focused effort to reduce the impact to coastal water quality over the past 20 years means we have been able to stop the loss of seagrass in some areas of Gulf St Vincent and, indeed, in some areas we are seeing its gradual return. Wide uptake of improved stormwater management will also provide early benefits in the form of clearer swimming water and improved safety and amenity of our coastal environment.

The EPA's work on the Catchment to Coast project and the implementation of the plan under the National Landcare Program funding will continue, as I said, to June 2018. This is a very important start to a process of water quality improvement and a return, hopefully, of seagrass right along the Adelaide coast, but that will take some time. However, with so many organisations, agencies and individuals working together to improve our coastal waters, we can expect to see these great results into the future. This will bring social, economic and environmental benefits to the state in the longer term.

I would like to commend, at this stage, the EPA for this important work, and thank our very important partners in local government, community and business for working with us on the Catchment to Coast project.

NUCLEAR FUEL CYCLE ROYAL COMMISSION

The Hon. M.C. PARNELL (15:01): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation about sustainable development and intergenerational equity.

Leave granted.

The Hon. M.C. PARNELL: Sustainable development was defined by the Brundtland Commission's report, Our Common Future, back in 1987 as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

A central theme of sustainable development is the integration of economic, social and environmental concerns, as well as the ethical principles of equity, particularly intergenerational equity. The idea behind not reducing the ability of future generations to meet their needs is that, although future generations might gain from economic progress, those gains might be outweighed by environmental damage.

Most people accept that decision-makers have a moral obligation to consider future generations in their decisions, particularly as people who are not yet born have no say in decisions taken today that may affect them. This is especially important for decisions that are irreversible and are known will be a burden for future generations to deal with. My questions are:

1. Can the minister advise whether the government is committed to incorporating the principles of sustainable development into its decision-making?

2. Given that any decision to accept the world's high-level radioactive waste will, according to the royal commission's interim findings, require 'isolation from the environment for many hundreds of thousands of years', does the government accept that this will be a burden for future generations of South Australians who are yet to be born and will the government ensure that the costs imposed on these future generations will be factored into the government's decision-making on this issue?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:03): I thank the honourable member for his very important question. Of course, sustainable development is a very important policy principle which the government intends to adhere to. However, in terms of trying to draw me into a discussion about some of the findings of the nuclear fuel cycle, I would say to the honourable member, 'Good try.'

Let me just say that the tentative findings that we have seen are an interim step in the Nuclear Fuel Cycle Royal Commission's process before the completion of the final report in May 2016. The commission was established, of course, to create public discussion and it has done so. It enables the choices before us to be interrogated from a range of perspectives.

Rather than give my particular position right now or pontificate on the interim findings, I think the best position I can adopt, and the one that I encourage all members to adopt, is to await the final report. If they have considerations they wish to raise and activate with the royal commission, then they should do so, and once the final report comes out the government will consider its position.

COUNTRY FIRE SERVICE

The Hon. A.L. McLACHLAN (15:05): My question is to the Minister for Emergency Services. Can the minister advise when will the CFS volunteers receive a second set of personal protective clothing, which the government has previously indicated that it would fund?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:05): I thank the honourable member for his important question. It is this government's policy to make sure that we adequately resource all CFS volunteers as is reasonably practicable. We are constantly in an effort to review to make sure that the appropriate equipment is at hand for those people who need it most, particularly in the event that they do face an event like a bushfire.

Upgrading PPE for our volunteers, particularly within the CFS, is always going to be an ongoing exercise. We are continuously improving the equipment that is available to them. In regard to upgrades to PPE going forward, this is something that is under active consideration about the merit and the capacity for the government to accelerate provision of PPE. As those active considerations conclude, answers or information will be provided to the public and, more importantly, CFS volunteers in due course.

CORRECTIONAL SERVICES AWARDS

The Hon. T.T. NGO (15:06): My question is to the Minister for Correctional Services. Can the minister tell us about how staff in the Department for Correctional Services have been recognised for going above and beyond in their line of duty?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:06): I thank the honourable member for his important question. Only last week, I had the outstanding privilege to be able to attend the Department for Correctional Services annual awards ceremony, which was held at the town hall. The ceremony provided a unique opportunity to take a moment to celebrate the individual and team successes within the Corrections department and community partnerships that were forged throughout 2015.

The day was principally to reward staff and partners who contribute and excel in providing the opportunities that can help break the cycle of crime and reduce reoffending. The recipients of the awards have gone above and beyond their duties. These are ladies and gentlemen serving our community who saw it necessary or appropriate to go above and beyond what people would otherwise reasonably expect of them.

Too often in the corrections portfolio do we and the media focus on the negatives and the challenges facing our system, but beneath these there are genuine, real stories of people making real differences to people's lives, that are often lost in the cut and thrust of public policy debate. I would like to outline a couple of award winners, but I would also encourage everyone in the council to visit the DCS website and read the synopsis of each award recipient, both individual and team, and acknowledge the various ways our staff are striving to make our community safer and a better place.

There are two award winners I would like to specifically mention; one of those is a lady by the name of Linda Neighbour. Linda displayed outstanding initiative by linking in with the Disability Employment Register, under the guidance of Disability Work South Australia, to recruit suitable staff for administrative roles within DCS. Linda's work has created a flow-on effect that will see other areas of the agency following suit. I think this is a true display of initiative and excellence to look outside of the square.

I also want to acknowledge the work of Owen Brady. Owen is an Aboriginal liaison officer at the Port Augusta Prison. He also works as the prison's cultural development coordinator. He is often called to assist prisoners who are released late and is a contact for community agencies on weekends and after hours. Last year, Owen was on a lunch break in the community and noticed a person on nearby train tracks behaving in a distressed manner. Owen stopped to assist the person, whom he had identified as an ex-prisoner and a Community Corrections offender. He picked up the person and in his own vehicle took them to hospital for assessment. Owen also kept their property safe while that particular individual or ex-prisoner was in hospital.

Later, it emerged that the person Owen saw on the train tracks was actually indeed attempting suicide. Not only did Owen save this person's life but he also had saved a great many people from the grief that comes when someone takes their own life. I can't think of anything more selfless or worthy of commendation than the act that Owen undertook.

Unfortunately, last week Owen wasn't able to be present at the awards ceremony, but I did take the opportunity to give him a call personally and thank him for his incredibly thoughtful act, and I certainly look forward to meeting him in person and other staff at the Port Augusta Prison when I visit there in the next couple of weeks. The Team Excellence Awards celebrated the same levels of professionalism and best practice examples of working together to get the job done in the challenging environment that Corrections poses. It was an honour to recognise the efforts of the team at the Mount Gambier Prison that played a crucial role in the prison's expansion that was commissioned in September last year.

I was also privileged to recognise the exceptional work undertaken by the Cadell Fire Brigade, staffed by DCS officers, prisoners and civilians, in helping to fight the Pinery bushfires I spoke about a couple of weeks ago. Other Team Excellence Awards went to the Home Detention

Committee, the Trainee Correctional Officer recruitment team, the E-Division team at Yatala Labour Prison, the community work unit, the DCS intranet team, and the Multi-Agency Protection Service.

As I have stressed in my short time as corrections minister, corrections cannot go it alone and it is important that we link in with others who operate in this space, including agencies, stakeholders and individuals who strive for the same outcomes. Of particular interest to me were the Community Partnership Awards, awards that recognise the links between corrections and other government agencies, as well as the private and not-for-profit sectors, who all want to make a difference in the area of corrections.

To the Cancer Council of South Australia, the Murray Mallee Community Health Service, Cleland Wildlife Park, the Victim Support Service, and the Mount Gambier fire services, I simply say thank you. Thank you for your ongoing partnerships, the contribution you and your organisations make and the critical role you play in the criminal justice system.

I was also privileged to present the Women's Excellence Award, meritorious service awards, Australia Day Achievement Medallion and long service awards. I want to acknowledge two individuals who have made what can only be described as an outstanding contribution to public service in the area of corrections.

Raelene Sweeney joined corrections in January 1966 as a temporary clerk and shorthand typist at the Adelaide Gaol, where she moved to the position of warrants clerk and stayed in that role until the gaol closed in 1987-88. From there she took up the same role at the Adelaide Remand Centre, where she has worked ever since. Raelene was awarded for being in the service of the public for 50 years.

The second person I want to thank is Mr James Hugo, who will be receiving his 50-year medal next year. This year, James received an Australia Day Medallion in recognition of his long and dedicated service to corrections—service that has continued since his retirement as a corrections officer in 1995 to this very day, when he still serves as a coordinator of visiting inspectors. Between them, these two individuals have dedicated almost a century of service to corrections and to the public sector. The value of their knowledge, experience and contribution cannot be quantified.

WATER METERS

The Hon. J.A. DARLEY (15:13): I seek leave to make a brief explanation before asking the Minister for Water questions regarding SA Water accounts.

Leave granted.

The Hon. J.A. DARLEY: Prior to the corporatisation of SA Water, the Engineering and Water Supply department provided advice of water consumption to ratepayers via an advice slip in the letterbox each time a water meter was read. This enabled ratepayers to check their meter reading at the time the meter was read. I understand that now property owners are advised of their meter number and meter readings on their SA Water accounts.

However, this information is not provided if there is one meter which supplies a number of properties, such as a group of flats or home units. This means that those who share a meter are unable to check and monitor their consumption and unable to determine if there has been a mistake made on their bill without contacting SA Water, and this can be some time after the event—in some cases, two months later. My questions are:

1. Can the minister advise why this information is not provided for those with a common water meter?

2. Will the minister undertake to work with SA Water to ensure this information is provided on all SA Water accounts?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:14): I thank the honourable member for his most important question. I guess it comes down to a situation of how much people are prepared to pay, because such interventions don't come free of charge. The situation the honourable member refers to I think probably largely is encompassed by strata units, and blocks of flats (those cream brick flats that many of us might have lived in as we were moving

out of home—certainly I did) where there is one water meter for perhaps 10 or more units, and the strata agreement for those blocks of flats would allocate a share of the water bill per unit. Sometimes ground floor units would pay a little bit more because they may have a back garden and upstairs units, not having a back garden, would pay less.

I certainly remember from my days in Kurralta Park that it was the case that ground floor units paid a little bit more for their backyard gardens, tiny though they were, and the upstairs units paid less. To enable individual metering, it is quite open for unit owners to have a plumber come in and put a meter on their connected pipes so they can actually monitor for themselves what is their consumption and check it against the group consumption and what they have been billed for.

But to first of all make the suggestion that SA Water should do that is probably inappropriate. I am not sure that ESCOSA would endorse it. I think ESCOSA may have done some research into this area—I vaguely recall some research being done—and coming down to the opinion (it may not have been ESCOSA, but I think it was) that it was not a cost-effective solution at all. As I say, private owners of units if they wish can engage a plumber and install their own meter to check their own consumption.

In terms of advice to the householder, my experience has been that the reading comes on your bill. I am not aware of past practice where the reading was slipped into your letter box at the time it was taken, but people who are keen to check and record their own usage and consumption can do that on a regular basis if they wish to and check it against the consolidated amount that comes in on their bill.

I have not had any representation for some time, that I can recall, where people have demanded or requested this service. Again, it will not come as a free service. All these things are costed and all these things have an impact. When SA Water go out and engage with their community through their consultation program, as they are expected to do through their ESCOSA regulation, people have expressed by and large that they are satisfied with the service they get, that they don't want to pay for an extra service and by and large they think the service they are getting is good value for money. If individuals want to do their own metering, they can engage a plumber to place a meter on their line in from the shared meter.

WATER METERS

The Hon. J.A. DARLEY (15:17): By way of supplementary question, with respect minister, part of the question you answered I didn't ask. I was asking: you already put the meter reading on individual accounts for householders where it is a single assessment, single house. The information is already available in the SA Water system: why can't that meter reading be put on the individual accounts for those multiple occupied properties?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:18): I am not quite aware of what the honourable member is getting at. I have never been chastised before for giving people more information than they have asked for. When there is one meter, one account is raised, and that will usually go to the strata corporation. The strata corporation will then, through its own processes, allocate a shared cost to those units.

If individual units have their own meter, that of course is no longer an issue—they get that through their own processes and database—but where there is one meter servicing a group of flats, for example, or a group of units, there will be one account issued for that meter (as I understand it at least), and that will go to the strata corporation, and that will be part of the process of the strata corporation allocating a share on their own policies that their members voted on to adopt. That is how it will be distributed and allocated.

WATER METERS

The Hon. J.A. DARLEY (15:19): Further supplementary: with strata properties, each property receives an SA Water account. All I am asking is that the actual meter reading for that one meter that services those strata titles be printed on the account.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): The honourable member may be right. I am not sure that he is—I could be completely wrong. I can recall from my days as a strata unit secretary for my group of flats that there wasn't an individual water bill delivered to each flat at all—it was delivered to the strata corporation. That may have changed. I don't have that information before me. I haven't lived in a flat for some time. I will undertake to inquire of SA Water as to the processes they now conduct.

If that is the case and the honourable member is correct, and I am not saying he isn't, then it makes some sense to put the full meter reading on those accounts, but it also might—it might—confuse people because they won't be paying for the full meterage, they will be paying their strata share, and their strata share may not be a straight up 10 per cent if there are 10 units. As I say, some strata corporations strike a different balance for upstairs units versus downstairs units.

It could, in fact, create even more confusion in the minds of residents, particularly those who aren't the owners but may be renting but may have a rental contract or rental agreement with their landlord that they pay the water bill. That facility is available these days, as I understand it, whereas previously it wasn't. I will undertake to take that question back to SA Water.

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: You think I should?

The Hon. G.E. Gago: Yes.

The Hon. I.K. HUNTER: I will undertake to take that back to SA Water or ask them their current practices, which may have changed, and the honourable member—

The Hon. G.E. Gago: We only get one bill.

The Hon. I.K. HUNTER: —may be very right about that. The Hon. Gail Gago says that she's in a strata situation and she only gets one bill for the whole units. So, I will check that and I will come back with the appropriate information for the honourable member.

Matters of Interest

SOUTH AUSTRALIAN COUNTRY PRESS AWARDS

The Hon. J.S.L. DAWKINS (15:21): I rise today to speak about the Country Press SA Awards dinner, which was held in the historic Mortlock library in Adelaide last Friday 19 February. The event was hosted by the president of Country Press SA, Mr Andrew Manuel of *The Plains Producer* newspaper at Balaklava, and also by the vice president, Mr Ian Osterman of *The Courier* at Mount Barker.

I was delighted that my annual award for Best Community Profile was won by Alice Dempster of *The Times* at Victor Harbor. The judge of the award, Mr Brad Perry, who is well known to many in this building, indicated:

> Alice's article on a South Coast resident was a stand-out winner, ticking all of the boxes of a wonderful community profile.

Second place in my award went to Mr Peri Strathearn of *The Murray Valley Standard* and third place went to Ms Lisa Pahl of *The Courier* of Mount Barker.

In the Best Newspaper over 5,000 circulation, the winner was *The Murray Pioneer*, with second place going to *The Courier* and third place to the *Yorke Peninsula Country Times*. The Best Newspaper 2,400 to 5,000 circulation section was won by *The Recorder* at Port Pirie, with *The Murray Valley Standard* coming second and the *Port Lincoln Times* in third place. The Best Newspaper under 2,400 circulation was won by *The South Eastern Times* at Millicent, with the *Plains Producer* coming second and *The Loxton News* in third place.

In the other categories, the *Yorke Peninsula Country Times* actually won each of the following categories: Best Advertisement (Priced Product), Best Supplement and Best News Photograph. Other awards were as follows: Best Advertisement (Image/Branding), *The Border*

Watch; Best Advertising Feature, *The Courier*; Best Sports Photograph was taken out by the *Northern Argus*; and the Best Front Page award went to *The Bunyip* in Gawler.

The award for editorial writing was won by Paul Mitchell of *The Murray Pioneer*. The award for Excellence in Journalism was won by Sandra Morello of *The Border Watch* and the Best Sports Story was won by Peri Strathearn from *The Murray Valley Standard*, who I mentioned earlier. The award for Digital Initiative, which is one of the newer awards, was won by *The Border Watch* and the award for Young Journalist of the Year was won by Melissa Keogh of *The Courier*. Finally, of those individual awards, the Outstanding Advertising Representative Award was won by Ms Perri Leenders of *The Murray Pioneer*.

Once again, it is a great pleasure to be involved with the Country Press SA organisation. It is a very professional group representing, around 30 newspapers across South Australia, including, of course, Broken Hill and Katherine. It is an organisation that makes some very good representations on behalf of its industry, and it has certainly been doing that in the last 12 months in relation to the limitations on some government advertising, from both federal and state jurisdictions, in local country newspapers.

Of course, we know that as well as printing press releases incessantly, newspapers also need financial support, and that comes in the way of advertising. I give great credit to the organisation, led by Mr Manuel and Mr Osterman, and the way in which it represents and, we will say, award, or rightly reward, the industry.

DEFENCE INDUSTRY

The Hon. T.T. NGO (15:26): On Tuesday 4 August 2015, the federal cabinet was in Adelaide to approve $39 billion worth of new naval ship building. The projects were announced in Adelaide by then prime minister, Tony Abbott, and then defence minister, Kevin Andrews. This announcement brought on much fanfare.

The first project to be announced was that nine new Future Frigates, at a cost of $20 billion, would be built in South Australia three years earlier than scheduled, commencing in 2020. The second project announced was that construction of offshore patrol vessels would be brought forward by two years, commencing in 2018. The cost was set at $19 billion. We were told these projects would sustain around 1,000 jobs and, once both projects were up and running, about 2,500 shipbuilding jobs would be maintained for decades.

These projects would help save jobs and help reduce the risk associated with a 'cold start' by having instead a continuous build. The two projects were to overlap one another, thereby reducing the cost of training, which would be higher if there were a gap between the projects.

Prior to the last federal election, the Liberals committed to build 12 submarines in South Australia at a cost of $50 billion. This means that the total commitment over the next 20 years for the shipping industry in South Australia is supposed to be $89 billion. I remember the television news coverage of the announcement, and I will quote some soundbites from Tony Abbott, 'This is a message of hope and confidence to the people of our country, to the people of this state.' Another quote was, 'The frigates are coming as the first prize, and one way or another the subs will be coming as a further prize.'

South Australians were overjoyed to hear this. They were indeed full of hope—a feat after the Liberals single-handedly shut down the automotive industry, costing tens of thousands of jobs. With high unemployment, South Australians finally had a Liberal prime minister who was paying some attention and respect to this state. This hope was also reflected in *The Advertiser*'s front headline the next day, which read, '$89 billion ship salvage—PM pledges job security with frigate build to shore up state shipbuilding industry'.

On 21 August 2015, even Tory Shepherd, political editor for *The Advertiser*, in her article entitled 'So much ship work, We'll need a school', went on to say that the then defence minister Kevin Andrews was considering building a 'schoolhouse' to train engineers and other workers for the future frigate and future submarine build. Unfortunately, since that announcement, Mr Abbott and Mr Andrews were marched out by Mr Turnbull and his supporters with large knives in their backs.

The federal Liberals are now led by smiling, do-nothing Prime Minister Malcolm Turnbull who appointed current defence minister, Marise Payne, who recently distanced herself from Mr Abbott's commitment to shipbuilding in Adelaide. South Australians are again being used by the Liberals. False promises of jobs are being made and then retracted. They did it with Holden and recently they have been dancing around the number of submarines that will be built and whether they will be built in SA.

I do not blame South Australians for continuing to try to believe the federal government, as they have become so desperate for positive announcements from the federal government. It is time that the state Liberal Party stands up for South Australia and condemns their federal colleagues for these broken promises. Christopher Pyne and Senator Birmingham need to condemn Mr Turnbull in the strongest terms. Mr Marshall and the South Australian Liberal Party cannot just wait for Premier Weatherill to stand up for the people of South Australia against the federal government going back on its word.

Time expired.

ANIMALS AUSTRALIA

The Hon. T.A. FRANKS (15:31): I rise to talk about political interference in bus advertising campaigns. Members would no doubt have been aware of the bus advertisements that ran late last year on the sides of Adelaide Metro buses that featured the Animals Australia campaign which highlighted the cruelty of the live export industry. Those advertisements showed a picture of a bull in distress that was taken in Mauritius, along with a slogan reading, 'LIVE EXPORT it's a crime against animals'. The advertisements ran across Australia and ran until late December. They were lodged and paid for by Animals Australia as part of a nationwide campaign.

The live export industry, unsurprisingly, challenged the right of those advertisements to be on buses and took up a complaint with the body that regulates outdoor advertising and, indeed, bus advertising in this country. Last week that complaint was rejected. The Advertising Standards Board found that those ads were indeed compliant with advertising standards and were rightfully able to be shown in the outdoor advertising space. They found that those ads complied with community standards.

At the time, observant members might have been curious to know that Geoff Power, President of the farmer group Livestock SA, stated to the media, and in this ABC report that I refer to of 15 February he stated that he had lobbied the state government on behalf of producers to remove the advertisements. He said that lobbying had been somewhat successful, yet members would be aware that the advertisements were compliant, so I was curious to know why the President of Livestock SA seemed to think that the state government had some sympathies for Livestock SA's bid to pull these ads off the sides of Adelaide buses.

That is why members will be most interested, I think, as I was, to read the correspondence from Livestock SA that was sent back in August to minister Mullighan and cc'd to minister Bignell, dated 20 August but sent in an email form on 21 August 2015, authored by Deane Crabb, Chief Executive Officer of Livestock SA. It was summed up in the email to both ministers Mullighan and Bignell as follows:

> I am forwarding a letter asking the Minister to stop the advertising against live exports on Adelaide Metro buses.

That letter of 20 August states:

> Livestock SA is very concerned about Adelaide Metro buses carrying advertising opposing the live export of animals: the text being 'LIVE EXPORT it's a crime against animals.'

The letter concludes:

> Livestock SA believes the live export of cattle, sheep and goats should be supported and that support should include the removal of the inaccurate and offensive advertising from the rear of Adelaide Metro buses.

It is unsurprising that Livestock SA might write this letter, but what is surprising is the letter it received back from minister Mullighan, dated 10 November 2015. That letter was addressed to Mr Crabb, CEO of Livestock SA, and states:

DPTI further advises that while this particular campaign has run nationally and is not in breach of any standards, APN Outdoor Media acknowledged the campaign was contentious and has volunteered to remove the advertising as soon as practicable.

It was signed, 'The Hon. Stephen Mullighan MP, Minister for Transport and Infrastructure.' My questions to minister Mullighan are: on what grounds did he put that signature on that letter, advising Livestock SA that those ads that were currently running on Adelaide Metro buses, paid for and legal, that had been put there by Animals Australia? On what grounds was he able to inform Livestock SA that APN Outdoor Media, the commissioning company to run the ads, had acknowledged that the campaign was contentious and had volunteered to remove the advertising as soon as practicable?

At what point does a minister take charge of what ads can run on Adelaide Metro buses? That transport minister has interfered here politically and decided to take sides in an advertising campaign, an advertising campaign which was found by the Advertising Standards Bureau to be legal and not to breach community standards and which should have been run to its end. I believe that it did run to its end, but I think that the minister here has attempted to interfere. It is unacceptable.

LABOR PARTY

The Hon. R.I. LUCAS (15:36): I wish to refer to the continuing division and disunity within the state Labor government, sadly at a time when it should be concentrating on growing jobs and the South Australian economy. We saw in the recent reshuffle the considerable tensions within the state Labor government.

The former leader, the Hon. Gail Gago, we know was in tears late last year in question time when asked questions about the rise of the Hon. Mr Peter Malinauskas in this chamber. The Hon. Gail Gago has been relegated to that corner of the chamber where failed or disgraced leaders of the Labor Party go, the chair formerly accommodating the Hon. Bernard Finnigan.

We also hear from Labor sources that the Hon. Mr Hunter was extremely angry at the recent reshuffle and that his relationship with the Premier was considerably strained because he was furious when the suggestion was that he would not be made the Leader of the Government in this chamber and that the junior minister, as he saw it, the Hon. Kyam Maher, would be promoted in his place as the Leader of the Government in this chamber.

We also note that minister Hunter, when he was overseas just before Christmas on his trip to Europe, was furious when members of his staff told him that there were people in his office in Parliament House checking it out as an office for the Hon. Mr Peter Malinauskas. He was so furious that he rang various important people back here in South Australia expressing his anger that there would be anyone checking out his office in Parliament House as a potential office for the Hon. Mr Peter Malinauskas. There is no doubting the rising tensions within not only the Legislative Council Labor caucus but also the caucus generally with the rapid rise and promotion of right faction leader, the Hon. Mr Malinauskas.

The recent book by former minister Hill has reopened wounds within the Labor caucus as well. He has launched a barely disguised, bare-knuckle attack on Labor right faction bosses and the Hon. Russell Wortley. I quote from his book where he talks about promotions to the Labor cabinet:

Brainpower, or lack of it, isn't essential for success as a minister. One would hope though that a good brain well used can achieve more than a poor brain, no matter how managed.

How does one measure ministerial success? For some just getting the title, the name on the door and a bunch of public servants to do your bidding is success enough.

During my period as minister, Caucus selected a particular candidate to the ministry who not even the most partisan Labor supporter would believe was chosen on the basis of talent. On entering Cabinet he must have felt like Stephen Bradley…

He is obviously referring to Steven Bradbury, but I continue:

…winning a gold medal when all the other competitors fell over. Sure, it's a gold medal and it can never be taken away but can it really be described as success if whenever your name is mentioned it is accompanied by sniggering.

As I said, there is no doubt that the former Labor minister, John Hill, is referring to the Hon. Russell Wortley's promotion to the Labor cabinet. Labor caucus sources in this place in the last couple of

days have all been openly sniggering or chuckling at John Hill's outing of the background to the promotion of the Hon. Russell Wortley to the position of a minister in this chamber.

We all know the Hon. Mr Wortley's sorry record. I think he had the fastest no-confidence motion ever moved against him in the chamber within the space of about four sitting days as a minister. I think he had a number of other successful no-confidence motions moved against him during his period as minister in this chamber.

There are a number of other elements of the John Hill book which I am sure are occupying the minds of many within the Labor caucus at the moment. As I said, whilst in this case this is a bare-knuckle attack on the right faction bosses who promoted a clearly incompetent person into the position of cabinet minister—and clearly that is the view of John Hill in his book—there are clearly many other elements of the John Hill book that throw a very unfavourable light on the faction dealings that go on within the state Labor Party and, as I said, sadly at a time when they should be concentrating on growing jobs and the economy and not worrying about the jobs they can get for themselves.

QUEEN ELIZABETH HOSPITAL

The Hon. J.A. DARLEY (15:42): I rise to speak about The Queen Elizabeth Hospital. The Queen Elizabeth Hospital or QEH was officially opened in 1958, although it had been in operation since 1954 in response to a post-war demand for maternity services. It is an acute care teaching hospital which has a proud history of providing clinical care, teaching and research.

Under Transforming Health, the government has indicated that some QEH facilities will be downgraded, with a shift for the hospital to focus on rehabilitation, treatment of mental health and elective surgery. The emergency department will remain open, with the exception for those who suffer life-threatening emergencies, who will bypass the hospital and receive treatment at the Royal Adelaide Hospital instead.

Understandably, clinicians and the local community are upset that yet again The QEH's services are being threatened, despite the government spending $324 million in the last 10 years upgrading its facilities. In 1999, the Liberal government had an option paper prepared which suggested that the hospital's services would be downgraded and patients referred to other hospitals. I would say that it is funny that history repeats itself; however, this is no laughing matter.

A select committee was established in 1999 to inquire into the future of The Queen Elizabeth Hospital. The committee heard evidence that the community viewed the department of human service's attempt at consultation as tokenism and that clinicians felt that there was little opportunity for input into future plans. It is a pity that the health department has not learnt anything in 15 years because the same issues are emerging again in relation to Transforming Health. We have clinicians crying out that lives will be put at risk if the proposals under Transforming Health are implemented, and the community is still left in the dark about the future of the hospital.

What is worse is the farce the department passes off as consultation. I understand that rehabilitation practitioners were asked to provide feedback on plans for the rehabilitation unit. This was an opportunity for the government to provide world-class facilities which would incorporate the latest models of best practice. However, when feedback was provided on unworkable elements, the response provided by SA Health was simply that the decisions had already been made and they would simply have to work around the obstacles. I doubt anyone would consider this genuine consultation. The 2001 select committee also said:

> The Committee strongly recommends that the Government makes a commitment, at minimum, to maintaining the present role and status of the hospital. The range and nature of the services to be provided by the hospital in the future should reflect the health needs of the community that it serves.

It is a shame that so much has been forgotten in 15 years. Whilst it is important to have a lively, vibrant city that warrants the expenditure of $535 million for a new sporting stadium, it is also equally important that we have a healthcare system that supports us when we are unable to run around said sporting stadium. In the words of Mahatma Gandhi, 'A nation's greatness is measured by how it treats its weakest members.'

The Hon. A.L. McLACHLAN: Mr President, I draw your attention to the state of the chamber.

A quorum having been formed:

COUNTRY TO CANBERRA

The Hon. G.E. GAGO (15:46): Our regional and rural women make a significant contribution to South Australia's development in economic and social terms. However, regional women continue to face particular pressures and challenges in accessing services and achieving gender equity. It always gives me great pleasure to hear about and support initiatives that help advance the potential of women, and we know that women face many obstacles that prevent them from accessing education and career opportunities.

These obstacles are multiplied for women living in rural areas who face additional distance, time and funding barriers. This means that it is important that initiatives exist that support young women from rural areas to be paired with networks, develop career networks in particular and be exposed to women and experiences that can help them become leaders in their communities.

Country to Canberra is a non-profit organisation whose mission is to empower young rural girls to reach their leadership potential. Their mission includes helping build leadership skills, encourage ambition and connect rural girls with powerful women and mentors as a means of breaking down gender and geographical barriers that they may face. Country to Canberra's flagship initiative is a nationwide essay contest where winners are awarded with an all-expenses paid 'power trip' to Canberra where they are able to meet with high-profile female politicians and other staff.

Through my former work involving the Office for Women, I was delighted to provide sponsorship which meant that this year a South Australian winner of Country to Canberra's nationwide essay competition on gender equity was selected. This student was year 11 Caitlin Heppner from Nuriootpa, who won a 'power trip' to Canberra to meet inspiring politicians and executives on 1 December. Caitlin was named the winner because of her really brilliant essay about diminishing barriers for women in agriculture and increasing female leadership in primary industries. Since being announced a winner, Caitlin has already received many leadership growth opportunities, being profiled in the *Stock Journal* and also interviewed on ABC radio.

Caitlin went to Canberra on 1 December and met with a variety of female politicians, such as deputy opposition leader Tanya Plibersek, assistant agricultural minister Anne Ruston, Greens deputy leader Larissa Waters and UN Women Australia Executive Director, Julie McKay, at Country to Canberra events. She also embarked on a tour of federal parliament and is now connected to a mentor for ongoing leadership coaching.

I have always been committed to ensuring that women are able to gain expertise and necessary skills to contribute as key decision-makers and leaders. It is particularly important to support rural and regional women as they make a significant contribution to their communities and our state, and they do so often under extremely difficult circumstances.

In September 2014, I was pleased to launch the Women Influencing Agribusiness and Regions Strategy on behalf of minister Bignell. The strategy has been developed to encourage more South Australian women to consider careers in agriculture and to promote the development of opportunities for women already in the industry.

I encourage all members to read Caitlin's award-winning essay. It is a marvellous piece of work and I was most impressed with her level of understanding of quite complex issues and her ability to bring those together in a very succinct and powerful essay. I would encourage honourable members to have a look at that; it can be found on the Country to Canberra website and I certainly wish her all the best in relation to her Power Trip and all her future endeavours.

POLICE BOARDS

The Hon. A.L. McLACHLAN (15:51): The police perform a vital role in protecting the community by preventing, detecting and investigating crime. All in this chamber would be aware of my strong support for the police who work diligently to serve our community. Policing, by its very nature, attracts significant responsibilities and powers, including the ability to use force in certain

circumstances. Mature democracies acknowledge that police legitimacy and procedural justice are critical to strong and robust governance. Police legitimacy is built on open and transparent accountability mechanisms that include citizen involvement in oversight.

There are studies that assert that over 60 per cent of the top 20 democracies in the world have police oversight mechanisms that include citizens. Perhaps it is time South Australia considered joining the trend towards including considering more citizen involvement in the oversight of its police force.

For many years, the UK police were governed by police authorities. They were traditionally made up of a mix of elected members and independent members. The Conservative Party went to the 2010 election with a policy to abolish police authorities and replace them with elected police and crime commissioners. The commissioner would be responsible for securing efficient and effective policing of a police area.

The Liberal Democrats also sought to reform police authorities. They proposed direct elections for police authorities and a strengthening of their powers. Both parties expressed concerns about the perceived lack of accountability of police authorities to the communities they served. This in turn motivated their policies of reform. Upon forming a coalition government, legislation was passed to provide for police and crime commissioners. The first election for commissioners took place in 2012. It should be noted that there are distinct arrangements in some parts of the UK, for example in London and Scotland, and I will come to that later.

The stated purpose of police and crime commissioners is to ensure that the policing needs of the communities are met as effectively as possible. It is argued that the commissioners improve police accountability, free up officers for frontline duties, and increase public confidence in the police service. Their aim is to cut crime and deliver an effective but also efficient police service in their area of responsibility. They are designed to create a bridge between the police and the local community. Their duties include appointing and dismissing chief constables and setting budgets and policing priorities.

What I find of particular interest is that commissioners also seek out and work in partnership with the not-for-profit sector and other community groups to not just support policing but also develop and execute strategies in an effort to reduce crime. They also provide support not just for victims but offenders as well, encouraging rehabilitation. In short, commissioners seek to develop a range of community support, diversion and preventative activity. They are seen as important facilitators of social action. Those advocating for this initiative suggest that involving citizens in decisions that impact their communities will in turn lead to more accountable and transparent decision-making.

There has been criticism of the initiative, in particular as it ends the tradition of keeping politics out of policing. There was also a low voter turnout and, as a consequence, some questioned their democratic legitimacy. Nevertheless, all parties in the UK, including Labour, had policies that would increase local accountability in oversight of policing.

As I indicated earlier, there are distinct arrangements in some parts of the UK, but all have a role for citizens in the oversight of police. In London, the Metropolitan Police Service is governed by the Mayor's Office for Policing and Crime and reports to the Police and Crime Committee of the London Assembly. The London Assembly is an elected body, part of the Greater London Authority that scrutinises the activities of the Mayor of London. The City of London Police reports to the City of London Corporation; the police committee is in effect the police authority and is constituted by the elected body that runs the corporation.

In Scotland, as part of the devolution process, the Scottish Police Authority was created. The authority was established to maintain policing, promote policing principles and continuous improvement of policing, and to hold the Chief Constable to account. The authority board states that it would do this through a robust governance approach focused on securing best value, reducing duplication and keeping police officers out in the community and tackling crime. This role, and the operation of this body, may be of particular interest to members of this chamber, in particular whether it is a model that may have application in this state.

Contemporary demographic governments that facilitate direct citizen participation in the governance of police ensure that they have checks and balances that are consistent with the ideals

of citizen participation in the governance of their state. Perhaps we should begin to consider as a parliament whether we need to do the same in this state.

Motions

AGIUS, AUNTIE JOSIE

The Hon. T.A. FRANKS (15:57): I move:

That this council—

1. Expresses its deep regret at the passing of Aboriginal Elder, Auntie Josie Agius; and

2. Places on record its appreciation and respect for her distinguished service to our state.

Ngadlu, tampinthi ngadlu Kaurna yartangka inparrinthi. Kaurna miyurna yaitya mathanya Wama Tarntanyaku.

Although my acknowledgment of country may be lacking in comparison to Auntie Josie's warm welcomes to Kaurna land, I acknowledge today that we gather on Kaurna land, and I rise to speak about the life and significant contributions that Ms Josie Agius, a proud Narungga, Kaurna, Ngarrindjeri and Ngadjuri woman, made to our state.

All of us in this chamber today, and indeed many of those in our communities, would know Auntie Josie from her warm welcomes, those warm welcomes to Kaurna country, where she officiated at countless functions over many years. Auntie Josie, or Josie Agius, was born in Wallaroo on 2 April 1934 to Katie Edwards and Fred Warrior. She was one of five children. I extend my condolences to her children Kate, Raymond and Fred, to the wider Agius and Warrior families and to her many grandchildren and others who loved her.

Although people remember her as a joyful presence, she was no stranger to sorrow, losing her father at the age of three, her brother when she was only 12 and her mother at the still tender age of 16. Nevertheless, Josie had many fond memories of her childhood. While she was growing up, her family moved around a lot and, after living in Point Pearce, Mile End and Leigh Creek, she left school at the very young age of 14, moving with her family to Alice Springs. There she immediately started her working life, taking on three jobs, including as a farm hand in Pine Point. She also worked at the Franklin Hotel in Adelaide and then in aged care.

During the 1970s, Auntie Josie became one of our state's first Aboriginal health workers, becoming part of a team that developed a cultural framework for how hospitals and community health services deliver services to Aboriginal people in our state. From 1984 until 1991, Auntie Josie worked as an Aboriginal education worker at the Taperoo Primary School. There, she helped launch the Port Adelaide-based Kurruru Indigenous Youth Art Centre, and I know she is particularly loved by all at Kurruru and sorely missed there. Along with Kurruru, Josie contributed to many of the Aboriginal arts and cultural organisations in Adelaide, including Tandanya.

In 1995, at the age of 61, when many contemplate retirement, Auntie Josie returned to school to study at Tauondi College. She studied tourism and the Kaurna language. In recognition of her obvious life-long commitment to learning, in 1998 she was appointed the South Australian Ambassador for Adult Learning. It was not her only recognition, achievement or award. Indeed, her community work saw her rightly recognised through the receipt of many awards and honours.

She was appointed the NAIDOC Aboriginal of the Year in 1990. She was awarded the Centenary Medal, under the Australian honours system, for her service to the community, particularly youth, in 2001. She was inducted into the South Australian Women's Honour Roll in 2009 and in 2014 she was awarded the David Unaipon Award. She was appointed the Port Adelaide council's Aboriginal Person of the Year, the Ambassador for the Port Adelaide Power Cup and the patron of the 2014 and 2015 NAIDOC SA Awards. In 2014, Auntie Josie was also awarded the Premier's NAIDOC award as an extraordinary South Australian whose outstanding achievements and activities have made a significant difference to the lives and welfare of Aboriginal people in South Australia.

A resident of Taperoo for 55 years, Auntie Josie was a proud and active member of the Port Adelaide community and, of course, a Port supporter (be that Adelaide or the Power). It was a fitting tribute that her funeral was held at the Alberton Oval. It was no surprise that in the mourners not only

did we see the Governor and our Premier, but federal and state shadow ministers and ministers in attendance among the 1,000-plus strong who attended that day to respect Auntie Josie and her enormous contributions. They were there to farewell the woman who had so warmly welcomed us so many times.

I first came across Auntie Josie when I was working in a collective, the International Women's Day collective, with many from the union movement and the feminist movement. I was asked to organise the Kaurna welcome. I had not done this before. I was given instructions that I was to contact Kurruru and I was to send a fax, and I duly sent that fax. I did not receive much of a response, but there she was on the day at the appointed time: Auntie Josie, and that was the first time that I met her, at that particular International Women's Day march back in the early 2000s.

She was a real treasure to our state and I think she kicked off events in a way that was inimitable and belied her very short—'diminutive' is the word I am looking for—stature. Those very small shoes will be very hard to fill. She was a tireless advocate for reconciliation, a tireless advocate for the progress of not only her people but of all people of South Australia.

She would speak to a crowd of sometimes thousands, sometimes hundreds, but she would also take the time to address smaller, more intimate gatherings, and she would do it with that same warm, cheeky humour and quick wit and she would do it with a compassion that I think is a very rare quality. She would come to the event to wish us a warm welcome to Kaurna land, and we would all feel welcomed by Auntie Josie, so it is fitting today that we farewell Auntie Josie as a council of the Parliament of South Australia and pay our respect and show our admiration for the amazing contribution she made in her life.

Vale and rest in peace, Auntie Josie. Our state is richer and stronger as a result of all your service, goodwill and the love and welcome you gave us all.

The Hon. T.T. NGO (16:04): I rise to support this motion, and I thank the honourable member for bringing this motion to the council. It is indeed with deep regret that I and other honourable members pay our respects to the late Josie Agius, respectfully known in her community as Auntie Josie, and recognise her great contribution to the South Australian community.

Auntie Josie was a proud Kaurna Narrunga Ngadjuri woman. As a child Josie travelled with her family, spending time at different schools in Adelaide, Leigh Creek and Alice Springs before moving to Adelaide. In the late seventies she was one of South Australia's first Aboriginal health workers, enabling community nursing to be available to people in their own homes. She was at the forefront of influencing policy in regard to specialist Aboriginal health services in this state.

From 1984 to 1991, Josie was an Aboriginal education worker at Taperoo Primary School, working with Aboriginal children in reception to year 7. In this position, she introduced Aboriginal Culture Week in the school and made sure that the children were linked to special NAIDOC Week activities. She organised cultural activities in the school to celebrate these events, and she played an important role in helping to bridge the gap between children and staff with the Aboriginal community.

Josie worked closely with the education department, teachers and families to break down barriers to the children achieving an ongoing education. From 1988, Josie was the main organiser of the annual Aboriginal Youth Concert, which is a showcase for all Aboriginal children at schools in Adelaide to perform their items to a large and enthusiastic audience. She arranged for every child who performed on the night to receive a prize or a trophy at this event.

Her interest in the preservation of culture through languages led to her collaborate on a National Aboriginal Languages Project with Kaurna Plains School and Professor Rob Amery, an Indigenous languages lecturer at Flinders University. The project produced a songbook of Narrunga, Ngarrindjeri and Kaurna languages, and that songbook has become an important resource for schools teaching Indigenous languages.

From her work with young children Josie understood the importance of using music and song as a medium to keep the languages alive. From 1994 to 1995, Josie worked on a national committee to get Aboriginal languages into the curriculum in schools in all states. Josie's keen interest in

language was also shown through her study of Kaurna heritage, language and tourism at Tauondi Aboriginal College in Port Adelaide, from which she graduated in 1998.

From her appointment as the first Aboriginal community networker working with Kurruru Youth Performing Arts (formerly Port Youth Theatre Workshop) in 1995, she set about establishing links between the youth performing arts company and her community. She established an Aboriginal advisory group, consisting mainly of elders. This extended to the community trusting that their children were in good hands—sometimes there would be four generations attending workshops.

Auntie Josie continued her connections with the Aboriginal education workers at local schools to encourage children to attend weekly workshops. These workshops included dance—both traditional and contemporary—drama, music, singing, film and circus, combining health and wellbeing with cultural knowledge.

Over the time of Auntie Josie's involvement at Kurruru, the company grew in strength to the point where in 2000 they became the first Indigenous youth performing arts company in South Australia—once again, a reflection of Josie's ability to be at the forefront of establishing opportunities for Aboriginal people to achieve cultural democracy.

She was also an engaging performer. She performed in many plays and videos, as well as presenting at national conferences and events, including the 1996 World Indigenous Conference in Albuquerque, New Mexico, and the 1997 Indigenous Women's Conference at Tandanya National Aboriginal Cultural Institute.

The Hon. T.J. Stephens: Albuquerque.

The Hon. T.T. NGO: Albuquerque, yes. Auntie Josie believed strongly that arts and sport must be part of the everyday lives of the community. I did not have the pleasure of knowing Auntie Josie well, but I did get to meet her at events where she performed the Welcome to Country as a member of parliament and also during my time as a councillor on the Port Adelaide Enfield council.

As a former Port Adelaide Enfield councillor, I want to acknowledge Auntie Josie's passion for the Port. Auntie Josie was western suburbs through and through. Part of the reason why she was held in such high regard was her commitment to working with everyone to improve the wellbeing of her community. This is also highlighted by her ongoing work with the council.

Auntie Josie was one of the original members of the council's Aboriginal Advisory Panel, established in 1998, and she continued to have input through the panel until her illness made it too difficult to continue. In 2009 she was awarded the council's Aboriginal and Torres Strait Islander Lifetime Achievement Award and was also Elder of the Year in the early 2000s. Aunty Josie provided Welcome to Country greetings in the Kaurna language at many events across our council, always including her personal touch of references to her life in the Port.

Josie was always extremely generous with sharing her knowledge and her story, providing input into many council projects, including the Aboriginal Heritage Review and the Mudlangga to Yertabulti Track. In telling her story, Josie stated:

> We got involved with the council that was all different. The Aboriginal Advisory Panel made a difference, and for the Mayor to come up and give you a kiss on the cheek, that's something.

I believe that the mayor mentioned here is Gary Johanson. To stop Mayor Johanson from gloating, I believe Josie also received those kisses from most dignitaries across the state—including us.

Auntie Josie was a truly remarkable leader in the South Australian community. She is sorely missed. The Hon. Kyam Maher, Minister for Aboriginal Affairs and Reconciliation, said it best when he suggested that the best way to honour Auntie Josie is to continue her great work. I hope that I, as Presiding Member of the Aboriginal Lands Parliamentary Standing Committee, and the committee members can be part of the many who will continue the work towards advancing the causes that Auntie Josie spent her life pursuing. I commend this motion to the council.

The Hon. T.J. STEPHENS (16:14): I rise on behalf of the Liberal Party to support the motion and to thank the Hon. Tammy Franks for bringing the motion to the chamber. I would also like to commend the Hon. Tammy Franks for her most eloquent speech, and I know that it was certainly delivered from the heart. I would also like to congratulate the Hon. Tung Ngo for the time and effort

he has put into getting that speech together. I know that the Hon. Tung Ngo—other than the fact that he got Albuquerque wrong because he was taking us to a place that I have never heard of—was very sincere in all the things that he had to say about Auntie Josie Agius.

I was very fortunate to have met Auntie Josie on a number of occasions. I found her to be a very warm and decent person. I know that she achieved an enormous amount in her life and that her family and friends would all be extremely proud of her enormous contribution to South Australia.

I know that she was a passionate Port Power supporter and I can remember some occasional cheeky little jibes that she would give me. I think I might have made the mistake of wearing a Crows tie to a function that Auntie Josie attended at some stage, and she had a little whisper in my ear and gave me a bit of cheek which was all done in a very good spirit.

I will not detain the chamber further, but all in the Liberal Party are very grateful for the enormous contribution Auntie Josie Agius has made to the lives of all South Australians. Her incredible work has not gone unnoticed. With those few words I commend the motion to the house and again congratulate the Hon. Tammy Franks for bringing the motion to the house.

The Hon. M.C. PARNELL (16:16): I also would like to associate myself with the comments that have been made by all members so far and those to come on this motion. I thank my colleague the Hon. Tammy Franks for putting this on the agenda because it does give us the opportunity to reflect on the life of someone most of us knew. We do a lot of condolence motions here and, while some members have known some of the people who have passed on, it is probably fair to say that most of us did not know them. However, Auntie Josie falls into that category of someone we have all met, and we have done that because she was a regular at conferences, events and all manner of gatherings.

She had a style, as members have alluded to, that was peculiar to her but it can be best described in terms of warmth and generosity of spirit, as other members have said. We often hear other Kaurna elders, Uncle Lewis springs to mind who is probably best known for his jokes—which I think fall in to the genre of 'dad jokes'—that is probably the best way to describe them, but that is what we expect if Uncle Lewis is welcoming us to country. However, when Auntie Josie welcomed us we knew that it would be her warmth.

In her role as a senior Kaurna person welcoming people to Kaurna land, she attended many events and conferences where the subject matter was esoteric. Whether they were rocket scientists or brain surgeons or molecular biologists, she would often start her welcome by admitting that she did not really know what everyone was going to be talking about—few of us would—but you always knew at the end of her words that you were well and truly welcome. I think that is the message that many of us would have taken from our interactions with her.

I agree with the sentiments expressed already. We are the richer for having known her and for her service but we are the poorer for her passing.

The Hon. K.L. VINCENT (16:19): I have not prepared anything in particular, but I simply want to put on the record my support for this motion and my thanks to the Hon. Tammy Franks for putting it on the agenda, and of course my thanks for Josie Agius—Auntie Josie. As the Hon. Mr Parnell rightly pointed out this is, I think, the first time that I can recall that I have spoken to a condolence motion about someone who I have actually met and I must say that makes it all harder.

I cannot say that I knew Auntie Josie particularly well or personally, but I was always a great admirer of her work, her commitment to that work, her commitment to warmth and generosity, and her commitment to humanity and meeting people for who they were and where they were in life and going from there. She certainly was not a person who was a preacher by any means. She very much, from what I can see, lived by what she preached. She practised what she preached and we are all the better for seeing her and hearing her preach that message which was always about peace, equality, warmth and humanity. For those reasons she will be, by me as much as anyone else in this chamber, very dearly missed.

Motion carried.

Parliamentary Committees

STATUTORY AUTHORITIES REVIEW COMMITTEE: SITE CONTAMINATION AT CLOVELLY PARK AND MITCHELL PARK

The Hon. J.M. GAZZOLA (16:20): I move:

That the report of the committee, on its inquiry into the Environment Protection Authority's management of contamination at Clovelly Park and Mitchell Park, be noted.

In July 2014, the Statutory Authorities Review Committee resolved on its own motion to inquire into the Environment Protection Authority's management of contamination at Clovelly Park and Mitchell Park, with particular reference to the assessment and management of risks to public health by the authority and related agencies.

Over the past year and a half, the committee has taken extensive evidence from 29 witnesses in 13 hearings and considered six submissions and 26 pieces of additional correspondence. This evidence has provided the committee with a detailed understanding of the complexities in managing a contaminated site when the body of knowledge on the contaminant has evolved during the investigation period, the legislation framework has changed and there is uncertainty about the source of contamination.

However, it is apparent to the committee that, in the face of uncertainty, residents expect to be informed and engaged about environmental issues that affect them in a timely and appropriate manner. This is the second time the committee has inquired into the Environment Protection Authority or the EPA in recent years and on both occasions communication has been an important issue for witnesses. Evidence provided to the committee during this inquiry suggests that the EPA's early communications did not meet residents' expectations.

The committee notes that following significant public interest, the EPA established the Clovelly Park Mitchell Park Environmental Management Project and the community reference group to support local residents. The EPA has also engaged Fyfe Pty Ltd to undertake an assessment program in Clovelly Park and Mitchell Park, developed an indoor air level response range and produced a suite of materials for the community about TCE. The committee notes these initiatives were generally well received.

In October 2015, the EPA and SA Health also executed the Working Together Agreement for Site Contamination between the EPA and SA Health which details their roles and responsibilities during a site contamination investigation. The committee is disappointed that the EPA and SA Health did not finalise this agreement sooner.

The committee is legislated to inquire into and consider the structure, functions and operations of statutory authorities pursuant to section 15C of the Parliamentary Committees Act 1991 (SA). As such, this report does not apportion blame, but rather makes nine recommendations for the EPA and the government to consider in the future management of contaminated sites. These recommendations relate to community engagement, public health, local government engagement and state government coordination.

On behalf of the committee, I would like to thank the individuals, agencies and organisations who presented evidence to the committee during this inquiry. The committee would, in particular, like to thank the Clovelly Park and Mitchell Park residents who shared their personal experiences with the committee. Site contamination is an unfortunate reality of past industrial practices and can be very confronting and challenging for residents who are left in its wake.

Throughout the inquiry, the committee has worked diligently and cooperatively to produce a unanimous report. I would like to thank the past and present members of the committee: the Hon. Dennis Hood, the Hon. Rob Lucas, the Hon. Tung Ngo and the Hon. Stephen Wade. I would also like to acknowledge the Hon. Gerry Kandelaars for his leadership of the committee during this inquiry. Finally, I also wish to thank the committee staff members, Mr Peter Dimopoulos and Emma Moulds, for their assistance.

Debate adjourned on motion of Hon. T. J. Stephens.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: RIVERLAND VISIT

The Hon. G.A. KANDELAARS (16:25): I move:

That the report of the committee, on the committee's regional visit to the Riverland, be noted.

In November last year, the committee visited the magnificent Riverland region to develop a deeper and more widespread appreciation of things affecting the region, particularly in relation to work health and safety. The region grows about half of South Australia's grapes and more than 90 per cent of the citrus and stone fruit. The horticultural, viticultural and agricultural industries within the Riverland are the largest employers in the area. It was a privilege to visit some of those businesses, which included Accolade Wines, Almondco, CostaExchange and the Riverland General Hospital.

Our visit occurred at the same time as the Pinery fires, which meant that the member for Schubert was unable to attend as planned. Fortunately, we were able to bypass the fire and arrive safely into Berri, but the smoke was a constant reminder of the situation facing many in the Pinery region.

The committee's first site visit was to Accolade Wines, which is located between Berri and Barmera. It is the largest wine company by volume for the United Kingdom and Australian markets. Accolade Wines began as a cooperative in 1928 and it is now the largest winemaking facility in the Southern Hemisphere. It has seven winery sites in four states, with the Berri site having a crush capacity of 220,000 tonnes and storage tanks of over 263 million litres, which is the equivalent of 350 million bottles. We were privileged to climb to the top of those tanks and, whilst the view was spectacular, it also provided a perspective of the enormous expanse of the site.

Accolade Wines has a presence in Chile, South Africa and California, as well as in New Zealand, and exports over 10 million litres to more than 140 countries. The company employs 280 people at the Berri site, many of whom are family groups, in roles such as laboratory technicians, cleaners and production staff. During the vintage, which is about eight to 12 weeks each year, a further 150 casuals are employed.

The company has a number of health and wellbeing programs and award programs in place to promote safety. These include the Safety Leader of the Year, Bright Ideas, and the CEO Safety Award, which recognises individuals who contribute to safety innovation. They provide health screening to staff and a pedometer challenge. The company developed safety innovations to eliminate the need for staff to enter confined spaces. These included the development of vacuum tanks and a cleaning in place system. Now the only reason to enter confined spaces is to repair tank seals.

The committee's next tour was of Almondco at Renmark, which began as a cottage industry in the early 20th century. It began as a result of a trip to California to explore almond growing as a commercial business which revealed how production could be improved through irrigation and nutrition. Almondco now produces 800,000 metric tonnes of almonds, which is a 6 per cent global growth over eight years. Australia is second only to California, which is the biggest almond-producing location in the world. Australia exports 75 per cent of its produce to 40 different countries around the world, with India being the largest importer. Almonds are worth more than $1 billion to the South Australian economy alone.

The biggest risk to the industry is reputation if anything goes wrong, such as almonds being affected by salmonella, chemicals or pathogens. For this reason, Almondco received a grant from the South Australian government of $1.9 million to assist in the installation of a new high-tech pasteurisation system. The system provides Almondco with a competitive advantage because food manufacturers prefer the safety and security of Almondco's product. The system created $120 million in new business in the first two years of operation.

Fifteen years ago, Almondco employed 50 staff, but now they employ 350, and so they have seen the value in improving operations and safety systems for workers. The inclusion of more robots to reduce manual handling and elevated platforms that allow workers to sit or stand when sorting almonds are just two examples of the systems that have been introduced. Consideration around safety now informs a large part of management's reports.

The committee next toured the CostaExchange citrus fruit facility in Renmark, where many navel oranges are grown and picked for distribution within Australia and exported to countries such as the USA, Europe, Asia and the Middle East. The Costa Group began as a small family company in 1938 and has since expanded into farming mushrooms, blueberries and raspberries. It grows D'VineRipe tomatoes in Virginia and glasshouse tomatoes in New South Wales. It has farms in all states and supplies fruits and vegetables to large supermarket chains, such as Coles, Woolworths and Aldi. Costa not only farms, packs and exports fruit and vegetables but it also designs, sells and advises on irrigation equipment.

Sixteen per cent of Australia's citrus products, which include oranges, mandarins, lemons and tangerines, are grown in the Riverland. Australia's main export country for citrus is Japan. Costa employs 100 casuals, and during the harvest—that is, May through to November—these ranks swell to over 800 casuals, who are mainly involved in fruit picking. Many backpackers are attracted to the Riverland for seasonal work, and this can present some problems with language, induction and supervision. The induction, which is delivered to about 3,000 people, needs to be delivered in 10 different languages.

Their safety focus is on workplace culture and encouraging good behaviour and early reporting of hazards. The company was recently acknowledged at the South Australian Food Industry Awards by winning the Department of Industry's Innovation and Science Industry Skills Development Recognition Award, and it was a finalist in the Royal Agricultural and Horticultural Education Foundation of South Australia Best Practice Award.

The last site visited by the committee was the Berri Regional Health Service at the Riverland General Hospital. The committee was greeted by the acting manager and her senior staff. The Executive Director Workforce and Acting Manager Injury Management joined us via videoconferencing. Videoconferencing is a very important tool which assists the health service to connect with specialists in the city when needed.

The Riverland General Hospital is an impressive 32-bed hospital that provides comprehensive medical and surgical services to the Riverland community and employs 140 staff, including nurses, maintenance and allied staff, as well as administrators. There is a six-bed mental health ward, which is least restrictive for consumers, and there has only been one incident of aggression since its opening some 12 months ago.

The committee learnt about the relationship between patient safety and quality and staff safety, which we were advised is an integral part of the health services system of care. The manual handling is the focus of attention, as is employee wellness, employee assistance and prevention of blood and body fluid exposure. There are also a number of proactive campaigns in place to encourage positive workplace culture. Early intervention is the key to the return-to-work program, and psychological injuries are managed through a multi-discipline team, and the use of videoconferencing for specialist psychiatric services.

The health service reported that their emergency department is experiencing an increasing frequency of aggressive incidents due to illicit drugs. To address this concern they have a code black team in place, increased security staff and hard-wired duress alarms, as well as increased staff training.

Prior to leaving the Riverland, the committee met with the SafeWork SA regional office in Berri. The office currently is staffed by only one person and it has a significant workload. We learnt that safety concerns for the region included refugee safety, which is around the issue that many refugees have never seen or worked with machinery, and their anthropometry (the size and proportion of their bodies) is such that some, for instance, those in the Sudanese community, have very long arms which allow them to reach into places in machinery, which is very dangerous. That is the significant issue that was brought to our attention.

Other issues raised included that it can be easy for people to become subcontractors. Many are new migrants and typically they have a poor understanding of our safety laws. Also, small to medium businesses largely employ family members, and unfortunately they can purchase unsafe or unguarded equipment or imported machinery that may contain asbestos and require risk assessment to make it safe before use.

SafeWork SA also monitors the use of hazardous substances used by the farming community in the Riverland area, and that is an ongoing responsibility. Farm machinery is also an issue of concern: bailers can be quite dangerous, as can other farm machinery, and SafeWork SA finds that it can be hard to convince farmers to change their habits. They have found that they can be more effective by actually using the mechanism of talking to the Country Women's Association in an effort to convince partners that they should improve some of their safety habits.

While SafeWork SA did not raise concerns about drugs in the workplace, all the employers that we met did. They have all introduced drug and alcohol policies, and most are drug testing workers only to find that methamphetamines are a significant issue in the community. The other concern is that workers who are being detected as being under the influence do not seem to recognise the potential harm.

Recent police reports indicate that several people in the Riverland were arrested for trafficking very large amounts of illicit drugs. The challenge of distance, precarious employment for many workers and lifestyle decisions that do not align with legal and police requirements for a safe and healthy workplace is problematic for employers who want to employ reliable and safe workers.

Unfortunately, the Hon. Steph Key and the Hon. John Dawkins were unable to travel with the committee to the Riverland because of prior parliamentary commitments. As I mentioned earlier, the member for Schubert was looking forward to the visit but, sadly, the Pinery fire prevented him from doing so.

The committee has made two recommendations in its report; the first relates to the issue of illicit drugs and its impact on businesses. It may be useful to undertake an inquiry into this matter in the future. The second relates to staffing at SafeWork's regional office at Berri, which the committee expressed concern about, given the need to, effectively, educate, inform and reinforce work health and safety in the region, particularly as a result of the region having a high level of casuals and the itinerant nature of work in the region.

I would like to thank the managers and staff of all businesses we visited in the Riverland for welcoming us and providing us with an opportunity to gain a deeper and more widespread appreciation of work health and safety issues in their region. I would also like to particularly thank the committee's executive officer, Ms Sue Sedivy, for helping to organise this valuable and informative regional trip.

Debate adjourned on motion of Hon. J.A. Darley.

Motions

PROBATE FEES

The Hon. M.C. PARNELL (16:42): I move:

That regulations under the Supreme Court Act 1935 in relation to probate fees, made on 4 February 2016 and laid on the table of this council on 9 February 2016, be disallowed.

I have brought this motion to the council at the request of the Law Society of South Australia. I understand that the Law Society wrote to many, if not all, members of the Legislative Council on 16 February urging us to take this action. I will put on the record the brief letter provided by the Law Society, which I think sums up succinctly why these regulations ought to be disallowed. The letter commences:

The Law Society requests that the Honourable Members of the Legislative Council vote to disallow the Supreme Court (Probate Fees) Variation Regulations 2016 pursuant to section 105a of the Subordinate Legislation Act 1978.

The Society respectfully submits that the operation of the regulations is unreasonable and unjust.

The tiered system proposed to be introduced is based on the gross value of the deceased's estate rather than the net value.

The fee increase for estates valued between $500,000 and $1 million is almost double the existing fee. For estates worth more than $1 million the fee is almost tripled.

Valuing the fee based on the gross value of a deceased estate is unfair to surviving family members because such a valuation misrepresents the economic basis on which the estate is held.

A majority of the population have a large mortgage.

Take, for example, a couple who live in a house valued at $600,000 which is registered in one of their names and is 90 per cent mortgaged. The mortgage liability will not be taken into account when assessing the probate filing fee. There may not even be ready cash available for a $2,000 filing fee, especially in the case of a young couple. If the net value of the estate was used in calculating the fee, the fee would be only $750.

Further concerns are raised having regard to the large number of farmers who personally own their properties. Frequently these holdings are in the name of one family member, who has inherited the family farm from a parent. The gross value will often exceed $1 million but there will likely be many liabilities attached to the property. If the farmer dies, his or her family will be faced with a $3,000 probate filing fee, which may cause considerable hardship to the surviving family.

In many cases, the proposed executor of the deceased's estate is required to fund the cost of the application before they have access to estate funds to seek reimbursement from the estate.

The letter is signed by David Caruso, President of the Law Society of South Australia. I think that sums up why the Law Society believes that the regulations are unjust and unfair, but I would like to put a bit more detail on the record. The existing fees for attaining a grant of probate are set out in the Supreme Court regulations, and in terms of the lodgement fee it is a flat fee. It is $1,114. There is also a range of fees that apply to other services that might be required of the court, but it is the lodgement fee we are talking about here; $1,114.

The first thing the new regulations do is introduce this concept of gross value, which is defined as the value of an estate without deduction for debts, encumbrances or funeral expenses. The regulations then go on to establish a tiered structure for the payment of lodgement fees. I will say that I do not necessarily have a problem with a tiered structure—I actually think it is quite reasonable that valuable estates might be subject to a higher lodgement fee—but when that fee is based on the gross value of the estate then I think gross injustice can result.

The new scale of fees provides that for small estates, under $200,000, the fee will be $750. That is cheaper than the current fee and that is to be welcomed; for very small estates the lodgement fee will go down. For estates worth between $200,000 and $500,000 the fee is $1,500. That is an increase. For estates worth between $500,000 and $1 million the lodgement fee will be $2,000 and for estates over $1 million it will be $3,000.

I guess we can discuss the relative merits of a tiered structure—like I said, the Greens are not necessarily opposed to that—but what we are strongly opposed to is it being based on the gross value of assets because, as the Law Society pointed out in its letter, many of these estates are heavily encumbered with mortgages or other debts. If we were to apply the watercooler test to this issue, I think most people would agree that when working out what you are worth at your death the calculation would be what you own less what you owe. That is the net value of your assets, and most people would accept that. Otherwise, I think the outcome is unjust.

Putting this on the table now basically gives the Legislative Council the option of telling the government to go back to the drawing board with these regulations. As I said, the primary concern I have is in relation to the gross value of estates being used rather than the net value. I know that the Law Society, in its earlier communication with the Attorney-General, was worried about what might happen if people underestimated or overestimated the value of the estate, but I think that has been dealt with in the regulations. There is the provision that if the Registrar of Probates determines that you have not valued it properly they can either ask you for more or they can give you a discount if you have overdone it, and I think that is a sensible provision.

Also, I understand that the Legislative Review Committee will be having a look at these regulations as well, but what I would stress for the council is the importance of dealing with this quickly. So, in the absence of any pressing reason to the contrary, I will be asking for this to come to a vote on the next Wednesday of sitting. The reason for that is that these regulations come into operation at the end of the month on 28 February, so they come into operation next week.

Whilst it is not possible to urge people to defer their death until this matter is resolved, as nice as it would be to do that, I think there will be a period of uncertainty where solicitors, for example, or executors who are lodging applications for the grant of probate, will have this uncertainty about whether it is the old fees or the new fees.

Certainly we know that from Sunday these new fees will apply but, given the indications that I have had so far from members, I think there is a good chance these regulations will be disallowed, in which case there may well be cause for lawyers to advise their clients that maybe holding off lodging an application for a grant of probate might be in order because, if these regulations are disallowed, the fee drops back to $1,114 the moment that the Legislative Council makes that resolution.

My plea to the government is to take the opportunity now to pull these regulations immediately, to revert to the status quo while they go back to the drawing board and come up with a system of fees and charges that is fair. By 'fair' I mean fees that properly reflect the estates of people who have died and do not artificially inflate the value of an estate by pretending that the 90 per cent of your house that might be owned by your bank is in fact yours. We know that is not true. It does not pass the water cooler test.

With those words, I urge all honourable members to support this motion. I will take some advice on whether there is any reason not to bring it to a vote on the next Wednesday of sitting, but in the absence of any such advice I will be sending a note out to members urging that course of action. I urge all honourable members to support the motion and disallow these regulations.

Debate adjourned on motion of Hon. A.L. McLachlan.

Bills

CRIMINAL LAW CONSOLIDATION (ASSAULTS CAUSING DEATH) AMENDMENT BILL

Introduction and First Reading

The Hon. R.L. BROKENSHIRE (16:52): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and to make related amendments to the Criminal Law (Sentencing) Act 1988. Read a first time.

Second Reading

The Hon. R.L. BROKENSHIRE (16:53): I move:

That this bill be now read a second time.

I have some general comments to make on the coward punch and the reasons behind the introduction of this bill. This bill is to a large extent a copy of what the New South Wales government did a few years ago to try to address what is sadly a growing problem in Australia and internationally, but also unfortunately in South Australia, and that is the issue of assault generally, but particularly now as we are seeing situations where innocent people are becoming victims of serious injury or tragically fatalities. I believe that, through the community, there is a push to send a strong message that anyone who commits cowardly acts that cause death will be dealt with harshly.

Some people would say that you cannot have minimum mandatory sentencing. We do have minimum mandatory sentencing already, although, unfortunately, I see that our Attorney-General is moving to change minimum mandatory sentencing on murder. Once that goes down the path to legislative change, I think there will be a huge outcry from the community. Again, I think he is either being influenced by the legal fraternity or he is under instructions to try to reduce sentences because of an overcrowded prison system. I will deal with that more when I come to ask the correctional services minister some questions in due course about the numbers in the prison system.

Essentially, two problems are causing these coward punches: one is binge drinking and intoxication by drugs, which appears to be a cultural phenomenon in our society; and the second is the general increase in violence on the streets and in venues. We need laws that will send a strong message to the community and to young people in particular—not just young people but all age groups—that alcohol and substance abuse are no excuse for violence. We must put an end to violence on our streets, particularly that which is fuelled by rampant alcohol abuse.

I will refer to these tragic incidents and examples without naming the people. I have dealt with one family in South Australia who I know will never be the same again as a result of the loss of a lovely young son and brother. In 2016, in Fortitude Valley in Queensland, we saw an 18 year old die from a single blow to the head which caused severe injuries and lack of consciousness. We saw

a victim assaulted who was just on a good night out at Glenelg, hitting his head on the ground and, tragically, dying in hospital. However, the accused was acquitted as it was found that he acted, according to his defence lawyers, in self-defence—something the family have spoken to me about and, from what I understand, he was not acting in self-defence at all but got off on a technicality.

We saw another young person, 18 years old, on his first night out in Kings Cross die from a coward punch. Kieran Loveridge, the offender, received just a four-year sentence for manslaughter. Again in Kings Cross, we saw another young man die. The attacker has been charged with maliciously inflicting grievous bodily harm. This person faced charges over attacks on four other people on the same night, so he actually attacked five people.

He pleaded guilty to two of the offences. In 2015, he was unanimously found guilty of manslaughter but not of murder and sentenced to 10 years, with a nonparole period of 7½ years—and yet someone tragically lost their life just going out to have fun with friends, and a whole family has lost a loved one. Their sentence is for the rest of their life. This person received a nonparole period of 7.5 years.

The *Sydney Morning Herald* in December 2013 stated that one academic study found that there were 90 lives lost between 2000 and 2013 due to coward punch assaults and that in more than three-quarters of the assaults alcohol was involved. They happened in licensed venues, outside licensed venues or on the way home. In more than one-third of the deaths, the victim and the attacker were not known to each other.

More than 40 per cent of fatal punches happen between midnight and 6am. An article on news.com.au stated that in 2013 there were 13 coward punches across Australia. The Foundation for Alcohol Research and Education's most recent stats say that there are 70,000 victims of alcohol-related violence in Australia per year and that 14,000 of those victims require hospitalisation. Figures relating to alcohol-related deaths range from 376 to 5,500.

Regarding the media, despite it being several years since the launch of the one-punch laws in New South Wales, official figures on assaults and hospitalisations are yet to be revealed. However, Professor Kypros Kypri of the University of Newcastle's School of Medicine and Public Health said that independent evaluation had shown that in the past few years there have been large reductions in police apprehensions for assault and emergency department presentations for alcohol-related serious injury.

Sure, you can say that the 2 o'clock lockout and those sorts of things are also helping to keep us safer as a community and society but, clearly, this tool that the courts can use, if passed by our parliament, would add weight to the message that you should not coward punch. New South Wales Police Superintendent Pat Paroz said:

> It is not normal to get intoxicated and then beat someone up and we shouldn't accept that, because a person was intoxicated, it somehow reduces their level of accountability for their actions.

I totally agree with that. If you want to go out and have a drink, that is fine, but if you are going to get into a crazy mindset and then want to go around punching people, potentially causing loss of life, then that should not be an excuse. Every Friday or Saturday night, while working at the hospital, St Vincent's Hospital's emergency department director, Gordian Fulde, treats four or five cases of king-hits. He has said, 'There is no reason for it,' and that 'usually the person is not expecting it'. That is why they now call them coward punches. On 5 August 2014, our former police commissioner, Gary Burns, said on FIVEaa:

> We have had concerns about alcohol fuelled violence for a long time now and we're really sure that the way that needs to be progressed is that people take responsibility for their actions and using the excuse of drugs and alcohol, to me, isn't taking responsibility.

There is a statement also in the media from Ralph and Kathy Kelly, the parents of Thomas Kelly:

> Too often, alcohol abuse and excessive drinking is actually used as a defence in court as an excuse for their criminal behaviour. The time for excuses is over.

I agree with them. Former prime minister Tony Abbott weighed in on the debate in January 2014, describing coward punches as acts of gratuitous violence which are unprovoked, committed by brutal people, indicating a vicious horrible change in society. He further went on to say:

The police, the courts, the judges ought to absolutely throw the book at people who perpetrate this kind of gratuitous unprovoked violence.

I happen to strongly agree with former prime minister Tony Abbott.

I will talk about one-punch legislation in other jurisdictions. As I said, this bill is based on legislation in New South Wales which requires the mandatory imprisonment for eight years for coward punches, a 20-year maximum sentence for anyone who unlawfully assaults another who dies as a result of this assault, and a minimum eight years if the person was intoxicated by alcohol or drugs. In New South Wales, this increased the existing maximum sentence by two years.

I understand that Queensland is considering legislation mirroring the New South Wales' model. This bill creates a minimum mandatory sentence of eight years and a maximum penalty of 25 years for assaults causing death where the offender is intoxicated by drugs, alcohol or a combination of both and is 16 years of age or older. An additional offence of assault causing death carries a penalty of not more than 20 years. The penalty is lower because this provision does not have the aggravating feature of intoxication.

I know what the government's answer will be: we should not have minimum mandatory sentencing and we should let the courts decide because the courts are the most knowledgeable on this and have all the evidence before them. Well, I do not disagree that the courts may be more knowledgeable on these cases because they specialise in the law. But we need to remember one thing: the courts do not make the laws. The courts interpret the laws as they are made by the Parliament of South Australia.

I believe that the community of South Australia, the majority of them, if members are talking to them, want something done to send a strong message to these perpetrators that South Australia will not tolerate abuse and violence and that, if they are going to go down the track of coward punches because they think it is alright for them to have a go at an innocent victim, they then suffer the consequences. Let us set the minimums and let the courts then decide between the minimum and what sentence they hand down based on the evidence of the case. I commend the bill to the house.

Debate adjourned on motion of Hon. J.A. Darley.

Motions

CHEMOTHERAPY TREATMENT ERROR

The Hon. J.A. DARLEY (17:05): I move:

1. That a select committee of the Legislative Council be established to inquire into and report on the chemotherapy dosing errors at the Royal Adelaide Hospital and Flinders Medical Centre in 2014 and 2015, with a focus on—

   (a) the extent, if any, to which the culture, governance and management of the relevant hospital departments and their associated statewide services contributed to the risk of errors and the risk of similar errors in the future;

   (b) SA Health's and the government's response to the errors, including the inquiry led by Professor Marshall and the interaction with the inquiry;

   (c) the impact of risk management, including management of legal risks, on the support of victims and the transparency of the health system, in particular the use of confidential agreements in this context; and

   (d) any other related matter.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

I rise to speak on this motion. In the middle of last year, a chemotherapy dosing error was reported to have occurred at the Royal Adelaide Hospital and the Flinders Medical Centre. It is said to have affected 10 individuals, of whom two have died, and the remaining eight to this day do not know what effect this error will have on them and their health.

I was very interested to read in today's *Advertiser* the Minister for Health's comments in relation to clinicians who had accessed the medical records of Cy Walsh without authorisation. The minister said staff involved would face serious consequences, and both he and SA Health Chief Executive, David Swan, have condemned the spying.

In comparison, the minister has made no such similar statement that I am aware of in relation to those who are responsible for this dosage error. He has expressed that it is regrettable and that he shares the anger of Mr Andrew Knox, one of the patients who was administered dosages incorrectly. However, it seems that the minister feels more strongly about the medical records of an individual rather than the potential lives of 10 who were exposed to this problem.

I want to put on the record the hard work of the Hon. Stephen Wade, who has worked with me on this matter. I thank him and the Liberal Party for their support. Both the Hon. Stephen Wade and I met Mr Andrew Knox and Mr Mike McRae, the brother of Chris McRae, who sadly passed away after receiving incorrect dosages. Mr Knox thoroughly went through his circumstances, and his account, as well as what he has since learnt, is unbelievable.

Mr Knox has put on the public record his belief that staff at the Royal Adelaide Hospital covered up their error, which resulted in the same error occurring at the Flinders Medical Centre. Whilst the minister has advised that SA Health is conducting an internal review, there is scepticism that the truth will be uncovered if Mr Knox's assertions of a culture of cover up at SA Health are correct. The information uncovered by the inquiry led by Professor Marshall was a good starting point; however, the terms of reference were too narrow. That is why it is important now to have a select committee inquire into the matter with broader terms of reference.

Whilst all of the above is alarming enough, it has been reported that affected patients and their families were gagged by the Department for Health from speaking about this issue. This is an issue of enormous public interest, and actions like these are often perceived as trying to sweep it under the carpet.

Minister Snelling has said that he supports a parliamentary committee to inquire into this matter. However, his preference is for it to wait until such time that the Australian Health Practitioner Regulation Agency (AHPRA) has concluded its investigations into the clinicians involved in the matter. I see no need to wait and do not understand why these inquiries cannot occur concurrently. It is important for the people of South Australia to know the truth of what happened, and it is even more important for those who were affected to get answers as to how it happened. I commend the motion to the chamber.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

MENTAL HEALTH

The Hon. T.A. FRANKS (17:09): I move:

That this council—

1. Notes that an open letter dated 27 January 2016, from the Mental Health Coalition of South Australia addressed to the Premier and signed by 21 not-for-profit organisations and service providers, outlines three urgent mental health priorities for South Australia;

2. Supports, in particular, the sector's call for the South Australian government to 'urgently redress the human rights deficit' for people with borderline personality disorder (BPD) by implementing the recommendations outlined in the SA Department for Health and Ageing's report on BPD, published in June 2014; and

3. Calls on the Weatherill Labor government to urgently act on the priorities for mental health cited in the letter.

I rise today to urge the council to note the open letter, dated 27 January from the Mental Health Coalition of South Australia, which was addressed to the Premier and signed by 21 not-for-profit

organisations and service providers and which outlines its top three urgent mental health priorities for us as legislators. I move this motion today in response to that letter and to draw attention to it. As members would be aware, the Mental Health Coalition of South Australia is the peak body for the non-government mental health sector in South Australia.

That letter is signed by 21 not-for-profit organisations and service providers: Baptist Care; Carers SA; Carer Support; Community Support Incorporated; MIFSA (Mental Illness Fellowship of South Australia); Mind; Centacare; Neami National, Relationships Australia, South Australia; SA Country Carers; STTARS (supporting survivors of torture and trauma); Uniting Communities; UnitingCare Wesley Bowden; Australian Red Cross; Catherine House Incorporated; The Station; Mental Health Australia; UnitingCare Wesley Port Adelaide; Mental Illness Fellowship of Australia Incorporated; Clubhouse SA Incorporated; and Australian BPD Foundation Limited, which is an organisation that supports and advocates for people with borderline personality disorder. I note their words:

> We look forward to a future where people severely impacted by mental illness will get the help they need when they need it regardless of where they present or whether the presenting issue is about their illness, disability, housing, suicidal thoughts, domestic violence, drugs or alcohol, physical health or other problems. We note the link between poverty and mental health and that lack of access to appropriate help can sometimes have serious consequences for children and families.

The letter goes on to note:

> As the SA Mental Health Commission has only recently been announced and it has yet to complete the major consultation necessary we understand that its impact on strategy and directions in SA will not be immediate.
>
> In the meantime, however, we are concerned that the current focus of Transforming Health on hospital services will not achieve its vision of 'Best care. First time. Every time.' Improving treatment and flow in hospital settings is important work but this ignores key issues of reducing the flow of people into hospitals and assisting people to move out of hospital.

I note the three priorities in the letter are: intensive psychosocial support, crisis respite service and borderline personality disorder. Priority one refers to an innovative SA model called Intensive Home-Based Support Service, and the letter says it is currently filling the gap by:

> …providing intensive, flexible, tailored, short term support for people to assist them to move earlier from hospital to home.

The letter goes on to note that while the 2014 evaluation of the program showed remarkable results, including an average reduction in hospital stays of 10.3 days per person, funding for this program ceased on 30 June last year (2015) leaving, and I quote, 'a significant gap in the stepped model of care'. The letter calls for the re-establishment of that intensive psychosocial support service. Priority 2 is for a crisis respite service. The letter states:

> In July 2014, twenty-four new residential Crisis Respite beds and ten home-based support bed equivalents were introduced to the SA mental health system…There have been more than 1500 entries into the service since it commenced.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway, the member is speaking.

The Hon. T.A. FRANKS: You may want to speak a little further away from the person trying to actually speak to the chamber.

The Hon. D.W. Ridgway: Next time I'll take Mr Parnell outside.

The PRESIDENT: That's a very good idea.

The Hon. T.A. FRANKS: Excellent idea. The letter continues:

> Outcome measures indicate it is an effective intervention option and consumer (carer & service provider) satisfaction with the service is high.

While the letter acknowledges that the service was established under commonwealth funding which is due to cease this year (30 June 2016), it also calls on the Weatherill government to commit to its future, as, and I quote:

…a key feature of the SA mental health system into the future and reduce the flow into emergency departments and acute care.

The final priority to which I wish to draw members' attention specifically (and I note that my motion calls for a particular support for this) is supporting the sector's call—the Mental Health Coalition and those 21 organisations and service providers—for the South Australian government to implement the recommendations, as outlined in the SA Department for Health and Ageing's report on borderline personality disorder that was published in June 2014.

As members would be aware, the Hon. Kelly Vincent and I have previously brought motions around this issue. The Hon. Stephen Wade, as the shadow minister for health, has also been active on this debate. We need better response for this serious and complex mental health issue, and advocating for the establishment of a statewide specialised borderline personality disorder service, similar to that run in Victoria in the Spectrum unit, is essential.

It is estimated that BPD affects between 1 and 4 per cent of the population at any one time. BPD is a leading cause of suicide, with an estimated 10 per cent of those individuals with this diagnosis taking their own lives. Certainly, there are significant personal and public health costs associated with this disorder, and I know that it is a key human rights issue that should be taken up in line with the Department for Health and Ageing's report.

I bring these issues to the attention of this council because I think to get 21 providers in the mental health sector agreeing that these are the three key priorities on which we need to act urgently is worthy of this council's consideration and worthy of government action. With that, I commend the motion.

Debate adjourned on motion of Hon. T.J. Stephens.

MEDICAL TREATMENT CONSENT

The Hon. K.L. VINCENT (17:17): I seek leave to move my motion in amended form.

Leave granted.

The Hon. K.L. VINCENT: I move:

That this council—

1. Notes the recent New Zealand case of Charley Hooper, the now 10-year-old girl whose parents had her undergo growth attenuation treatment, meaning that she will now never grow over 130 centimetres tall, as well as a hysterectomy and ovary removal at the age of seven due to her disability;

2. Notes that this case is not unique; in fact Hooper's parents drew inspiration from the 2004 case of a child with disability in Seattle, known only as 'Ashley X', who was subjected to the same treatment;

3. Notes that the use of growth attenuation and sterilisation as a response to disability is in fact known colloquially as The Ashley Treatment;

4. Condemns the use of medical treatment on the ground of disability without the consent of the person on whom the procedure is to be performed, or significant evidence that the procedure is necessary as all other options, including additional supports, have been exhausted;

5. Calls on the South Australian government to ensure that children and adults with disability in South Australia are legally protected from forced medical treatment (or the denial of medical treatment) without consent or consent by guardians who have a clear conflict of interest;

6. Calls on the commonwealth government to ensure nationally consistent protections around growth attenuation and sterilisation of children with disabilities; and

7. Calls for a total ban on such treatments for which there is no medical indication.

I thank several of my parliamentary colleagues for their team effort in seconding the motion.

In 1997, in Seattle, Washington, a child—now a young woman, who has only ever been known to the media as Ashley X—was born with a significant level of developmental disability. According to statements from Ashley's parents that I have read on the internet, they presume that Ashley's level of cognitive function is somewhere around that of the average infant.

I understand that Ashley X's disability means that she is reliant on her parents and grandmothers to carry out everyday tasks, like helping Ashley get out of bed, bathe, dress and so on. These factors prompted Ashley's parents to think about what might be the best way to ensure that Ashley could be properly supported far into her future, and they came up with what I think we can say is a pretty unorthodox solution, to say the least.

In 2004, when she was only six years old, Ashley X, at the request of her parents, underwent a full hysterectomy, a procedure which the hospital later admitted was performed unlawfully because it was done without a court order. At some point, she also had her breast buds removed to ensure that she would forever remain flat chested, and her appendix was also removed.

In 2006 or 2007, Ashley X underwent and completed oestrogen therapy, also known as growth attenuation. The purpose of growth attenuation is to close the growth plates in the body so that a person stops growing much sooner than they would have without this intervention. A year or so after the treatment, Ashley X had reached what would now be her full adult height: 135 centimetres, or four foot five, weighing just 29 kilograms, or 63 pounds.

It is clear from their statements in the media, as well as their own blog (which they set up in 2007 to respond to criticism of Ashley's treatment and then somewhat even promote the treatment as a potential solution for children and young people whose conditions are similar to Ashley's), that Ashley's parents believe the treatment has been a success and that it was the right decision to make.

On this blog, pillowangel.org, there is a rather complex and convoluted PowerPoint slide demonstrating which treatments were undertaken and the perceived benefits derived from those treatments that Ashley X underwent. It states that Ashley's small size will make it easier to care for her, to lift her, carry her around and turn her in bed, preventing such issues as bed sores.

Her parents state that the aim of removing Ashley's uterus was to prevent her from experiencing the discomfort and inconvenience of menstruation, as well as eliminating the possibility of pregnancy and even uterine cancer. They also state that this will minimise the risk of Ashley X being sexually abused. Ashley also, as I said, had her appendix removed, the perceived benefit of which being the elimination of the estimated 5 per cent chance of her developing appendicitis.

The name of the blog on which Ashley X's parents discuss the treatment is pillowangel.org, pillow angel being a nickname they have given to Ashley and other children with similar disabilities to hers. This name was inspired by the fact that these children and young people are often seen propped up on a pillow to support their bodies and their heads.

You can read more about Ashley and her treatment and her family on that blog, but for now let us analyse just a bit of what we have already heard. Firstly, I note that the PowerPoint slide, which talks about the treatments that Ashley X underwent, talks about the 'removal of tiny uterus' and says that alternatives were explored but were found not to be nearly as effective. I also notice that the removal of Ashley's breast buds were discussed in terms of removing glands that were only 'almond sized' and would 'enlarge at puberty'. So, removing them, it is suggested, would eliminate the discomfort of large breasts, particularly while Ashley is lying down, which I understand she does often, or is in her support harness.

The slide show also states that the removal of breast buds will eliminate the risk of fibrocystic growths and, perhaps most interestingly, 'avoid sexualisation toward caregiver'. Let us analyse those words for a moment. It is obvious that a six-year-old's underdeveloped uterus and breast buds will be small, so I must say I cannot help but feel that the use of the words 'tiny' and 'almond-sized' is a deliberate attempt to downplay the gravity of the operations, not very much unlike the way in which doctors used to describe what we now know as diabetes as 'a touch of sugar', or the way I have been telling people that I have just had a small, lumpy mole removed from my left leg in an attempt to distract myself from my fear that I may, in fact, have skin cancer (I am pleased to report that this is not the case).

Let us be clear: this is a grave decision. It is a grave decision because no surgery, no medical procedure, is completely free of risk. No matter how tiny the piece is, you are still removing—permanently—a piece of another human being's body. Nothing I have read makes it clear to me that menstruation would have been any more uncomfortable for Ashley than for the average person; hence, I see no medical reason for this case.

Next, we come to the assertion that stopping Ashley from developing breasts will prevent sexualisation towards the caregiver. It is not 100 per cent clear to me from this statement whether it is meant that Ashley will exhibit sexual behaviour as a result of growing breasts or whether the person supporting her might subject her to sexual behaviour, on their part, because of her breasts. Either way, this assertion would be laughable if it were not so sad. I dearly wish, as I am sure that we all do, that it were true that people without fully developed organs, including sexual organs, were immune from being sexually abused. If this were the case perhaps we would not see names like Shannon McCoole in our newspapers on what feels like an almost daily basis.

If the suggestion that Ashley's developing breasts would enable the person supporting her to sexually abuse her, this must also be dismissed as completely false. Yes, a woman's breasts can be used in some sexual contact, but their primary function is biological: that is, to provide milk in the case of birth. Breasts do not cause sexual assault. Uteri do not cause sexual assault. The person committing sexual assault causes sexual assault. It is violence, and no matter who that violence is perpetrated against it is violence.

If a person is not able to understand that they are being sexually abused, because they have an intellectual disability or they are undereducated or they are intoxicated, for example, it is still abuse. If I were to steal money from someone's bank account a few dollars at a time in such a way that they did not immediately realise it was happening, it is still robbery. As such, it is dangerous to talk about such factors perhaps in a way excusing abuse. Violence is violence, assault is assault, no matter in what context it occurs.

I am also yet to meet a young woman who genuinely became completely and insatiably sexually rampant the moment she became aware she had breasts and a uterus. In fact, it has been argued before and I will argue it again—and I will elaborate on this shortly—that sterilisation does not decrease the risk of abuse but may in fact increase it. That is for a few reasons. One (and these are in no particular order) is that in the event a woman is sexually abused there is no risk of pregnancy where she does not have a uterus, so potentially there is no marker that she has been abused if she is unable to communicate that this has happened.

Of course, in a case where a person is not able to readily communicate they have been abused, and they are not known to be in any form of consensual sexual relationship, then that person suddenly turning up pregnant would, I hope, create some cause for concern and for further investigation. Secondly, the removal of the uterus diminishes the need, or at least the perceived need, for education around biology and sexuality.

I am a big advocate for people with disabilities needing to be more readily provided with education about sexuality and biology and for that education being provided in a way that is accessible to them, depending on their experiences and their disability. We know anecdotally that large numbers of people with disability miss out on sex education and education about their bodies purely because they have a disability and it is assumed that they will not be able to understand this education or that they will not need it because of the way in which people with disabilities are often at a societal level infantilised, seen as asexual, or worse still, seen as undesirable and that no-one would ever or could ever enter into a relationship with us, because why would you? As I said, I hope to elaborate on that later.

I would also challenge the assertion that the small size of people like Ashley is the only way that they can properly be supported by making it easier to lift her and prevent bed sores. How does this logic explain the number of people, for example, who have acquired disabilities later in life, perhaps as the result of a car accident well into adulthood who still manage either independently or with some assistance from family, friends or paid support workers or the use of equipment such as wheelchairs and hoists to live very happy and healthy lives?

Next we come to the frankly bizarre measure which as far as I can see is in no way directly related to Ashley's disability—that is, the removal of her appendix to take away the quoted 5 per cent chance of her developing appendicitis. I am no doctor, but I have done some preliminary research into this and from that I take that a 5 per cent chance of developing appendicitis is really the same risk as exists in the general population.

We all have, all of us in this room, a 5 per cent chance of developing it and, from what I have read, the only factor that is consistently agreed to increase the chance of developing appendicitis and associated conditions is age. The only factor known to increase risk of cancer of the appendix is age. In other words, in this case, there is no proof that the risk of appendicitis is increased by Ashley's disability nor that the appendix was causing any medical problems which would normally necessitate its removal such as it was making her uncomfortable in some way.

I find it hard to believe that most doctors, hopefully any doctor, would perform this procedure on a child without disability where there was no medical proof that it was needed and that there are no other options. I see this removal of the appendix as moving into the area of not being about disability and supporting the person's disability by using the person's disability as a gateway to gain bodily control of that person.

That brings us briefly to the case of Charley Hooper, the case that is mentioned in the text of this motion. Charley Hooper is now aged about 10 years and she is a young woman from New Zealand. She is blind, as I understand from what I have read. She has cerebral palsy and she does not speak. Her story came to light in about 2014-15 when her parents spoke to the media about their decision to have Charley undergo growth attenuation—the stopping of the growth—and a hysterectomy after coming across information about Ashley X.

What is unique about Charley Hooper's case, though, as opposed to Ashley X's case, is a rather strange loophole that enabled her growth attenuation treatment to go ahead. I understand from what I have read that, once Charley Hooper's parents decided that this was the best way to support Charley, they began looking for a doctor in New Zealand who would prescribe the oestrogen therapy, the growth attenuation procedure. They did not find one, and the relevant medical ethics board would not approve the treatment. However, what they would approve is a doctor in New Zealand maintaining the treatment through the provision of oestrogen patches if the initial treatment was provided elsewhere.

So Charley and her family were soon on a plane to South Korea where the initial oestrogen treatment was provided and upon returning to New Zealand, as I understand it, a doctor there provided oestrogen patches to maintain the growth attenuation treatment. Charley Hooper has now completed that treatment.

Her parents state that as a result of this oestrogen treatment for growth attenuation her seizures on, which were previously as I understand unexplained, have stopped. However, apart from that I must say that most of the perceived benefits I have read about are really as obscure as those given in the Ashley X case.

Her family states that they can now take Charley on holiday more easily as she can sit on one of her parent's laps on the plane. They say it is easy to now walk with her down the mall as they can carry her, and take her to the beach. Anyone who knows me—and I guess that is at least everyone in this room—has probably seen me walking down the mall, has probably seen me at the beach in my full adult size in my wheelchair.

What concerns me is again this assumption that where disability comes in we stop asking the questions about what other measures might be possible to be used. We stop asking the questions about whether this is the right thing to do, and we enable these loopholes to occur where people like Charley slip through them. Even though no medical board would approve the treatment, she slipped through this bizarre loophole. If these loopholes can exist in New Zealand, just across the pond, I am not convinced that they cannot exist here—and I will elaborate on that in a moment.

In fairness to Charley Hooper's family, particularly in fairness to her mother, Jen Hooper, she has discussed in the media considering the use of hoists and other measures to assist in lifting and supporting Charley if she were to grow to full adult height and weight. However, the conclusion that she reached was that given that Charley is assumed to have the cognitive functioning of a newborn that she might want the same things as a newborn. Newborns want to be held, they want to be cradled—you do not often see a newborn in a hoist to get them in and out of bed.

However, if this is true, if we are really thinking about what a newborn wants, I think we also have to ask ourselves if a newborn would want to be subjected to some pretty invasive medical

procedures that will impact their life from that day on and for the rest of their life. Is that really what we want to put a newborn through?

I want to pause to make a few things clear at this point, the first being that I am not against and Dignity for Disability is not against these procedures where there is a clear medical need for them separate to the disability. That is indeed why the motion that is before us talks about a total ban on such treatments for which there is no medical indication. I have drawn the words 'no medical indication' from advice from the Australia Medical Association (AMA) SA Branch. I have met with them about this motion.

I have to say those representatives I met with were quite shocked that any doctor, no matter where they are—Seattle, New Zealand or Australia—would consider these things unless there was a clear medical indication that is separate to the disability. Of course, if a person with a disability has cancer, appendicitis, uterine cancer and so on and so forth and there are medical procedures that need to be undertaken to improve the health and the longevity of life and save a person's life, I am not against that. However, what I am against and very strongly against, and what I believe we should be against in this chamber and in this parliament today, is the denial of bodily autonomy and integrity of people with disabilities simply on the grounds of our disabilities.

I also want to make it clear that I am not here to demonise particular individuals and the decisions they have made. As I said, it is very clear from the statements that have been made by the parents of people like Charley Hooper and Ashley X that they believe that this was the best decision in the best interests of their family and their child, but what I do question and challenge, and what I think we should all challenge here today and far beyond, is the social context which in some ways must inform these decisions.

This social context was again brought to my mind by another case that I read about a month or so ago in the media. I regularly keep up with disability rights news. I came across this story which is again from New Zealand. I am not sure what is happening in New Zealand at the moment, but this was another case in New Zealand where a young woman with an intellectual disability had her family apply to a court to have her sterilised, despite the fact that this woman is an accomplished athlete which, I guess, indicates that she is able to contribute and make decisions about her career path, her hobbies, her life and what she wants to do. She is clearly able to make those decisions.

But what was most chilling about this case is that the court found that this young woman was already taking a contraceptive pill regularly and responsibly. She was already taking measures to control her contraception and her fertility. She was already taking measures that most other people would consider adequate on their own. I know of no person without a disability who has had their mother or father apply to the court because they did not think that taking the pill was measure enough to prevent against pregnancy.

Again, we saw the quotes in this article from this person's parents saying, 'Well, what are we supposed to do if this young woman does get pregnant? We are getting older. We are not going to take care of her baby.' This, again, shows how clearly these decisions are focused on the perceived incapacity of people with disabilities to make decisions about our own bodies and our own lives and to provide us with the tools to make those decisions rather than taking away those choices before we have had the chance to develop these skills.

This is something that I have talked about a lot and I want to talk about it again. We still, as a society, are focused far too much on the perceived or presumed incapacity of people with disabilities in a way that we would not presume incapacity of a person without disability, and this happens in everything from education—I mean strict academic education—to education about our bodies and education about sex and relationships and our social opportunities. We are still, at a societal level, so focused on the presumed incapacity of people with disabilities that that fear and that assumption controls the lives of people with disabilities unnecessarily.

My one-year-old nephew, Jordy, has not yet learnt everything that I hope he will learn throughout his life to keep himself safe, to achieve the life he wants to lead, to make friends, and all those things, but I have not said, 'Well, I gave you a year and you have shown no ability to learn these things yet. You're not tying your shoes yet. You're not making your own friends yet. You're not cooking your own meals yet, so let's assume that you will never be able to do those things.' Yet so

often we make assumptions about people with disabilities, that we have not yet learned to cook our own meals, dress ourselves, make decisions about our bodies, and learn about our bodies in relationships and sexuality, and therefore we will never be able to.

There are some quotes from a report which further talks about some of the reasons that sterilisation is often seen as an option for people with disabilities in modern-day Australia, and I want to talk about some of those. This is a report from Women With Disabilities Australia, the peak body representing—as you would have guessed—women with disability in Australia, which was done in 2013. It is called Dehumanised, and it talks about the experience of sterilisation of women and girls with disabilities in Australia.

Let's keep in mind too that this report was done, I repeat, in 2013, so as much as we like to think that the issue of sterilisation or forced and coerced sterilisation was dealt with around the eighties, the fact that we are still discussing this and still reporting this in modern-day Australia shows this not to be the case. I want to read a bit from this report and go through some of the reasons why sterilisation of women and girls with disabilities is often seen as the default option and why those reasons need to be refuted. The first reason talks about what is called in this report 'the good of the state, community or family', and the quote reads thus:

> Arguments here centre on the 'burden' that disabled women and girls and their potentially disabled children place on the resources and services funded by the state and provided through the community. A related and very commonly used argument, is the added 'burden of care' that menstrual and contraceptive management places on families and carers.
>
> In a recent case, the Family Court of Australia authorised the sterilisation of an 11 year old girl with Rett Syndrome. The application was made by the young girl's mother to prevent menstruation. No independent children's lawyer was appointed to advocate for the girl, as the judge determined it would be of 'no benefit'. In accepting *'without hesitation*' the evidence of Dr T, an Obstetrician and Gynaecologist, the judge said:
>
> *'Undoubtedly and certainly of significant relevance is that there are hygiene issues which must fall to the responsibility of her mother because Angela cannot provide for herself...the operation would certainly be a social improvement for Angela's mother which in itself must improve the quality of Angela's life.'*

The report then goes on to state:

> The 'burden' of parents having to deal with menstrual management of their disabled daughters is often used as a valid justification when Australian Courts authorise the sterilisation of disabled females—even before the onset of puberty. For example, in authorising the sterilisation of a 12 year old girl in 2004, the Court accepted medical 'evidence' that caring for her was an *'onerous responsibility*' on her parents and that sterilisation would make the task of caring for her '*somewhat less onerous*', including that it would '*make it easier for her carers if they had one less medication to administer*.'
>
> In the case of Re Katie,118 the Court authorised the 15 year olds sterilisation at the onset of her menstruation, on the grounds that there would be 'appreciable easing of the burden' on the parents as primary carers.

A quote from the judge went on to say:

> *'It will lessen the physical burdens for the mother, in particular by decreasing the number of changes necessary in toileting, and quite possibly lessening the physical reactions, such as stiffening in body tone, which make Katie more difficult to handle during menstruation. It would lessen, for the parents, the risks of infection...Katie's emotional welfare is best served by her continuing to reside in the family and by the demands of her presence being lessened as much as possible, to maximise the ability of the family, in particular the mother, to cope with Katie's needs. Thus the interests of Katie are inextricably linked with the ability of her parents to cope with the burdens of Katie's care.'*
>
> In late 2011, the Queensland Civil and Administrative Tribunal (QCAT) authorised the sterilisation of 'HGL', a 'severely intellectually disabled' 18 year old girl whose menstrual periods had commenced at the age of 17, which according to her parents, caused her 'distress'. Although it was agreed that *'the current hormone treatment is managing HGL'S menstruation'*, a hysterectomy was authorised because:
>
> > 'there are risks that the medication will over time fail to achieve this effect and…HGL's current impairments mean that she will not be a candidate for surgery indefinitely.'

Again, even in Australia, in cases where menstrual management medication is being used and is being proved to be effective, we still see this vying for further control over the bodily autonomy of a person with a disability. The report goes on to state a further case, the case of Re S:

…a 12 year old 'severely intellectually disabled girl' who lived in an institution and who had not yet begun to menstruate, the Family Court granted authorisation for her [sterilisation] because, according to the specialist paediatric surgeon [who agreed] to carry out the operation:

> *'it would be wiser to avoid problems rather than to wait and see if S copes with menstruation…surely there is no need for her to suffer the problems that may arise with…menstruation'*, which included *'the possibility that she would develop a phobia of blood'*. The judge agreed this was a *'realistic and appropriate view'* and that *'there is no point in the child going through the problems associated with menstruation if she is not ever to bear children'*.

In another case, the case of Re M:

…the Family Court authorised the sterilisation of a 15 year old girl prior to the onset of menstruation upon the basis that such treatment was *'necessary to prevent serious damage to the child's health.'* The rationale for this decision included that: the young girl's mother and sister experienced 'painful periods' and *'there is a very real risk that the same will happen to M'*…the young girl…*played with herself'* and this 'behaviour', coupled with menstruation, *'could cause infections'*. Additional reasons for the decision to sterilise M included that she was: *'aggressive'*; *'strong-willed'*; *'stubborn'*; had a *'poor frustration tolerance'*, was *'unco-operative'*; was *'a loner'* and had *'few friends'*.

In yet another case of a young disabled girl aged 15 years who had yet to commence menstruation, sterilisation was authorised by the Family Court in support of her mother's submission that menstruation *'might induce a higher incidence of fits; and the sight of unexplained blood will lead to confusion and fear, which could lead to an increased incidence of fitting'*.

The report continues:

'Bad and unruly behaviour' associated with menstruation is another dimension in applications for, and authorisations of sterilisation of young disabled girls and women…

In a 2011 application to the NSW Guardianship Tribunal, a specialist gynaecologist (Dr HJK) lodged an application to perform a sterilisation procedure on a 22 year old woman with Down Syndrome. In [his] application form Dr HJK recorded the proposed treatment, but he did not provide any details of the treatment, its consequences or provide details of complications likely to be associated with the procedure. He did record that Miss XTV has Down's Syndrome and that *'Patient becomes distressed and difficult to manage during menstruation'*. The 'behaviour management problems during menstruation' identified by Miss XTV's mother in the application, and supported by the gynaecologist, included that Miss XTV became *'obsessive with possessions; exhibited anxiety at any change in circumstance and routine; regressed with self-help skills; and developed a phobia about barricades on upper floors of shopping centres*'.

All of the application was dismissed in 2012. The tribunal stated:

We take this opportunity to note that should the alternate procedure of the insertion of a Mirena IUCD not be carried out, or carried out but not prove effective, and/or other causes of Miss XTV's behaviours be eliminated, the…onus required to be satisfied to give consent to endometrial ablation may be met. In those circumstances there is nothing to prevent a further application to the Tribunal for consent.

The report goes on to read—and this is a point that I want to make very strongly, and the report makes it very eloquently, so I want to again read from this report:

In terms of the 'burden' on families of the care of girls and women with disabilities, lack of resources and appropriate education and support services, respite care, school and post-school options, see many families already struggling to manage the care of their girl or young woman with disabilities. Faced with the prospect of added personal care tasks in dealing with menstruation and in the limited availability or accessibility of specific reproductive health and training services (including those for menstrual management), families may well see sterilisation as the only option open to them. The denial of a young woman's human rights through the performance of an irreversible medical intervention with long term physical and psychological health risks is wrongly seen as the most appropriate solution to the social problem of lack of services and support.

Evidence suggests however that menstrual and contraceptive concerns, even for women and girls with high support needs can be successfully met with approaches usually taken with non-disabled women and girls. Research has found that when parents and carers are given appropriate support and resources the issue of sterilisation loses potency.

The report continues:

A diagnosis of intellectual disability does not by itself constitute a clinical reason for sterilisation. The onset of menstruation is the same in girls with and without intellectual disabilities, and girls with intellectual disabilities present with the same types of common menstrual problems as the rest of the young female population. Arguments for elimination of menstruation in girls and young women with disabilities are primarily about social taboos.

Sterilisation is not 'a treatment of choice' for non-disabled females who are approaching menstruation, who menstruate, or who experience menstrual problems. Like their non-disabled counterparts, women and girls with

disabilities have the right to bodily integrity, the right to procreate, the right to sexual pleasure and expression, the right for their bodies to develop in a natural way, and the right to be parents.

Then of course we get onto the issue of the perceived incapacity for parenthood, which many people with disabilities face. The report on this issue reads:

> Australia has a history of removing children from their natural parents based on the personal characteristic of the parents, such as indigenous background or marital status. In Australia today, a parent with a disability is up to ten times more likely than other parents to have a child removed from their care.

I will conclude my remarks after the dinner break.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway, you are totally out of order.

Sitting suspended from 18.00 to 19:46.

The Hon. K.L. VINCENT: I think when we left off we were up to the discussion around the incapacity or perceived incapacity of people with disabilities to parent, and how that sometimes leads to the decision to sterilise and thereby eliminate the possibility of becoming a parent. Certainly, there have been many policies in Australia that have seen the forced removal of children from parents including, of course, people of Aboriginal backgrounds and people based on their marital status. In present-day Australia, it is still not uncommon to hear of parents with disabilities having their children removed from their care on the grounds of their disability, even if their need for support is not properly assessed.

It is these widely-held views that disabled women, in particular, cannot be effective parents that leads to pressure for them to be sterilised. That is another issue that we face as well, and that issue indicates very strongly that this is not even about sterilisation or menstrual management. It is not about any of those things. It is about society's perception of the capacities of people with disability. At every turn they are demonised, they are not trusted and they are not supported to achieve what they could achieve with support, because we prevent them from having children but, at the same time, if they do have children we take them away.

Clearly, it is not just about the menstrual management and the biological function but about the societal perception of people with disabilities which continues to be based on what George W. Bush once accurately termed 'the burden of low expectation'. I certainly do not often agree with George W. Bush, but I think he got it right in that instance.

I want to talk about the fact that sterilisation is often seen as being in the best interests of the person on whom the procedure is being performed. This ideology, in effect, does not meet the best interests of the person with a disability, but has quite the opposite effect. It results in disciplinary attitudes and actions against girls and women with disability in particular, and has only served to facilitate the practice of forced sterilisation. We are yet to hear of a case where somebody has said, 'Okay, it might be in the best interest of this person to be left alone and to figure out what they want to do in their life.'

In fact, the UN Convention on the Rights of the Child has made it clear that the principle of 'in the best interest of a child' cannot be used to justify practices which conflict with the child's human dignity and right to physical integrity. Clearly, 'in the best interest' cannot be used as a reason to take away somebody's natural bodily function unless, of course, there are, as I said, medical indications, where not performing that procedure would result in severe negative impacts on a person's health or longevity and so on.

I want to touch on just a few quotes, and these are quotes, so I hope you will forgive me for reading them out, but the reason that I want to touch on them is that I think they talk about the long-reaching effect that forced sterilisation has on women, in particular with disabilities. One woman said, 'It has resulted in the loss of my identity as a woman and as a sexual being.' Another person says, 'I have been denied the same joys and aspirations as other women.' Another says, 'It stops us from having children if we want to.' Another says, 'I worry about the future health effects like osteoporosis and other problems.' Another says, 'The fact that services are not there is no reason for sterilisation,' and that certainly goes to what we talked about before and what is mentioned in this motion where it

says that sterilisation must only be an option when all other measures, including increased support, have been exhausted.

Interestingly, another woman says, 'I want to experience a period.' So often we hear those stories that I touched upon earlier where people presume that they are taking away from a woman the pain, discomfort and inconvenience of menstruation, but no-one has actually ever asked that woman whether she wants to experience that and whether she would like to have the choice to decide whether it is too much for her to bear or not. So just let that sink in—'I want to experience a period.' Another woman says:

> If they told me the truth and asked me, I would have shouted no. My sterilisation makes me feel like I'm less of a woman when I have sex because I am not normal down there. When I see other mums holding their babies I look away and cry because I won't ever know that happiness.

A final quote:

> I was sterilised and I wasn't even told when I was getting it done. The specialist told mum about it but I didn't know I'd had it done until I was 18.

It is clear that women with disabilities do have the capacity to make choices about their reproductive health, their bodily integrity, their autonomy and their futures, but to do that we need to be supported. We need to have accessible education about these things. We need to have a societal discussion that focuses on presumed capacity rather than incapacity that we talked about before and, most of all, we need a government that will take leadership on this.

That is the final point that I want to make in my contribution today, because when I first heard about the case of Charley Hooper in the media, I wrote to the Minister for Health in the other place seeking his perspective on whether such a case might be able to occur in Australia and in South Australia in particular. I was particularly interested in the idea of that loophole that we talked about before where Charley Hooper could not find a doctor to approve the initial procedure in New Zealand but found one in South Korea, and then fell into this bizarre ethical loophole where the doctors would then maintain it even though they did not condone it being done in the first place.

The minister wrote back to me (and I apologise that I do not have a copy of his letter with me this evening, but I am sure that if I misquote him in any way he will be quick to tell me, but I will certainly be making an effort not to do that), and he assured me that in Australia we need court approval for sterilisation and other extreme medical procedures, including growth attenuation. Of course we have other statutory offices like the Office of the Public Advocate as a back up, so to speak. Certainly I am very pleased we have those procedures in place, but given some of the loopholes or cases we talked about earlier in those quotes, where courts have deemed sterilisation to be necessary, even when there is not a clear medical indication I am not convinced that that on its own is enough.

The minister's letter then closed with words to the effect of, 'Australia is also a signatory to the United Nations Convention on the Rights of Persons with Disabilities, which protects the rights of people with disabilities'. With all due respect to the minister, it is certainly not news to me that Australia is a signatory to the UNCRPD, which of course is a document putting in place standards and guidelines concerning the legal, social and political rights and freedoms of all persons with disability, particularly around gender.

But the fact of the matter is that as well written a document as it is, the UNCRPD is a document—it is just that, it is a piece of paper. Certainly it is a very aspirational, very ambitious, document, and certainly puts in place some standards and guidelines that we should all work toward implementing, but the document itself cannot implement those. Without proper action from government, the guidelines in that document will come to little or in fact no good.

What might interest the minister, if he is so convinced that the UNCRPD protects people with disabilities in and of itself, is that the United Nations as a body has in fact recognised that this is not the case. In fact, in July 2010, at its 46th session, the UN Committee on the Elimination of Discrimination Against Women (or the CEDAW) expressed its concern in its concluding observations on Australia report, the ongoing practice of non-therapeutic sterilisation of women and girls with disabilities, and recommended that the Australian government enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of

whether they have a disability (adult women with disabilities), in the absence of their fully informed and free consent.

That is exactly what we are debating here today: the ability of women and girls with disabilities, with or without disabilities, to make fully informed, free consent about our futures. Certainly of course there are many reasons why their support does not come. Ultimately it is cheaper to sterilise someone than it is to provide accessible ongoing education, hoists, lifts and all those other supports.

Let me put it this way, and when I put it this way I want you to think about quotes from those women who have experienced forced and coerced sterilisation without their consent: if you are paying for something with a piece of your body, if you are paying for something with your autonomy, if you are paying for something with your sense of integrity, if you are paying for something with your sense of gender and your sense of identity, if you are paying for something with the future that you had perceived for yourself, if you are a person who planned on having children and now cannot do so because of the decisions that were made for you by others, then it is not cheap. It is not cheap to pay for things with the souls of South Australians, the integrity of South Australians, the futures of South Australians and the rights of South Australians.

So, certainly I hope that the Minister for Health will join us in ensuring that on the state level we have legislation and other measures in place prohibiting the non-therapeutic, non-medical sterilisation of women and girls with disabilities, and I certainly would also like to see him advocating this on a national level as well. As I have said, the CEDAW, Women with Disabilities Australia and the World Health Organisation have all long called for a legislative nationally consistent ban on the non-therapeutic, non-medical sterilisation of women with disabilities. To date, the Australian government has failed to comply with that recommendation.

I am acutely aware that given that this motion was based on the cases of Ashley X and Charley Hooper they are probably the people whom I have spent the least time talking about in my contribution today, but that is because, simply, it is not about Charley Hooper and it is not about Ashley X; it is about the fact that we have legislation and that we have a societal attitude still in modern day South Australia that allows this practice to happen, and unfortunately Ashley X and Charley Hooper are just two examples of those people.

Certainly, we would like to see the minister work for a more consistent approach on this and keep a more consistent eye on this issue, because it will not properly be dealt with on a case-by-case basis. It needs a concerted, concentrated, conscious effort, because if, as the minister says, we are signatory to the UNCRPD and we believe in the legal autonomy and the bodily autonomy, integrity and capacity of every person, then those things must always be recognised as human rights and thus must be afforded to every human, every time, every day, consciously and continually, without exception and without excuses.

Debate adjourned on motion of Hon. J.A. Darley.

NUCLEAR WASTE

Adjourned debate on motion of Hon. M.C. Parnell:

That this council—

1. Notes that three of the six sites short-listed by the commonwealth government for a national nuclear waste dump are in South Australia;

2. Recalls the vigorous campaign fought by the Rann state Labor government over many years against a nuclear waste dump being imposed on the people of South Australia; and

3. Calls on the state government to again stand up for the people of South Australia by opposing the establishment of a national nuclear waste dump in this state.

(Continued from 9 December 2015.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (20:01): I move to amend the motion, as follows:

Delete paragraphs 1, 2 and 3 and insert new paragraphs as follows:

1. Notes that three of the six sites short-listed by the commonwealth government for a nuclear waste management facility are in South Australia;

2. Notes that the Nuclear Fuel Cycle Royal Commission is due to hand down its final recommendations on Friday 6 May 2016;

3. Notes that broad public consultation will take place once those recommendations have been handed down; and

4. Calls on the parliament to await this decision before taking a position on the issues dealt with by the Nuclear Fuel Cycle Royal Commission.

Twelve months ago, the state government announced its intention to establish the Nuclear Fuel Cycle Royal Commission, the first of its kind in this nation. The commission was established to undertake an independent and comprehensive investigation of South Australia's participation in four areas of activity that form part of a nuclear fuel cycle: mining, enrichment, energy and storage.

The Hon. Mr Parnell's motion is seeking the parliament to take a position on South Australia's further involvement in the nuclear fuel cycle before it has had the benefit of seeing the final findings of the royal commission. While it is true that the commonwealth process to select a site for a nuclear radioactive waste management facility is not related to the royal commission, it would be utterly foolish for the parliament to take a position on this process without taking into account the work undertaken by the commission once it is complete.

At the time of its establishment, the Premier said that South Australians should be given the opportunity to explore the practical, financial and ethical issues raised by a deeper involvement in the nuclear industries. On 15 February this year, the royal commission released its tentative findings. In total, the commission has received over 250 submissions and heard from 128 witnesses over 34 sitting days, including hearing from 37 international experts.

I encourage every South Australian who has not yet had their say on these issues to consider the evidence presented in the tentative findings and engage in this very important debate. The consultation on the tentative findings is a further step to ensure the community has access to key facts and findings to make an informed judgement, and an opportunity to engage with the commission about the evidence they have gathered.

On 6 May this year, the commission will provide its final report. At that time, the government will decide on the next steps and embark on the next stage of the conversation with the South Australian community. The evidence gathered by the royal commission will enable the South Australian community to discuss and deliberate on the risks and opportunities of further participation in all aspects of the nuclear fuel cycle. This will be followed by a period of decision-making where government will need to assess the evidence gathered by the commission and the feedback from the community before outlining its full response to the royal commission.

The government has made it clear that ensuring safety is a key threshold question to be satisfied by government, community and industry in all the deliberations. I urge the parliament to support the amended motion, which will allow the community to engage thoroughly with the royal commission and its findings before getting locked into the Greens fixed, predetermined position on all things relating to the nuclear fuel cycle. The government awaits the commission's recommendations, and I encourage all South Australians to engage with the commission over the next couple of months and then with the government throughout the course of this year, as we consider the most appropriate response to recommendations that come down from the commission.

This government has been very deliberate, very considered, about making sure that any consideration that is applied to engaging further in the nuclear fuel cycle is done in a methodical, consultative way that engages all elements of the community. I think there is every chance that the findings of the royal commission will present this state with extraordinary opportunities, and we should not be playing politics with the advent of such opportunities should they present themselves. This is an opportunity for this state, collectively, in a bipartisan or multiparty approach, to actively consider the opportunities and the potential risks that lie with further engaging in the nuclear fuel cycle.

However, we should do this in an appropriate, considered and measured way. We should not be bolting ahead, putting the cart before the horse. We should listen to the findings of the royal

commission and seek to avoid locking ourselves into a position beforehand. I think it would be incredibly unwise if this house of the parliament were to do that by supporting this motion in an unamended form, so I urge the council to support the government's amendments to this motion on this incredibly important subject.

The Hon. R.I. LUCAS (20:07): I love it when I hear former union heavies and right faction powerbrokers, like the Hon. Mr Malinauskas, stand up in this place and, on the uranium issue, say, 'We urge people not to play politics on this particular issue, we urge you to adopt a bipartisan or a multipartisan approach to this particular issue. This is too important an issue for the future of the state to play politics.'

The Hon. P. Malinauskas: I think it is entirely consistent.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As I said, Mr President, I just love it. The wonderful part of it is that the Hon. Mr Malinauskas even keeps a straight face when he says that, and urges members not to play politics with the important issue of the uranium cycle and managing radioactive waste and nuclear waste dumps.

Mr President, you know, the Hon. Mr Malinauskas knows, and everybody in this chamber knows that in essence we are mightily attracted to paragraph 2 of the Hon. Mr Parnell's motion because that particular section of the motion is so close to the truth of the matter it is self-evident to everybody, no matter what your politics are. We all remember the 2006 election campaign when the state Labor government, of which now Premier Weatherill was a key factional power player at the time and a minister, played merry hell with the politics of a low-level radioactive waste dump, the sort of waste that sits, as we speak, in the Royal Adelaide Hospital in rooms and in basements and underneath stairwells. Radioactive waste gloves and that sort of material that is used over—

The Hon. J.S.L. Dawkins: Roseworthy campus.

The Hon. R.I. LUCAS: Roseworthy campus, my colleague the Hon. Mr Dawkins says. Indeed, there are 20 or so dumps (if you want to use that word) for low-level radioactive waste, and there are many more nationally as well.

The then federal Liberal government came up with a proposition for a low-level radioactive waste dump for South Australia. This was an issue of tremendous importance politically in South Australia for the state Liberal Party because we had an election campaign coming up. We did take the position to support our federal Liberal colleagues and the member for Davenport, Iain Evans, took up the battle. I well remember during that campaign the Labor Party campaigning on radio and electronic media advertising, or warning in essence, the people of South Australia about the perils of having a radioactive or a nuclear waste dump here, as the Liberals wanted.

That particular election victory for the Labor Party was not, of course, solely due to that particular issue, but it was again an election victory at least partly based on a lie because the Labor Party, having campaigned on the terrors and perils of a low-level radioactive waste dump, not too many years later now is asking us, in a mature way, to canvass the much more potentially toxic future of a high-level and intermediate-level radioactive or nuclear waste dump.

To the chagrin of state Liberals, having seen the damage it did to the state Liberal prospects at the 2006 state election, our federal Liberal colleagues soon afterwards, in preparation for their own federal campaign, backed off from the issue and dropped it like a hot potato cake—or a hot yellowcake—and they left us high and dry because we had already been to the election and lost the election. We fought the battle and our federal Liberal colleagues backed away from the battle.

That is the history of this, and I do not intend to traverse the long and sordid history of the state Labor Party going back even to the Roxby Downs debate in 1979 to 1982—that will be for another occasion. However, in relation to this particular motion, whilst we are mightily attracted to paragraph 2 of the motion, we cannot and do not support, at this stage, locking ourselves into a position, or indeed calling on others to lock themselves into a position, about a national nuclear waste dump.

I note the very clever wording of the Hon. Mr Parnell in relation to paragraph 3. In my discussions with him, he said that he was talking about a low-level nuclear waste dump—which is what he was talking about, low and intermediate level, in paragraph 1—but I pointed out that his very clever wording in paragraph 3 makes no reference to low level or intermediate; it just says, 'Let's form a position on a national nuclear waste dump,' which of course would include a high-level waste dump as well.

We are not minded to that position at the moment. State Liberal leader, Steven Marshall, has put down our position: we are prepared—as the Hon. Mr Malinauskas has indicated the government is prepared to do—to await the final recommendations of the royal commission, and then we and, indeed, all of us can go through our own personal process of forming a position on this particular issue.

As I said, whilst attracted to paragraph 2, we are certainly not supportive of paragraph 3. For those reasons we cannot support the Hon. Parnell's motion and we will support the amended motion being moved by the Hon. Mr Malinauskas on behalf of the government.

The Hon. J.A. DARLEY (20:14): Whilst in principle I am supportive of a nuclear waste facility being established in South Australia, I am yet to be convinced that there are adequate proven sufficient safeguards in place for this to go ahead. This is as true for low to intermediate-level waste as it is for high-level nuclear waste. I have concerns about the storage of nuclear waste and also about the transportation of the material to the site. I would particularly want assurances that any storage facility will not leak and contaminate the surrounding environment, particularly groundwater and aquifers.

I am also concerned that the rights of Aboriginal people, especially in relation to sacred sites, may be eroded for the purposes of this exercise. In *The Advertiser* today the traditional owners of one of the proposed sites have already expressed concern that the land will be poisoned and destroy the heritage held within the land. If this proposal goes ahead, I would want these issues to be at the forefront of the decision-making.

Undoubtedly, we cannot continue down the path of taxing our way to prosperity and we should explore other revenue streams. However, I am fundamentally opposed to sacrificing public health and safety for the sake of money. Some things cannot be bought and are simply more important than money. Having said that, I am not attracted to the amendment of the Hon. Peter Malinauskas and I will not be supporting the Hon. Mark Parnell's motion.

The Hon. K.L. VINCENT (20:15): I would like to make a brief contribution at this point to this motion and in particular would like to discuss the potential impacts nuclear could have on our food and tourism industry which I feel has not really been discussed enough in the nuclear debate. Like the Hon. Mr Darley said, it is more like a feeling implied. It is difficult to deal with these things in absolutes but at this juncture we can say that there are some concerns that need serious consideration before we proceed.

South Australia's food and wine industry makes a significant contribution, as we all know, to our state and we rely on our reputation for green, clean food. In 2010-11, the food industry contributed some $14.24 billion in revenue and around 45 per cent of total merchandise exports. One in five workers in South Australia is employed in the food and wine sector. I am concerned that by creating a nuclear waste dump in our state this reputation could potentially be spoiled.

Nuclear energy is known to be a risky and controversial form of energy due to its radiation. In particular, if there was an accident at a dump site or when the waste material is being transported, this could have massive repercussions for our food sector and state's reputation as a food producer and exporter. We also need to address the impact that nuclear waste storage could have on our tourism industry, as I said, which is itself linked to our food and wine sector.

A nuclear waste dump could discourage visitors from coming here. The tourism industry would face similar risks to our green food industry where, should anything go wrong, this would result in very negative publicity and a downturn in the number of tourists to South Australia. It is disheartening that again I have already heard the potential slogan, 'SA, the nuclear state' being discussed.

This is particularly disappointing given that, as the Hon. Mr Malinauskas says, we are only discussing an interim report and should try, as I think he was trying to say, to be as neutral and impartial as possible, and yet in our corridors and our discussions out in the community we already hear potential slogans like 'SA , the nuclear state'. Whether or not we are truly being impartial, I am not entirely sure.

I am very proud, as I think we all should be, of South Australia's investment in renewable energy. Like many South Australians, I would much prefer this to be our reputation, rather than our state being used as the world's dump site. Considering the potential impacts nuclear could have on our food and tourism industries, I find it very concerning that this was barely mentioned in the royal commission's tentative findings report released last week.

It also makes me wonder how much consultation has occurred with these particular industries thus far. If the minister would like to provide some clarification on that I would be very glad to receive it. I understand that the commission is continuing to seek comment on their tentative findings before it makes any recommendations; however, it seems that there is still a lot of consultation and consideration that needs to be done in the community before any type of formal consideration can be made.

In the year 2000, there was a grassroots people's movement called the People's Conference 2000 to discuss the pros and cons of nuclear waste storage, creating a lively forum to examine the issues. Dignity for Disability certainly hopes, as I am sure many others would, that the commissioner will continue to actively seek a range of evidence and opinions and visit the current low-level nuclear waste storage facility near Woomera to take an inventory of how successful the current arrangements are. There were incidents in transporting the 44-gallon drums, now housed at Woomera, from other states to SA and the waste stored there is, on average, as I understand it, low to medium level waste.

I would also like to note that the commission's public meetings were not broadly publicised—at least, from my impression they were not broadly publicised—and I believe there is still unrest in the community that needs to be addressed. Particularly, we need to ensure that the Aboriginal community, as Mr Darley alluded to, whose land the dump site will be built on, are properly, respectfully and meaningfully consulted. Understandably, this is a very controversial topic and, as a result, the commission should take time to ensure that all members of the community have had an opportunity to contribute their views.

We are talking about a decision that will last for hundreds of thousands of years, not just for one electoral cycle. I would like to think that we could take some time over this, particularly given, as I said, that it is difficult to deal with it in absolutes and there are many different nuanced pros and cons and views.

At this stage, I believe a waste dump could present too great a risk for South Australia, particularly without these factors that I have just outlined being properly considered and discussed; and this is, of course, despite the touted financial benefits that it would bring, and a lot more work needs to be done. Therefore, Dignity for Disability will support the Hon. Mark Parnell's motion so that this very important and nuanced discussion can continue to occur.

The Hon. M.C. PARNELL (20:22): To conclude the debate, I rise to thank the Hon. Kelly Vincent for her support for my motion and I would like to thank the Hon. John Darley for his contribution. I know he is not supporting the motion, but I thank him for at least honouring the motion that I have put forward. I have more trouble thanking the Hon. Mr Peter Malinauskas and the Hon. Rob Lucas. I will acknowledge their contributions—I think that is appropriate—but I will not thank them, and I will tell you why I will not thank them.

I think what the government has done in this place, and what the opposition is supporting, is a betrayal of some of the highest standards that we have observed in this place. I know the game as it is played in relation to motions. It normally goes like this. The opposition moves a motion saying 'that this house condemns the government for its poor performance on [insert topic here]' and the government will then duly produce an amendment which deletes all words after 'that' and says 'the government congratulates the government on its excellent performance [insert subject matter here]'.

But what I have not seen before, and what distresses me, is that such is the nervousness of the government and the opposition not to discuss the item on the agenda that they have moved an amendment which is an entirely different topic. It is not the same topic as the topic of my motion. If you cast your minds back, this motion was put on the *Notice Paper* back in December. There were no royal commission tentative findings.

What was on the agenda back then was that the commonwealth government searched for a site for the low and intermediate level waste, largely from Lucas Heights. They short-listed six locations. Three of them were in South Australia. That was the same project that former premier Mike Rann opposed. Therefore, that is why I have referenced his fight on behalf of the people of South Australia and that is why the 'action component', if I can call it that, of my motion is for the current government to have the same ticker that Mike Rann had and to equally stand up for the people of South Australia.

What the government's amendment to my motion does now is it tries to confuse the situation by saying we have now got a royal commission that has handed down tentative findings on another matter altogether—the high-level international waste dump that they suggest is going to be the path to riches for the people of South Australia—and, because that process is still underway, it is therefore inappropriate for this chamber to talk about the low and intermediate-level waste dump that the commonwealth is seeking to impose on us and for which it has shortlisted three South Australian sites. I think that is an outrageous course of action.

I point out to members that earlier today I seconded a motion which I have no intention of supporting. The reason I seconded the motion is that the principle in this place is that, if you put something on the agenda, you are entitled to have it agitated and debated. In my 10 years here, I have never seen anyone denied the right to talk about the topic of their choice for want of a seconder, and I think that same principle should apply for motions.

I used the example before where the opposition condemns and then the government amends to congratulate, but at least they are talking about the same topic—the one topic. This is I think a sleight of hand that seeks to avoid discussion on the matter that I have put before the chamber and replace it with something that I have not put on. If the government wants to talk about the royal commission, let's have another motion to talk about that, but hijacking my motion with this amendment, I think, is quite outrageous.

The question that I would ask the government is: has the Prime Minister said that this commonwealth search for a low and intermediate-level waste dump is going to be postponed so that little old South Australia's royal commission can complete its process? Not at all. The royal commission did not even look at this issue. The royal commission has nothing to do with the commonwealth process for seeking a national waste dump site for low and intermediate-level waste—nothing to do with it. The idea that my motion would be derailed by suggesting that we should wait for the outcome of a process that is not dealing at all with the topic that I have put on the agenda, I think, is absolutely outrageous, and I am very disappointed at how this is going.

Of course, I have the right to put further motions on and I will. I will be putting further motions on about South Australia's involvement in the nuclear industry. I will say now that I refuse to call it a 'nuclear cycle'. 'Nuclear cycle' implies something that is nice and cosy and round and meets itself up again. A dump is no part of a cycle. A dump is part of a linear process. You start at one end, and you end up with waste that you cannot do anything with, so you have to dump it—no way is that a cycle.

I know Kevin Scarce, the royal commissioner, hates people talking about the dump. I hate people talking about the cycle. There are two issues on the table for South Australia: there is the issue the commonwealth has put on about a dump for low and intermediate-level waste, and there is the issue that Kevin Scarce has put on the table, which is a dump for the world's high-level waste. There is no part of a cycle in either of the live issues before the people of South Australia.

The Hon. Kelly Vincent and I think the Hon. John Darley both referred to the Adnyamathanha people, who have recently been in the media. I have spent a lot of time with those people over the years. They are very concerned about what it might mean for their country to have either the commonwealth's low and intermediate-level waste dump or the royal commission's suggested high-

level waste dump on their land. I think they are absolutely key stakeholders, and we cannot ignore their interest in this debate.

I know that the government is hopelessly divided on this issue. Many of them do date back to the days of premier Mike Rann. The Hon. Rob Lucas has referred at some length to the various debates. They are hopelessly divided on this. They do not like being reminded of the position they have taken not that long ago on these issues. They hate the thought that the public record of parliament might expose their backflip, but it is certainly not my intention to give up on this, so I am not going to delay the chamber any longer.

I will be opposing the government's amendment to my motion. If the voices happen to be against me, as I suggest they might given the opposition's indication, I will be dividing on it, and then I will be opposing the resulting motion because it will bear so little resemblance to what I put on the agenda that I cannot support it. It is a different question altogether.

The council divided on the amendment:

Ayes 15
Noes..... 4
Majority..... 11

AYES

Brokenshire, R.L.	Dawkins, J.S.L.	Gago, G.E.
Gazzola, J.M.	Hood, D.G.E.	Kandelaars, G.A.
Lee, J.S.	Lucas, R.I.	Maher, K.J.
Malinauskas, P. (teller)	McLachlan, A.L.	Ngo, T.T.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.

NOES

Darley, J.A.	Franks, T.A.	Parnell, M.C. (teller)
Vincent, K.L.		

Amendment thus carried; motion as amended carried.

CYCLING REGULATIONS

Adjourned debate on motion of Hon. J.A. Darley:

That the regulations under the Road Traffic Act 1961 concerning Road Rules—Ancillary and Miscellaneous Provisions, made on 8 October 2015 and laid on the table of this council on 13 October 2015, be disallowed.

(Continued from 28 October 2015.)

The Hon. G.E. GAGO (20:35): In October 2015, the government introduced a set of cycling laws that were the result of an extensive and inclusive consultation process. The laws are simple: they allow cycling for all ages on our footpaths and create a minimum passing distance by defining the overtaking space between a vehicle and a cyclist as a minimum of one metre when in a 60 km/h or less speed zone and 1.5 metres where the speed limit is over 60 km/h. Motorists will be allowed to cross centre lines, including double unbroken centre lines, to pass cyclists, provided it is safe to do so. The penalty for motorists breaking the rule will be $287, plus a $60 victims of crime levy and two demerit points.

The new laws are intended to encourage motorists and cyclists to safely share our roads and were brought about through extensive and transparent consultation. The government held a citizens' jury on cycling and, out of that, cycling on footpaths and minimum safe distances were recommendations. The government went through a considerable public consultation process, receiving over 1,600 submissions from both members of the public and interested stakeholders. I do not think we received one submission from any Liberal member of parliament in that process.

The public consultation process revealed that both the cyclists on footpaths and the one-metre rule had over 70 per cent support. The allowance of cyclists on footpaths brings South Australia into line with Queensland, Tasmania, the ACT and the Northern Territory, where this works extremely well. There are adequate protections for pedestrians in the Australian Road Rules. For instance, cyclists must:

- keep to the left unless it is impracticable to do so;
- give way to any person walking on the footpath or shared path;
- ring a bell or provide a verbal warning to alert people walking;
- exercise due care by travelling at a safe speed on both roads and footpaths, including stopping if necessary;
- stop to give details and render assistance in the case of a collision.

Councils are also able to regulate when footpaths are available to cyclists. Further, it is already law that cyclists, like motorists, can be stopped at any time by police and be required to provide personal information. These changes are not creating a free-for-all on our walkways, but the citizens' jury was clear that there must be a safe alternative to riding on the road.

It is interesting that the opposition have not been able to come to a consistent view on these regulations in 12 months. They have held five different positions since January 2015. In January 2015, the opposition spokesperson, Corey Wingard, gave bipartisan support for the laws, by 9 October they were unsure, then on 20 October the opposition were sure again and would support the government. By 27 October, Corey Wingard MP announced that the opposition would move to disallow the new laws, then by 30 December they announced that they would not proceed with the disallowance motion and support the majority of the law.

I will not give them a heap of criticism in terms of their confusion, lack of support and backflipping, because I understand they are going to support the government's point of view in relation to this. I will not go on to talk about their consultation process that was completely flawed and misleading. In contrast, the government allowed for very detailed and considered feedback, not the sort of push polling, yes-no answers that the opposition resorted to; but I will not go down that path because they are going to support this, so I will not say too much more.

I would like to just quickly refer to the one-metre rule that has created some discussion amongst the public. South Australia is set to be joined by New South Wales in March with safe distance laws following our lead. SAPOL has conducted an education phase for motorists, and the laws are similar to those that require safe distances in relation to other vehicles, relating to things like tailgating, for instance. The penalties ensure that appropriate weight is given to breaking the law for both cyclists and motorists. South Australia is the only jurisdiction where cyclists can get demerit points if they break the law, ensuring adequate penalty, although the penalties are lower than that for motor vehicles, but that is not surprising given that cyclists pose less risk of harm than motorists, so it is weighted accordingly.

The government has carefully considered every suggestion and how they would work in South Australia, and we believe we have not overregulated. Suggestions such as registration schemes for cyclists we believe are cost prohibitive compared to the benefits provided. Revenue for roads is collected through a range of fees, taxes and charges, and as 87 per cent of adult cyclists also own cars, they already pay registration fees. In addition, given that registration fees are collected on the basis of wear and tear on the road system caused by road vehicles, the proportionate effect of bicycles is obviously much lower.

Other suggestions, such as the New South Wales requirement for cyclists to carry ID, we also think are too onerous, with very little benefit. As police commissioner, Grant Stevens, commented on FIVEaa on 2 February, requiring an ID is, and I quote:

> …an overreaction…the vast majority of cyclists do the right thing…we have a five year old kids riding to school…I just don't think it's a simple solution…it's impractical.

The laws have been in operation for almost four months, and we believe they are working extremely well. SAPOL has advised minister Mullighan that as of 4 February motorists are leaving more than the required room to pass a cyclist, and there has been no increase in cyclists on footpaths, which is an interesting report back. The Local Government Association has no concerns regarding the new laws, or none that they have shared with us or publicly which we are aware of. The City of Norwood Payneham and St Peters prepared a report on the laws which has found that, as expected, few cyclists are choosing to ride on footpaths, only doing so at pinch points where the road is narrow and there is no bike lane.

Council staff have not observed an increase in cyclists on footpaths and motorists are being cautious with regard to the minimum safe distance. SAPOL has advised 10 cautions which were associated with motorists regarding the safe passing distance: five in the 60 km/h zone or under and five over. Five expiation notices were issued to cyclists for offences applicable to riding on footpaths, and 56 complaints were made regarding drivers failing to keep safe distance through the Traffic Watch system.

The laws, as I said, appear to be working really well. They are in line with the national standards and they will encourage motorists and cyclists to safely share our roads. For these reasons, the government opposes these three motions.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:43): I rise on behalf of the opposition to speak to the disallowance motion moved by the Hon. John Darley. As members would be aware, it was in October that transport minister, Stephen Mullighan, announced these new regulations relating to road laws pertaining to cyclists and their interaction with motor vehicles and pedestrians.

Of course the key elements of these new laws were, as the minister has outlined, a requirement for vehicles and cyclists to have a one metre gap between each other at all times, especially when overtaking each other, and that this would increase to 1.5 metres when travelling at 60 km/h or more, and that motorists would now be entitled to cross the double line—which we all know is usually prohibited—when doing so in order to pass a cyclist and honour the new requirement. The one that I think has probably been the most contentious is that cyclists will be able to ride on pedestrian footpaths without any restriction unless local government signposts prohibit this.

It is interesting that the minister spoke about extensive consultation. It was the state Liberals who announced and conducted extensive consultation with the community regarding the proposals. We also gave notice of motion to disallow the regulations pending the outcome of that consultation, an almost identical disallowance motion to that of the Hon. John Darley. A number of meetings were held with minister Mullighan and Labor government representatives and it was apparent that the laws had been rushed through without adequate public consultation, despite the minister saying there had been extensive consultation.

It is fair to say that the implementation of the changes caused great confusion and angst in the community. We were inundated with calls and emails from the community. Those were concerns raised by all road users: cyclists, motorists and pedestrians, who were confused about how the laws would impact their behaviour on the roads. In particular, people were worried about the ability of a cyclist to ride unrestricted on the footpath and the ability for motorists to cross a double white line when overtaking a cyclist.

Soon after the regulations were tabled, the opposition distributed a survey. The minister referred to some sort of push polling thing. Obviously, it is something the Labor Party must do. I can assure the minister that this was not a push poll as such. We sent it by email and hard copy to thousands of South Australians. I have one in my hand, which is, as most of us in politics would know, a DL flyer. One side says, 'New cycling laws, what do you think?', and it has the outline of a motor vehicle and a pushbike with the distance between them of one metre and 1.5 metres. It then says, 'Cyclists of all ages will be able to ride on our footpaths', and also, 'Cyclists can ride at speeds up to the speed limit of the adjacent road if safe.' Underneath that it says:

> Recently, the State Government announced it would be making a number of changes to road rules relating to motorists and cyclists sharing the road. I would like to know what your views are on these changes. Return this card or email your comments and suggestions to David.Ridgway@parliament.sa.gov.au.

Next to that it then goes on:

> How it will affect you.
>
> - Cyclists of all ages will be able to ride on our footpaths at the adjacent road speed (if safe).
> - Motorists can cross double centre lines (if it is safe to do so) to pass a cyclist.
> - Motorists will have to give a minimum of one metre gap when passing a cyclist (or 1.5m gap when travelling +60km/h).
> - Motorists may only pass a cyclist when they can safely provide the minimum required passing distance.
> - Cyclists are expected to keep a safe distance when passing traffic. However the minimum passing distance will apply to motorists, not cyclists.

On the flip side there is the reply-paid address to myself, a little space for some comments and suggestions and there are three questions with some boxes to tick:

> 1. Allowing cyclists to ride on footpaths?
>
> Support. Oppose. Undecided.
>
> 2. Leaving a 1m gap (1.5m if travelling +60km/h) when passing cyclists?
>
> Support. Oppose. Undecided.
>
> 3. Allowing motorists to cross any centre line (if safe) to pass a cyclist?
>
> Support. Oppose. Undecided.

And there is provision for people to put their name and address on the card. So, I would hardly refer to that as push polling. There is no suggestion or way to influence people on the outcome. There is nothing on there to say it is of a political nature, it is not the Liberal Party or anything, it is just me as a member of the Legislative Council finding out what people think about these laws.

We distributed these in hard copy and by email and we received in excess of 25,000 responses. I think the minister said they had 1,600 responses to the consultation. That is nearly 20 times more, so it is a joke when the government said it engaged in extensive consultation. Our survey has gone a long way to educating the public on what has been proposed and what rights and responsibilities pedestrians, cyclists and motorists have under these new changes, which, arguably, the government did not do itself.

Our consultation revealed community support for the one-metre rule, and of course 1.5 metres over 60 km/h, and also the ability for motorists to overtake on solid lines where safe to do so in order to get around a cyclist. However—and that is where the government's argument fails—there were serious concerns raised about cyclists on the footpath and we subsequently called on the government to return to the old regulations which do not allow cyclists aged 12 years or older to ride on the footpath unless they are above the age of 18 and accompanying a child.

The minister should amend this regulation so that the new laws reflect what the community wants, as per our 25,000 responses, not a mere 1,600. The lack of extensive consultation and response to community concerns is characteristic of this Labor government's style of public consultation.

We have chosen not to proceed with the motion to disallow because that would disallow all the new regulations, including the one metre and the 1.5-metre rule. We have always considered road safety and safety on our footpaths to be of paramount importance, and therefore contributes to the enjoyment, convenience and safety of all road users.

I have a couple of experiences of my own, and a lot of members would know that I frequently walk into work from where I live in Mitcham. Of particular interest, I was recently walking down King William Road towards Parliament House on the eastern side of the road with traffic coming towards to me as I was walking towards the city when a cyclist rode past me in the opposite direction to the traffic.

As I mentioned to the minister earlier—and it is something I do hope she takes up with minister Mullighan—maybe a sensible approach to this would be to say that if you are going to ride

on a footpath, that you ride in the same direction that the cars are travelling so that as a pedestrian you can choose to walk in the opposite direction so that all the cyclists are coming towards you and not sneaking up behind you. In this case, that particular cyclist did not use a bell and just went straight past—maybe not quite as fast as the cars, but still at a quite significant speed.

The Hon. M.C. Parnell: If you were walking on the other side, they would have been behind you as well.

The ACTING PRESIDENT (Hon. G.A. Kandelaars): Order, order!

The Hon. M.C. Parnell: You can walk both ways.

The ACTING PRESIDENT (Hon. G.A. Kandelaars): Interjections are out of order.

The Hon. D.W. RIDGWAY: The honourable member will get a chance to speak in a minute. I can tell the Hon. Mark Parnell—

The ACTING PRESIDENT (Hon. G.A. Kandelaars): Members are reminded that interjections are out of order.

The Hon. D.W. RIDGWAY: —it is not satisfactory for cyclists—

The ACTING PRESIDENT (Hon. G.A. Kandelaars): You are out of order.

The Hon. D.W. RIDGWAY: Why am I out of order?

The ACTING PRESIDENT (Hon. G.A. Kandelaars): You are responding to an interjection. Continue.

The Hon. D.W. RIDGWAY: I will repeat my point: it is very unsatisfactory and unsafe if you are walking and facing the direction from which cars are coming, and a cyclist whizzes past you without ringing their bell, or without giving any notification. People may think that is trivial, but if you are on a footpath—and the minister says very few people are riding on footpaths, so she claims from the police evidence—you would think that those who do would have the courtesy to actually ring their bell and advise you. All over Europe, and I have travelled quite a lot in Europe, they all have a culture of ringing their bell. The minister tells me she has been running and cycling in Melbourne in recent weeks, probably enjoying the fact she no is no longer the Leader of the Government—

An honourable member: She's not a minister.

The Hon. D.W. RIDGWAY: Well, she is not a minister—the member. She said that in Victoria they have a culture of making sure they are ringing the bells and advising pedestrians—and I never thought I would say the Victorians have a better culture than us. But it certainly did alarm me, and it was just prior to Christmas in the December period. It would make so much more sense that if you are riding a pushbike, a cycle on the road, you travel in the same direction as the cars and then as a pedestrian you can walk on the opposite side and see them coming towards you. There was no warning and it was quite disconcerting to be caught with vehicles going past one way and a pushbike going past the other.

I also walk across the Parklands which only has a cycle and pedestrian track. Again, I have been alarmed at the number of cyclists who go past me in the morning who also do not ring the bell or give you any verbal warning. If I stepped in their way, they would probably give me a verbal warning. I try to walk right on the very edge of the footpath, but there are quite a number of cyclists who do not give you a warning.

We are not going to move to disallow these regulations, but I think with the cycling community there is almost a little bit of a 'We've got these new rules, we can do what we like' approach. The other issue is that when cyclists go past—and certainly the opposition does not support any form of licensing or registration for cyclists—if they break the law, or have not sounded their bell, or have not done what is seen as appropriate behaviour, how do you identify them? You are walking along at six or seven km/h, maybe 10 at the most, doing a bit of a jog, and they have gone past and they are well at it.

As the member said, you could give them a warning or report them, but they have gone—they are going three or four times as fast. So, I think there is an opportunity for the cycling community

to recognise that it is a privilege to ride on the footpaths where they interact with pedestrians and they must have a much greater sense of awareness and sense that it is a privilege for them to be there. It is a footpath for pedestrians with feet, and so cyclists should respect that they are in a very privileged position. Having said all of that, we will not be supporting the Hon. John Darley's disallowance.

The Hon. M.C. PARNELL (20:54): I apologise to the Hon. David Ridgway for interjecting on his speech, but shortly I will explain why I was so moved to do that. The first thing I would say is that I appreciate the dilemma that the Hon. John Darley is in. As we have discussed many times in this place, whether there are only parts of regulations that you do not like, or the whole of the regulations, you are obliged to disallow the whole lot, and the honourable member made that point. I think that part of his difficulty was that the safe passing distance regulations and the footpath cycling regulations are all mixed in, if you like, into these three sets of regulations, so it is all or nothing.

It will not surprise the honourable member to know that we are not going to be supporting the disallowance motion, and one of the reasons for that is that we believe that these are sensible laws that need to be given a chance to work. Certainly, if, after some period of experience—other states, like Queensland, have had two-year trials—it turns out that we are all wrong and there have been terrible outcomes, we can deal with it, but for now we believe that these regulations are sensible and should be given time to work.

I took the opportunity today to ring the Amy Gillett Foundation and speak to their CEO—I also spoke to Mary Safe who, as many members here would know, is the mother of Amy Gillett—just to let them know that this motion was coming on today. I suggested that I thought the disallowance motions probably would not succeed, so there was no need for last-minute lobbying; otherwise, I think members would have found their inboxes inundated today with communications.

The Hon. David Ridgway defended an accusation that I do not think the Hon. Gail Gago necessarily made but he implied, that is, it would be push polling.

The Hon. D.W. Ridgway: She said 'push polling'.

The Hon. M.C. PARNELL: If she did use the words 'push polling', *Hansard* will tell us. What struck me, and I appreciate the Hon. David Ridgway read out the words that he asked, is that I have to say that when you are asking a question the amount of information you put in the question is a very important consideration in the answers that people give. We all know there are examples where, if you phrase a question one way, you get a certain answer; phrase it another way and you get a different answer.

The question emphasised the legal fact but the practical unreality of people riding on footpaths at the same speed that they are entitled to ride on the adjoining road. The reason I say that that is an unreal way to pose the question is that a number of cyclists—because this has been a topic of conversation on various cycling websites—have actually tried to see if they can do it. Can you get up to 50 km/h on a footpath? Most of them could not; it just was physically impossible. It was the quality of the footpath, the intersecting driveways and the cross streets that you have to slow down for—it is just not going to happen, and so to phrase the question in that way I think was disingenuous.

The missing information from the questionnaire was a number of other Australian Road Rules that apply to cyclists, and there is an assumption that somehow they do not exist; they certainly were not part of the question. For example, in road rule 249, riding on separated footpaths, there are protections for those paths that are for both cyclists and pedestrians: the cyclists have to keep to their part and the pedestrians likewise have to keep to theirs. Riding on the left is in rule 251, and rule 253 is in there: 'The rider of a bicycle must not cause a traffic hazard by moving into the path of a driver or pedestrian.'

In the Road Rules, there is an obligation not only to keep left but to give way to any pedestrian who is on the footpath or the shared path. In relation to the Hon. David Ridgway's experience:

> A person who is riding a bicycle on a footpath or other road-related area must, if it is necessary to do so for the purpose of averting danger, give warning (by sounding a warning device attached to the cycle or by other means) to pedestrians or other persons using that footpath or other road-related area.

The Hon. D.W. Ridgway: What if they don't?

The Hon. M.C. PARNELL: The Hon. David Ridgway interjects, 'What if they don't?' Well, if they do not, they are breaking the law and so—

The Hon. D.W. Ridgway: How do you catch them?

The Hon. M.C. PARNELL: The Hon. David Ridgway's suggestion, which is what triggered my out of order interjection, is that maybe the cyclist should just ride on the same side of the road as the traffic is going. Where that will not work is that, unless you are going to make pedestrians walk on the opposite side of the road to the way the traffic is going, you will still get a situation where a cyclist will come up behind a pedestrian. I do not think there is any suggestion that we are going to make a law that says that pedestrians are limited to one side of the road only.

Certainly, as a kid I remember that we were told that, if you were on a road without a footpath, you should walk on the right-hand side of the road so that you were facing oncoming traffic. That makes sense for roads without footpaths, but where you have a footpath you can walk in either direction on either side. So, I do not accept the premise. Good try, but I just do not think that that works.

The Hon. D.W. Ridgway: A bell would be nice.

The Hon. M.C. PARNELL: The obligation to sound a warning device I think is an important obligation. I am a regular cyclist: I rode to work this morning from up near Blackwood. I ride on the bike path that runs alongside the tramline. I have to say that the ratio of pedestrians to cyclists on that facility is probably two to one—probably twice as many cyclists as pedestrians—and I do know that occasionally cyclists do not ring their bell. I always do, if I am coming up behind a pedestrian, and the majority of them give you a wave because there is nothing more disconcerting than having someone brush past your right elbow and you did not know they were coming.

I absolutely get that behavioural change is required. One thing that the Amy Gillett Foundation has been very hot on is that these laws cannot be introduced in isolation but need to be accompanied by a very vigorous public education campaign so that everyone knows what their obligations are. I want to refer to some of the feedback I have received.

I have put a number of posts up on a website called adelaidecyclists.com, and a large number of people (not 25,000, but certainly a large number) have responded. Some of these responses actually go to the mentality of cyclists and give a greater understanding of the way people will approach these laws. What the Hon. Gail Gago said is right, that you will not see a massive increase of people riding bikes on footpaths, but those you will see riding on footpaths overwhelmingly will be elderly, they will be women, they will be inexperienced riders, and they will be going slowly. One comment from Gus Kingston, about footpath riding, was:

> This has become blurred between the one metre passing rule and footpath use. Regarding footpath riding, I saw quite a few people on footpaths today, mostly older people just getting around, but there was a younger guy too. They were riding along an empty path to avoid busy road pinch points, for example, Portrush and Northeast Road. I would guess they were using the path to get to the Linear Park. Surely seeing people ride, older people, less experienced riders, is a good thing for public health, traffic etc.

Another comment by Robert Hill (who I assume is not the former Liberal Senator but someone else of the same name):

> I'm so happy, I can now cross South Road and get to a side street via a short section of footpath without being labelled a filthy law breaker.

Someone else replied:

> I think the new laws are great, and I'm glad that you are no longer a filthy law breaker. I can think of several places where it will now be safer for me to get across busy roads, like Cross Road, by riding short distances on the footpath.

Another response said:

> As for riding on the footpath, No.1 rule when you ride: don't be a dick, treat the footpath properly as a shared resource, ride safely.

Another comment:

As for cycling on the footpath, people naturally ride to the conditions for their own safety, so if a footpath is crowded the cyclist would either choose the road instead or ride very slowly—it's not rocket science.

Someone else, about the debate, said:

I find this incredibly frustrating. Even before these laws I regularly rode on the footpath for short distances when it is safer than a 'bike unfriendly' section of road. Now it feels good that my choice to take the safe option is also the legal option. For example, when heading west along the linear shared path and exiting after the Morphett Street Bridge, if you want to travel south the safest option is to ride over the bridge on the western footpath until you can rejoin the road at Hindley Street intersection. Many cyclists choose this option. I ride this route regularly when travelling from my office to pick up my son from child care. If the new laws are disallowed, I'll still ride on the foot path, choosing safety over adherence to the letter of the law.

I add that that is the experience of most cyclists. The Hon. David Ridgway referred to his experience. The route that I have taken into the city for the last 20 years does involve a tricky right-hand turn on South Road, which turn I complete as a box turn. In other words, I stick to the left and then when the lights change I go with the cross traffic. I face a dilemma each morning. I know that I am entitled to be on the road, but they narrowed the road pavement recently, and I know that if I stick on the road I will probably hold up up to 10 cars behind me before the road widens out and it is safe for them to pass me.

My dilemma is: do I obey the law and maintain my right, stay on the road and have these cars wait behind me until they can pass when it widens up, or do I duck onto a narrow section of footpath, past an ETSA substation, an area where I have never seen a pedestrian? It is not in a residential area; it is on Daws Road at the intersection of South Road, a quiet section of footpath, no cars, but I know that if I duck up onto that footpath for maybe 100 metres then I will not have held up the cars behind me.

It is a decision that I take. When I am at that intersection, I look behind and if there is a bus or a big truck, if I am going to cause some serious disruption and I have time, I will take the footpath option. I have been doing it for 20 years. The police read *Hansard*. I expect Constable Plod to knock on my door, wanting to drag me off to prison for being 'a filthy law-breaker', as one of these people has said.

Honestly, it has been the practice of many people. Most cyclists do not want to be on the footpath. The footpath is more dangerous for cyclists. You have cars backing out of driveways, you have kids on scooters and people walking dogs. It is great that they are out there doing it. Most of us do not want to be on the footpaths, but occasionally you do need, for your own safety, to take a short section.

Similarly, when I ride in, I get to the corner of King William Street and North Terrace, at Parliament House. Now I can legally ride down North Terrace, past the front of Parliament House, past the steps, to get to the entrance at Old Parliament House. I rarely do that. The reason I do not do it is that there are crowds of people coming from the railway station walking up the hill, and I just do not think it is appropriate for me to ride my bike on a busy section of footpath where people are walking.

I reckon that is the position that most people are going to take. Similarly, in restaurant districts, it would be irresponsible and you would have rocks in your head trying to ride a bike down Rundle Street on a Friday night when the restaurant tables are all full. It is just crazy. Honestly, cyclists are not going to do it. I will just give a couple more of these testimonials. This is from a former council member at Port Adelaide. This is back in December. He said:

It has now been a little over a month since the Regulations have been amended in South Australia to allow cyclists to ride safely along footpaths, sharing respectfully with pedestrians and giving way when required. The sky has not fallen in.

This means that cyclists are allowed, for instance, to cycle along Adelaide's premier cultural boulevard, North Terrace, past Parliament House and Government House, the art gallery, the museum, Adelaide University and that august centre of planning education, The University of South Australia.

This was a council planner; he was not an elected member. He continued:

I have for some time ridden along the northern footpath of North Terrace between Frome Road and King William Street, usually at 8pm. I have never encountered any ill will or negative comment. It is reassuring to know that an action that is perfectly sensible is now allowed under law.

I will not go through all these because I have covered most of the points. A lot of people do point out that four other jurisdictions already allow cycling on the footpath for people aged over 12. Someone from Canberra wrote:

> …cycling on the footpath has been allowed in Canberra for all of my life. None of the dramatic consequences suggested in this thread have come to pass.

I think that the council will be making the right decision tonight not to disallow these regulations. They have been in operation for only four months. We have an opportunity now to assess the impact of those. What will be really important to assess is the number of people who would not have otherwise cycled who are now going to have the courage to get on a bike. As I said, that is going to include some old people, women in particular, and people who are inexperienced. You are not going to see them on the roads—they are not experienced, they are scared of the traffic—but hopefully you will see them on the footpaths, and they will be going slowly and they will be sticking to the left and they will be giving way to pedestrians and they will be ringing their bells. That is what an education campaign needs to drive.

I think these regulations are a great boon to public health and to road safety. I want to see them given a chance to work so I will not be supporting the disallowance motion, but I do look forward to any review the government might undertake in a couple of years. I think we will find that the benefits have far outweighed the costs.

The Hon. K.L. VINCENT (21:10): I would like to put on the record that Dignity for Disability will not be supporting these three motions today (or however many motions we are up to at this point). As I have raised in this place before, Dignity for Disability is broadly supportive of the new cycling regulations, and since their implementation in October I understand they have been working relatively well.

When these new regulations were first introduced Dignity for Disability did raise some concerns about how the changes could impact on people with disabilities in particular, and I think members will recall me talking quite extensively about the fact that it is a bit of a mixed bag in terms of how these regulations impact people with disabilities. On the one hand one can foresee a situation where people who might have mobility or balance issues and who are not able to cycle very quickly might actually feel safer and be able to start cycling for the first time in a long time, if not for the first time ever. That is a plus.

On the other hand, we did have some concerns, particularly about people with sensory-related issues. You may recall, Mr Acting President, that we held a very productive round table on the regulations, which was attended by representatives from Blind Citizens Australia and Guide Dogs SA (representing both people with sight-related and hearing-related disabilities), as well as other people with an interest in this area, including people with sight-related and/or hearing-related needs themselves. The gathering also included representatives from the office of the Minister for Transport, and the Department of Planning, Transport and Infrastructure had a representative there as well.

During this discussion, there were concerns expressed that allowing people to cycle on footpaths would result in an increase in incidents, particularly for those who could be more at risk, such as ageing people, or aged people—I suppose we are all ageing, more and more rapidly it feels sometimes, Mr Acting President—

The Hon. S.G. Wade interjecting:

The Hon. K.L. VINCENT: You will note, Mr Acting President, that I am not responding to that interjection from the Hon. Mr Wade at all. So aged people, people who may—

The Hon. S.G. Wade interjecting:

The Hon. K.L. VINCENT: I have encouraged him now, Mr Acting President; sorry. There may be particular implications for aged people, people who may be unsteady on their feet, people who use mobility aids, people who are blind or vision impaired, people who are deaf or hard of hearing. I am certainly still mindful of these concerns and we are working towards a solution; however, I believe that removing these new laws would be a premature and knee-jerk reaction to

something that appears to be working well for the majority of South Australians, and that could work well for all South Australians with proper consideration and education.

Dignity for Disability would prefer to see the government run an education campaign, as I think the Hon. Mr Parnell mentioned as well, particularly for cyclists and all other communities to be mindful of people who may be susceptible when travelling in a public space, especially where someone might be cycling on a footpath and a pedestrian may have concerns. We believe that cyclists are capable of being considerate of pedestrians and that we can work out a solution to ensure that all members of the community can share and be safe on our footpaths.

I must say that these considerations are not only pertinent to people with disabilities but, in this day and age where people might be walking on the footpath wearing headphones or looking at their phone or another distracting device, it is not only about being considerate of the needs of people with disabilities in terms of whether or not a person who might have sight or hearing-related needs might not see or hear you coming: it is about everyone. We need to be mindful, as we are all taxpayers and all members of this community and this state, and no-one's rights should come above another's.

As I mentioned before, it is also important to highlight that the new regulations may also have many positive impacts on people with disabilities. In the past, for instance, people with disabilities who wanted to cycle on a footpath had to carry a doctor's certificate with them. Now that this is no longer a requirement, I believe it may further encourage more people with disabilities to feel comfortable and safe taking up cycling either for recreation and fitness or for everyday commuting.

Dignity for Disability want to encourage a local industry and market in South Australia for trikes and modified bikes as well as modified motor vehicles. I know minister Maher and I have discussed it at length in this place and we believe it could have many benefits financially as well as socially for South Australia, particularly in the wake of the pending closure of Holdens, etc. We believe that people who want to cycle, particularly given the obesity epidemic—

The Hon. S.G. Wade: Is she having another go at me?

The Hon. K.L. VINCENT: —should be encouraged to do so—and, yes, I am happy to encourage Mr Wade to cycle as well. Don't worry, you are not being left out. South Australia should do what it can to enable them to do so. Dignity for Disability is also very supportive of the requirement for motorists to leave a safe minimum passing distance when overtaking cyclists. It is my understanding that these regulations have proved to be working well thus far and have actually resulted in motorists leaving more than the required distance from cyclists, as I think other speakers have pointed out as well. These regulations help to remind drivers that cyclists are people, too: they are mothers, fathers, sons, daughters and so on. They all, as we all do, have a right to use the road and to get home safely.

All that being said, I would now like to raise that these regulations are not, in fact, a new or radical idea. Measures allowing for a one-metre passing distance and for cycling on the footpath for people of all ages are already in place in a number of jurisdictions. All ages cycling on the footpath is already allowed in Queensland, Tasmania, the Australian Capital Territory and the Northern Territory. The minimum safe passing distance is also legislated in Queensland and the Australian Capital Territory, and in March this year will come into effect in New South Wales. I think as previous speakers have said, the sky has certainly not fallen in those states or territories.

Adelaide, a city which is beginning to increasingly pride itself on being a cycling city and that hosts the Tour Down Under annually (an event perhaps best dubbed 'the festival of lycra') needs to keep up this progress and do what it can to be a more liveable city, alongside cities such as Amsterdam, Stockholm, Copenhagen and Oslo. I also make the point that making better infrastructure for cyclists often has the flow-on effect of increasing accessibility for people with disabilities in terms of increasing footpath usability and so on. Again, this is not just about cyclists: this is a measure we can implement for the safety and wellbeing of all.

Just before I close, I thought it was interesting to point out that I have done a bit of research—when I say 'I have done a bit of research', I have asked the parliamentary library to do a bit of research and they have been very accommodating, and I thank them for that. The research shows that, if we

review the statistics of pedestrian versus bicycle crashes on footpaths for the time period of 25 October, the date on which these regulations came into force, to 31 December of the same year, and if we compare that time period with the years between 2011 to 2015, we can see that there was one serious crash in 2013 and one or two minor crashes in all but 2014 when there were no accidents reported.

We have a baseline—it is certainly not a large baseline—and we have not moved above it with the introduction of these new cycling laws, so I do not accept that statistically people have yet been proven to be any more unsafe than they have been in the past. In fact, I think it is quite clear that they have been proven to be more safe. Of course, no matter what laws or regulations we have in place, there will always be people who break those laws or bend those rules, and I think we have to be very careful not to vilify a whole class of people and not to take away the right of a whole class of people to be safe and respected on our roads and our footpaths because of the behaviour of a few.

I also respectfully suggest that the same people who are going to be, as the Hon. Mr Parnell put it, 'dicks on a bike' are probably the same people who are going to be 'dicks behind the wheel of a car' as well. I do not accept that having these regulations in place gives any particular rise to people who want to be rule breakers. It simply affords safety to those who abide by the rules which is, as far as I can see from the statistics that I have shared, the vast majority.

Overall, Dignity for Disability believe the best in people. We think that while a small percentage of people do the wrong thing, cyclists, drivers and pedestrians can and must peacefully and safely coexist on our roads, footpaths and shared public spaces and, therefore, we cannot support this motion today, but we will continue to lobby to ensure that we get the education and measures to ensure that these regulations do reach their full potential.

The Hon. R.I. LUCAS (21:22): I had not intended to speak tonight—I will be brief—but I was provoked into speaking by the contribution from the Hon. Mr Parnell. I want to put briefly on the record that I am not a cyclist; I have no passionate views one way or another, other than in relation to this I was responsible for asking the electors of Colton what they thought, what their views were, as opposed to the views of the Hon. Mr Parnell or my views or whatever it happened to be.

With the greatest respect to the Hon. Mr Parnell, I believe I have a touch more expertise in the area of market research and drafting of questions and what is a push poll than he would have. That might not be his view, but it is certainly my view. I reject any notion that the Hon. Gail Gago or the Hon. Mr Parnell, albeit implicitly, tried to suggest that in some way these were push polled questions. They were not; they were genuine questions.

I want to put on the record the response that I received in the electorate of Colton. In relation to the questions about the one-metre rule and crossing the double lines, it was a strongly divided view. I think the Hon. Gail Gago said 1,600 was the total consultation for the government across the whole of South Australia. I received somewhere between over 1,000 and close to 1,500 responses just in the state electorate of Colton, which is an extraordinary response and indicative of the strong views that were held in the community.

The views were very strong, with very few 'don't know' or 'undecided'. They had strong views one way or another. On those two issues, they were strongly divided. It was probably a slight majority supporting the government position but it was 55-45 or something like that, and very few people out of the 1,000 to 1,500 people who responded did not have a view. They either were very strongly for it or very strongly against it.

In relation to riding on the footpath, there was an overwhelming response opposed to the government's position and the regulations, contrary to the views that many have put here in this chamber. It was something like 70 to 75 per cent of respondents were opposed to the proposition, and more than half of them took the opportunity in the letter to write either a personal anecdote or a story about why they were concerned about the issue.

On the issue of judging, ultimately, over a period of time, if that is what is to happen with these laws, it is not just the issue of whether there has been a serious accident for many elderly people, in particular, who walk on pedestrian crossings. They talk, in particular, about being frightened by cyclists speeding past them. They are not actually hit and they do not end up in hospital,

but what they are saying is that previously they had enjoyed the walk along Seaview Road, Military Road in Colton, or wherever it happened to be, but they were fearful because of either circumstances they had experienced themselves or circumstances they had seen.

Particularly in Colton, for the lycra lads and ladies, it is a very popular cycle path. I know the Hon. Mr Parnell hates the use of the word 'cycle', but it is a path that they use to go down to Outer Harbor and they come down the coffee promenades of Seaview Road and Military Road, to a lesser degree, through the state electorate of Colton. On Saturday and Sunday mornings, in particular, there are tribes of lycra lads and ladies. If you know the area, you know that Seaview Road is quite narrow, with cars parked on the side. Tapleys Hill Road is much bigger and Military Road a little bigger but, certainly, Seaview Road is quite a narrow road.

The anger from not just pedestrians but also other road users, in particular on Saturday and Sunday mornings, with large groups of cyclists riding three and four abreast as they look for their favourite coffee shops along Seaview Road, is extraordinary and, as I said, there is a very strong view held by people in the electorate of Colton in relation to the issue of cycling on footpaths. I understand the views that others have expressed from their own personal experiences, and the Hon. Mr Parnell concedes that he is a cyclist of decades-long experience so we understand his particular bias and perspective. I am not putting mine. I am just saying we consulted the constituents of Colton and that was their overwhelming view.

In relation to the pedestrian question, again, very few did not have a view. As I said, they were 70 or 75 per cent opposed and there was another 25 per cent who strongly supported the government's position and there were probably about 5 per cent who did not have a view. Again, for anyone who does market research, the response rate we got to the overall question was very high but the fact that the number of people who did not express a view one way or another was so low and people's views were so strong either one way or another was, again, a very unusual aspect of this research project.

So, I would not scoff at the results of the survey, as some members in this chamber during the debate have done. They will ignore the views of the electorate and the people at their peril. As the Hon. Mr Ridgway said, and I support him, at the very least what the Liberal Party has done, without pushing its view, is gone out and asked the people what their views are in relation to this. We have heard their views, 25,000 of them. As I said, we asked 1,000 to 1,500 just in the electorate that I had the responsibility for, which was Colton, and the response was extraordinarily strong.

The Hon. J.A. DARLEY (21:28): I rise to conclude the debate on these motions and thank honourable members for their contributions. Whilst I acknowledge that some of the initial fears associated with these regulations have now been allayed, I still hold serious concerns about several issues. I am aware that my motions will fail. However, I will persist nonetheless.

The issue of staying wider of the rider seems to have dissipated and the community seems to have accepted this without much incident. However, the issue of being able to cross double white lines still concerns me greatly. From the time that I was taught to drive (and I have been driving for over 60 years), it was drummed into me that you absolutely do not cross a double white line under any circumstances.

These lines have not just been placed anywhere in a random manner; rather, they have been placed there strategically, after analysis of traffic conditions, to prohibit dangerous manoeuvres. The concept of only crossing double white lines if it is safe to do so is an oxymoron to me because I do not believe there would ever be circumstances when it would be safe, particularly in the Mount Lofty Ranges and the Fleurieu Peninsula.

I note the article in today's *Advertiser* which outlined the story of a motorcyclist who was hit by an oncoming vehicle which had crossed over white lines to overtake cyclists and give them adequate clearance. I am worried that a similar incident will occur in South Australia. I am concerned for pedestrians who may be intimidated or bowled over by a cyclist on a footpath. I understand there is a need at times for cyclists to ride on the footpath and that many cyclists, especially more serious cyclists, would prefer to ride on the road; however, I believe that some guidance is required. Perhaps imposing a speed limit or rules with regard to passing pedestrians needs to be explored, as is done in New South Wales.

Finally, the manner in which this will be policed raises some questions. I received via FOI information from SAPOL as to how they will police these new regulations. The information I received was scant. There is no point in having legislation or regulations if they cannot or will not be policed fairly and effectively. I have requested further information from SAPOL and look forward to receiving it. With that, I thank the chamber for their consideration and commend the motion.

Motion negatived.

CYCLING REGULATIONS

Adjourned debate on motion of Hon. J.A. Darley:

That the regulations under the Motor Vehicles Act 1959 concerning demerit points, made on 8 October 2015 and laid on the table of this council on 13 October 2015, be disallowed.

(Continued from 28 October 2015.)

Motion negatived.

CYCLING REGULATIONS

Adjourned debate on motion of Hon. J.A. Darley:

That the miscellaneous regulations under the Road Traffic Act 1961, made on 8 October 2015 and laid on the table of this council on 13 October 2015, be disallowed.

(Continued from 28 October 2015.)

Motion negatived.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

In committee.

(Continued from 23 February 2015.)

Clause 94.

The Hon. M.C. PARNELL: I move:

Amendment No 66 [Parnell–1]—

Page 76, line 24—After 'A relevant authority' insert ', other than an accredited professional,'

This is an amendment to clause 94, which relates to delegations. The clause, as it reads, states that: 'A relevant authority may delegate any functions or powers of the relevant authority under this Act.' If we recall, the definition of 'relevant authority' includes everything from the minister and the planning commission right down to individual assessment managers or these accredited professionals. The amendment that I seek is to preclude the ability for an accredited professional to subdelegate, if you like.

In other words, my view is that if there is some reason why an accredited professional cannot do the job, then there should be another accredited professional or another relevant authority appointed to do it, but my nervousness around the clause as it is worded is that it does say that a delegation can be made 'to a particular body or person' or 'to the person for the time being occupying a particular office or position'.

The government might say that an accredited professional cannot delegate to anyone of lower standing than another accredited professional. We will see if that is the response, but it seems to me that we just need to be careful about giving fairly low level functionaries the power to delegate. Normally, the way I look at these things is that higher level bodies, the minister for example, yes, should be able to delegate, but once you are down near the bottom of the food chain, allowing further delegations is unnecessary.

The Hon. K.J. Maher interjecting:

The Hon. M.C. PARNELL: When I say 'the bottom of the food chain', I guess what I am saying is that in the pecking order of relevant authorities, we have some individuals who are maybe well experienced professional people, but I maintain that I do not think that we should allow further delegations at that end of the chain. I notice that the Local Government Association supports my amendment.

The Hon. K.J. MAHER: The Hon. Mark Parnell's amendment will prevent accredited professionals from delegating their functions or powers under the act. The current Development Act does allow for this delegation, as per the clause that is drafted, without the amendment. However, the Hon. Mark Parnell will be very pleased to know that the government will support this particular amendment at this time, but notes that if it proves to be a problem at some time in the future, we would want to reconsider that and we would hope for his support in reconsidering that if it does prove to be a problem.

The Hon. D.W. RIDGWAY: I indicate that the opposition shares the concerns of the Hon. Mark Parnell and am pleased that the government also shares those concerns. With the argument that the Hon. Mark Parnell talks about with people being at the bottom of the food chain, some names of various government officials come flashing back to me, but I will not put their names on the record.

Nonetheless, I would think that it would be inappropriate for private certifiers to delegate their responsibilities given that, again, if you like, they are professionals. We would want to make sure that they were not delegating the authority to somebody who is not qualified, so we are very happy to support this amendment.

The Hon. J.A. DARLEY: For the record, I will be supporting the amendment.

Amendment carried; clause as amended passed.

Clause 95 passed.

Clause 96.

The Hon. M.C. PARNELL: I will just make a brief observation at this clause and the clause that we have just passed. Clause 95 is probably the most important operative clause in the entire bill. It basically says that you cannot undertake development unless it has been approved. That is at the heart of this legislation. This is it. This is the key clause, but there have been a number of questions including: what does development mean and what needs approval? But the key question is: who makes the decision and on what grounds do they make it?

We have spent a fair bit of time talking about planning rules and planning policies and the connection between the decision-maker's power to make a decision and the rules that they need to apply. I know I am going back to basics here, but it is important.

Clause 96—Matters against which development must be assessed. In a nutshell, it says that you have to look at the relevant provisions of the planning rules, and we have spent some time talking about what these planning rules are (the planning and design code). The key words I want people to note are in clause 96(1), which provides that the development has to be assessed against and granted a consent in respect of each of the following matters:

> (a) the requirement that the development is assessed as being appropriate after taking into account—
>
> (i) the relevant provisions of the Planning Rules…

Those words are really important. The test is that the development is 'appropriate' (that is the first word) and that you have to 'take into account' the relevant provisions of the planning rules. The reason I am pointing those words out is that the obligation under the current legislation is actually quite different. The obligation under the current legislation is actually worded in the negative rather than in the positive. What it says in the current legislation is that a relevant authority must not make a decision that is seriously at variance with the planning rules, or with the development plan in particular.

It might seem like it is something semantic. Currently, it says that you cannot make a decision seriously at variance with the planning rules. This new bill says that you have to judge a development

as being appropriate after taking into account the planning rules. Whilst this might seem very esoteric and semantic, it is actually quite fundamental. The reason I raise this now is that there is a later amendment where I move for the test to be somewhat closer to the current test. In other words, the test should be a test of variance: how different is what is being proposed from what is anticipated in the rules?

Ultimately, what the community expects is that there will not be too much wriggle room. They want to know that the rules mean something. Are they just vague guidelines that a decision-maker at its whim can decide to implement, or are they something that is a bit tighter? Another way of looking at it is: is it black letter law or is it a vague guideline? I think that goes to the heart of this assessment. I make that point now because I will be raising it later on. I do not actually have an amendment to clause 96 because that is not necessary. This issue is raised in other clauses.

I wanted to make that point, that this is a new test: is the development appropriate and all you have to do is take into account the relevant planning rules? It does not say you have to follow them, it does not say you have to mostly follow them and it does not give any guidance as to the level of variation that might be appropriate.

Clause passed.

Clauses 97 to 99 passed.

Clause 100.

The CHAIR: The honourable minister might want to send a runner to the Hon. Mr Rau to let him know we are up to clause 100.

The Hon. M.C. PARNELL: I would have baked a cake if I had known that it would be a matter of some celebration. I move:

Amendment No 67 [Parnell–1]—

Page 80, line 16—Delete 'A' and substitute 'Subject to subsection (3a), a'

Amendments Nos 67 and 68 go together, if the second could be treated as consequential on the first. The key element is the second amendment, amendment No. 68, so I will speak to that. It proposes to insert new paragraphs (3a) and (3b). New paragraph (3a) provides:

Notice of an application for planning consent under this section must be published on the SA planning portal within 2 business days after the application is made in accordance with this Act.

That basically goes to the government's commitment of openness and transparency, that we are going to know about applications and we are going to know about approvals because they are all going to be published on the portal.

The clause that we are dealing with is clause 100—Deemed-to-satisfy assessment. This is a sort of low level of development, it is things that are going to get approved. There is not really any doubt about that. They are deemed to satisfy the planning rules, but it seems to me that in the interest of openness and transparency the fact that an application has been lodged should be put up on the portal, as all other development application lodgements are going to be put up on the portal; so I think that that is consistent.

The second point is that new paragraph (3b) basically says that representations are not called for—they are not advertised, a call does not go out asking if anyone has got anything to say about the development application. That will not happen. It will not be publicly advertised, calling for comments. I think the notice might still go on the LAN. I need to check whether the star picket and the sign are still going to happen.

Basically what my paragraph (3b) says is that if the representation is made to the relevant authority, then the relevant authority, if it thinks that the representation says something worthwhile, may take it into account. It does not say that they have to, it just says that they may. The reason I have put that in is that, again, it is putting the government to the test of how serious they are about this openness and transparency.

Under the current Development Act there are lots of provisions which direct the relevant authorities not to take stuff into account; it is all worded in the negative. The relevant authority does

not have to take this stuff into account. And we know how things work in bureaucracies: that means it will not be taken into account. I think we are far better off wording these things in the positive to say, 'Well, if someone does happen to find out about it, and if someone does happen to make some comments, and if those comments happen to make sense, then why on earth should we not let the decision-maker take it into account?'

It does not increase opportunities for public participation, it does not require advertisement when none existed before other than putting stuff on the portal, which the government told us it was going to do anyway. It means 'if someone finds out about it', and the example I often give is that there might be an issue that no one else knows that other than the one expert on endangered frogs or something who happens to know that that particular location is near the endangered frog habitat. No-one else knows that.

If this person finds out about it and says that a development has been proposed for that site, and says, 'Look, I know you haven't advertised this for comment, but I just thought you should know there is an dated frog there,' then why on earth would you have a provision which says the decision-maker must ignore that? I am putting it in the positive. The decision-maker, if it thinks something worthwhile has been contributed to their decision-making process, they may take it into account if they think fit.

The Hon. K.J. MAHER: In relation to the clause, 'Deemed-to-satisfy assessment' classified by a planning and design code must be granted planning consent, the basic one way to comply. It is equivalent to complying for development under the existing act. In relation to the amendment that has been put forward for this clause by the Hon. Mark Parnell, the government will be opposing the amendment.

This is applying to development proposals that are reasonable and an expected development in a particular location such as dwellings and residential zones. The rules for such a zone would have to be determined in consultation with the community well in advance of making an application. It is not the point of the planning system to reargue policy on application by application basis as proposed in this amendment.

The proposals by the Hon. Mark Parnell would build community expectations so that other people can influence property owners' development applications even if they are well within the rules. Proposed new subclause (3b) would newly introduce the ability for people to make and authorities to consider representations on a proposed development that is classified as 'deemed-to-satisfy,' currently complying development.

For this sort of development, notification is not presently required and nor are representations permitted. The act intends the purpose of representations received, where a notification can be used to assist an authority to determine an application. Such representations do not provide any assistance to the authority, as the development is already conclusively deemed to satisfy the requirements of the code and must be approved, as would be a complying development under the current Development Act.

The amendment would expand the ability to take into account representations about development which should be expected for a location well beyond the status quo under the Development Act. This could lead to a proliferation of representations regarding developments that are even more minor than those cited, for instance, by the Hon. Dennis Hood. I am advised the Hon. Mr Hood's applications have been subject to the views of neighbours and have taken ages and ages to obtain approval previously.

This is not a proposal for a factory or a tannery in the Hills Face Zone, it should surely constitute an anticipated development for a residential zone. Were members of the chamber to pass this amendment, many more home owners could face these sort of inordinate delays for a shed or a swimming pool.

The Hon. T.J. Stephens: Or an ensuite.

The Hon. K.J. MAHER: Or an ensuite, indeed. The government is of the view that such interference in the enjoyment of their properties is not warranted. This would be contrary to the recommendations of the expert panel and the need to ensure its expected and envisaged

development has a streamlined and official assessment-making process for the benefit of any home owner undertaking minor development to their own property.

The problem has been identified for some time, initially in 2008 by the planning and development review. The government cannot support the frustration of the planning system for additional red tape and, in our view, no benefit.

The Hon. D.W. RIDGWAY: I indicate the opposition will not be supporting the Hon. Mark Parnell's amendments Nos 67 and 68. Amendment No. 67 reads:

Delete 'A' and substitute 'Subject to subsection (3a), a'

I will make some comments. We will not be supporting either of them. The issue the minister raises in relation to (3b), where somebody can make a representation in relation to a development—it is outlined by the minister—you can see quite simple complying developments (developments to be expected in a residential zone) being frustrated.

I think the Hon. Mark Parnell makes a comment about the frog expert, and that is similar to one of the amendments he moved, I think, last sitting week where we talked about his, if you like, honourable intention, where there was something that was unique, such as the only expert on a particular endangered frog. What his provision opens up then is the opportunity for a whole range of people outside the affected area to be able to influence a development.

As the minister points out, it would cause, in our view, delays and more red tape. One of the reasons that we have, in broad terms, supported the government's planning reforms is to try to speed this up to remove red tape and get economic activity. So, at this point, we are unable to support the Hon. Mark Parnell's amendments.

The Hon. M.C. PARNELL: I see where the numbers are; I will not be dividing on these amendments. I make the point that the purpose of the exercise was not necessarily that people would come out of left field and bog it down with red tape and, in fact, overturn the approval. It is going to be approved; it is a complying form of development. The point might be, if we take that example I used, that conditions are attached to the development and the conditions might be: do not let them fill the creek in and do not let them build their shed on the creek. Let them build their house but not affect the frog, for example.

The point I am making is that it might be a hypothetical situation. I am just making the point that I think any planning system that denies the ability of relevant information to at least be taken into account, is missing out on making the best possible decision, but I can see where the numbers are. I will not be dividing; I just wanted to make the point.

Amendment negatived; clause passed.

Clause 101.

The Hon. M.C. PARNELL: I move:

Amendment No 69 [Parnell–1]—

Page 80, after line 39—Insert:

and

(c) to the extent that paragraph (b) applies—the development must not be granted planning consent if it is at variance with the Planning and Design Code (disregarding minor variations).

This is the issue I alluded to before, in terms of: what is the test that the decision-maker has to apply when deciding whether or not to approve a development, and, if they are going to approve it, what conditions to attach? As I pointed out, the bar has been set very low under clause 96. The test is that the development is assessed as being appropriate after taking into account the relevant provisions of the planning rules. This amendment proposes a slightly different test, and the test is one of variance: the development must not be granted planning consent if it is at variance with the planning and design code, disregarding minor variations.

In other words, it is still giving an amount of wriggle room, but it is designed to overcome the example that I have used many times before—a relevant authority saying that seven floors are the

same as five floors. At present, they get away with saying that seven is not seriously at variance to five; I think it is. I am just trying at least to get some semblance of appropriateness that relates to the provisions of the planning rules, so I am proposing to incorporate this variance test in addition to the government's appropriateness test.

It might sound like semantics, but I can tell you that the job of the environment court day in and day out, in all the cases they deal with, is to interpret the words 'not seriously at variance'. That is what they are used to doing—working out variance. Putting variance back into it actually taps into the jurisprudence that has been created over the last 20 years.

The Hon. K.J. MAHER: The government opposes the proposed amendment that would unduly limit the application of the performance-based assessment pathway set out in the bill which is intended to wholly replace the current merit-based assessment process. Planning law is applied, as the honourable member has pointed out, on a concept of 'seriously at variance' as a threshold test that limits the circumstances in which development plan consent can be granted.

In practice, this concept has not worked well, nor is it needed if we have a system that allows assessment decision-makers to undertake performance-based assessments of development taking into account its outcomes. By grafting onto this the notion of minor variances onto the performance-assessed pathways, we run the risk of reintroducing the system of hesitancy and uncertainty that can occur in the current system, entrenching reliance on numbers rather than on good planning outcomes.

Performance-based assessment is modelled on the assessment process applying to the national building rules that has worked successfully and without controversy for many decades both here and interstate. It will enable the application of flexibility and discretion to merit applications depending on design, location and the like.

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition and indicate first up that we will be supporting the Hon. Mark Parnell's amendment. I say that, and I guess it is the Cremorne development, the plan allowing for five storeys and then seven being approved, and the issue of 'seriously at variance' (I cannot recall the exact language), where you have a significant variance from what the development plan allows, causes quite a lot of unrest in the community and concern.

I know the very hardworking and diligent member for Unley, Mr David Pisoni, has been to a number of community meetings where the community was initially quite concerned about any development, as often they are in some of our leafy suburbs. We are comfortable with the concept of five storeys and then quite concerned that it went to seven storeys, which is nearly 40 per cent higher than the five storeys it was before. That is a significant change.

The opposition thinks we need to try to come up with a better way of dealing with it. We understand the minister is saying that there needs to be flexibility where a development application may have some degree of variation from the development plan, but this certainly caused quite a lot of angst in that community, so I indicate that we will be supporting the Hon. Mark Parnell's amendment today. I am sure that the advisers and officials from the Hon. John Rau's office and department will go through this bill as we near the end of it and look at opportunities for where we can come back and perhaps negotiate.

We are very happy to support the Hon. Mark Parnell at the moment, but if we can come up with a set of words or a structure that allows that flexibility—and I notice the Hon. Mark Parnell shaking his head; I think he is in the same sort of space as us—

The Hon. M.C. Parnell: Nodding; shaking is that way.

The Hon. D.W. RIDGWAY: Nodding his head, not shaking his head. Nodding in agreeance—not at variance, but in agreeance. If we can come up with some structure, some words, or some mechanism that allows for flexibility, I think we would all be happy to look at that, but this evening we will be supporting the Hon. Mark Parnell.

The Hon. J.A. DARLEY: I will not be supporting the Hon. Mark Parnell's amendment.

The Hon. D.G.E. HOOD: I indicate that Family First also will not be supporting the amendment, and perhaps I will give just a brief explanation of why that is the case. To be frank, I

think we have overregulated. If a particular development plan says that five levels are appropriate, then I say, 'Why not 10? Indeed, why not 15?' What is the difference? If you look at O'Connell Street at the moment, sir, and we have had restriction after restriction and because of that we have had nothing happen, that is what happens.

If we think about a time before these very intricate planning regulations were enacted in our state, and if we cast our mind back to the most beautiful houses in South Australia, and in Adelaide in particular, most people would nominate those houses built in the late 19th or early 20th century, that is, the sandstone villas, the cottages, the large bungalows which were built in the early to mid-20th century. All those were built before planning regulations—all of them. People are not silly. They build things that look the best, that work the best, that are the best, and I think sometimes parliaments and governments overreach and try and restrict people from building what are the best.

The truth is that we have overreached in this place over the last decades, and anything we do to pare that back, to let people have their own creativity, to let people build what works best on that particular site is a good thing. We will not support the amendment.

The Hon. K.L. VINCENT: Dignity for Disability will support the amendment.

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 70 [Parnell–1]—

Page 81, after line 15—Insert:

(3a) A notice for the purposes of subsection (3) relating to an application that is required to be accompanied by a statutory declaration under section 113(1)(ab) must set out the information contained in the statutory declaration.

(3b) In addition, notice of an application for planning consent must be published on the SA planning portal within 2 business days after the application is made in accordance with this Act.

This amendment is one of a large number, the others of which will be consequential, so I will address them now and, as we get to the consequential ones, I will indicate which ones they are. This is an issue that I have raised in this place in previous years, and it goes to the known difficulty or problem of corruption in the planning system, whereby political donations are granted for the purpose of achieving development consent.

I know that I am saying that in very bold terms, but we all remember what happened in New South Wales—the 'table of knowledge' outside the kebab shop and the money in brown paper envelopes that was changing hands. It was a level of corruption that the government said could never, ever happen here. I am not here today to identify any particular brown paper bags full of money.

However, we know that since the beginning of time, when somebody has something that you want—like development approval, sale of land, subdivision rights, whatever—the temptation for people to act corruptly is there. The government for many years rejected the possibility that corruption might ever occur in the state, so they resisted having an independent commissioner against corruption. We now have one, and so for the first time now at least we have somewhere where we can take these complaints.

My issue here is not to do with preventing political donations. There is a broader agenda at work and, discussing different legislation, I would love to move to a model of public funding and not have political donations, but the next step down is to have greater transparency. This amendment and a large number of other consequential ones say that if you are undertaking a big development and you are giving largish sums of money, over $1,000—and by 'large development' I mean over $4 million worth of development—to political parties, you should declare that. It is a transparency measure, that when you lodge your development application you have to say, 'For a $10 million development and, by the way, I have given $20,000 to the Liberal Party or the Labor Party or whatever,' so it is a transparency measure.

It is not saying that you cannot give the money: it is just saying that you have to declare it. People say, 'Well, that's a bit over the top'. I think we were talking about having a cake for the 100th clause; possibly I need a cake for the 100th time I have mentioned this story. The Hon. Rob Lucas has mentioned it almost as many times, and that was when the CEO of the Makris Corporation, on Matt and Dave eight years ago, when asked, 'Why do you give money to political parties?' responded, 'That's the way business works here. We want our projects to happen.'

It is the clearest statement that has ever been made that I have heard at least in the history of our state that large developers and large businesses do not donate money to political parties out of their love of democracy, they don't do it out of the goodness of their hearts, but they very often do it because they want to get their developments approved. Like I say, I am not outlawing donations—I cannot do that in this bill—I am just saying, 'Let's declare them; let's cast a bit of sunlight.' When the government rises very shortly to oppose this series of amendments it might say, 'Well, we've just rehashed all our electoral laws and we now have a better disclosure regime'. I bet that is in the notes.

When I first introduced this measure there was no state disclosure regime for political donations at all—nothing, zip. All we had to rely on was the commonwealth disclosure regime which, as people know, can have a lag built into it of up to about 18 months, I think. I think it is donations on a financial year, and I think they are declared in about October and published by the Electoral Commission in about the first week in February, so there is quite a delay.

I have said that, for these larger developments, performance assessed developments, for example, and also restricted developments and impact assessed developments, they ought to accompany a statutory declaration which acknowledges what political donations that developer or would-be developer has made to political parties over the last two years.

The Hon. K.J. MAHER: I will not use the exact words Mark Parnell said that I might say, but I can indicate that we will oppose this amendment. I accept that Mark Parnell brings these amendments forward in good faith, and very often in various guises in different bits of legislation or amendments, but it is the case that there have been significant steps forward in transparency with the passing of the electoral laws in parliament last year, which we say are a more effective tool than what is being proposed here. We also had the passing of the ICAC bill.

I know that the Hon. Mark Parnell loves to talk about some comments that have been made, and I know they have been talked about here before, so I will not again go into what I think is still is the largest donation in Australian political history and some of the commentary and comments around that at the time.

The Hon. D.W. RIDGWAY: I do not have any real notes written about this, but I have a similar message for the Hon. Mark Parnell as has the government. We will not support the amendments he has proposed. There are about a dozen consequential amendments. I have the very same reasons, namely, that we had quite a review of all our funding, electoral and disclosure laws last year. That bill has passed parliament. We will operate under that now in the regime of the next state election. We think it is a good step forward, and we do not see any need at this stage to have any other further level of disclosure at this point. We think that legislation has covered it for the moment and we will not support the Hon. Mark Parnell's amendments.

Amendment negatived.

The Hon. M.C. PARNELL: I move:

Amendment No 71 [Parnell–1]—

Page 81, line 24—Delete 'is not required to' and substitute 'may'

Amendment No 72 [Parnell–1]—

Page 81, line 25—After 'this section' insert:

(if the relevant authority thinks fit)

This is a similar issue to the one I raised before, which was that, if someone finds out about a development and they happen to make a comment, ought the decision maker be able to take it into account? I have this in a few different spots, but the significance of the development we are cranking up. We have the simplest form of development. The government said that this amendment would get

in the way of the approval and the certainty, but as we get to more contentious forms of development that are not so straightforward, the question still remains: what if people do make a submission; what if they do say something, and if a decision maker thinks they have said something important, ought they be able to take it into account?

I did not succeed in relation to the 'deemed-to-satisfy' stream, but now we are up to the 'performance assessed development'. In other words, there is a level of assessment that is required. You have to assess it against the rules. I think you should also assess it against any other relevant information that comes your way, whether you have asked for that information or not.

Whilst I certainly did not divide, and I accepted what the minister said about 'deemed-to-satisfy' assessment, as we get higher up the food chain—it is a different food chain to the one that the accredited professionals are in—we get to the very top and we are talking about the most major projects in the entire state. We have to keep addressing this issue. If the government is serious about its planning portal, its charter of citizen engagement and all of these new information streams and ability to be involved, then I think performance assessed development is an appropriate spot to include this. My amendment simply replaces the words 'is not required to be taken into account' with 'may be taken into account if the relevant authority thinks fit'.

The words are not that different, but it is worded in the positive rather than the negative. I guess you could say that under these current words they are not required to take it into account but they could if they wanted to. I am just saying that when you word things like this in the negative, the chances are they will not take it into account.

If you say pretty much exactly the same thing in the positive, then they will at least realise that, if the information is relevant to them making a decision—and it is not just a decision whether to approve or not: it might be a decision about what sort of conditions are to be attached—it might not have been appropriate in 'deemed to satisfy', but I think it certainly is appropriate in performance assessed development.

The Hon. K.J. MAHER: The government opposes these amendments. The government does not agree with the idea that representations not made in accordance with regulations may be considered and taken into account in the decision-making process. Under certain circumstances, a landowner wanting to undertake performance-based development on their property is required to notify adjoining landowners, who may make representations to the relevant authority. It is intended that this would apply to developments that would not be reasonably expected by neighbouring property owners in that location, having regard to the provisions of the code.

The amendments moved appear to seek a means to reopen additional notification and appeal rights on elements of development that are deemed to satisfy, that is, complying, rather than performance based on merit. This will go beyond existing development right acts to notification, representation and appeal. It is quite possible that the effect of this amendment would also create further grounds for appeal by landowners where an assessment body incorrectly placed weight on representations received to which they should not properly have had regard.

It is an invitation to assessment bodies to consider extraneous matters completely counter to the approach the expert panel recommended, which is that the assessment process should be professionalised. This would be another case of re-arguing settled policy on an application by application basis and vulnerable also to our local politics. This is all the more so having regard to our other outcomes in this place on the composition of the assessment panels.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting the Hon. Mark Parnell's amendments. I do actually thank the Hon. Mark Parnell. He provided the opposition with a copy of his amendments and a brief description of what he thought the impact of his amendments was. It is interesting to note that, according to the notes written on this page, the Hon. Mark Parnell thought that amendments 71 and 72 were consequential to amendment 67.

For the reasons outlined by the minister, we think this gives an opportunity for extraneous involvement from people outside the development area. Again, the points I made before were that we are trying to support the government to overhaul this planning system to remove red tape and get development activity and economic activity in this state. For that reason, we will not be supporting

either of these two amendments, 71 or 72, if in fact they are not consequential, and I think the honourable member's notes indicate that they are consequential to his amendment No. 67.

The Hon. M.C. PARNELL: I think that yes, I did go to some lengths to try to give a plain English explanation of them all. I think what I probably meant by that is that it is the same issue, it is just that it is applying it to a different stream of development assessment. I did not want to agitate anything, but the reasons are the same; it is just that it applies to a different one. Technically I should have said that it is not strictly consequential because it is applying a test to a different process, but I am not going to divide on this issue.

Amendments negatived.

The Hon. M.C. PARNELL: I move:

Amendment No 73 [Parnell–1]—

Page 81, lines 26 and 27—Delete subclause (6)

This is a new issue; there is no possibility of this being consequential. It goes to the integrity of the public and neighbour notification system. I am proposing to delete subclause (6), which provides:

> The Planning and Design Code may exclude specified classes of development from the operation of subsections (3) and (4).

When you look at subsections (3) and (4), they are the sections that require the relevant authority to notify the neighbours. The question then is: do you notify the neighbours or do you not notify the neighbours? What subclause (6) does is say that the government can simply put a list in the Planning and design code of all the things that neighbours do not have to be notified of in a development stream where the default position is that the neighbours should be notified.

Subclause (3) talks about notifying the owner or occupier of a piece of adjacent land, and members of the public by notice placed on the relevant land—and I have just answered my question from the previous clause: the deemed-to-satisfy assessments do not have the star picket on the land, they do not have that notification, I have found that now. Certainly for performance assessed, there will be a star picket on the land with a sign on it saying, 'Development application lodged.' The neighbours will be given notification.

I know that the Hon. Dennis Hood, through his own personal experience, is not always happy with neighbour notification. My feeling is that under this new regime a lot fewer things are going to be notified to neighbours, because that is what the government said it is doing. However, if you have a stream of development where neighbour notification is appropriate, my point is that you should not be able to exclude the statutory provisions simply by making a change to a subordinate instrument.

What I am saying is that if it is a performance assessed development you still have to put the sign on the land, you still have to notify the neighbours, and I do not want the government wriggling out of it by putting something in the planning and design code. It could exclude every class of development from requiring public notification or neighbour notification, and I do not think that is in the spirit of the legislation.

The Hon. K.J. MAHER: I indicate that the amendment is opposed by the government. There should be an ability for the planning and design code to exclude specified classes of development from notification requirements. This is a key element of the code and ensures that notification is targeted to those forms of development where it is genuinely required. Development that is listed as being excluded from the notification requirements will be limited to development that is common, expected and appropriate within a particular zone. This is not a significant departure from schedule 9 of the Development Regulations, which currently excludes a range of applications from public notification.

The policy rationale for this is that the need for public notification is generally tied to zoning; thus, houses in a residential zone, factories in an industrial zone, and shops in a shopping centre zone are category 1, requiring no public notification. While councils have exercised the ability to override schedule 9 category 1 listings by including some relatively minor, low impact and zone-appropriate forms of development in the development plan category 2 listings, this should be addressed by the development of the planning and design code with consistent and rational

notification requirements, and rein in some of the unnecessary public notification of minor, zone-appropriate development.

The Hon. D.W. RIDGWAY: I indicate that the opposition's understanding of this is that it is similar to when you talk about performance assessed developments, and this could particularly relate to the issue we have discussed, which is Unley Road opposite The Cremorne, and the notes that the shadow minister provided me with. This could mean that the neighbours are not required to be notified when there is a serious variance from five floors to seven floors.

I indicate that the opposition will be supporting the Hon. Mark Parnell's amendment at this stage but we will look for some clarification. If our interpretation of what his amendment does is accurate—the Hon. Mark Parnell is nodding and not shaking his head so we are correct in this—similar to his amendment No. 69, we do want development activity and we do want the economy to grow, but that 40 per cent increase from five storeys to seven storeys is a significant increase and we would look at some other mechanism or some language that may give landowners a bit more comfort.

If you are an adjoining landowner and you believe that it is going to be five storeys and you are not advised that is going to be seven storeys—I think the Hon. Dennis Hood made some comments, if it is five, one at 10, one at 15—you would be concerned. If they were happy with five storeys next door and suddenly it was 10 and they were not told about it, I think there would be some cause for alarm.

As I indicated earlier, we are happy to support the Hon. Mark Parnell now. We would also be prepared if there was some other set of words or an amendment that gave us and the community a little more comfort but did not stifle development to look at that as well, but we will be supporting the honourable member this evening.

The Hon. K.J. MAHER: It would be a disappointing outcome if the opposition supported the Hon. Mark Parnell in this amendment. This winds back the current situation and is more onerous than the current regime. It would stifle growth and it would increase red tape. Schedule 9 regulations under the current regime are less consultative than the code. We appreciate the comments that have been made already by the opposition and the support that has been given to make sure we get on with development in South Australia where it is appropriate and that we do not introduce further red tape, but we think that this is a measure that seriously does that and it has harmful effects on moving the new regime forward in that it winds it back even further than where we are now.

The Hon. M.C. PARNELL: I have some quick points to vindicate the good decision that the Liberal Party has already made. The first thing I would say is that the Local Government Association supports this provision. The second thing is that the example the Hon. David Ridgway used was exactly the right one because this performance assessed development with immediate neighbour notification is similar to what we currently call category 2 development. Unley Road was a category 2 development.

If we do not strike out this clause it could mean that the government could put in the planning and design code that 'blocks of flats on major roads are hereby exempted from neighbour notification'. They could do that. By striking out this subclause, we are stopping them from doing it. If a development really is as straightforward and simple as the minister makes out, it is going to be a 'deemed to satisfy' development and there is not going to be any notification at all; it is just going to get ticked and it is going to go ahead.

However, as you are working up the level of complexity you are getting into a more serious development, such as what is currently called category 2, and neighbour consultation should be obligatory, it should not be optional. Giving the government the ability to basically take any form of development it likes away from neighbour consultation is just wrong. I think the Liberals have made a good decision, but as the Hon. David Ridgway says, we will be recommitting these clauses and we will have another look at it later.

The Hon. D.G.E. HOOD: I would like to express Family First's views on what we see as the issues with so-called neighbour notification equivalent to the current category 2 notification. I will use my own example to explain to the committee what I have seen as problems with the particular system in place. I have recounted the story to the chamber before so I will be very brief.

Members will be aware that my wife and I made an application to put an ensuite on the side of our premises early last year. Because the ensuite was to be built off the side of our house and therefore on the boundary of the property—our main dwelling is roughly 1½ metres from the boundary of the property so the ensuite is roughly 1½ metres wide but to be built on the boundary—it triggered what is called, as the Hon. Mr Parnell said, a category 2 notification. That means that all neighbours of our property had to be written to by the council explaining exactly what we were intending to do.

That makes sense when you think about it in a simple context but, when you actually look at what it means in practicality, it seems a bit absurd, and that is because of this. We are on a 750 square metre block. Next to us we have neighbours on a similar size block, and on the other side they have about 1,000 square metres. The neighbours behind us are on about 1,900 square metres. They are all quite large blocks.

On the exact corner at the rear, there is a townhouse development which we cannot even see from our property and they cannot see us. On that particular development behind the house immediately on the side of us, well behind the street level, there are six to eight townhouses. Every single one of those individuals in that townhouse had to be written to with a copy of the plan that we were planning on putting on the side of our property for our ensuite, and every single one of them had to be written to explaining the ensuite that we were planning to put on our property.

Indeed, on the other rear corner there are also townhouses at least 100 metres away from our property that also had to be written to. I do not know how many townhouses are there, maybe eight or possibly 10, something like that. We cannot see them from our property—although, to be fair, we can see one of them from our property and it is a fair way away.

All of these 16 to 18 townhouses had to be written to by the council explaining what we were intending to do on a side of our property 1.5 metres wide by 4.5 metres deep that none of them could see. What does it have to do with them? Why would they have any say in that? None of them could see it either from the street because it is covered by trees or from their property because they cannot see it from their property. Why is it relevant to them?

Every single one of those people had to be notified by formal letter from the council explaining it to them, and then there had to be a consultation period—and I am not sure how long that was; I think it was six weeks but I may stand corrected on that—for them to foster their opinion on whether or not we, in this case, but whoever it would happen to be, could build this particular small ensuite on the side of the property. That delayed the process by about three months because by the time we had heard back from council, it was at least three months, probably longer.

This neighbour notification or category 2 development is a delay. I doorknocked every single one of those townhouses myself. I think it was 16, but it might have been 18 in total, something like that. I did not speak to every member of each household because some of them were not home at the time but I spoke to most of them. I cannot remember how many. I explained what we were planning to do, I showed them the drawn plans and everything. Every single one of them said, 'That is terrific. Great. Go ahead,' and they all said, 'We can't see it anyway. What has that got to do with us?' It was something to that effect; I am paraphrasing, of course. That is the point: it has nothing to do with them, so why should they have a say in it? We do not support the amendment.

The Hon. D.W. RIDGWAY: I think that the Hon. Dennis Hood has highlighted the dilemma that this provision causes for us where you have the circumstances that he has described. I suspect it was quite expensive; ensuites are always expensive with all the infrastructure that goes into them, but it would have been a relatively small and modest addition to his home.

When you look at the example that we have talked about with the example of Unley Road and, as the Hon. Mark Parnell talked about, a block of flats being from five storeys to seven storeys, maybe one way through this for the government is to look at how that can be separated. I think we all have a lot of sympathy for the circumstances the Hon. Dennis Hood has found himself in and I do not think anybody really supports that sort of operation of the act that slows down development and causes delay. Once you have made a decision to pursue something and you have all the planning, architectural and design work done, you want to get on with it.

Obviously we are going to support the Hon. Mark Parnell's amendment but I wonder whether there is some opportunity in a drafting way. I am no expert. I am looking to the three experts who are sitting there who offer advice to the minister. Is there some way of doing it to perhaps shift those multi-storey buildings into a different space?

We talk about 'seriously at variance'. The Unley Road Cremorne site is one we have used as an example and it is a 40 per cent increase. A development plan for five storeys gets approval at seven: it could be 10 storeys. If the development plan is 10, under that rationale, it could be 14. Maybe the variance could be as little as 20 per cent, so it sends five storeys to six and the local residents then know that the development plan says five but it could be six, or the development plan says 10 and it could be 12. Maybe that would give some clarity around what the neighbours might reasonably expect and then we might find ourselves able to not support the provision that the Hon. Mark Parnell is trying to put into the bill by deleting subclause (6). I indicate we will still be supporting the Hon. Mark Parnell at this stage.

The Hon. K.J. MAHER: This goes to the heart of a lot of what the new planning regime is about. Once in performance-based assessment, it is important to ensure good planning outcomes. These can be achieved by considering policy reasons why a numeric limit is proposed, for example, building height, which is about overlooking, overshadowing, building mass and car parking.

The planning system should provide for these matters to be managed by building design and setback which prevents overshadowing and overlooking, including the possibility of basement car parking—not just a blind adherence to exact rules or exact numbers but taking into account the design matters and the policy outcomes.

That is at the heart of a lot of what this new regime is about so, as I have said, we oppose the amendment. I understand how the Liberals are going to vote and where the numbers lie for the sake of tonight's vote. However, if this is recommitted, we would seriously hope that the opposition reconsiders their view and comes down on the side of reducing what we say is completely unnecessary red tape.

The Hon. D.W. RIDGWAY: I guess that strikes at one of the dilemmas that the opposition has, that is, we have not seen the code. The minister is asking us to reconsider our position, which, of course, this evening we will not be doing, but that is why we need the codes. We need more information. This is like a framework. It is the people in the suburbs who have been concerned, and I keep coming back to the example of the development on Unley Road. They accepted five storeys but then they got seven.

I guess what I am doing tonight is letting the minister know, and minister Rau, and their great team of experts. Of course, the Hon. Mark Parnell has a couple of staff and I have a couple and Steven Griffiths has a couple, but the minister has a team—an army—of experts supporting him and the Minister for Planning. We are inviting you to have a look at this and to come up with perhaps a better way of dealing with it. We are sympathetic to what you are trying to achieve. We just think it is a relatively cumbersome way of doing it.

The Hon. Dennis Hood has put his example on the record on several occasions. We absolutely agree with the dilemma he has been faced with but we also see that there are some issues. We will continue to support the Hon. Mark Parnell tonight but we do invite the government to give us some sort of options as we progress to recommit the clause later.

Amendment carried; clause as amended passed.

Progress reported; committee to sit again.

At 22:34 the council adjourned until Thursday 25 February 2016 at 11:00.