LEGISLATIVE COUNCIL

Wednesday, 13 April 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 and read prayers.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:18): I bring up the 22nd report of the committee.

Report received.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the following written answers to questions be distributed and printed in *Hansard*.

Question Time

MOBILE BLACK SPOT PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy questions about blackspot phone towers.

Leave granted.

The Hon. D.W. RIDGWAY: I am sure the minister would be aware but, for the chamber's benefit, the federal government has committed some $160 million over two rounds as part of the Mobile Black Spot Program. Applications for round 2 opened on 26 February this year and will close on 14 June. In round 1, every state government contributed funds to the program to ensure their state received additional phone towers under this program, with the exception of South Australia.

As a result, South Australia only received 11 out of the possible 499 phone towers—approximately 2 per cent of the towers on offer. Other states contributed funds in addition to the $100 million the federal government program included. For members' benefit, New South Wales contributed $24 million for 144 upgrades; Victoria, $21 million for 110 upgrades; Queensland, $10 million for 68 upgrades; Tasmania, $350,000 for 31 upgrades—certainly value for money there—and Western Australia, some $32 million for about 11 towers (although we did not have an exact figure).

My question to the minister is: why has the South Australian government not committed funding to this program when every other state in the nation has?

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) (14:20): I thank the honourable member for—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway: I know what you think about the regions—nothing. You've got a minister for the regions.

The PRESIDENT: The Hon. Mr Ridgway, do you want to answer your own question?

Members interjecting:

The Hon. D.W. RIDGWAY: Mr President, can you keep control of the backbench? I have asked this minister a question, not a failed retired minister.

The PRESIDENT: First of all, I think it is a bit rude. Secondly, you are the one I can hear. You are the one who has the voice, so you are the one who gets my attention. Let the honourable minister answer your question.

The Hon. K.J. MAHER: I thank the honourable member for his questions about the Mobile Black Spot Program that was completed in June 2015. I can inform the honourable member that, yes, in recent weeks the guidelines were out for round 2. The South Australian government has been consulting with organisations such as RDAs, local governments and state government agencies, and I have consulted with a number of members, state and federal, about mobile blackspots.

We are in the process of undertaking further analysis to determine a priority list that will be discussed with telecommunications companies that will then bid to the commonwealth, I think, by mid-June this year on further mobile blackspots. As the honourable member pointed out, 11 sites were chosen in South Australia under round 1. These locations will receive new mobile blackspot coverage.

In my role as Minister for Aboriginal Affairs and Reconciliation, I particularly welcome the locations of six locations in the very remote APY lands in the Far North of the state that will improve services. Of course, the commonwealth has ultimate responsibility for telecommunications matters, and commercial mobile network operators are responsible for the operation of mobile networks and their customers. We will continue the consultation process we have started with RDAs and the feedback we have had from regional communities about round 2.

MOBILE BLACK SPOT PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): A supplementary: why did the government not commit any money in the first round? Will the minister guarantee there will be money committed in the second round that finishes on 14 June?

Members interjecting:

The PRESIDENT: Order! Will the honourable member allow the Leader of the Government to answer the question?

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) (14:23): As I said, we will continue to consult with organisations that we have started consulting with.

MOBILE BLACK SPOT PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): Can the minister explain why you did not commit to funding when all other states did, when regional communities are crying out for help in this state?

The PRESIDENT: Minister, have you answered the question already?

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) (14:23): I've just answered the question for him.

Members interjecting:

The PRESIDENT: Order!

FIRE MANAGEMENT PLANS

The Hon. S.G. WADE (14:23): I seek leave to make an explanation before asking a question of the Minister for Sustainability, Environment and Conservation.

Leave granted.

The Hon. S.G. WADE: Yesterday, in response to a question on the proportion of scheduled prescribed burns completed in the Mount Lofty Ranges, the minister said, 'All of this information is available on the interweb thing.' My question is: will the minister undertake to ensure that information on the schedule of prescribed burns that has been completed is published regularly on the department's website?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:24): Sorry, Stephen, I didn't listen to your question. Could you repeat it?

Members interjecting:

The PRESIDENT: The honourable minister will leave it to the President. The problem is there is too much noise. I had trouble hearing it myself. Can you please ask the question again?

The Hon. S.G. WADE: I make the point, Mr President, that if the minister was speaking while I was asking the question how could he expect to hear it?

Members interjecting:

The PRESIDENT: Let's hear the question.

The Hon. S.G. WADE: Yesterday, in response to a question on the proportion of scheduled prescribed burns completed in the Mount Lofty Ranges, the minister said, 'All of this information is available on the interweb thing.' I have been unable to locate the information, so my question is: will the minister undertake to ensure that information on the schedule of prescribed burns that have been completed is published regularly on the department's website?

The Hon. I.K. HUNTER: I thank the honourable member for his second attempt at trying to get his information correct in terms of prescribed burning. I know it is a struggle for the Liberal Party because when they were last in government they had zero commitment, zero, zilch, nothing for prescribed burning—something they try to run away from, but they committed no government resources at all because they had no interest and no understanding about prescribed burning.

The Hon. G.E. Gago: We don’t hear much from them now, do we?

The Hon. I.K. HUNTER: Nothing at all. I don't think at the time they were very keen on putting information up on the internet web thing as well. They were too busy keeping their ears glued to the wireless to find out what was going on and didn't, of course, concentrate on developing good policy which it took an incoming Labor government to do.

As I said yesterday, we have more than quadrupled DEWNR's budget for conducting prescribed burning, more than doubled DEWNR's budget for training firefighters, and more than doubled the number of DEWNR brigade members compared to what the Liberals were doing, which was zero—a big fat zero.

I think I said enough yesterday, but I can go through my comments again because I only got halfway through my briefing yesterday before I was forced to stop and ran out of time. But in terms of openness and transparency in what we are doing, we always strive towards committing ourselves to the Premier's open data policy, and DEWNR has committed itself as an agency to putting its data up into the public realm. That is something we will always do as a point for furthering our connectivity across agencies, but also with the private sector and universities. We think that's just good policy and, as information comes to hand for DEWNR, they will go through the right processes to put it up on our websites as appropriate.

FIRE MANAGEMENT PLANS

The Hon. S.G. WADE (14:27): Does the minister think it is appropriate, as he did yesterday, that completed burns be published on the department's website?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:27): DEWNR put up the appropriate information to the community to give them advanced notice and they put up the

appropriate information to give information about where we have done prescribed burns. I think that is exactly what we should be doing.

FIRE MANAGEMENT PLANS

The Hon. S.G. WADE (14:27): Does the minister think it is appropriate that the department only advises of completed burns in the last few days, rather than against the months of the autumn and spring seasons?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:27): The honourable member clearly hasn't grasped or—I don't know if he has looked at the information that is already on the website. I direct him to http://www.environment—

The Hon. J.S.L. Dawkins: What is that?

The Hon. I.K. HUNTER: It's called a telephone, the Hon. Mr Dawkins. It's called a telephone. The website is www.environment.sa.gov.au/firemanagement/burns-bushfires. He will find all the information up on the website there.

The PRESIDENT: The minister using a phone to give information in regard to a question I think is quite alright, but not to take photos.

SMALL BUSINESS DEVELOPMENT FUND

The Hon. R.I. LUCAS (14:28): My question is directed to the Leader of the Government. Given that the minister told this house yesterday that almost four months after the announcement of the Northern Economic Plan the minister still had not resolved the guidelines for the $10 million Small Business Development Fund, can the minister today guarantee that some grants will at least be delivered to some small businesses before the end of this financial year?

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) (14:29): I thank the honourable member for his question. What I can guarantee is that we will make sure that these grants have the biggest impact they possibly can. As I think other honourable members have asked before about these grants, we would certainly be criticised if we were not taking into account the views of those involved in small business and their representative bodies, which we have done and which we will do, and we will announce the guidelines shortly.

SMALL BUSINESS DEVELOPMENT FUND

The Hon. R.I. LUCAS (14:29): Given that the minister will not guarantee that he will at least finalise delivery of grants to small businesses before the end of the financial year, can he indicate which small business associations and other groups he is currently consulting with which has led to this delay of some four months in finalising the guidelines for the $10 million Small Business Development Fund?

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) (14:30): I am happy to bring that back. I have personally been at forums with industry representatives who represent many small businesses where the small grants have been discussed. I don't have the exact names of all the organisations, but I will bring—

The Hon. R.I. Lucas: I believe that small grants have been discussed—it's the guidelines we're talking about.

The Hon. K.J. MAHER: Yes, the small grants and how they will work and how we can best use them, which will feed into the guidelines. I will bring back a list of a sample of those who have been consulted.

SMALL BUSINESS DEVELOPMENT FUND

The Hon. R.I. LUCAS (14:30): Supplementary question: can the minister indicate whether he or his department or office actually asked groups and individuals for advice on the guidelines to apply for this particular scheme?

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) (14:30): I will come back with exact details of what has been discussed. I know I have outlined what we are doing and asked for feedback on how the grants will work, but I will get better details and bring them back for the honourable member.

ABORIGINAL REGIONAL AUTHORITIES

The Hon. G.E. GAGO (14:30): My question is to the Minister for Aboriginal Affairs and Reconciliation.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: Can the minister advise the council about the nation's first Aboriginal regional authority model?

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) (14:31): I thank the honourable member for her question and her interest in these areas. The state government has been playing a leading role in supporting and developing programs, policies and legislation that seek to enhance the wellbeing and recognition of Aboriginal South Australians. We are in the final stages of consultation on amendments to the APY act and there will be a draft bill soon.

Also, the state government is delivering on its commitment to establish Aboriginal regional authorities. This is a national first; it is unique to South Australia. Aboriginal regional authorities will represent and advocate for their communities. They will have the ability to drive regional priorities and economic growth, all while working in partnership with government. It heralds a new beginning of new relationships with government and with Aboriginal South Australians. Under this policy, government will formally recognise the authority of an Aboriginal regional authority to speak on behalf of Aboriginal people for and from that region.

Regional authorities will introduce a leader to lead a relationship between state government and the regional authority. Under the policy, Aboriginal representation, self-governance and self-determination will be strengthened and Aboriginal people will have a greater say in the development and implementation of government policies, programs and services.

The announcement last week about the expression of interest for becoming regional authorities is the culmination of three years' work, following the commitment of the state government in 2013 to support a network of regional governance structures that will work with all levels of government. Between 2013 and 2015, there was a comprehensive consultation program involving two statewide processes and a targeted concept testing workshop program with four Aboriginal community organisations to develop the state's first Aboriginal regional authority policy.

A process was initiated in late 2013 to select a number of trial sites to test various aspects of the regional authority model with community groups that expressed a strong interest in the model. Four trial groups were selected: the Narungga Aboriginal Corporation, the Ngarrindjeri Regional Authority, the Port Augusta Aboriginal Community Engagement Group and the Kaurna Nation Cultural Heritage Association. I would like to acknowledge and thank those four groups for their participation in the development of this nation-leading policy initiative.

I announced earlier this month an expression of interest process that has now opened to recognise up to two organisations as the first formal Aboriginal regional authorities later this year. Additionally, new Aboriginal regional authorities and those groups aspiring to be Aboriginal regional

authorities will have the opportunity to participate in the Aboriginal Nation (Re)building curriculum funded by the state government and developed by Flinders University. This program will support Aboriginal leaders to build robust governing bodies with strong economic potential.

The first workshop for Aboriginal organisations was held in October 2015, and I was pleased to attend and meet the participants who represented Aboriginal organisations from across this state. I note the Aboriginal Nation (Re)Building Workshops have been very well received and further workshops are planned for this year.

Last week, I wrote to many of the leaders in our state's Aboriginal communities inviting them to apply to become one of the state's first Aboriginal regional authorities. Once those expressions of interest have been received and reviewed, I expect to be able to announce the state's first two regional authorities in the coming months.

In determining the first regional authorities we will be assessing groups on how they have been able to demonstrate that they represent the Aboriginal people in the area, their strong governance arrangements, rules of representation, clear internal dispute resolution processes, gender representation on governing bodies, incorporation and a commitment to business planning.

I know that since its conception in 2013 there has been widespread support from the Aboriginal communities around South Australia and all levels of government for these new regional authorities, and I will keep the council updated as we progress through the course of this year.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (14:35): I seek leave to make a brief explanation before asking questions of the Minister for Correctional Services about the incarceration of people with intellectual disability, acquired brain injury and/or mental illness in the South Australian correctional system.

Leave granted.

The Hon. K.L. VINCENT: It has come to my attention in the past month that two men who, I understand, have an intellectual disability, mental illness or acquired brain injury, have been inappropriately detained in our corrections system. In the first case the man appears to be in prison because neither State Disability Services nor the Corrections department were able to find a suitable housing solution for him. This man, as I understand it, has no family, friends or advocacy service available to advocate on his behalf and to help him understand his rights.

In the second case, a 19-year-old Indigenous man with a long history of physical and sexual abuse stemming from childhood, as well as foetal alcohol spectrum disorder, limited literacy and undiagnosed mental illness has been back in prison for several months after breaching parole. I understand that there are concerns about how he can be assessed as being fit to comply with parole orders given his various conditions. My questions are:

1. Is the minister aware that a commonwealth Senate community affairs committee is currently conducting an inquiry into the indefinite detention of people with cognitive and psychiatric impairment in Australia?

2. If so, has he made a submission to this inquiry and, if he has made a submission, did he cite these two cases?

3. Does the minister find it inappropriate that a prison is being used as housing for a man with intellectual disability?

4. How many people with an identified intellectual disability, acquired brain injury or mental illness are currently known to be incarcerated in the South Australian corrections system?

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 her well-informed and ordered questions. First, in respect of the Senate inquiry, I am aware from a distance of the Senate inquiry. I am not, at this particular point in time, aware of any particular submission that I or my office are preparing. Having said that, I will take that question on notice in respect to whether there is a desire for the department within itself to be able to make a submission. I also undertake to the chamber and to the honourable member to make some further

inquiries as to whether or not there is an appropriateness for us to be able to make a submission to that inquiry.

In respect of the two specific incidents the honourable member raised, again I am happy to take them on notice and ascertain some more information that led to the circumstances that led to those two individuals being dealt with in the way that the member referred. More broadly, on the subject of dealing with patients who are suffering from mental health issues, acquired brain injuries or things of that nature who come to the corrections system, the government is absolutely aware of the challenges that this presents.

It is an incredibly complex area of public policy when someone who enters into our criminal justice system generally, but more specifically into Corrections, is suffering from a mental health issue. It is an area that the government has been seeking to invest additional resources in, particularly when they do come into the correctional system, for them to be dealt with accordingly.

Recently, the honourable member would be aware that only in February this year the government opened a facility at Yatala—that is a very substantial facility investment of millions of dollars from the state government—to be able to better equip those people who work within those fields, including clinical psychologists and psychiatrists, to be able to attend to the needs of those people who are in our corrections system who do have specific mental health needs.

I think that all accept, including the community at large, that this is an area that deserves more attention, and, indeed, may need more investment. But it is complex, and there are a range of variables that contribute to people with mental health issues ending up in the criminal justice system or, more specifically, Corrections.

As I said, I am more than happy to take on notice the questions in regard to the specifics to which the honourable member refers. If the honourable member is so inclined to provide my office with more specific details of the two individuals to whom she refers, I am more than happy to make more specific inquiries in regard to their circumstances within Corrections, and, if it is appropriate for me to do so, I am more than happy to share that information with the chamber or with the honourable member, more specifically, as I am permitted to do so.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (14:41): Supplementary, sir: just for the minister's information, and I could be wrong, but it is my understanding (and I wonder whether it is his) that submissions to the select committee actually closed last Friday. It may well be that his department has an extension to make a submission, so could he chase that up as well?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:41): Like I said, I said from some distance I was aware of the Senate inquiry. I'm not familiar with any specific submission that has been made up until this point. I suspect that if the Department for Correctional Services thought it was appropriate for it to be able to make a submission, then that may have occurred already. I'm not advised of such a submission occurring; I would have expected to be, had it.

For the sake of accuracy, that's something I want to take on notice just to double-check. I suspect that if there was an intention to make a submission, not only would I already have been advised of it but it would have been made on time. Nevertheless, I am more than happy to make those inquiries, and inform the honourable member and the chamber accordingly.

WATER ALLOCATION

The Hon. J.S.L. DAWKINS (14:42): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question regarding water allocations for irrigators.

Leave granted.

The Hon. J.S.L. DAWKINS: An article on the ABC news website, entitled 'Riverland farmers' futures being held "to ransom" over 2016-17 water allocations', published on 17 March this year, stated that South Australian farmers were not being furnished with enough information regarding the government's plans for possible water restrictions after DEWNR warned earlier this year that

allocations could be cut due to flow through the Murray River's South Australian stretch being less than half the long-term average at that stage.

While the minister advised yesterday in a statement to this house that he will provide the details of minimum opening allocations for 2016-17 by 30 April this year, the Renmark Irrigation Trust has called for the implementation of the system used by the Victorian government whereby 'climate scenarios' are provided to irrigators long before water allocations are announced. Such a situation here would help these irrigators' concerns when situations, such as those that happened earlier this year, occur.

This system would also be useful for irrigators, in the light of the circumstances, where last financial year the minister waited until 26 June to announce the water allocations—just five days before those allocations were to take effect. Given those matters, my questions are:

1. Will the minister implement a similar system to that used by the Victorian government whereby 'climate scenarios' are provided well ahead of water allocation announcements to enable irrigators to plan and make informed decisions?

2. Given the minister was fully aware of low Murray-Darling Basin inflows for some time, why has he only recently commissioned a cost-benefit analysis to operate the Adelaide Desalination Plant?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:44): I thank the Hon. John Dawkins for his very intelligent questions, obviously prompted by my ministerial statement of yesterday. It gives me the opportunity to again run through some key points. The outlook for River Murray inflows for 2016-17 is not positive. I have already announced that we are currently tracking on a very dry inflow scenario, and this is what I will be using to inform an opening allocation for water entitlement holders in 2016-17.

Scenarios translate to a maximum inflow to the SA River Murray of 1,310 gigalitres by June 2017. This compares to 1,850 gigalitres in a full entitlement year. Ahead of making more general announcements, I will not be commenting on how this translates specifically into opening allocation percentages for particular categories of entitlement holder because, as the Hon. Ms Jing Lee learnt last year, such announcements or thought bubbles, which often occur in certainly the federal Liberal Party ministers at the moment, do have marked impacting effects, and I will be refraining from those sorts of things, which come around once every federal election—a fast train between, for example, Sydney and Canberra. I take my responsibility a little bit more seriously than the Prime Minister does, I have to say.

The announcements we will been making around the end of April about minimum opening allocations certainly will be earlier than in previous years. We are certainly set on trying to improve our announcement profile throughout the year to actually give irrigators and communities more advanced notice. It is particularly difficult for South Australia at the end of the stream. We need to have a lot of information sent down, but we do, as I said yesterday, already make these climate scenarios quite regularly. There are always officers of DEWNR on the radio making statements about inflows across the border. Honourable members will probably see those in their media summaries from time to time. We give as much information to the community as possible; the Bureau of Meteorology does exactly the same thing.

I also intend, going forward into the next year, to make subsequent regular allocation announcements based on any hopeful improvements to water resources availability. These will be informed by the findings of the review into the Adelaide Desalination Plant, which the honourable member suggested I had cause to be done. They are due, as I understand it, sometime in May.

It is important to understand that the review came about because of engagement with the Riverland communities, and particularly it came about because of the draft water allocation plan for the SAMDB natural resources management plan into the future. There it was put to us that in fact we do have a desalination plant in Adelaide, which was put in place as a hedge or an insurance against impending drought, which we will no doubt face again, as we just did over 10 years ago now with the millennium drought.

We all understand, of course, that desalinated water is much more expensive than catchment or river water; that is, effectively, because you use electricity to make it, and electricity is quite expensive. We need to make very plain to people that calling for the desalination plant to be turned on, which the Liberals do from time to time, obviously will drive up the cost of water. They don't tell people that. They say, 'Switch on the desal plant. Switch it on and use the excess water into the irrigators' bucket of water,' but they don't say who is going to pay. Turn it on and we will see what the costs are, and maybe it's the pensioners in Salisbury who will be paying.

They need to understand that this is what the Liberal Party is actually advocating. They are saying to drive up the cost of water bills to people right across the state, because we have postage stamp pricing, don't forget, Mr President, where the price of water supply to rural and regional areas in South Australia is heavily subsidised by people in the cities and towns because it is much more expensive to deliver water over a long network of pipes to very small communities. But we take the view that that is fair and that we should have statewide pricing to do that.

The Liberals are proposing that we just turn on the desal plant, not worry about the cost, and drive up those SA Water bills. That's their plan for the future; well, it's not ours, Mr President, and you will remember that in the first determination, led by ESCOSA, we drove down water bills on average for all SA Water customers and, dependent on ESCOSA's next determination, which will be coming out in a few months, our plan is to do exactly the same thing.

WATER ALLOCATION

The Hon. J.S.L. DAWKINS (14:49): I have a supplementary question. I thank the minister for his answer, and I am grateful for the fact that, as he said in his own words, the announcement of water restrictions will be much earlier than in previous years. Will the minister have ongoing discussions with organisations like the Renmark Irrigation Trust and the Central Irrigation Trust in the development of the strategy of announcing restrictions in the future?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:50): I frequently engage with the Riverland communities, particularly the irrigators, and certainly the NRM board and the RMAC. I think I was up in Mannum last Friday talking to RMAC about these issues. It's important that everybody understands that there are some things I can consult on and talk about and there are some things I have to be very careful about because they have a market impact.

If we make those determinations or have those discussions, I have to be very careful about the comments that we make. We can't be seen to be giving preferential treatment to one small group of people over another. Our intention is to explore these issues very broadly with the whole community and also through the representative bodies. But in terms of water-impacting announcements, I will keep them very close, make them to the market in the appropriate way, and that's usually through a ministerial statement, a ministerial press release, and putting it up on the DEWNR website so that everyone can access that information at the same time. I think that's the right thing to do.

CLIMATE CHANGE

The Hon. G.A. KANDELAARS (14:51): My question is to the Minister for Climate Change. Can the minister inform the chamber about how South Australia is being recognised internationally for its world-leading efforts on climate change?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:51): I thank the honourable member for his excellent question. It's very impressive that he keeps on top of these issues and obviously knows these things in advance.

At this year's WOMAD, I am advised, which was on 12 March and held over a few days, there was an address by Dr David Suzuki, where he told the crowd that South Australians should be boasting to the world about what we are doing to tackle global warming. Of course, I take every opportunity to boast to the world and interstate about what South Australia is doing in this area, but it is always great when others are doing the boasting for you, and I understand that this is what

happened last week, notwithstanding David Suzuki's fantastic comments about South Australia and our approach to tackling global warming.

A London-based NGO called CDP (formerly known as the Climate Disclosure Project) released its CDP Cities 2015 Report. That report ranks Adelaide in the top 10 of 308 international cities in the world for its comprehensive and transparent climate change reporting. There are many benefits to clear and transparent reporting, as we know, because, as I told the Hon. Mr Wade earlier, that's exactly what we do in terms of prescribed burning.

Not only does it enhance our ability to increase efficiency and reduce unnecessary costs but it also helps us track and identify how we are tackling and dealing with the threats arising from climate change. Importantly, it creates awareness within the public of what we are doing, it raises confidence and highlights available business opportunities particularly that we want to track to this state. All this is highly important in our effort to make Adelaide the world's first carbon neutral city.

As the CDP report states, cities provide huge opportunities as hubs of innovation and growth, urbanisation and economic productivity. Reports such as the CDP Cities 2015 Report help us attract investment and make our capital city a showcase for renewables and clean technology and highlight what we are doing in this state and in this city right around the world. They provide credibility and add to our international reputation as the place to come and build the businesses for the low-carbon economy of the future.

The City of Adelaide has already decreased its carbon emissions by 20 per cent from 2007-2013 and, together with the Adelaide City Council, we are actively pursuing initiatives to further reduce emissions in the city and to attract low-carbon technology businesses to the state. In November last year we jointly released the shared vision for Carbon Neutral Adelaide. The vision outlines a framework for becoming a carbon neutral city, including the emissions profile of the city, the carbon emission reductions already achieved and the areas that we need to focus on to achieve carbon neutrality. We have already begun taking steps towards this very ambitious goal. Both the state government and the Adelaide City Council are investing in energy efficiency measures with our respective operations and looking at updating our fleets to low-carbon vehicles.

The Sustainable City Incentives Scheme has to date provided, as I understand it, $130,000 in grants to businesses and residents to invest in solar panels, battery storage and LED replacement light projects. My advice is that this program has already leveraged more than $1.3 million in private investment, or extra investment. We have also just released a call for tenders to provide solar panels for 400 Housing Trust homes. This will not only provide substantial savings on electricity bills but also help us reduce emissions and bring us closer to achieving our goal of a carbon neutral Adelaide.

Then there is the Adelaide to Zero Carbon Challenge that will encourage the world's best and brightest entrepreneurs to help Adelaide become the world's first carbon neutral city. The Premier recently announced South Australia's Low Carbon Entrepreneur Prize as the first initiative in the challenge. A total of A$250,000 in seed funding will be offered to the best minds locally, nationally and internationally to develop ideas covering energy, transport, waste and liveability.

Each of these initiatives will generate business opportunities and help us achieve zero net emissions. The government will build on these when our action plan to achieve this ambitious goal is released later in the year. This plan will concentrate on realising the economic opportunities of transitioning to a low-carbon economy and unlocking investment in South Australia.

Achieving significant emission reductions will require innovative solutions and will provide opportunities for the development of new low-carbon technologies. They prove that the state government is committed to keep leading this charge in effective policies and transparent reporting around tackling global warming. This is something that we should all be boasting about in a bipartisan way and something that we can be very proud of. Our state is leading the world.

The PRESIDENT: Supplementary, the Hon. Mr Parnell.

CLIMATE CHANGE

The Hon. M.C. PARNELL (14:56): Thank you, Mr President. Does the minister recall what other advice David Suzuki gave to South Australia in relation to our state becoming the world's

nuclear waste dump and our state potentially being part of allowing BP to drill for oil in the Great Australian Bight? To be quite specific, does the minister recall that David Suzuki's advice on both questions was, 'Don't do it'?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:56): I thank the honourable member for his very important question, and I draw his attention and that of the chamber to the Greens having stolen the South Australian Labor Party's policy in their press release:

> RENEW AUSTRALIA—A vision for South Australia
>
> Powering the new economy and creating jobs for the future

It's fantastic that the Greens have actually caught up with what the Labor government is doing in this area and supporting our position. The release says:

> Transitioning to clean energy is the key to unlocking South Australia's economic potential and combating global warming.
>
> The Greens would help South Australia power the economy—

That's great that they want to help South Australia. I don't see how they can presently do that from their low numbers at the moment, but it is great to have an ambition like 2036. They might be in government before the Liberals under Steven Marshall might be. They could get there before 2036. The release continues:

> The Greens would help South Australia power the economy on 100% clean energy and create jobs for the 21st century.

It's fantastic that at the very bottom of the release they give credit to our state in glorious glowing terms. They say, 'Our state is already leading the way in Australia thanks to Premier Jay Weatherill's initiatives.' Actually, they don't say that; I corrected it. I put that in because that is what should be in the release:

> Our state is already leading the way in Australia [thanks to the initiatives of Premier Jay Weatherill] and with further investment we can become world leaders…

It sounds familiar because it's what we are already doing.

CLIMATE CHANGE

The Hon. T.A. FRANKS (14:58): Supplementary: does the minister agree with Dr David Suzuki's words at WOMADelaide on both drilling in the Great Australian Bight and, indeed, nuclear waste?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:58): They can't help themselves, these Greens. They are in bed with the Liberals at a federal level, trading off their principles, as they always do, because they are now just another political party like all the others except for the Labor Party, who stand on our principles every time.

Here they are doing deals with the Abbott-Turnbull government. What is their record on climate? Under the Abbott-Turnbull government—the government that the Greens are in bed with now at a federal level—we have moved from fourth to 10th in the Renewable Energy Country Attractiveness Index. Under the Greens-Abbott-Turnbull government, we have moved from fourth to 37th in the Global Green Economy Index. We have moved from third to 13th on the Yale Environmental Performance Index, labelled by the Liberals as the 'most credible index', with a specific rank of 150th in relation to climate change—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: That is what the Greens are bringing us to, jumping in bed with the federal Liberal Party, driving down our climate credentials. We won't stand for that; we will continue to lead in this state.

CLIMATE CHANGE

The Hon. T.A. FRANKS (14:59): A supplementary: did the minister actually listen to David Suzuki's speech at WOMADelaide or does he simply selectively quote Dr David Suzuki?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:59): I had a lovely cup of tea with Dr Suzuki and his wife, and I took the opportunity of telling him what the Greens in this country are doing with the Liberal government. They have also on climate change supported the federal Liberal government attacks on renewable energy which have seen 2,500 jobs lost in this sector and investments down by 88 per cent.

Emissions from the electricity sector have jumped by almost 10 million tonnes under this Liberal government; that is what the Greens are supporting now. In 2014-15, emissions rose for the first time since 2006-07—that was the last time there was a Liberal government. When Malcolm Turnbull was environment minister, emissions rose for the first time. Australia's largest Energy and Emissions Market Analysis, RepuTex, has confirmed that, under the federal Liberals' direct action policy, carbon pollution levels from Australia's biggest polluters will increase by 20 per cent by 2030. That is what the Greens are delivering us now, with their unprecedented unholy alliance with the Liberals at a federal level.

The list goes on. The Abbott-Turnbull Liberal government has dismantled the climate commission; attempted to scrap the independent Climate Change Authority; succeeded in having the climate authority's respected and well-regarded chair, Bernie Fraser, step down; undermined the renewable energy target, threatening South Australian investments and jobs; desperately tried to abolish ARENA and the Clean Energy Finance Corporation; and cut or, is in the process of cutting, hundreds and hundreds of climate scientists' jobs at the CSIRO. How on earth do they sleep at night? I do not understand it. Clearly, for them principles do not matter. They just want to get into parliament.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The Hon. D.G.E. HOOD (15:01): I seek leave to make a brief explanation before asking the minister, representing the Attorney-General, questions relating to the review of the South Australian Civil and Administrative Tribunal, otherwise known as SACAT.

Leave granted.

The Hon. D.G.E. HOOD: Family First has been contacted by a substantial number of concerned constituents, predominantly landlords and property managers, who are dissatisfied with the current operation of SACAT. A number of constituents have experienced significant delays in being granted a hearing at SACAT which, as a result, has caused them financial difficulty or their clients financial difficulty.

This is especially the case for landlords and property managers who can remain out of pocket and unable to recover unpaid rent and costs associated with repairing damage until the matter is heard. There are growing concerns that SACAT has undertaken a workload that it cannot manage effectively or there are some other problems in the system which means that decisions are not made often in the way that one might expect they would be made and sometimes there seems to be a frequency of decisions which run against the landlords more commonly than not. My questions are:

1. Is the Attorney-General aware of these criticisms of SACAT?

2. Is the Attorney-General open to moving forward to an earlier date the review of SACAT, scheduled under legislation, in order to address these issues?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): Thank you to the honourable member for his questions. Obviously I will refer the question to the responsible member in the other place, apart from adding the fact that I know that the SACAT has been an innovative reform on behalf of this government and the Attorney-General, and all are committed to making sure that it works efficiently and effectively and serves the purpose for which it was designed. I am more than happy to pass on that question to the responsible minister in the other place for a response as soon as possible.

POLICE OMBUDSMAN

The Hon. A.L. McLACHLAN (15:03): I seek leave to make a brief explanation before asking the Minister for Police a question.

Leave granted.

The Hon. A.L. McLACHLAN: On 12 April 2016, the report on the annual compliance audit of the Criminal Law (Forensic Procedures) Act 2007 was tabled in the parliament. In the report, the acting police ombudsman outlined that on 22 January 2016 Mr Lines wrote to seven of the senior police officers who had authorised forensic procedures other than simple identity procedures. Each of the officers was asked to provide a copy of the notes they made relative to making the order as well as other details. The acting ombudsman received responses from four out of seven senior police officers. My questions are:

1. Can the minister assure the chamber that the police are taking seriously the request for this information from the Police Ombudsman?

2. Can the minister advise the chamber whether the responses that remain outstanding from the three remaining senior police officers will be forthcoming?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:04): I thank the honourable member for his important questions. Firstly, of course, SAPOL are utterly committed to taking very seriously any recommendations and requests or otherwise that come from the Police Ombudsman. The Police Ombudsman in this state serves an incredibly important function to ensure that SAPOL are upholding the standards that they would expect—and I know the community would certainly expect—more broadly. The Police Ombudsman is doing an outstanding job in fulfilling that responsibility and duty and, indeed, that is evidenced by the question that the honourable member asked.

In regard to the three responses that are outstanding, I am more than happy to make the appropriate inquiries, but I have little doubt that the police commissioner, and SAPOL more broadly, wholeheartedly supports the function of the Police Ombudsman and endeavours to answer all questions appropriately. I will have to make some inquiries around those three specific instances. There may be some good reasons for why those three responses have not occurred, but, nevertheless, I will ask the appropriate questions and, if I am in a position to do so, provide the appropriate information accordingly.

ROAD SAFETY EDUCATION

The Hon. J.M. GAZZOLA (15:05): My question is to the Minister for Road Safety. Can the minister update the council about what the government is doing to support road safety education for our state's young drivers?

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. I know that road safety is something he cares about deeply, as do most people within this chamber.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: Last Wednesday, I had the privilege of attending the RAA's annual event, the Street Smart High program, which was held at the Adelaide Entertainment Centre. For members who are not aware—and I certainly was not aware until very recently—this is an educational road safety program started by the RAA in 2009. It has grown year upon year and now is the largest of its kind within the state. More than 7,000 students attended this year's program across two days. They were mainly year 10 and 11 students, but also some year 12s, as I understand it. Students from 70 schools across the state, including regional schools in Mount Gambier, Port Lincoln and Broken Hill, received sponsorship to attend this important road safety event.

The young people who were in attendance make up the exact demographic that we need to be targeting with road safety messaging. Many of those people who were in attendance last week would have been just starting out on their learners or provisional permits and therefore it is vital that we reach these students with our road safety messages to slow down, put away their mobile phone and ensure they have a zero blood alcohol content before getting behind the wheel.

Street Smart High is a very powerful way of demonstrating how seriously yours and many other lives can be affected by a crash and why it is so important to make safe responsible decisions on the road. The program demonstrates the shocking reality of road trauma through a live simulated crash scene casted with real-life emergency services personnel and guest speakers who have been personally affected by road trauma.

Let me say that, although what students witness is a simulated event, I can assure members the experience itself engages the audience on a deep and truly emotional level which is not easily forgotten. I am certain that anyone who has been in attendance at one of these events will attest to this fact. Indeed, in the many years this program has been running, we regularly hear from attendees of the lasting impact and lifelong lessons that were gained.

The Motor Accident Commission has been a formal funding partner since 2012 and this year the principal partner, providing funding of $100,000 towards the important program. I would like to take the opportunity to extend my appreciation to the outstanding and professional support of SAPOL, the SA Ambulance Service and the MFS who all provided invaluable support to the program through the provision of staff, vehicles and time to make this program the great success that it is.

We know from road crashes that there is an over-representation of young people in the road toll. To provide some perspective on this, the statistics tell us that young road users are 11 times more likely to be involved in a crash in the first 12 months of their P-plates. Sadly, in 2015, there were 16 fatalities and 155 serious injuries recorded in the 16 to 24-year-old age group, each one of them lives that were taken far too soon or turned upside down through injury or temporary and permanent disability.

The Street Smart High program continues to attract more schools and students every year and this government is proud to offer its continuing support. We remain steadfast in our commitment to reducing the state's road toll and, with the help of effective programs like Street Smart High, we can reach our young drivers and educate them while they are still learning. As students left the Entertainment Centre and returned to their regular schools, we hope the message they took away is that everyone is responsible for their own actions on the road and that it will only take one small mistake to result in a catastrophe of a lifetime.

It was an extraordinary event. Any event that has on one day 4,000 high-school students in the room at any one time has a natural electricity about it, but you could feel the students who were present being captivated by the events that were unfolding before them. This program is worthy of commendation for all those involved and I wholeheartedly hope that the program can continue into the future.

APY LANDS

The Hon. T.A. FRANKS (15:11): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs and Reconciliation on the topic of streetlighting in the APY lands communities.

Leave granted.

The Hon. T.A. FRANKS: I note that I gave the minister some prior advance notice of this question earlier today and that he and other members would be well aware that, as of 13 April 2015, approximately 30 per cent of the APY lands community streetlights were not operational. This clearly has significant implications for the safety and wellbeing of those communities, not only for service providers but particularly, of course, for children.

In the Budget and Finance Committee meeting of April 2015, I highlighted this issue and asked questions of the executive director of the department. I am advised now by the Paper Tracker that, a full year later, despite assurances that there would be improvements in the provision of

streetlighting across APY communities and an address of this 30 per cent figure of non-operational lights, there has been no action to this point. My questions are:

1. Can the minister update this council on the status of the streetlights on APY communities?

2. Are 30 per cent of lights (or more) inoperative?

3. What measures have been taken to address this?

4. Where have the lights been sourced from?

5. Is there any further information the minister can provide on this issue?

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) (15:12): I thank the honourable member for her question and for giving me an outline so that I can provide a useful response, as far as I can, in relation to the APY streetlights. I understand that in 2015 an audit identified that 67 streetlights on the APY lands were not working. I was aware of the audit being carried out. Late last year I saw part of this audit being carried out; in fact, in Pipalyatjara, I took part in the marking of the poles on which the streetlights were not working.

Given the implications for public safety, as the honourable member has outlined, I am pleased that the state government has negotiated with APY and the commonwealth government to enter into a joint funding agreement to replace the broken globes with LED light fittings. I am informed that these LED lights have an estimated lifespan five times longer than ordinary globes, are energy efficient and are designed to provide a higher level of protection against damage and dust contamination than the existing standard street lamp.

I am advised that the service agreement has been signed by both parties and that SA Power Networks has confirmed that it is now in receipt of the lights specifically ordered for the APY lands. I am further advised that installation of streetlights is due to commence tomorrow on 14 April this year in Pipalyatjara. SA Power Networks will continue the rollout of the replacement of lights in each community for seven days and then recommence on 27 April 2016 until the non-working lights have been replaced, up to a maximum of 75. As I said, I understand the audit identified 67 that were not working.

APY, as the landowners, will continue to be responsible for the ongoing maintenance and repair of streetlights. I am advised that, as part of the contract, the Regional Anangu Services Aboriginal Corporation (RASAC) has been engaged to provide local on-the-ground support during the installation process in each community. My information is that the state government has funded $120,000 of the estimated $160,000 required for this task, with the commonwealth government contributing $40,000.

The information that has been provided to me is that SA Power Networks purchased the lights from Gerard Lighting Group, which is based in Adelaide, and I am further advised that the lights are Australian-made lights, although it is possible that some of the component parts were sourced from overseas. I am happy to continue to provide the honourable member with updates as they roll out, and I am sure on her next visit with the Aboriginal Lands Parliamentary Standing Committee she will pay very close attention to how many lights in particular communities are working or not.

APY LANDS

The Hon. T.J. STEPHENS (15:15): What is the situation at Watarru? Are lights going to be replaced there? Is the community functioning? What is happening there?

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) (15:15): I don't have specific information about the Watarru community. I know that, as of last year, a lot of the infrastructure services were done in a modular way so that they could be switched off. As the honourable member knows, there are population shifts that happen across the APY lands. Watarru is one of the

communities where the population has varied quite significantly from year to year. In terms of lights that are in the community, or replacement lights, I am happy to find out what is there and bring back an answer.

SIMULATION HUB

The Hon. T.T. NGO (15:16): My question is to the Minister for Manufacturing and Innovation. Can the minister tell the chamber how the state government is assisting local businesses creating high-value products and services for export markets?

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) (15:17): I thank the honourable member for his question—it's a very good question—and his interest in these matters. Recently, the state government entered into a partnership with the global manufacturing giant Siemens and also Simulation Australasia to establish an Australian first: a cutting-edge simulation hub at Tonsley. The hub will be called SimLab.

SimLab will assist local businesses, especially small to medium-size enterprises, to create high-value products and services, and it will also help them make better connections with global supply chains and markets. Through the partnership, a suite of software products used for the design, simulation, manufacturing and support of a broad range of high-value products called Product Lifecycle Management (PLM) will be made available in Australia for the very first time.

Product Lifecycle Management integrates people, data, processes and business systems, and helps companies overcome the increasingly complex challenges of developing new products and finding global markets for them. I understand that very few of our small to medium-size enterprises have been exposed to PLM software yet, or have the skills to use it, or can afford to buy it, so this is really a very exciting opportunity for South Australia's SMEs.

With access to PLM software and training through the new simulation hub, local companies could benefit by:

- improving the quality of the products they design and manufacture;
- getting their products to market faster;
- designing and manufacturing higher value products; and
- their ability to participate in global supply chains by adopting the technologies that are used in some high-performance companies overseas.

Under a memorandum of understanding, Siemens has contributed millions of dollars' worth of advanced system simulation software to be used for training through the hub. Simulation Australasia, which is the peak industry body for simulation and modelling in Australasia, will deliver the training for local companies and universities, and the state government has contributed somewhere in the order of $250,000 to help establish the hub.

To maximise access for local companies, a number of laptops loaded with the PLM software will be located out at Tonsley. I also understand that laptops will be located at the Stretton Centre, in the Playford council region, to ensure businesses in northern Adelaide have access to the software. The use of laptops will also enable the PLM software to be taken to companies and research institutions for in-house training, should it be required.

Siemens have made a strong commitment to South Australia and are a strategic partner with South Australia in relation to the Tonsley project. This is providing the state with direct access to Siemens Global business networks and key trends from the company's perspective. Recently, the global president and CEO of Siemens PLM Software, Mr Chuck Grindstaff, visited Adelaide to deliver a public presentation on the fourth industrial revolution. He did this presentation at Tonsley. Mr Grindstaff flagged a multimillion dollar software in-kind grant should Germany be selected to build Australia's next fleet of submarines.

At the event at Tonsley, he highlighted how the establishment of a digital shipyard in Adelaide could help the state transform into a hub for high-tech manufacturing, innovative ideas, and increased

employment. While he was in Adelaide, the Premier and I also had the opportunity to meet with Mr Grindstaff to discuss further opportunities for South Australia, and Siemens, with other attendees such as the CEO of Siemens and the chairman of TMS, who are the German bidders to build the next generation of Australian submarines.

The Hon. I.K. Hunter: Here in Adelaide.

The Hon. K.J. MAHER: Here in Adelaide. While industry leaders, including Siemens, suggested that the full implementation of what is known, particularly in manufacturing jurisdictions such as Germany, as the 'fourth industrial revolution' is about 15 years away, rapid progress is occurring. It is reported that the German industry will invest around €40 billion per annum by 2020 in Industry 4.0 development. The European industrial sector is expected to invest as much as €140 billion per annum, and European and US consortia have agreed to develop a joint global approach and standards.

PLM software makes up a large component of Siemens' vision for the fourth industrial revolution, and the announcement that the South Australian industry will have direct access to the software is a positive opportunity for our state. I look forward to advising the council of the productive outcomes that flow from the establishment of SimLab and commit the government to continuing to work with South Australian businesses to innovate and create new products and services that will grow our state's economy.

The PRESIDENT: That last question should have actually gone to the Hon. Ms Lee, so I will make up for that tomorrow.

Members interjecting:

The PRESIDENT: That's right—can't tell the difference. Order! They are not the sorts of words we want to have bandied around this house.

Matters of Interest

SELF-MANAGED SUPERANNUATION FUND RETIREMENT COURSE

The Hon. A.L. McLACHLAN (15:23): Members of the Legislative Council may be aware that before I was elected to serve in this place I was director of the University of Adelaide's International Centre for Financial Services (ICFS). I wish to educate and inform the members about a worthy initiative of the ICFS.

The ICFS has recently launched a great new initiative between the centre and the financial services firm, Accurium. Together, they have developed a short course to assist financial services advisers in providing advice to their clients to ensure that they have sufficient funds to last for the term of their retirement. Accurium is an actuarial firm which specialises in self-managed superannuation and assisting Australians with their retirement planning.

On 16 March, I was honoured to be invited to the launch of the new course by the director of the ICFS and the CEO of Accurium at the National Wine Centre. The course is titled 'Self-managed superannuation fund retirement: SMSF essentials'. The course will not only be offered in Adelaide but also taught on the east coast, in Brisbane, Melbourne and Sydney. It is a great example of entrepreneurialism by the ICFS and the university.

The ICFS is continuing to grow into an important research and teaching institution in the financial services community. It has entered into a joint venture with Accurium, a leading provider of actuarial services in the country. The ICFS has a longstanding interest in self-managed superannuation funds and retirement planning. The Australian Taxation Office informs us that self-managed superannuation funds comprise up to '29 per cent of the $2 trillion total superannuation assets…with more than one million SMSF members'.

Self-managed superannuation funds are an important and growing area within the superannuation sector. Self-managed superannuation funds provide an alternative to the traditional superannuation funds. Advocates argue that they are one of the best vehicles for superannuation savings because of their ability to readily adapt and respond to market conditions.

The course is important because of the ever-increasing life expectancy of retirees and the need to make individual savings last longer to ensure an adequate lifestyle. In other words, as the population ages financial advisers are under increasing pressure to develop strategies to convert their clients' superannuation savings into sustainable cash flows for retirement. With the current pension age now reaching 65, and life expectancy being 80 years for men and 84 years for women, the average superannuation balance is facing a serious longevity risk.

The Association of Superannuation Funds of Australia (ASFA) and the State Street Global Advisers (SSGA) publication, entitled 'The future of retirement income', calculated that for a couple to retire in a modest lifestyle they would need an income of $33,766 per annum. Further, for a couple to retire comfortably, they would need an annual income of $42,604. However, ASFA and SSGA also reported that on average 13 million Australians had a superannuation balance of less than $300,000 in total.

This has resulted in one-quarter of Australians who retired at 55 having no superannuation income by the time they reached 70 years of age. The 2015 'Intergenerational report: Australia in 2055' projected that of those of retirement age in 2054-55, 67 per cent will still be relying on the age pension. The Financial System Inquiry Final Report argued that 'superannuation assets are not being efficiently converted into retirement incomes due to a lack of risk pooling and over-reliance on individual account-based pensions'.

The challenge to ensure that individual superannuation will last the distance has inspired the university and Accurium to pass on its expertise in developing strategies to assist financial advisers to provide cogent advice to superannuants. With the ageing of our population in Australia, particularly in South Australia, tailoring financial services towards those post retirement and the elderly is becoming increasingly critical.

A report published by Deloittes Actuaries and Consultants, titled 'Dynamics of the superannuation system: the next 20 years—2013-2033', states that the ageing population will only increase. The report suggests that 'the number of Australians over the age of 65 will increase by 75 per cent over the next 20 years…and at a much faster rate than the working population'. In the immediate future, the financial services sector will increasingly advise clients in the post-retirement phase, rather than in the superannuation accumulation phase.

The course has been devised, developed and launched at exactly the right time to meet the needs of the advising market. Financial issues that arise among the ageing population are superannuation longevity risk and aged-care and health costs. Receiving financial advice post retirement could be one way of finding a solution to retirees depleting their superannuation and becoming reliant on the age pension. I wish the director, Mr David White, and the assistant director, Tania Turner, of the ICFS all the best with this new endeavour and every success going forward. I congratulate the CEO of Accurium, Ms Tracy Williams, for her wisdom in selecting the Adelaide University as their partner.

Members interjecting:

The PRESIDENT: Don't let it worry you.

TAXI INDUSTRY

The Hon. T.T. NGO (15:29): Today, I rise to take another opportunity to advocate on behalf of the 4,000-plus workers who are directly employed in the taxi industry, and the 20,000 workers who are indirectly employed by the taxi industry, who will no doubt have concerns on the recent announcement by both the Liberal Party and the government.

As we know, the Liberals recently announced their policy to legalise ridesharing services in South Australia. In my opinion, its policy only reinforces that the Liberal Party has complete disdain and contempt for the taxi industry and its peak representative body, the Taxi Council of South Australia. It would seem from their policy that the Liberals only consulted with new players from the big end of town, such as Uber, and completely ignored the Taxi Council, plate leaseholders, plate owners as well as the taxidrivers. The Liberals are more than willing to throw the taxi industry under the bus and not provide any form of compensation like the Weatherill government and the New South Wales Liberal state government have offered.

What minister Mullighan has announced goes further than what the New South Wales government has offered its taxi industry. Our reforms will see a $30,000 payment per taxi licence to plate owners, $50 a week compensation for leaseholders for a maximum of 11 months to adjust to the reform and a complete freeze on the release of new taxi plates for five years. The government will ensure that the taxi industry will continue to have exclusive access to the airport, taxi ranks and cash fares. What did the Liberals compensate the taxi industry with in their reform? Nothing, a big fat zero!

The Liberals talk about removing regulation and red tape to help small business, yet their policy only supports Uber. It does nothing to reduce the cost of red tape imposed on the taxi industry. How could it when the Liberals did not even have the decency to talk to anyone from the taxi industry? Minister Mullighan has committed to significantly reduce red tape and fees to drive innovation, promote efficiencies and free up the industry to better focus on customer service.

I believe that if the Liberals get into government at the next election they will remove the standards for ridesharing services that minister Mullighan announced yesterday—standards that aim to protect the community, standards including stringent driver accreditation and roadworthiness. We on this side of the council do not support a policy that will allow Uber and other ridesharing providers to operate here without any form of regulation or restrictions.

I would like to finish by acknowledging minister Mullighan's commitment to lift the conditions and wages for taxidrivers. This is an issue that is important to me, and I am very pleased that the minister has considered my representations favourably. I would also like to thank the minister for his open-minded attitude and his commitment to ongoing consultation with all stakeholders. I continue to stand in solidarity with the Taxi Council of South Australia and those employed in the taxi industry and the operators to make sure their livelihood is viable.

SOUTH AUSTRALIAN INTEGRATED LAND INFORMATION SYSTEM

The Hon. J.A. DARLEY (15:33): I rise to speak about the South Australian Integrated Land Information System, otherwise known as SAILIS. The South Australian Integrated Land Information System, initially called the common property file, was set up in 1968 following a move by the government to computerise and integrate their information with regard to land and property. The system was established to avoid duplication between the engineering and water supply department, the valuations department and land tax department when files needed to be updated with information from the Lands Titles Office. This information concerned changes in ownership and the subdivision of properties.

The initial idea of establishing an integrated system began in 1960, following the establishment of the Ligertwood inquiry into land tax, water, sewerage and council rates. The SA government purchased several mainframe computers to computerise these and other government systems from 1964 through to 1970. It was not until 1974 that a system was finally complete to fully integrated information from the title records from the Registrar-General and enabled an online enquiry system to land information.

When the Public Service Board initiated the investigation into an integrated system in 1965, they consulted with the engineering and water supply department (now SA Water), the land tax department (now RevenueSA), the agriculture department (now Primary Industries and Regions SA), the state planning authority (now a division of planning in DPTI), the Australian Bureau of Statistics, and local government. The master file was structured with individual property records within local government areas and data collection units and contained the following information:

- the owner's name and address;
- an ownership number which was to be used for aggregation of land within one ownership for land tax revenue collection purposes;
- sale price and date of sale;
- location of the property (including house number, street name and suburb or lot, section and hundred);
- certificate of title number or numbers;

- Lands Titles Office plan number;
- lot number and section number;
- capital value of each property;
- site value of each allotment;
- area of land;
- nature of improvements (that is, house, factory, shopping centre, etc.);
- a land use code, which is the actual way the land is used (in other words, residential, industrial, commercial, vacant, rural, public institution, etc.);
- current permitted use of the land (that is, zoning); and
- current building or demolition approvals from councils.

This then became known as the South Australian Integrated Land Information System and is currently updated daily online and generally in real time.

In the mid-1980s, the cadastral records of the mapping branch in the lands department were converted to digital form and called the digital cadastral database, thus allowing mapping of locations within the state, incorporating such data as land use data, etc. Some examples of applications using the land information system are as follows. SAILIS allowed the state planning authority to determine how many vacant residentially zoned allotments there were within any area of the state. They could also produce maps which indicated whether, even though the land was improved, that land may be suitable for redevelopment. This is usually based on the fact that the land value is equal to the improved value of the property.

The land commission, which was established in 1974, used this information to identify land in broadacre form that could be made available for subdivision and the number of vacant residentially zoned allotments in any area, so that if there was a shortfall, action could be taken to provide a solution to the shortfall. The department of agriculture were able to use the system to quickly identify primary production properties in the case of an outbreak of exotic disease in stock.

For example, if a disease was detected that affected sheep, the department could use SAILIS to identify which properties carried sheep in that location and could contact owners to contain the spread of the disease. In addition, they could identify all land that could be used for quarantine purposes. The valuation department could identify all properties that had been sold and were comparable to those to be valued for any particular purpose. The property price indices that are published in *The Advertiser* and *Sunday Mail* initially come from SAILIS.

Although technology has changed significantly since 1970, the SA Integrated Land Information System is still recognised as a world leader in its field and provides huge benefits to South Australia. For example, now that the Planning, Development and Infrastructure Bill has passed, the SAILIS system could be considered as a vehicle for the e-planning system for the state. It also has the potential to quickly identify the 15 years' land supply, as required by current government policy.

STATE GOVERNMENT EMPLOYMENT

The Hon. R.I. LUCAS (15:38): Jobs is clearly the major issue in South Australia. We have the worst unemployment rate in the nation. The government's most recent supposed jobs budget actually downgraded the jobs employment forecast, from the original 1 per cent down to 0.25 per cent. We have had a series of broken promises, which I will not list during this short contribution, from the government on jobs.

Sadly, from the South Australian public's viewpoint, rather than tackling the major issues, the Labor government only seems to be concerned about jobs for the boys and the girls, or jobs for their Labor mates. Earlier, I put on the public record the sad and tragic history of the Department of the Premier and Cabinet, which is now chaired by a mate of Premier Weatherill, Kym Winter-Dewhirst,

a former Labor Party staffer. We now have, at the top echelons of that particular department, a series of former Labor Party staffers and fellow travellers.

They include Mr Paul Flanagan, who is the director of government communications; Mr Rik Morris, the executive director of implementation and delivery; Ms Adele Young, who is appointed as the director of reform; and in recent months we have seen the appointment of another former Labor Party staffer, the chief of staff to Treasurer Koutsantonis, Mr Tom Carrick-Smith, who is now the director of implementation. So, you have at the top of the Department of the Premier and Cabinet a former Labor Party staffer as CEO, and we now have at the very least four former Labor Party staffers or fellow travellers who hold senior director or executive director positions in the Department of the Premier and Cabinet.

We have also seen in recent times what has happened to minister Leon Bignell's former staffer, Kerry Treuel. It has been placed on the public record in October of last year that she wrote a Facebook post in which she indicated, as she shared a glass of wine with another staffer and minister Bignell, that it was, 'The end of an era. It has been a great eight years, but all good things must come to an end.' An FOI will ultimately determine this, but after the obligatory 16-week or four months' termination payment, I am now advised that the Labor government has found a position for Ms Treuel in the Motor Accident Commission.

So, if it was the 'end of an era', it was not a very long end of an era. After the obligatory serving out of retrenchment pay, soon after she appears to have been appointed to a position in the Motor Accident Commission. I think in the interests of the public the government should indicate whether or not the position was advertised, what the job and person specifications for that particular position are, the salary and remuneration for the position, and the nature of the contract that Ms Treuel has been given.

Finally, we have seen in recent days what I would refer to as the return of 'the Godfather'. We have seen many references to this where evidently the union bosses and factional chiefs, in particular of the Labor right and the SDA, represented in this chamber by people like minister Malinauskas and the Hon. Tung Ngo and others, that Don Farrell supposedly is to be returned to the federal Senate in some sort of factional deal.

We have also seen in recent times his reappointment to a position on the Festival Centre Trust by the state Labor government. We are also aware that a Ms Nimfa Farrell, Mr Farrell's spouse, has been appointed as a staffer in Treasurer Koutsantonis's office. Again, I think in the interests of transparency and accountability, Mr Koutsantonis should indicate what the particular position in his office is, as well as the salary and remuneration arrangements for that particular position.

There are many more examples, Mr President, as I am sure with your background you would be well aware within the Labor Party, where jobs are being given to the boys and the girls and the Labor mates within the labour movement. Whilst the state is going backwards, whilst our unemployment rate continues to soar, sadly rather than tackling the issues—and we see with the Northern Economic Plan today minister Maher has not even resolved the guidelines for the $10 million Small Business Development Plan—all these ministers and all the government members seem to be concerned about is trying to find a cushy job for their Labor mates either in the Public Service or in ministerial offices.

HEWITT, MR LLEYTON

The Hon. D.G.E. HOOD (15:44): I do not think I ever have given rise to the issue in this chamber of the achievements of a particular sportsperson, but this person has brought such pride to South Australia as a whole that I believe his achievements in the sport of tennis are worthy of recognition by this place. Of course, I speak about Lleyton Hewitt. I rise today to congratulate Lleyton Hewitt AM on his outstanding career in tennis and his service to the community and to our country and for the great source of pride he has been to many South Australians.

For the few who are not aware, Lleyton Hewitt was born in South Australia and introduced to tennis in his early years by his parents, Glynn and Cherilyn Hewitt. Hewitt's professional tennis career also began at a young age, qualifying for the 1997 Australian Open as just a 15 year old, and becoming the youngest person ever to qualify for the tournament. A year later, as a low-ranked

newcomer, Hewitt upset the great Andre Agassi right here in Adelaide to claim his first Association of Tennis Professionals (ATP) singles title, becoming the third youngest player to do so.

Hewitt would go on to break many other records, of course. In 2000, he became the youngest player ever to win a grand slam title. A year later, at the age of 20, Hewitt became the youngest ever world number one in the history of tennis, an achievement which has not been surpassed to this day. In the same year, Hewitt defeated a legend of the game, Peter Sampras—some say the greatest ever tennis player—on Sampras's home turf to claim the US Open.

Following on from his maiden grand slam singles title, Hewitt went on to win the prestigious Wimbledon tournament in 2002 and a significant number of other titles, of course, throughout his outstanding career. Hewitt not only inspired the nation but he was also a source of inspiration for his peers and was universally admired. The great champion Roger Federer attributes part of his success to Hewitt, stating, 'Lleyton was such a great player at such a young age, he made me become the tennis player I am today.'

Adding to his long list of accolades, Hewitt was most recently awarded an Order of Australia for his services to tennis and the community. Hewitt is without doubt a very worthy recipient of this prestigious award as he always represents the nation with pride, twice representing Australia in the Olympics. Hewitt is also the longest serving and most successful Davis Cup player in Australian history, winning 58 of the 78 singles and doubles matches he played for Australia in Davis Cup. In a recent interview, Hewitt said:

> Wherever I've played around the world, every time I step on the court, I've done so as a proud Australian. Representing Australia in Davis Cup and the Olympics has been the highlight of my career.

Hewitt is not only a champion of the court but he is also an outstanding member of the community. He is an active supporter of children's charities and supports Cure Our Kids, an Australian charity that helps children with cancer. He and his wife, Bec, have hosted charity auctions to raise much needed funds for this organisation and others.

Hewitt is also an ambassador for Charity Day with Apia International Sydney, partnering with fellow notable players and Australian celebrities to raise money for The Children's Hospital at Westmead. Evidently, Hewitt will be remembered not only for his achievements on the tennis court but he is also leaving a lasting legacy in the community. Speaking about his legacy, his achievements are arguably amongst the greatest South Australian sporting achievements ever. He is truly one of the great sporting champions ever to come out of this state.

All in all, Hewitt has won 30 singles titles, and that began right here in South Australia at Memorial Drive. Fittingly, he played his last professional tennis match at the Australian Open as a singles player earlier this year. Lleyton Hewitt will certainly be remembered as one of our state's greatest ever sportsmen, if not the greatest ever sportsman. I congratulate him and Family First congratulate him, as I am sure everyone does in this chamber, on a truly outstanding career.

SIA FURLER INSTITUTE FOR CONTEMPORARY MUSIC AND MEDIA

The Hon. J.M. GAZZOLA (15:48): The Elder Conservatorium of the University of Adelaide has been a pioneer in establishing music programs for over 130 years. Despite its classical origins, it has marked the way for new and diverse music well ahead of its time, pre-empting change and evolving with genres and styles as they emerge onto the music scene. The Elder Conservatorium provides, and I quote Professor Jennie Shaw, Executive Dean of the Faculty of Arts, 'music and media students access to some of the best teachers and industry experts available in Australia'.

On 31 March, I attended the launch of the Sia Furler Institute for Contemporary Music and Media. Joined by the Premier, parliamentary colleagues and associates from the music industry, we were delightfully entertained by several performers from the school—namely, Sam Diwell, Caitlin Feagan, Jessica Seyfang, Harrison Visintin, Hannah Yates, and lecturer Grayson Rotumah—showcasing their skills and achievements as musicians in their diverse chosen fields.

The Sia Furler Institute's scholarship program was also announced as a mark of this event. In the words of Professor Jennie Shaw, the scholarship will aid future students, some of whom relocate from all over Australia and the world from remote and rural areas to join the current 1,100 students enrolled in the music and media programs at the University of Adelaide.

Sia Furler was born in Adelaide to parents, Phil and Loene, and began her career in the nineties gigging around Adelaide with acid jazz group, Crisp. After releasing two albums with the group, she put out her debut solo album. Fast-forward to 2016, and how things have changed. Arguably one of the greatest musical talents of the modern era, it was not until she moved to the UK in the late nineties that Sia began to gain recognition for her songwriting and performing abilities.

In London, she landed a spot as backup singer for British funk jazz act Jamiroquai and featured as a recurring guest vocalist on three albums for electronica outfit Zero 7. Sia has since gone on to release a number of successful solo albums and collaborated with some of the biggest names in the international music industry. Her musical contributions have been nominated for countless awards across the globe. In 2002, Sia received the Breakthrough Songwriter award at the APRA Music Awards.

Since then, Sia has been nominated for and/or won People's Choice Awards, BRIT Awards, World Music Awards, MTV Video Music Awards, Golden Globe Awards, NRJ awards, ARIA music awards and APRA Music Awards. In 2013, the National Academy of Recording Arts and Sciences nominated the song *Wild Ones* (Flo Rida featuring Sia) for a Grammy Award for Best Rap/Sung Collaboration and in 2015 she received four Grammy Award nominations of her own.

What these accolades demonstrate is that Sia convincingly shines in parallel careers. She is a great singer and her body of work is testament to the uniqueness of her sound and song content. A great deal of her success has been in writing hit songs for others. Sia's songwriting talents have benefited the likes of Christina Aguilera, Madonna, Beyonce, Britney Spears, Rhianna and Adele.

In March 2015, Sia won an APRA award for Best Songwriter for the third year in a row, the first artist to do so, which Brett Cottle described as 'unprecedented, and very likely, a never-to-be-repeated achievement by one of our most talented songwriters'. Clearly a prodigious talent, it is indeed an honour that Sia is lending her name to this initiative. In thanking Loene Furler and Sia, Professor Graham Koehne, Director of the Elder Conservatorium and celebrated composer, welcomed the establishment of the institution which, in his words, is:

> …an institute that brings together the University's Music and Media schools to foster teaching and researching contemporary music and media…[the] aim is to prepare students for careers in contemporary music performance and composition, film, digital and other new media, sound engineering and music technologies.

Professor Koehne went on to introduce the institute's first artist-in-residence, Mr Jon Lemon, legendary live sound engineer, who works regularly with Sia and some of the most celebrated names in music including Pink Floyd, Christina Aguilera, Spandau Ballet, Smashing Pumpkins, Janet Jackson, Seal, Jennifer Lopez, INXS and even more.

The Sia Furler Institute for Contemporary Music and Media is a testament to the university, students and affiliated bodies such as the Adelaide Symphony Orchestra, the Australian String Quartet, the State Opera and the Australian Ballet and of course to Sia Furler herself. I also wish to acknowledge and thank the Music Development Office's role in assisting the various parties to come together. Finally, I extend my thanks to Leah Grantham for her assistance on the day.

REGIONAL SOUTH AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:53): I rise today to speak about the importance of South Australia's regions and the utter neglect and disdain with which they are treated by the current Labor government. It is hard for South Australia's regions to gain assistance from this government when the Minister for Regional Development is the member for Frome in the other place. I hold great fears for our regions while he is the regional advocate around the cabinet table.

We only have to look at his utterly embarrassing and incompetent conduct in the past week as he sat silent and mute while the biggest issue to face our regions in years unfolded. Obviously, I am talking about Arrium. With thousands of regional jobs at stake, the member for Frome has not done anything to support regional businesses and families that are being affected. I put to you, Mr President, that even a government puppet can read a press release and a prepared ministerial statement before question time. However, apparently even this was too hard for the minister.

Hearing the member for West Torrens shield minister Brock yesterday in question time was cringe-worthy and embarrassing. I would very much like to know what the people of Port Pirie think about their representative's performance of late. Last year, in *The Advertiser*'s government ministers' report card, minister Brock scored a humiliating three out of 10, the lowest of any government minister. Quite frankly, how he even managed to get three is beyond me. After his repeated displays of incompetence since, none more alarming than his action—or lack thereof—regarding Arrium this week, I look forward to reading the next report card. Aside from the abject failings of minister Brock, this Labor government continues to neglect regions at almost every chance it gets.

It is widely acknowledged that South Australia is the driest state in the driest continent on earth. We know that we have had some significant issues with drought in the South-East. As much as many of the members opposite like to play the blame game with the federal government, when it comes to drought concessional loans the state government has well and truly dropped the ball. The federal government has put up some $150 million in the Drought Concessional Loans Scheme in 2015-16; $10 million was set aside for South Australia exclusively. The Australian government stated that this funding may be increased subject to demand.

This money is supplied by the federal government and is to be administered by the state government. You would think that if someone gave your constituents access to this kind of financial assistance, you would do everything in your power to ensure that as much of that financial assistance was distributed as possible—not our government. When it comes to our regions, every issue is put on the backburner. Thanks to the state government's administration of this scheme, only one drought concessional loan has been approved in South Australia to date. In fact, in an ABC article late last Friday, 8 April, it was reported that the state government had spent only $500,000 on drought relief—a pitiful amount.

An issue I raised in question time today was the mobile phone blackspot program. It is another regional issue that has been ignored by this Labor government. Again, the federal government contributed some $100 million to this program. Every other state in the country has contributed to the funding to ensure that their state received additional regional phone towers—every other state except South Australia. How can this state government justify or defend this?

It beggars belief that we have had ministers and former ministers during question time saying that this was an old issue, that it was last year's issue. We did not get any answers last year, and today minister Kyam Maher failed to answer the question as to why they had not spent money in the previous year. One can only hope that they will spend some money this year to support our regions, especially in relation to important mobile phone coverage.

They will probably hide behind the excuse that we have a state debt of some $13 billion and an interest bill now of some $700 million. When your books are that much in the red, I guess that is what happens. You cannot provide funding for basic regional infrastructure and assistance because, as we all know, the Labor government does not really care about the regions because their election future very much hinges on what they can do in the city. While the member for Frome remains our state's regional advocate around the cabinet table, I do not believe our regions stand any chance at all.

It is interesting when we look at the way to sum up this government's performance and sum up the way the community views this government's performance. A constituent provided me with a copy of some correspondence with the member for Finniss on the particular issue of branding and branding SA. He said:

> Mr Bignell has simply withdrawn more services from the agricultural industry and will continue to collect revenue to bolster electoral benefits in the metropolitan region.

I think the following quote from this particular constituent sums up the feeling of regional South Australians about this government:

> In future I will be branding my bulls 'ALP SA' on the grounds that they;
>
> - Spend a lot of time bellowing;
> - Only work for 3 months of the year;
> - Expect the best feed in the paddock;

- Accumulate a high class manure in quantity; and
- Screw everything in sight.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE: SEXUAL REASSIGNMENT REPEAL BILL

The Hon. G.A. KANDELAARS (15:58): I move:

That the report of the committee, into the Sexual Reassignment Repeat Bill 2014, be noted.

The Sexual Reassignment Act commenced operation on 15 November 1988 and has since remained substantially unamended. The Hon. Mr Sumner, then attorney-general, noted in this place during the second reading of the Sexual Reassignment Bill 1987 that it was the government's intention to regulate the undertaking of sexual reassignment procedures and to provide a mechanism allowing for the legal recognition of the reassignment of a person's sex.

Prior to the enactment of the Sexual Reassignment Act, although sexual reassignment procedures were performed in South Australia, there was no process enabling the amendment of birth certificates to recognise the reassignment of sex. The Sexual Reassignment Act was the first legislation of its type in Australia regulating the approval of medical practitioners who may carry out reassignment procedures, the approval of hospitals in which reassignment procedures may be carried out, and the process and required criteria for a person to change the sex recorded on his or her birth certificate.

On 15 October 2014, the Sexual Reassignment Repeal Bill 2014 was introduced into the Legislative Council. The bill would repeal the Sexual Reassignment Act. The Hon. Ms Tammy Franks noted in this place, during the second reading of the 2014 bill, that the Sexual Reassignment Act had not been reviewed since its commencement and, in her view, did not serve either 'the transgender community, the broader community, or the medical health professionals of this state'. Although well intentioned, the Sexual Reassignment Act had, in her words, 'never worked'.

On 3 December 2014, the bill was withdrawn by the Legislative Council and referred to the Legislative Review Committee for inquiry and report. The committee wrote to a number of organisations, and individuals, inviting submissions to the inquiry. Eighteen submissions to the inquiry were received, and seven public hearings were held.

The majority of the submissions raised concerns with respect to the need for ministerial approval of medical practitioners who may carry out sexual reassignment procedures under part 2 of the Sexual Reassignment Act. A number of submissions also raised concerns regarding the need for ministerial approval of hospitals which may allow the use of their facilities for the purpose of carrying out reassignment procedures, also required under part 2 of the Sexual Reassignment Act.

No public hospitals are approved to allow the performance of reassignment procedures upon adults. It was suggested that private hospitals are reluctant to seek approval. This was considered to reduce access to medical treatment for the gender-diverse community. The need for the Magistrates Court to approve applications for the recognition of change of sex and the issue of recognition certificates under part 3 of the Sexual Reassignment Act was criticised by many of the submissions, and the committee accepted that magistrates should not be required.

It was suggested that submitting applications direct to the Births, Deaths and Marriages registration office would be a suitable option for implementation in South Australia, and the committee agreed with this approach. The submissions and evidence also criticised the need for the prior carrying out of reassignment procedures before a person satisfied the criteria allowing for the amendment of the register of births to occur. The committee accepted these criticisms.

The committee also considered the need for consistency between the process to amend the register for births and the requirements used to amend other government records, including information set out on passports at a federal level or other documents at a state level, which were often used as identity documents. Without consistency, it was noted that people can be left in the possession of a passport or other official government documents which record a person's sex as being different to the sex recorded on a person's birth certificate. Consistency was considered by the committee to be the best option.

The introduction of a 'non-specific' sex, or what is often referred to as 'non-binary' sex, was also given consideration. The evidence suggesting a need for such a third category of sex was accepted by the committee. The committee contemplated a process allowing for self-determination of legally recognised sex, without the need for medical diagnosis or treatment. For reasons of providing some level of protection and possible support to members of the community seeking to utilise any new regime, a requirement to produce medical evidence in support of an application was favoured. The committee considered the need to balance this requirement with the need for security and the potential concerns which may arise should a person suffering from a compromised state of mental health seek to proceed with a change of legally recognised sex.

Significant health issues affecting the gender diverse community were raised in the evidence and submissions. The committee was concerned by the matters raised. The establishment of a multidisciplinary clinic was suggested, and the committee accepted that this option should be considered. The attention of the committee was drawn to the Yogyakarta principles, a set of principles on the application of international human rights regarding sexual orientation and gender identity. Although not legally binding principles, the committee resolved that it would, where practical, take account of these principles for the purpose of making its recommendations.

The committee considered the potential for a married person to invalidate a marriage by way of changing his or her legally recognised sex. The committee took the view that marriage should not be an impediment to obtaining a change of the person's legally recognised sex, taking into account individual rights and the potential mental health issues; however, noting that South Australian law must also be reconciled with commonwealth law. For those who are interested, further information on this aspect is at appendix 10 of the report.

The carrying out of reassignment procedures on children or adults lacking capacity to consent to medical treatment was also considered by the committee. Although recognising the vulnerability of these members of the community, the committee was of the view that adequate protections are currently in place, particularly where irreversible medical treatment is proposed.

The committee acknowledges the issues faced by prisoners who are unable to access private medical care, and was of the view that prisoners would benefit from the provision of a specialised publicly-funded medical service to the broader gender diverse community. The potential for unlawful activities was also brought to the attention of the committee. The committee considered the need for providing notification to other agencies upon the completion of processing of an application relevant to any new regime, for example, notifying an agency of a change of a person's legally recognised sex.

The Births, Deaths and Marriages Registration Office is not currently required to notify agencies of a change of a person's legally recognised sex. The committee did not support the introduction of a notification in respect of a person changing sex. Privacy was a paramount concern. The status of laws and recent law reform in other jurisdictions was also considered. In 2014 the Australian Capital Territory introduced the most recent Australian reforms, removing the need for reassignment procedures to have been carried out before a person's change of sex will be recognised by the Australian Capital Territory register of births, along with the need for applicants to be unmarried.

The committee also noted that significant reforms have occurred in overseas jurisdictions in recent years. The committee expresses its hope that the findings of the recommendations set out in the report will contribute to the commencement of a process that addresses many of the concerns put to the committee during the course of its inquiry. The committee would also like to thank the previous committee secretary, Ms Jennifer Fitzgerald, the current committee secretary, Mr Matt Balfour, and the committee's research officer, Ben Cranwell, for the helpful support provided to the committee throughout our inquiry.

In conclusion, I would also like to thank other members of the committee: the Hon. John Darley; the Hon. Andrew McLachlan; the member for Heysen, Isobel Redmond; the member for Little Para, Lee Odenwalder; and the member for Elder, Annabel Digance, for their contribution to this inquiry. I commend the report to the council.

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

SOCIAL DEVELOPMENT COMMITTEE: DOMESTIC AND FAMILY VIOLENCE

The Hon. G.E. GAGO (16:10): I move:

That the report of the committee, on domestic and family violence, be noted.

The Social Development Committee has conducted an inquiry into domestic violence which looked at how effective current programs are at preventing domestic and family violence, how to improve communications and collaboration amongst key agencies, how workplaces can better support victims, programs in other jurisdictions and opportunities for alternative funding.

I am sure that everyone in this chamber knows that domestic and family violence describes a range of patterns of behaviours, including: threatening, intimidating, controlling, abusing, manipulating and violent behaviours that a person exhibits, usually against their partner, ex-partner or children in a domestic setting. Family violence is a broader term that refers to violence between family members. In the majority of cases, the perpetrator is male and the victim is female and often the partner or former partner of the perpetrator. Regardless of who within the family is directly experiencing or perpetrating abuse, many members of the family are likely to be affected by these behaviours.

The effects of domestic and family abuse are long term and intergenerational. This can mean that even once a victim leaves the abusive situation, the effects are likely to stay with them over their lifetime. It may affect their mental and physical health, their relationships with future partners, their family and their children, and their financial, living and employment situations. These effects do not exist in isolation. Instead, they may compound each other, making it a significant challenge for the victim to move forward positively with their life.

Recent evidence suggests that children can be much more profoundly affected by domestic and family violence than previously thought. Children exposed to domestic violence can have altered brain and social development. This can affect their future chances through their capacity to learn at school, relationship building, personal and emotional management systems and potential development of maladaptive coping strategies.

Children from domestically violent backgrounds are more likely to emulate the abusive patterns of behaviour conducted by their parents once they are adults themselves, and this can create intergenerational transmission of abuse and perpetuate the social attitudes which underpin this sort of violence. Stories in the media of cases of domestic violence that have resulted in deaths of family members are shockingly regular. It is estimated that across Australia between 80 to 100 women are killed by a current or ex-partner each year. Most of us know of someone who has been directly touched by this issue, and it is important that we maintain a strong focus on this sort of violence through inquiries such as this one.

The Social Development Committee received 53 written submissions and heard evidence from 99 witnesses. This evidence came from individual members of the public, government and non-government organisations, obviously police, justice and the courts, and many others. I would like to take this opportunity to thank everyone who wrote a submission or presented to the committee for sharing their valuable insights, knowledge and experiences of domestic and family violence. It is through this that the committee has been able to generate 35 unanimously supported recommendations with the aim to contribute to the prevention and elimination of domestic and family violence in South Australia.

The committee received submissions on all manner of issues related to domestic and family violence, highlighting the widespread and incredibly damaging nature of domestic violence on society. It is notoriously difficult to accurately estimate the prevalence of domestic and family violence as abuse goes under-reported to police and does not include individual acts of control and manipulation, things like threats and intimidation, that frequently characterise these relationships. It may not be until the individual is no longer in a relationship that they come to acknowledge the abuse that they have suffered.

Perhaps one of the clearest messages conveyed to the committee and emphasised in this report is the need for a stronger focus on the prevention of domestic and family violence. The committee acknowledged the South Australian government's committed response and leadership in

relation to violence against women and children. It also acknowledged the extreme hard work and commitment of those working in the domestic and family violence sector; however, it received evidence that many of the resources for domestic violence are currently concentrated in and around crisis response to domestic violence, and we need a stronger focus on preventing domestic and family violence before it starts.

The committee heard and reiterates that domestic and family violence is a gendered issue. Domestic violence is reflective of societal attitudes which disrespect and devalue women and girls, and it is these attitudes that allow this type of violence to flourish. Addressing gender inequity is an essential part of eliminating domestic and family violence. Practical shifts and meaningful interventions need to occur in the community, and we need to explore the role of specific settings that can challenge or affirm gender inequalities, and therefore the foundations of violence against women.

The committee recommended a number of initiatives to address this issue, such as expanding national standards and a school curriculum which teaches children the importance of healthy and respectful relationships, and that state funding and sponsorship only be granted to organisations and events that portray women and girls in a respectful way. Education programs must be prioritised, adequately funded and delivered in culturally appropriate ways, and be inclusive of the needs of a range of victims to achieve generational change.

We know that not only is domestic violence gendered, but it is intersectoral with other forms of prejudice and disadvantage. The most vulnerable communities in society also suffer a disproportionate rate of domestic violence abuse. Indigenous women are reported to be 31 times more likely to be subjected to domestic and family violence. Shockingly, 25 per cent of Indigenous women have experienced one or more incidents of physical violence in the last 12 months.

Women from culturally and linguistically diverse backgrounds can have barriers of language, culture and also a lack of understanding of their rights and laws. Women and girls who have a disability and live in residential care are more likely to experience more severe and longer episodes of abuse than those without a disability. These victims can become so accustomed to abuse that they do not even perceive their treatment as abuse. Further, women and girls with disabilities are often not listened to or do not know the avenues for reporting.

Our rural women can have a lack of access to services and fear of reprisals in their communities, with support networks intricately related often to the perpetrator, and leaving those communities to escape violence also removes them from their support networks and employment opportunities, enhancing their vulnerability. Finally, and shockingly, we know that pregnancy is one of the most frequent catalysts for domestic violence. The report makes a number of recommendations to address these groups that are particularly vulnerable to domestic and family violence.

The South Australian government has not been silent on these issues. Here in South Australia, we have led the way in service delivery, with programs such as the Multi-Agency Protection Service, the Family Safety Framework, and the Women's Domestic Violence Court Assistance Service to name but a few. However, more needs to be done about addressing the key determinants of domestic and family violence and preventing violence from occurring in the first place. I will outline some of the specific recommendations in relation to that matter a little later in my address.

The committee has made recommendations to secure funding certainty, greater strategic cohesion, a valuation of services, and unity in the fight against domestic violence. One of the areas the committee feels is important is the consolidation of domestic violence services and responses in to one portfolio. The committee notes that currently services are provided for disparately throughout a number of portfolios, such as Housing, Aboriginal Affairs, Corrections and the Status of Women, to mention just a few.

Given the gendered nature of violence, it was the committee's view that the policy emphasis should be on safety first, rather than on housing first, and has called on the federal government to provide dedicated domestic and family violence funding for accommodation from general homelessness services. We have also recommended that the domestic and family violence services

be integrated and coordinated within a single portfolio, such as the Status of Women. Our view is that this would provide greater efficiency and cohesion of domestic violence responses.

Within the responses, the committee has also recommended a number of legislative reforms at both state and federal level to bring our courts into line with domestic violence policy and responses outside of the judicial sphere. Currently, the mismatch between South Australian courts handling criminal matters and intervention orders and the Family Court handing down custody orders that can be in conflict with each other is a significant issue and source of stress, fear and vulnerability for domestic violence victims.

In addition, reforms need to be made that relieve the pressure on victims who are traumatised and fearful of familial and societal reprisals for giving evidence, leaving many to refuse to give evidence, and then of course they go on to withdraw their complaint. To that end, the committee has recommended that the Evidence Act be amended to allow police body-camera footage to be used as evidence in these matters.

Further amendments to the Equal Opportunity Act to prevent discrimination against victims of domestic violence should also be made. Often victims lose their employment because of turbulence into which domestic violence throws their lives and punishment of victims is all too prevalent in our system. This is also inclined to happen in housing, particularly when the victims are tenants.

A recommendation has also been made for all work places to support employees experiencing domestic and family violence to foster a culture of no tolerance and also includes a minimum statutory entitlement for domestic and family violence leave. As already mentioned, domestic violence is gendered against women, perpetrated primarily by men. For that end, in any preventative scheme men must be addressed.

Prevention programs, particularly targeting men and boys, are necessary to challenge attitudes before they potentially become abusive. As part of the national school curriculum children are taught about the importance of healthy and respectful relationships. It is important that this work is supported, continued and expanded.

We know violence is intergenerational, so if it is in the home we must not only seek to stop it but provide alternative learning pathways outside of the home to prevent the transmission of that violence to the next generation. The committee recommends that state funding only been granted to organisations, events, programs and functions that are committed to the equal and respectful portrayal of women and girls. The aim of this is to discourage disrespectful and stereotypical attitudes of women and girls from occurring in our culture.

Programs must be adequately funded, delivered in culturally appropriate ways and be inclusive of the needs of a range of victims to achieve generational change. The committee particularly noted the important work of Our Watch, ANROWS and the national education campaign to change attitudes about violence and the importance of these to engage with relevant stakeholders here in South Australia and to ensure that they reflect South Australia's needs.

There needs to be a societal shift to say that this is not right, that we will not allow this to happen to our daughters, nieces, friends or colleagues. Men and women must be united in the stance against this covert insidious part of our culture which is a key determinant of such great misery, pain and fear for so many. It is often perpetrated in silence and, as we know, all too often it can result in death. We can effect change by bringing this issue out into the open and challenging social attitudes. Once again, I thank all of those who contributed to the inquiry. Their testimony is doing just that—bringing this out into the open.

In closing, I wish to thank the members of the Social Development Committee: in this place, the Hon. Jing Lee, the Hon. Kelly Vincent and my predecessor, the Hon. Gerry Kandelaars; and from the other place, Nat Cook (member for Fisher), Dana Wortley (member for Torrens) and Adrian Pederick (member for Hammond), and former member of the committee, Katrine Hildyard (member for Reynell), who was responsible for moving the motion to investigate this issue. Thank you to the Social Development Committee's secretary, Robyn Schutte, and research officer, Carmel O'Connell, for all their hard work over this long time. I commend the report to the house.

Debate adjourned on motion of Hon. J.S. Lee.

Bills

SURVEILLANCE DEVICES (ANIMAL WELFARE) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:24): Obtained leave and introduced a bill for an act to amend the Surveillance Devices Act 2016. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:24): I move:

That this bill be now read a second time.

This bill seeks to amend the as yet to be implemented Surveillance Devices Bill 2016. When the Surveillance Devices Bill 2015 was both introduced and debated, it was done with some thought given to ensuring that animal welfare was seen as in the public interest, and the history was that previous incarnations of attempts at legislation to regulate surveillance devices, with particular reference to the broadcast of materials that those surveillance devices captured, had been seen to be detrimental to exposing acts of animal cruelty in this state.

When the Attorney announced the Surveillance Devices Bill 2015, he went to great pains to assure the community that that particular piece of legislation was not, in fact, in any way an ag-gag bill or in any way detrimental to animal welfare abuses being exposed. He did so by including in that legislation references to animal welfare being in the public interest and also by providing in that section that the RSPCA would be exempt from the general prohibition against knowingly using, communicating or publishing material obtained through the use of a surveillance device in the public interest without an order from a judge.

At the time, the Law Society and, to the surprise of many, the RSPCA opposed the idea that the RSPCA should be the arbiter of what was in the public interest when it came to animal welfare. Quite simply, on a practical level, the RSPCA should never be the only arbiter of what is in the public interest when it comes to animal welfare, and certainly they pointed out that they neither wanted that position nor asked for that position from the Attorney, and certainly they were very surprised with the announcement of the Surveillance Devices Bill 2015 by the Attorney that they had such special dispensation given to them within that piece of legislation.

Some in this place and in the other place did not believe that animal welfare was in the public interest; indeed, many went on record decrying the rise of surveillance devices being used to expose acts of animal cruelty. They pointed to examples of drones being used and invasions of private property being undertaken. At the time, those speeches certainly did not pay due heed to the laws of trespass that exist as protections against such behaviour, and they were not relevant to the Surveillance Devices Bill in itself. However, they did give comfort to those in our community who would prefer never to see abuses of animal welfare exposed, not because they no longer exist but because they would prefer the public not to know.

The Law Society was most concerned about the Surveillance Devices Bill 2015, even with these special dispensations given with the wording that animal welfare was to be seen as in the public interest and that the RSPCA was to be the arbiter. They noted in their submission to that legislation that they had grave concerns that in the future exposure of animal cruelty would not be possible by programs that would be well known to people in this place, and indeed well known to our community, such as the *Four Corners* program on live baiting in the greyhound industry. In paragraph 19 of their submission to the Surveillance Devices Bill 2015, in a section entitled 'Ag-gag laws' the Law Society went on to make a particular note that:

> The Society does not support 'ag-gag' laws. 'Ag-gag' is a term that originated in America and is used to describe legislation that attempts to stifle public awareness and discourse in respect of animal welfare and environmental protection in agribusiness. The Society is of the view that section 10 of the bill, if passed, has the potential to have a harmful effect on animal welfare in Australia.

The society goes on to note a range of other measures where they had not seen a need for such laws and, certainly, the society does not support ag-gag laws. Yet, even with these provisions in the

previous bill, as I say, noting that animal welfare was to be in the public interest and giving the RSPCA that special dispensation, the Law Society raised grave concerns about the impact of the bill. In the course of the hurly-burly of the debate, animal welfare and the role of the RSPCA was treated somewhat contentiously.

Certainly, there was a division of opinion, but those on the government side continually assured constituents who contacted them that the legislation would ensure that animal welfare was in the public interest. Pieces of correspondence from no lesser persons than both the Attorney-General and the Premier himself to these constituents explained that their legislation would indeed provide for exemptions included in the bill to ensure that the RSPCA was given an exemption and, indeed, to ensure that animal welfare was to be treated in the public interest.

What the government members did not reveal to these constituents who contacted them was that, in the pressure from the opposition to remove the reference to animal welfare and the RSPCA, the government threw the baby out with the bathwater. In deleting the provisions that the RSPCA had neither requested nor were in a position to enact, they also deleted the entirety of that section that outlined that animal welfare was to be treated in the public interest.

I raised this in the third reading debate on the Surveillance Devices Bill 2015 and urged and pleaded with government members not to throw that baby out with the bathwater, to ensure that, while the RSPCA provision was to be deleted, they kept in that provision that animal welfare was to be seen in the public interest. Government members did not listen to those pleas and the bill went through with the deletion not only of the provisions for the RSPCA but also the deliberate deletion of the section that had provided that animal welfare would be seen as being in the public interest in the surveillance devices legislation.

This government has recently launched Labor for Animals and the co-conveners of that group, Nat Cook, the member for Fisher, and Lee Odenwalder, the member for Little Para, no doubt may be concerned to learn that their party has recently acted in this way to ensure that animal welfare is not to be seen in the public interest under the surveillance devices legislation. I would hope that those two members at the very least and, certainly, all the members of the Labor for Animals group might pay attention to this particular bill and, indeed, support its passage.

I would point them to the Law Society advice on this bill I introduce today. I gave the Law Society an advance copy of the legislation I have today introduced into the parliament and I hope that members would familiarise themselves with it. In point 5, the society notes:

> The Society supports endeavours to further the interests of animal welfare through appropriate legislative reform. The Society refers to its submission in relation to the *Surveillance Devices Bill* 2015 and in particular paragraphs 9 and 10 of said submission.

Point 6 states:

> The common law recognises that issues regarding animal welfare are firmly entrenched in the public interest. However, the courts have historically held the view that the concept of the 'public interest' cannot be exhaustively defined and must be flexible so as to alter along with the norms of society as it progresses.

Point 7 states:

> The proposed amendments do as follows:
>
> 7.1 specifically provide for an exemption from the prohibition in section 10 of the Act upon the use, communication or publication of information or material derived from the use of a listening device or an optical surveillance device in circumstances where the device was used in the public interest if the information or material relates to issues of animal welfare; and
>
> 7.2 creates a rebuttable presumption that the use of a listening device or optical surveillance device to obtain information or material relating to issues of animal welfare will be in the public interest.

Point 8 states:

> The effect of the amendments is specifically to include issues of animal welfare within the ambit of the term 'public interest'.

Point 9 states:

Rebuttable presumptions or deeming provisions are legislative tools commonly employed to facilitate proof of certain facts resulting in prima facie evidence of those facts in the absence of evidence to the contrary.

Point 10 states:

In light of the common law recognition that issues regarding animal welfare are matters of and in the public interest, the publication of material that records and relates to issues of animal welfare is prima facie likely to be in the public interest.

Point 11 states:

When considered in the context of the Act as a whole it is an appropriate matter to be made the subject of a rebuttable presumption.

Point 12 states:

Accordingly, the Society is of the view that there is merit in the inclusion of a rebuttable presumption which reflects the common law position.

Point 13 states:

The presumption is not a conclusive presumption and can be rebutted by proof that, on the balance of probabilities, the use of the relevant recording device to obtain material or information relating to issues of animal welfare is not in the public interest. This is an important statutory safeguard designed to ensure that the presumption does not give rise to unfairness or any miscarriage of justice.

I note and thank the Law Society for providing that information. I also note that within the community the societal norms have evolved to a point where most people in the community believe that animal welfare is something that is in the public interest and that the exposure of animal cruelty through surveillance devices has played a very key role. This applies particularly with animals because animals are, of course, voiceless. They cannot speak on their own behalf and they rely on others to advocate for them.

Surveillance devices and the exposure of animal cruelty on programs such as *Four Corners* give rise to that voice. The community response to that voice shows the opinion of the community at large. People have been horrified by the exposure of live baiting in the greyhound industry in the documentary *Making a Killing*. It has led to inquiries in four other states. It has led to an industry called on to prove its social licence, to justify its social licence and to change its ways.

Yet for over a decade these allegations about live baiting were being made in parliaments across this country—and I note the work of my colleague in the New South Wales Greens MLC, Dr John Kaye, and his tireless efforts to expose cruelty in the greyhound industry—but they were never heeded and they were often not believed. The power of the footage obtained through the *Four Corners* program, and working with animal advocates, showed without a shadow of doubt that there was a problem, that improper dealings were happening and that the greyhound industry could not be believed. That is just one of many examples of the exposure of animal cruelty going on in our nation.

I believe that the Labor government acted in error when it did not correct its mistake in agreeing to the opposition's amendments to the government's own bill. They announced the Surveillance Devices Bill 2015 in a way that assured the public that animal welfare would be protected and seen to be in the public interest. They wrote to their constituents, who raised their concerns during the course of the debate, assuring them that the Labor Party would ensure that animal welfare was in the public interest.

Quite simply, this bill ensures that, with the addition of those words, the Surveillance Devices Act will view animal welfare as being in the public interest. It is a position held by the majority in the community, it was ostensibly a position held by the majority in this parliament in their communications with their constituents, and it should be that the position is upheld when this issue comes to a vote. With those few words, I commend the bill to the council.

Debate adjourned on motion of Hon. S.G. Wade.

Motions

WOMEN'S LEGAL SERVICE

The Hon. J.S. LEE (16:41): I move:

That this council—

1. Congratulates the Women's Legal Service for celebrating its 20th anniversary in October 2015;

2. Acknowledges the significant work and commitment of the Women's Legal Service in achieving justice for women, including the Aboriginal and Torres Strait Islander women, and women from culturally, linguistically diverse background;

3. Highlights the collaborations and partnerships made throughout its history; and

4. Acknowledges the remarkable achievements by the Women's Legal Service as a community legal centre for women.

In moving this motion, it is my pleasure to provide some background and history of the Women's Legal Service of South Australia. It is a community legal centre focusing on meeting the legal needs of vulnerable women in South Australia in a holistic and empowering manner. The centre is an independent, not-for-profit, politically unaligned and secular community organisation based on Franklin Street in Adelaide.

The Women's Legal Service was founded on 4 October 1995 from widespread community concern about the lack of access to justice for women in South Australia. Over the last 20 years, the Women's Legal Service has been able to harness both volunteer contributions from a wide cross-section of the community and access government funding (both state and federal) to deliver a statewide service to the most vulnerable segments of our community.

The centre focuses on assisting women with legal information, advice, representation, referrals and education on a wide range of issues, including: domestic violence, family law, criminal injuries compensation, discrimination, employment, debts and immigration. In the last 20 years, the centre has had a stellar record. For a community-based, government-funded service, the Women's Legal Service centre has been able to provide advice to 54,928 women, hosted 918 community legal education workshops and sessions, and been involved in 101 law-reform activities.

The 2014-15 annual report noted that: 50 per cent of clients were victims of family violence; 62 per cent of clients have dependent children at home; 60 per cent of clients have an income of less than $25,000; 16 per cent of clients were at risk of being homeless; and 14 per cent of clients have a disability. Volunteers contributed 5,928 hours in 2014-15, and 35 per cent of clients are from a non-English speaking background, from 80 countries of birth outside of Australia. These statistics speak volumes of the hard work and dedication of the team involved with the Women's Legal Service over the past 20 years.

Congratulations to all those individuals who have helped in building the reputation and paved the way for the much-needed service for vulnerable women in our community. I would also like to highlight and acknowledge the current chairperson of the Women's Legal Service, Lisa McClure, and the wonderful chief executive officer, Zita Ngor. It was great to catch up with Zita today at the luncheon for the release of the Social Development Committee's report on domestic and family violence. The leadership of Zita, as well as her team, provided a vision of expanding the service to reach a wider community. This initiative has truly broken down the barriers for women living in remote South Australia and even for women from culturally and linguistically diverse backgrounds.

Since the establishment of the Women's Legal Service, its objective has always been to provide legal advice and representation for women within South Australia, particularly in areas where needs are not being met, in particular in educating women on legal matters, and to initiate, promote and undertake research in evaluating existing laws and legal process within the context of the current social structure and work towards law reform in those areas of particular relevance to women.

These visions and objectives outlined by the Women's Legal Service have been able to provide comfort and assistance to those vulnerable women who have been unable to independently defend themselves in various legal matters. Many women seek assistance from the Women's Legal Service for an array of legal inquires, and they include issues such as matters in relation to children (family law); matrimonial property settlement; domestic and family violence, including intervention orders; de facto property; child support; child protection; and tenancy.

In a lucky country like Australia, unfortunately not everyone is lucky. It is quite staggering that every year the Women's Legal Service is servicing more than 3,000 women, providing them with

a legal service and information as well as providing secure referrals for their cases. I place my special thanks and acknowledgement on the public record to the Women's Legal Service for their commitment to providing advice and great service to the community, particularly to Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds and also to rural, regional and remote women.

Generally, when these women are faced with devastating circumstances, such as domestic violence, separation and immigration matters, they are unable either to afford legal assistance or know where to turn for help. The services of the centre are able to do both. They are well known in the community for their legal representation, as well as for referral assistance.

Over the last 12 months, I have personally worked with the Social Development Committee on the recent inquiry into domestic and family violence and deliberation of the report. As a committee member, this inquiry confirmed the importance of agencies like the Women's Legal Service, which are able to provide support and create a safe haven for many vulnerable women who are suffering from all forms of abuse and violence. Without these legal representation services within metropolitan and regional South Australia, many women would be unable to understand their legal rights or be referred on to relevant agencies to get help.

A number of women provided testimony on the assistance and support they have received from the Women's Legal Service, and reading the testimonials truly shows the life-changing impact the Women's Legal Service has on vulnerable women in our community. I would like to share some of these real-life testimonies with members of the chamber today. First, Sarah's story, a lady living in rural South Australia who says:

> If I don't understand things, I panic, Women's Legal Service explained things to me so that I could understand what was going on. It was good to be informed of the process, and I could ask questions and the correct answers would be provided…
>
> I have now been able to connect with other services, who I am happy to say have assisted me in finding a new home in an area I have always wanted to live in. If it was not for WLSSA I would still be in a panic. I would not be in the position I am in now. I now know that there is help available out there for people in my position. I now feel that I can get on with my life.

Penny, a family violence survivor and CALD woman, says:

> My husband was abusive to me and I was living with him. My husband is older and unwell and I am his carer. I am a foreigner and have no family and few friends here. I had nowhere to go and did not know what to do as I was scared my husband was going to kick me out of the house because he had threatened me with doing so in the past.
>
> I was recommended by my neighbour to Women's Legal Service South Australia. My neighbour's husband helped me find the number for free advice. I found that I had someone to talk to about my problems which also gave me direction.
>
> I am very happy with the service and advice the solicitor provided me, she was efficient, compassionate and kind. I don't have the money to fight legally with my husband and have no-one around me as support…to talk to. WLSSA helped me to get the start I needed.

Michelle, another CALD woman and a young mum, said:

> It was during a doctor's visit for my daughter when the doctor noticed that I had marks on my arms and she recommended that I contact Women's Legal Service…As I was not allowed to use the telephone or leave the home without my husband's permission, I visited the WLSSA office when I was on a school excursion with my daughter. I rushed in and spoke to a lawyer. Because I was on a spouse visa, my husband always threatened to have my daughter and I deported if I complained about him or not do what he wanted me to do.
>
> The lawyer helped me to find somewhere to live and get me help from Centacare and the Red Cross. The lawyer was someone who saved me and my daughter. She took my matter all the way to Migration Review Tribunal, and we won, and now we can live in Australia.

Carissa, an Aboriginal mother, says:

> I was referred to WLSSA by Relationships Australia. My ex partner had run off with our young baby. He was not allowing me to spend any time or talk to our baby. I did not see my baby for at least three weeks. My support worker came with me to the appointment with WLSSA. The lawyer listened to me, and told me what my options were. She did this in a way that was easy to understand. Both Relationships Australia and my lawyer helped me to link in with different services so that my other children and I were okay.

WLSSA took my case straight away and they helped me to get my baby back. The lawyer made the whole process seem easy to me and she understood that I was nervous. I did not really want to go to court. If it wasn't for WLSSA I would not have known what to do, and I would not have got my baby back.

All these testimonies have demonstrated that the services offered by the Women's Legal Service are extremely life changing. It can be a daunting experience for any vulnerable female who needs to escape an abusive partner.

As the shadow parliamentary secretary for multicultural affairs, I have talked to many community members. It is well recognised that English language skills are paramount to settling in Australia, yet there are many migrant women who do not speak English at all. This can create barriers to gaining employment and accessing health services and it generally leads to feeling disconnected. These women are very much living in isolation.

It is extremely difficult and daunting for CALD women to negotiate the legal system on issues such as the division of property, the care of children, and domestic violence. Many of these women have a large degree of difficulty in accessing services and are often left to appear in court unrepresented. Therefore, the services provided by the Women's Legal Service, as well as the use of interpreting services to obtain financial disclosure, the preparation of court documents and appearances in domestic violence and family law matters, are services that are highly commendable and worthy for any new migrant or vulnerable woman in our community.

The work of the Women's Legal Service simply does not stop with assisting legal cases. They also invest their time and services into preventative measures to ensure women are educated on a variety of service provers and legal information. For example, the service provides community legal education workshops and seminars for women and service providers. Those sessions cover intervention orders and family violence, family law, child protection, and case notes for service providers. These intervention workshops are conducted through the state and are held in collaboration with a number of organisations.

At this point, I also want to make some remarks and pay tribute to some of the organisations that support the Women's Legal Service. They are:

- Red Cross;
- Aboriginal Family Support Services;
- Umoona Community Health;
- UnitingCare Wesley;
- Uniting Communities;
- Southern Women's DV Service;
- Migrant Women's Lobby Group;
- Family Relationship Centres;
- NPY Women's Council;
- SAPOL;
- TAFE SA; and
- Migrant Resource Centre

The Women's Legal Service has been an invaluable service to many people within the community. It is a great honour today to have the opportunity to recognise the outstanding work of the Women's Legal Service as they strive for equality and the betterment of living standards for women in our community.

Congratulations to the Women's Legal Service on its 20th anniversary. I would like to thank the management, staff, board members, strategic partners and the many volunteers for their commitment and dedication to achieving social justice and serving the community. With those remarks, I commend this motion to the chamber.

Debate adjourned on motion of Hon. G.A. Kandelaars.

PROBATE FEES

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

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.

(Continued from 24 February 2016.)

The Hon. R.I. LUCAS (17:00): There are many aspects of the 2015 state Labor government budget that the Liberal Party and many members of the community either objected to or expressed concern about. A very quick summary of those were the increases in the ESL, for example, what became known as the 'rubble royalty' issue, and the issue of probate fees was raised by my colleague the member for Bragg by way of a press release about the time of the budget. So, there were many issues where concern was expressed about aspects of the budget.

Certainly, we indicated that if there had been a Liberal government at the time many aspects of the Labor budget would not have been incorporated in a Liberal budget. However, at the time, whilst acknowledging all the concerns that had been expressed, the Liberal Party took a decision as a party room in essence to allow the Labor government to have its budget, as appalling as it was.

That was the position that the party room took at that particular time. In recent months, the Law Society and others have raised specific issues in relation to the probate fees regulation. Some have opposed the significant size of the increases, others have expressed concern about the technical but nevertheless important issue about whether, if you have these issues to be levied, they should be levied on the gross amount or on the net amount of an estate.

The Liberal party room took the position that it would be useful for one of the committees of the parliament, the Legislative Review Committee, to take evidence, as they often do on regulations, and they did. They took evidence over a number of weeks from representatives from Treasury, a gentleman who is the Registrar of Probates, and the Law Society gave evidence as well.

I think the Hon. Mr Parnell had wished to bring the debate on this to an early conclusion, but it has been a consistent principle of many in this chamber, including Mr Parnell where on most occasions he has supported that where—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, he has up until recently. He may well still.

An honourable member interjecting:

The Hon. R.I. LUCAS: I make no disparaging comment about the Hon. Mr Parnell at all at this particular time. The point I am making is that he has traditionally supported an important principle that, if there is work to be done by a parliamentary committee, it should do the work. He had advised members that he would like us to vote on this particular issue, but in discussions with him, when I indicated that the committee was taking evidence from those three individuals and bodies, he acknowledged the good sense of seeing what they had to say about the issue and whether that better informed the debate. I think, as he would have seen, it is still unclear some of the detail as to how the government has made its calculations and how it has defended its position.

At least there is more evidence on the public record in terms of what the government did and did not do in relation to coming to this budget decision. At least its defence for this particular position, even if members might not agree with the defence the government had, is on the public record and there is greater detail and clarity about that. I want to thank the Hon. Mr Parnell for, in the interests of democracy, transparency and accountability, allowing the Legislative Review Committee to conclude its work to inform all members and then members can be in a position to make their judgements.

Our party room—and I advised the Hon. Mr Parnell of this—had taken the decision at budget time that, as bad as we thought aspects of the budget were, we were going to abide by the usual convention. There have been occasions when we have varied from that usual position, but last year our party room decided that it would not. We advised, for example, the Local Government Association

representatives who wanted us to take action in relation to the rubble royalty issue that we were happy to question the government about it, but that they needed to negotiate something with the government, which subsequently they did to the credit of the Local Government Association and the government, to amend aspects of the rubble royalty decision.

With the Legislative Review Committee having taken the evidence and now been informed by that evidence, our party room has further considered the issue. I can indicate again that, as in the community, there were varying views in relation to what the appropriate course of action might be, but on balance the party room decision was that we would abide by the decision that we took in June of last year; that is, even though we might not have been attracted to various elements of the budget, we would allow the government to have its 2015 budget.

For those reasons, I put on the public record that the Liberal Party's position in voting on this regulation will be consistent with the position we adopted on the Appropriation Bill, but, more particularly, on the budget measures bills in 2015; that is, whilst we expressed lots of concern about them, we did not vote to reject them. Therefore, on this occasion, because the party room saw this as being part of the government's budget package, we will not vote to reject this particular regulation.

In conclusion, having indicated the background to the party room's decision, now that this evidence has been taken I, together with many others I suspect, am much better informed about how this will operate and, through both the Budget and Finance Committee and estimates committees this year and next year, it would be appropriate to monitor and to further inform the parliament about how this particular new fee has been implemented and whether or not the best guess estimates—that is the only way I can put it—that Treasury and the government have come up with in relation to what might be recouped by this measure will prove to be accurate. Certainly from my viewpoint, and I am sure that of others, we will continue to monitor this issue.

The Hon. G.A. KANDELAARS (17:08): I rise to provide the government's response to this motion. The introduction of the tiered fee structure for probate fees based on gross value of deceased estates was a 2015-16 budget measure. The measure had regard to tiered fee structures in other jurisdictions and was considered an efficient method to administer and comply with.

The introduction of the tiered fee structure for probate fees based on gross value of deceased estates was expected to commence on 1 January 2016. The fees were gazetted on 4 February 2016 and commenced on 28 February 2016. The tiered structures used in other jurisdictions, including New South Wales, Victoria, Tasmania and the ACT, are based on a gross value of estates.

One of the main reasons for basing a tiered structure on gross value is that it is relatively easy to administer and to comply with requirements. There could be a significant complexity in administering a tiered structure determined on a net value. Depending on how that value is calculated, it could be very challenging for an estate to provide sufficient evidence to support a claim. For example, net values would need to be defined in the context of personal and secured liabilities, fees associated with administering the estate, etc.

The probate office would require additional resources not only to implement the tiered structure for probate fees based on net value of a deceased's estate but also to investigate and verify the value and inclusion of all assets and liabilities disclosed for the purpose of calculating the fee before the probate application can be examined. It should be noted that errors were relatively common in disclosures under the previous flat fee structure. This will lead to delays in granting of probate.

There is also a potential for evasion, for example, by modest estimations of value or related-party loans that are asserted and then forgiven after probate is granted. The Law Society of South Australia has raised specific concerns around probate lodgement fees under the tiered fee structure for estates valued at more than $500,000 with significant mortgages and for farmers who personally own their properties with significant liabilities attached.

Generally, more than half the estates in South Australia are valued at less than $500,000 on a gross basis and so will not fall into the higher tiers and not all farmers will fall into the highest tiers. For example, the older farmer may transfer the family farm to another family member prior to death,

a transaction that is exempt from stamp duty under the Stamp Duties Act 1923. The tiered fee structure is considered an equitable approach that recognises the capacity of an estate to pay.

The previous flat fee of $1,114 was reduced to $750 for estates valued at less than $200,000, with a saving of $364 for many estates in South Australia. In addition, under South Australia's tiered structure, the fee of $1,500 based on a median house price in Adelaide of around $430,000 is comparable to the fee of $1,460 based on the median house price in Sydney of around $890,000.

The tiers are as follows: from $0 to $200,000, the new fee is $750 where the old fee is $1,114, a decrease of $364; from $200,000 to $500,000, the new fee is $1,500 where the existing fee is $1,114, an increase of $386; from $500,000 to $1 million, the fee proposed is $2,000 while again the existing fee is $1,114, an increase of $886; and for estates in excess of $1 million, the proposed fee is $3,000 while the existing fee is $1,114, an increase of $1,886. I indicate that the government opposes the disallowance motion.

The Hon. J.A. DARLEY (17:14): I rise in support of this motion. At a recent Legislative Review Committee meeting, the Courts Administration Authority was asked about these changes to the probate fees. Representatives indicated that the current fees amounted to approximately $6 million per annum, that these already more than cover the cost of administering probate and that they were already providing revenue to Treasury. Further to this, we were advised that these changes in the fees were not made at their request and were, in fact, an idea put forward by Treasury.

The method by which the new fees are calculated is flawed, as it uses the gross value of the estate rather than the net value. This could mean that the estate of a person living in a property that is worth $1 million will pay probate fees based on $1 million even though the mortgage for the property could still be $900,000. The actual net value in this case would be $100,000; however, fees would be paid on $1 million. This is wrong. In addition, there would be additional costs incurred due to the fact that solicitors lodging applications for probate will need to have certified valuations of all the assets.

There seems to be no justification for changing the fees, especially given the flawed methodology which is used to calculate them. It looks like it is just another greedy money grab by the government that is looking every which way to find more revenue. This is a sneaky way to boost the Treasury coffers, and it is hitting people when they are mourning the death of a loved one. I support the Hon. Mark Parnell's motion of disallowance.

The Hon. M.C. PARNELL (17:16): I understand there are no further speakers, so I would like to thank the Hon. Rob Lucas, the Hon. Gerry Kandelaars and the Hon. John Darley for their contributions, and I particularly thank the Hon. John Darley for his support for the motion.

It will be no surprise that I am disappointed that we do not have the numbers today, and I would just like to very briefly reflect on the contributions from the Liberal and Labor parties. I appreciate that the Hon. Rob Lucas, as part of the Liberal Party, has explored this matter in their party room. I was not privy to those discussions, but I expect that they were robust, particularly in relation to the issue of whether or not budget measures are sacrosanct and ought to be treated differently from other pieces of legislation.

It is probably fair to say that possibly a different set of criteria applies when considering budget measures, but they are by no means sacrosanct. I think part of our responsibility in this chamber is that if we see measures that are unfair, or could be made more fair, then I think we have a responsibility to call those out and urge the government to revisit those decisions. Certainly, the Liberal Party had no compunction in disallowing the car park tax. That was certainly a budget measure, so I do not fully understand why this particular measure is treated differently.

I certainly made it clear to the Treasurer in my discussions with him that it was not my intention to attack the increase in revenue proposed by the budget measure. My problem was with the fairness of how it was calculated. I offered to work with the government, and would support a measure that raised the same amount of money but did so in a fairer way, so I was in no way seeking to reduce the revenue base of the state. I believed and still do believe that this measure is unfair and could have been made fairer, and disallowing these regulations was the government's opportunity to do that.

The Hon. Gerry Kandelaars raised a couple of issues. I do not mean to address them all in great detail, but I will reply to two issues; one was the complexity of using a net valuation rather than a gross valuation. I do not accept that argument, that it does make it more complex. Certainly, the information about assets and liabilities is already provided by executors to the probate office when the application for a grant of probate is lodged. That information is already there; it does not require a great deal more effort to calculate a net figure as a gross figure.

The honourable member referred to the potential for fee evasion. I think that is a straw man argument and that it certainly would be fixable using appropriate practice directions or other guidelines in relation to how documents are to be prepared and distinguishing, for example, between secured and unsecured liabilities. I do not think that it was irredeemable.

The new probate fees have been in operation for about two months now, and this has resulted in a change in the way lodgements are being made in the probate office. For example, I understand that the executors of large estates have been holding off lodging applications for grant of probate because, if the disallowance motion were successful, they would be looking at a saving of about $2,000. I do not know if it is a large number, but there are a number of applications for probate that have been held off which, presumably, will now be lodged, and they will be lodged under the new fees. Those people will now be paying $2,000 more than they were hoping to.

On the other hand, small estates have been lodged for grants of probate because it is now cheaper for those people, and they are saving pushing $400. The small estate applications are being lodged, the big ones are being held off, and part of the reason I called for this motion to come to a vote as early as I did was that we had the opportunity to disallow these regulations within a few days of their coming into effect. That was what I was trying to achieve, the lack of certainty that exists in the legal profession.

I appreciate the Hon. Rob Lucas's kind words about my holding off until the Legislative Review Committee had considered its work. I was also encouraged by the fact that, had I not held off, the result would have been a foregone conclusion—a vote of no. Holding out for the hope of a yes vote is an additional factor to the lofty democratic principles I subscribe to and to which the Hon. Rob Lucas attributed my main motivation, for which I thank him.

I am disappointed that we are not going to be disallowing these regulations. I still urge the government, at the next budget cycle when they are looking at ways of raising revenue, to have regard to the concerns that have been raised by the Law Society and have a look at whether we can make this fairer because I believe there will be unintended consequences. Because the numbers on the floor are clear, I will not be dividing on this matter; it is clear what the result would be. I thank honourable members for the attention they have given this motion.

Motion negatived.

DAVIS, MR STEVE

The Hon. T.J. STEPHENS (17:23): I move:

That this council—

1. Celebrates the outstanding 25-year career of South Australian international cricket umpire, Steve Davis, upon his retirement in June;

2. Acknowledges Steve Davis's commitment to cricket in which he umpired 57 test matches, 137 One Day Internationals, and 26 T20 Internationals; and

3. Recognises the important role played by umpires, officials and volunteers in grassroots, state, national, and international sport.

This motion I move is to concur with the member for Chaffey in the other place—to acknowledge the distinguished career of international cricket umpire Steve Davis.

Steve Davis began his career in South Australia, presumably in district cricket, working his way up to first-class level, where he made his debut in 1991. It was not long before he received an international call-up to umpire a One Day International between Pakistan and the West Indies in Adelaide in 1992. Five years later, Steve made his test debut as an umpire in 1997 in Hobart, where Australia were hosting New Zealand.

In 2001, the International Cricket Council mandated the appointment of neutral umpires for test matches. This forced Australian umpires to umpire exclusively overseas, which no doubt cut short the ambitions of many and still does. However, it also shows how much commitment the job requires, and only the best and the most dedicated are selected to be on both the international panel and the elite panel to which Mr Davis was appointed in 2002 and 2008, respectively.

Since his debut, Mr Davis has gone on to stand in 57 test matches, 137 One Day Internationals and 26 Twenty20 internationals. It was before one of these tests that he was involved in one of cricket's darkest days, when the team and official buses came under attack by terrorists before day 3 of the second test between Pakistan and Sri Lanka in Lahore. This is how he described it:

> We pulled up to a halt behind the Sri Lankan bus—not the Pakistani bus—which had stopped, and we knew things were on because our van started getting hit by bullets. The driver, before he got hit, told us to get down and stay down. The driver was killed with two bullets and died instantly. Glass was shattering everywhere and there were noises of bullets and other ammunition just pelting at us from all sides—back, both sides and the front. I thought we were all going to be killed. I thought they would just do away with us.

One of his colleagues, Ahsan Raza, was shot twice in the chest whilst in the minivan carrying the umpires and match officials, including Mr Davis.

Steve Davis is considered one of the greats of the game and respected by officials, administrators and, most tellingly, the players. We celebrate him in this place today because he is a South Australian but also because it is important that we acknowledge that sport cannot be played without the diligence and goodwill of its officials. It is often a loathed position, particularly by zealots in the crowd, and we must celebrate those who are willing to cop all that purely to see the game run correctly.

I encourage all spectators, parents and players alike to be thankful for all our officials, as without them we would not have organised sport. I commend the career of Mr Steve Davis and I commend the motion to the council.

Debate adjourned on motion of Hon. S.G. Wade.

CORONIAL INQUEST

Adjourned debate on motion of J.A. Darley:

> That this council calls on the Attorney-General to order, pursuant to section 21(1)(b) of the Coroners Act, a coronial inquest into the circumstances surrounding the death of Stefan Woodward and provide appropriate and adequate resources as required by the Coroner to carry out the inquest.

(Continued from 9 December 2015.)

The Hon. G.E. GAGO (17:27): I rise on behalf of the government to oppose this motion of the Hon. John Darley. Stefan Woodward passed away on Saturday 5 December 2015, after allegedly consuming illicit substances at the Stereosonic Music Festival. This is a tragic case that highlights the terrible effect that dangerous party drugs have upon innocent families in our community. The government remains committed in the fight against these harmful substances and ensuring that drug traffickers are caught and removed from the community so that they cannot cause further harm.

However, in this case the Attorney-General has been advised by the State Coroner that he has not yet received a copy of the post-mortem report or the SAPOL investigation report. The SAPOL investigation report is not due until later this year. The State Coroner will not be able to determine whether an inquest is necessary or desirable until these reports have been received.

This motion is unnecessary at this point of time and inappropriate. There are procedures in place that deal with the matter, and it is appropriate to allow this important proper process to take place in due time and to allow the State Coroner time to make his assessments of the evidence. On this basis, the government opposes this motion.

The Hon. A.L. McLACHLAN (17:29): I speak on behalf of my Liberal Party colleagues in respect of this motion. If the Hon. John Darley is going to proceed with this motion today, having regard to what the government spokesperson has said the Liberal Party will support the motion. We acknowledge the pain the young man's family has endured after the death of this young man and,

having regard to the particular circumstances surrounding the death, we think that the motion has some merit. There are many deaths as a result of tragic circumstances, and these particular circumstances outlined by the Hon. Mr Darley indicate that the death should be subject to an inquest. I conclude my remarks.

The Hon. J.A. DARLEY (17:29): First of all, I would like to thank the Hon. Gail Gago and the Hon. Andrew McLachlan for their contributions. I commend the motion to the house.

Motion carried.

Bills

FARM DEBT MEDIATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 December 2015)

The Hon. G.A. KANDELAARS (17:30): I rise to provide the government's response to this bill. The Hon. David Ridgway MLC introduced the Farm Debt Mediation Bill 2015 on 2 December 2015. The purpose of the bill is to provide for mediation of disputes between farmers and creditors relating to debt incurred in the conduct of farming operations. A process to deal with farm debt disputes already exists under the Fair Trading (Farming Industry Dispute Resolution Code) Regulation 2013, which provides mandatory alternative dispute resolution processes to participants on a low or no cost basis. The government is of the view that this code is effective.

I will highlight the following points as to why we believe the existing Farming Industry Dispute Resolution Code is working. As I just pointed out, the Farming Industry Dispute Resolution Code provides mandatory alternative dispute resolution processes to participants on a low or no cost basis. The code also deals with business-related disputes between farmers and local and/or state governments. The Small Business Commissioner has a variety of powers under the code to assist in resolving disputes. Parties can be compelled to attend meetings, exchange information, answer questions or participate in alternative dispute resolution processes.

There are two levels of penalties for breaches of the code under the Fair Trading Act 1987. On the one level, the Small Business Commissioner can issue a civil expiation notice for breaches of the code. The alternative is that the Small Business Commissioner can take court action to obtain a civil penalty of up to $50,000 for a corporation or $10,000 for a natural person.

The code is in keeping with the government's intention to keep matters out of court where possible and to help preserve business relationships by seeking to resolve farming disputes in a timely and cost-effective manner. The benefits of the existing code include: the range of matters dealt with under the code (as opposed to the bill, which covers farm debt only); the cost-effectiveness of the process; and the fact that matters are dealt with quickly and efficiently.

The bill introduces additional red tape and poses a significant resource issue. Parties involved in farming disputes would benefit from using the code to resolve disputes, as it can be dealt with quickly and efficiently through a process that already exists. While the bill covers farm debts only, the code includes any business of primary production, such as businesses of agriculture, pasturage, horticulture, viticulture, apiculture, poultry farming, dairy farming, forestry, rearing of livestock, and harvesting of fish and other aquatic organisms. The code also deals with business-related disputes between farmers and state and/or local government.

The Small Business Commissioner originally discussed the bill with the chair of Primary Producers SA, the Hon. Rob Kerin, on an informal basis. Mr Kerin expressed surprise at the introduction of the bill, based on his regular meetings with several bank officials in Adelaide who have confirmed they only have a handful of farming debt dispute cases.

The Small Business Commissioner held a similar discussion about farm debt in South Australia with former special drought adviser to the Premier, the Hon. Dean Brown. Mr Brown gave no indication that further powers to resolve farm debt disputes were needed. We believe the bill should be opposed as it has no benefit the community.

The Hon. R.L. BROKENSHIRE (17:35): This shows what disarray the Labor Party are in. I do not condemn my colleague the Hon. Gerry Kandelaars; he is just doing a job for the government, but what disarray the Labor Party is in. Here we have a situation where we are trying to help farmers. Agriculturalists, dairy farmers, horticulturalists, pastoralists, croppers and graziers are all farmers within the broader sense of the general wording of 'farming'.

Today, while the Labor Party opposes this, the federal Leader of the Opposition, Bill Shorten, is running around and jumping here, there and everywhere, saying that we need a royal commission into the banks. Yet, here we have a Labor government that will not even support a farm debt mediation bill.

Family First strongly supported and still supports the Small Business Commissioner. The Small Business Commissioner has an important role, but I have been dealing with people who are under extreme pressure when it comes to debt. We are seeing foreclosures and, sadly, I am advised that there are a lot of properties in certain parts of this state which the banks are looking at very closely with respect to potential foreclosure. In fact, I am told that some of those properties are on the market at the moment as a result of discussions between the bank and the farmer.

I want to commend Mr Lachie Haynes from the South-East. I have been discussing this concept with him, and he has also been talking to my colleague the Hon. David Ridgway, and if the Hon. David Ridgway had not put up this bill we would have done so. We have a state government, under the primary industries minister, which has put a measly couple of million dollars into helping farmers in the South-East in the third year of their drought. Yet, just over the border, between a water pipeline and other initiatives, a Labor government in Victoria has provided Victorian farmers in the same conditions with $100 million of government-funded input.

I do not see anything wrong in having a bill that puts some parameters around mediation between the banks and a primary producer when there are extreme hardships, particularly as a result of drought. There needs to be some compassion and a bigger picture looking right into the future. Looking at commodity prices in the South-East for a lot of the products they produce, I am sure that, once the rains come, we would have better outcomes if the banks had mediated properly with the mortgagor.

This legislation sends a very strong message to the banks of the intent of the parliament of this state. With those few words, I advise that Family First will be supporting this bill.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:38): I thank members for their contributions on the bill. Of course, Mr Acting President, you made a contribution some weeks ago. While I do not really agree with much of what he said, I nonetheless thank the Hon. Gerry Kandelaars for his contribution, and I thank the Hon. Robert Brokenshire. Before I—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: I do agree with what you said; I always agree with what you say, Brokie. I will just respond to a couple of points made by the Hon. Gerry Kandelaars. I am a bit surprised because he mentioned the Hon. Dean Brown, former drought coordinator of the Labor government and former Liberal premier. It was the Hon. Dean Brown who raised this with me that it was an important piece of legislation that we should implement. He was asking me to do it as a policy before the last election. He said it was really important and we should have this framework in place.

I do not know who has been writing the speeches of the Hon. Gerry Kandelaars, but the first I heard of this was from the Hon. Dean Brown who said that we have this framework in New South Wales and Victoria, and it works really well. In Victoria, there is a small business commissioner, yet we still have a farm debt mediation mandatory process in Victoria.

The Hon. Gerry Kandelaars mentioned the Small Business Commissioner. It is interesting. I have spoken to the Small Business Commissioner. He personally believes that they did not need it, yet there are still significant issues because this is a mandatory process that gets farmers and their financiers to the table first.

I am always a bit alarmed and it irks me a bit to say this, but the Hon. Martin Hamilton-Smith is the minister to whom John Chapman reports. I recall a discussion with the member for Waite when he was a member of the opposition when I talked about wind farms and mining on farming areas and

he said, 'Ridgy, you have to think of the greater good. You cannot be too worried about a couple of farms.' So, I am a bit concerned about the direction that he may be giving his Small Business Commissioner.

The chief executive of Rural Business Support, Brett Smith, who handles all the rural counselling, supports this bill. All the banks that I have spoken to, which is the four major banks and Rabo, all support the bill. Some think, it is fair to say, that it is maybe not their number one issue that we should have but, nevertheless, none of them is opposed to it. Of course, the Hon. Rob Kerin, a former premier of the state, is not opposed to it. He accepts that at this point in time there are a very small number of farmers that banks are foreclosing on, but nonetheless this is a process of getting farmers and their financiers to the table earlier to start the mediation process.

That is what it is about: it is about making sure they address those issues early in the piece. It is also important to understand that it makes farmers address their business operations. Farmers are notoriously bad for addressing some of their business concerns. In our consultation with all the banks, Rural Business Support and Rob Kerin of Primary Producers SA and Grain Producers SA, the Australian Bankers' Association disagreed with a couple of matters and said that they would like to make a couple of amendments—this is the peak body of all the bankers' associations.

I will not move them tonight, as we are only doing the second reading vote, but I will quickly mention them because I know members are wanting to finish reasonably quickly today. The amendments came following feedback I received throughout my consultation process, most of which have arisen from the Australian Bankers' Association's submission. I think they are quite reasonable amendments which are mainly derived from the New South Wales legislation. I would like to thank the ABA for their detailed and very constructive submission.

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: It is the biggest and oldest industry in the state, the Hon. Mr Brokenshire, and I want to pay attention to it, and you will be out of this place soon enough, I am sure. As members would be aware, similar models already exist in Victoria and New South Wales. The bill currently before this house is modelled on the Victorian legislation; however, we have been asked to consider some safeguards and clauses from the New South Wales legislation which I have decided to take on board.

I will put those amendments on file over the next week or two. However, for the benefit of members I will outline these five amendments; the first is an additional clause to limit the scope of this bill to a farm debt between $50,000 and $30 million. The reason for this amendment is that if a farm debt is below a minimum threshold of $50,000, although mediation expenses are not too significant, the effectiveness of the process could be somewhat diminished. Similarly, if the farm debt is over $30 million, then perhaps mediation is not the most appropriate forum to settle a dispute of this magnitude.

The next two amendments I am proposing mirror each other in clauses 19(1) and 19(2), when a farmer or creditor is presumed to have refused to participate in mediation. This clause refers to how both the farmer and creditor are presumed to have refused to participate in mediation following an 'unreasonable delay' entering into or proceeding with mediation. The feedback we received was that this would create more certainty if there was a defined period.

Again, I have taken this feedback on board and now the farmer or creditor will be presumed to have refused to participate in mediation if either party is not entered into or proceeded with mediation within three months of a request being made under clauses 8 or 9 of this bill. To be clear, these amendments are intended to exist in conjunction with the remaining subclauses that already exist in clause 19.

The fourth amendment is the insertion of a subclause regarding the conduct of mediation under clause 23 which requires a premediation teleconference. This clause enables a mediator to call a premediation teleconference to be conducted by phone, video link or any other system of communication. The purpose is so that both the farmer and the creditor come prepared to mediate. The premediation conference gives both parties an opportunity to be better prepared for mediation

and to ensure that they are aware of what is required of them. This should go some way to ensuring that the mediation itself is as fair and equitable as possible and takes place in a timely manner.

The final amendment, which was to clause 24(1)(b), prevents a person from disclosing any information obtained in mediation or in the administration of this proposed act without consent from whom the information was obtained or to whom it relates. This amendment requires consent to be specifically written consent. I think this is a sensible amendment which provides absolute certainty to ensure information is not being disclosed inappropriately.

I know it is late in the evening, so with those few words, and having foreshadowed these amendments which I said I would put on file in the next week, I thank everybody for their contribution and look forward to their support through the second reading of this bill and then, hopefully, the committee stage when we return in May.

Bill read a second time.

EGGS (DISPLAY FOR RETAIL SALE) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 September 2015.)

The Hon. R.L. BROKENSHIRE (17:46): I note that the Hon. Tammy Franks has said that she intends to take this bill through today. I want to put on the public record that we have been working on this free-range egg issue for some time, like a lot of other colleagues. As recently as only about a week ago, ministers of all colours, Liberal, Labor (they are the two colours) and the federal minister as well, met and came up with a national agreement on free-range eggs. We have considered that, and we believe that there should be time now to let the dust settle to see what the outcome is in the next year or two as a result of the ministerial council meetings; therefore, we will not be supporting this bill.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:47): I was not down to speak but, for the Hon. Robert Brokenshire's benefit, my understanding is that the Hon. Tammy Franks wished to bring it to a vote on the first sitting Wednesday in May (18 May), so I will not be making a contribution tonight but seek leave to conclude my remarks on the next Wednesday of sitting.

Leave granted; debate adjourned.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (PUBLIC MONEY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 April 2016.)

The Hon. A.L. McLACHLAN (17:49): I rise to speak to the Nuclear Waste Storage Facility (Prohibition) (Public Money) Amendment Bill 2016. This bill amends the Nuclear Waste Storage Facility (Prohibition) Act, which was passed to protect the environment and the people of South Australia by prohibiting nuclear waste storage facilities. The government seeks to remove a clause in the act that will allow consultation with community regarding the findings of the Nuclear Fuel Cycle Royal Commission.

The government loudly protests that it is yet to change its policy on nuclear storage. Like the Premier, I am on my own journey on the nuclear road and, whilst the Premier indicates that he remains undecided, one cannot help feel with the bill before us that we are being drawn inextricably to the conclusion that we need to have a global waste dump cut into the soil of South Australia. The public statements of the commissioner have not assisted in easing my underlying reservations.

I have not reached my figurative destination and I am keeping an open mind on the issue. I will not be opposing the passing of the bill, as it is designed to facilitate debate and the formation of community understanding and consent. I do, however, have reservations about the clause providing for retrospective effect. No substantive reason for the retrospectivity has been forthcoming to blunt

the calls for amendment of the offending provisions. However, I now understand that there may be some movement by the government on this matter.

I approach environmental issues such as these from two perspectives: my beliefs concerning our place in the world and our role in ensuring its health as well as the economics of the proposed endeavour—the heart and the mind. A former Archbishop of Canterbury, Dr Rowan Williams, expressed a view with which I have great sympathy, that without a radical rethink of the relationship between environmental and economic challenges, the world faces the spectre of social collapse.

He warned that economy and ecology cannot be separated. The loss of sustainable environment leads not only to the loss of spiritual depth but also to material instability, and economics that ignores environmental degradation invites social degradation. We are best served by the environment when we stop thinking of it as there to serve us. Dr Williams questions whether we have the energy and imagination to say no to the non-future, the paralysing dream of endless manipulation that currently has us captive. These words and concepts press heavily upon me.

My family line originated from the west of Scotland and the east of Ireland. Before Christianity was gifted to us, we were one in our pagan simplicity with the natural world. Over time and the creation of the material world, like most other western communities, we were slowly separated from our connection, understanding and sympathies with nature. The call by Dr Williams is that we should reconnect and reject notions of ownership and replace them with stewardship—be the shepherd rather than the sovereign. I agree with him.

If the state were to accept the nuclear waste of other nations, we would be seeking payment and profit for destroying our own lands that sustain us. These appear to be the actions of an owner, not a steward. It will be difficult, if not impossible, to put a real price on degrading our own lands. Even John Stuart Mill acknowledged that the unlimited increase of wealth and population is not a good thing. In other words, growth for growth's sake is not a fundamental imperative to underpin the happiness of a state's citizens. Yet the public debate on the waste dump is populated by claims that the wealth created will be of such magnitude that it will not only compensate us for the risk but also underpin our lifestyles.

I suggest that we pay close attention to the voice of our Aboriginal communities about whether we should accept the waste that others create in lands far away from our shores. When I was a junior lawyer with Johnston Withers, I assisted in a minor way with the preparation of claims in respect of Maralinga. The plight of these people made a lasting impression upon me. I suspect that their connection to the land will serve as a guide as to the best path to take, rather than the loose assumptions contained in the business case.

I will need to be convinced before we allow further destruction of our lands in this way without Aboriginal community consent. I have previously enjoyed a career in financial services so I am well versed in business cases. They are important in facilitating informed decision-making. They tend, however, to have inherent weaknesses as they so often reflect the author's heuristics and bias. With the benefit of hindsight, assumptions that are claimed to be well grounded were often at best overstated and at worst pure fantasy.

Much work needs to be done to allow South Australians to give informed consent, assuming that they are comfortable with the ethical considerations I have alluded to earlier. The risks are great. The market for nuclear waste is very difficult to predict and the time lines are extremely long. As a consequence, it is extremely difficult to price risk and forecast profit margins.

I wish to stress to the honourable members of this chamber that the markets are not static. Business cases often fail to deliver upon a successful venture because markets are fluid and the predictions are one dimensional and do not provide for changes in operating conditions. If storing waste is perceived as profitable, then other nations will be encouraged to enter the marketplace and put pressure on margins. Further, the nature of this type of service is that you cannot easily withdraw from the market should profits prove slim.

Our entry into the market could also encourage the production of more nuclear waste, rather than encourage the development of more efficient reactors producing a less toxic by-product. We

therefore risk our beautiful lands for an unknown price and cost of operation that may change over time. There is little prospect of going back once we have commenced a storage undertaking.

I am unsettled by the politics surrounding the project. If we are to embark on this project, we will need considerable community will as well as agreed policy and regulatory settings. Yet it is not so long ago that the Labor government sought political advantage by opposing the storage of nuclear waste being then considered by the federal government. My honourable friend Mr Lucas amply illustrated this point in his second reading speech.

The rhetoric used by the Labor members—many of whom are still in the parliament today—was extreme. I quote the then premier, the member for Ramsay, who said:

> This government made a pledge to South Australians that we would do everything within our power to stop this nuclear waste dump being built, and we are keeping our word.

The then premier emphasised our reputation for a clean green image that bolsters our food and wine exports. The Labor Party has come a long way. I suspect that its failure to manage our economy and plan for the future has led to this desperation, intellectual gymnastics and moral contortions.

How can a government that has failed in assisting its people with transitioning in a global economy be entrusted with a complex project that has extremely long lead times and requires the tightest of regulation as well as transparency of operation? The idea may prove to be worthy, but the execution is beyond this government and, I suspect, the bureaucracy that supports it. Day in and day out we in the opposition seek answers on a variety of matters from the government benches and all we get in return are indignant responses laced with half-truths.

If we were to have a waste dump on our lands, we would receive the same disregard for transparency in relation to the regulation of the operations. A dramatic change in culture is required. I am not confident that this is achievable in the near term. The community will need comfort and reassurance that there is a new maturity in our political system, perhaps even a reworking of our political system to support the governance of this endeavour. Yet, in the very bill that purports to provide for community consultation, there is a mechanism that delivers retrospective effect. No coherent explanation has been forthcoming as to why this was needed.

By acting in this way the government has failed before it has begun to reassure the parliament of its good faith in respect of this issue. The government benches should be seeking to assure us all that they can manage the risk, not demonstrate that they are a key risk in themselves. I finish with a quote from Dr Williams:

> All the great religious traditions—in their several ways—insist that personal wealth is not to be seen in terms of reducing the world to what the individual can control and manipulate for whatever exclusively human purposes may be most pressing.

The ethics of storing the toxic waste of others is as important as the economics; they are not mutually exclusive concepts but co-dependent.

The Hon. J.A. DARLEY (17:58): I rise to speak very briefly on the Nuclear Waste Storage Facility (Prohibition) (Public Money) Amendment Bill. The purpose of the bill has been well canvassed by other honourable members; suffice to say that, based on legal advice obtained by the government, the bill is considered necessary to ensure that section 13 of the current act, which prevents public money from being spent on encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this state, is not contravened as a result of community conversation.

The Hon. Rob Lucas and the Hon. Mark Parnell have already flagged quite appropriately the need for this legislation to operate retrospectively if indeed the government has not acted contrary to section 13 of the act as it currently stands. I too share those concerns and ask the minister to clarify the government's position with respect to this issue during the committee stage debate.

As we know, there are amendments now on file regarding the bill, and, as I understand it, the government has indicated that it is willing to support those amendments proposed by the Hon. Mark Parnell. I am not sure exactly what the government's final position is with respect to the opposition's amendments at this stage, but I will certainly give due consideration to all of the

proposed changes. I look forward to particularly hearing from the Hon. Rob Lucas with respect to the reasoning behind the proposed amendments.

In closing, as alluded to by other honourable members, this bill is not about whether or not we support the establishment of a nuclear-storage facility and, as such, I will not get into the merits of that debate at this point in time. Indeed, I am sure that there will be ample opportunity to explore that issue in the detail that it deserves through informed debate in due course. That said, I am willing to support the second reading of the current bill today, and I certainly look forward to hearing from the minister in relation to all of the questions that have been placed on the public record. With that, I support the second reading of the bill.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:00): I thank honourable members for their second reading contributions on this bill. I flag from the outset that whilst the government does not consider that the proposed bill had any significant issues, it intends to support the amendments that have been placed on file by the Hon. Mr Parnell, and the Hon. Mr Lucas.

I will speak to each amendment at the committee stage. At the end of his second reading contribution, the Hon. Mr Parnell asked some 26 questions of the government, some of which had been asked by opposition members in the other place. I believe the government's answers to these questions have been circulated to the honourable members. For the record, these are the questions and the government's response. Forgive me for seeking the indulgence of the chamber as I read through some of these key questions.

Question 1: Has the government received legal advice that a state public servant or public servants have breached section 13 of the act? No is the answer to that.

Question 2: Has the DPP received any request from any person to prosecute any part of the executive, such as ministers, agencies or public servants, for any alleged breach of section 13 of the act? Not to my knowledge and, for clarification, breach of section 13 is not an offence.

Question 3: Has the government put the people of South Australia at risk of the government of this state being prosecuted? The answer to that question is no.

Question 4: On 22 March during debate on this bill in the other place, minister Koutsantonis said 'that is why retrospectivity is in place, to protect people on the passage of this bill in the upper house'. My question is: who exactly are these people the government is protecting? Is the minister saying that any member of the upper house who is in receipt of a public salary or taxpayer-funded staffing entitlements or is using a taxpayer-funded computer paper or biros, and actively promotes a nuclear waste dump, is in breach of section 13? The answer to that, Mr Parnell, is no.

Question 5: If no breaches of section 13 of the current act have occurred, why does the bill need to be backdated? I note again that the Premier has responded to me today saying he does not believe anyone has broken the law and, apparently, the government is agreeing that the bill should not be backdated, so that question might be redundant.

The answer to that, Mr Parnell, is the government accepts that the bill does not need to be backdated, and we will support the amendments of the Hon. Mr Parnell to this effect.

Question 6: Why did the government seek advice from the Crown Solicitor as to the need for this legislation and for it to be retrospective? In other words, what triggered that request for advice?

The answer is I think the advice to which the honourable Mr Parnell is referring is both the Solicitor-General and Crown Solicitor's advice. The government sought the Crown Solicitor's advice on the need for this legislation out of concern that section 13 would inhibit the rollout of the government's community engagement strategy.

The government also sought advice from the Crown Solicitor as to whether the legislation could be made retrospective as, at the time, the government was considering whether to commence preparatory work on the community engagement strategy. Given that the preparatory work that has been undertaken has not been inhibited by section 13, the government accepts there is no need to make the amendments retrospective and has agreed to amendments to remove the retrospectivity.

Question 7: When did the government first seek advice from the Crown Solicitor as to the need for this legislation and for it to be retrospective? Again, that is a question Vickie Chapman asked in another place.

The answer is that advice was sought from the Solicitor-General as to the need for this legislation in February this year. The government sought advice from the Crown Solicitor as to whether the legislation could be made respective in March this year.

Question 8: Did the government obtain legal advice as to whether legal privilege was appropriately invoked in this case, or was it simply a case of the government assuming that all of the legal advice it receives is privileged and therefore protected from disclosure?

The answer is that the government generally asserts legal professional privilege over the legal advice it receives. The government did not obtain legal advice about whether legal professional privilege was appropriately invoked in this case.

Question 9: Regardless of whether legal professional privilege applies, given that it can be waived by the client, why will the government not release the legal advice?

The answer is that it is a longstanding policy of government that legal advice will not be released, as to do so will amount to a waiver of privilege. This remains the policy of the government. The government will not release the advice in relation to this matter for this reason.

Question 10: Did the royal commissioner ask the government to introduce a bill with this content? The answer is no.

Question 11: Has the government or the commissioner to your knowledge received any correspondence from anyone threatening to pursue the question of a breach of the act we are currently attempting to repeal? The answer is that to my knowledge the government has not received any correspondence of this nature. The government is unable to comment on whether the royal commissioner has received such correspondence.

Question 12: Why is it necessary for the government to have the permission backdated to spend public money if it has not already spent the public money? The answer is that the government does not assert that it is necessary to have the permission backdated. The government has agreed to support the Hon. Mr Parnell's amendments for this reason.

Question 13: Why is it necessary for the government to spend any money to encourage any further aspect of the royal commission until the commissioner gives the final report on 6 May?

I am not sure I understand the question. However, I can advise the Hon. Mr Parnell that no money is intended to be spent regarding any aspect of the royal commission's findings until they are delivered. There is general preparation being undertaken for the community engagement process that will be undertaken after the release of the royal commission's findings.

Question 14: Is the government intending to spend public money on financing an activity associated with the construction or operation of a nuclear waste facility in this state, including but not limited to investigating, analysing, researching or planning? The answer is yes, the government intends spending public money on a community engagement process. This is why the government is seeking the repeal of section 13.

Question 15: Is there already an administrative unit, whether formal or informal, working within the Department of the Premier and Cabinet or any other department to advance the nuclear waste proposal?

The answer is no. There are public servants in DPC and in other departments who are advising the government on the royal commission, including its tentative findings, and there are also public servants within DPC working on the development of the government's community engagement strategy.

Question 16: How much public money was paid to the market research company Colmar Brunton, who were commissioned by the Department of the Premier and Cabinet to conduct telephone research into the public opinion of South Australians regarding the tentative findings of the royal commission?

The answer is that on 15 February 2016 the Premier committed to deciding on the next steps and embarking on the next stage of discussions with the South Australian community about South Australia's future role in the nuclear fuel cycle. To date, a total of $174,300, GST exclusive, has been spent by DPC with Colmar Brunton, and the market research has involved qualitative and quantitative methods to inform development of the community engagement process.

Question 17: Given the format and nature of the questions asked of the South Australian public, which I would add could easily be viewed as push polling, has the Department of the Premier and Cabinet breached clause 13 of the current act by using public money to encourage public support for a nuclear waste storage facility in this state?

The answer, Mr Parnell, is no; DPC has not breached section 13. At the time the commission was announced, the government stated that South Australians should be given the opportunity to explore practical, financial and ethical issues raised by a deeper involvement in the nuclear industries. Any questions that have been asked of South Australians have been to seek public feedback on the commission's activities in a broad sense, and have not sought feedback of an identifiable proposal for the construction of a nuclear waste storage facility.

Question 18: Is the government intending to extend the role of Commissioner Scarce once he has given his final report on 6 May and, if so, will he be paid additional public money to promote the benefits of South Australia becoming the world's nuclear waste dump?

As I pointed out, my initial reaction is that, once the commissioner goes beyond an investigative role into an encouragement or promotional role, then section 13, until it is amended at least, may have been invoked. The answer is that commissioner Scarce will cease to be a royal commissioner and the royal commission will cease to exist upon the presentation by commissioner Scarce of his report to the Governor. There may be a requirement for Mr Scarce to play a further role in explaining the commission's finding, but no arrangements around this have been finalised at this point in time.

Question 19: Can you outline the government's proposed public consultation or engagement process that we have been advised will occur between May and August this year, and what the cost of this exercise will be to taxpayers, and which agency's budget will cover the cost? The answer is that the budget for engagement on a mature and robust conversation about South Australia's future in the nuclear fuel cycle is not yet known, as the commission's final report has not yet been received.

On 15 February 2015, the Premier committed to deciding on the next steps and embarking on the next stage of discussions with the South Australian community following the release of the final report. Prior to this response the government wants to hear the views of the South Australian community. During this time all South Australians will be invited to discuss and debate whether South Australia should become further involved in the nuclear fuel cycle. The government's response to the recommendations, by the last sitting week of parliament 2016, will draw on the findings of both the commission's report and the views of South Australians via the engagement process.

Question 20: Will the government be spending further public money on public opinion polling; if so, what will be involved in that polling and how much will it cost? The answer to that question is that the budget for further engagement about South Australia's future in the nuclear fuel cycle is not yet known, given that the commission's final report has not yet been received.

Question 21: Has any of the $9.1 million of taxpayers' money spent so far on the royal commission been used to pay for the services of public relations firm Michels Warren or any of its staff?

Question 22: How much of the $9.1 million of taxpayers' money spent so far on the royal commission was paid to consultants or contractors to undertake analysis and prepare reports and business cases for the royal commission?

Question 23: In particular, how much did the royal commission pay Jacobs MCM for their quantitative cost analysis and business case of radioactive waste storage and disposal facilities in South Australia?

Question 24: How much did the royal commission pay Parsons Brinckerhoff for their quantitative analysis and initial business case of radioactive waste storage and disposal facilities in South Australia?

The answer to those questions is that I am advised that approximately $6.7 million has been spent by the royal commission to the end of March 2016, and the $9.1 million figure represents the total budget allocated to the royal commission. The government is concerned that the specifics of what the royal commission has paid, particularly to consultants, could be commercially sensitive. The government will consult the royal commission as to whether this information can be made public and, if it can, I will provide it to honourable members.

Question 25: What was the Economic Development Board's brief as issued to ThinkClimate Consulting in 2014 and what was the fee paid for that work? The answer is that I am advised that the amount paid to ThinkClimate Consulting in 2014 was $55,593. In terms of the brief, the following is a direct quote from the extract from the report's scope:

In response to recent and potential future declines economic and industrial conditions in South Australia, the Economic Development Board is interested in exploring new opportunities for economic development, wealth creation and job creation for South Australia. Included in these considerations is a desire to revisit the potential for creating further value in the state through expanding our role in the nuclear industry.

These considerations are preliminary and high-level, and untied to any governmental or ministerial direction. A colloquial understanding exists in South Australia that much wealth and opportunity remains in the nuclear industry and this could be exploited for reasonably easy and large wealth-creation. Evidence for this proposition is sparse, out of date and, with the passage of time, has become largely anecdotal. The Economic Development Board therefore requires an opening discussion paper to assess, at a high level, the entire value chain of the nuclear fuel cycle in both civilian power generation and medical and other research purposes. The discussion paper must review the evidence that may support or contraindicate further involvement from South Australia and illustrate the potential impact with preliminary economic analysis. A rigorously researched discussion paper will inform any decisions regarding further, more detailed studies in future.

Question 26: What other public money was involved in the Economic Development Board for the Economic Development Board's research into nuclear waste? The answer is that in late 2015 the EDB assisted the royal commission in the facilitation of three business stakeholding engagement workshops.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

The Hon. R.I. LUCAS: I move:

Amendment No 1 [Lucas–1]—

Page 2, lines 6 to 8—Delete the clause and substitute:

2—Commencement

(1) Subject to subsection (2), this Act will come into operation on the day on which it is assented to by the Governor.

(2) Section 4 will come into operation on a day to be fixed by proclamation.

(3) A proclamation may not be made under subsection (2) unless the Governor is satisfied that the Commission has, in its final report on the matters referred to it by the Governor, recommended the undertaking of—

(a) public consultation in relation to the establishment of a nuclear waste storage facility in this State; or

(b) any activity associated with the construction or operation of a nuclear waste storage facility in this State.

(4) In this section—

Commission means the Nuclear Fuel Cycle Royal Commission constituted of Rear Admiral The Honourable Kevin John Scarce, AC, CSC, RANR and established on 19 March 2015;

nuclear waste storage facility has the same meaning as in the *Nuclear Waste Storage Facility (Prohibition) Act 2000*.

The minister has indicated that the government's intention is to support both the amendments from the opposition and the Australian Greens, which is an interesting position for them to adopt. I do not intend to speak at length.

To briefly explain, this amendment being moved by the opposition removes the retrospectivity element obviously, but it proposes that this bill will only be enacted when the final report of the nuclear royal commission is released. If it recommends public consultation in relation to the establishment of a nuclear waste storage facility or any activity associated with the construction or operation of a nuclear waste storage facility in this state, this will give the government the authority to spend money on public consultation when and if the nuclear royal commission recommends it be done.

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

Amendment No 1 [Parnell–1]—

Page 2, lines 6 to 8—Delete the clause

This amendment, I note, precedes the opposition's amendment in time. My amendment quite simply removes the retrospectivity clause altogether, which means that the bill would come into operation in the usual fashion, which would be on royal assent, which presumably would be next week. I accept the Hon. Rob Lucas's analysis, that it might seem difficult for the government to be supporting both amendments, but I think at the end of the day that an amended bill will come into effect and, to be honest, under either the Hon. Rob Lucas' proposal or mine, it is coming into effect next week. It is based on the assumption that the royal commission will probably confirm its tentative findings and probably will recommend further investigation into a nuclear waste storage facility, but I move my amendment anyway.

The Hon. P. MALINAUSKAS: The government supports the amendments.

Clause deleted; the Hon. R.I. Lucas' amendment carried; clause as amended passed.

Clause 3 passed.

Clause 4.

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

Amendment No 2 [Parnell–1]—

Page 2, lines 14 and 15—Delete the clause and substitute:

4—Amendment of section 13—No public money to be used to encourage or finance construction or operation of nuclear waste storage facility

Section 13—after its present contents (now to be designated as subsection (1)) insert:

(2) Subsection (1) does not prohibit the appropriation, expenditure or advancement to a person of public money for the purpose of encouraging or financing community consultation or debate on the desirability or otherwise of constructing or operating a nuclear waste storage facility in this State.

I explained this amendment in my lengthy second reading contribution, but I just need to say a few words. Basically, it retains clause 13. It re-numbers the existing section 13 as section 13(1) and adds the following:

(2) Subsection (1) does not prohibit the appropriation, expenditure or advancement to a person of public money for the purpose of encouraging or financing community consultation or debate on the desirability or otherwise of constructing or operating a nuclear waste storage facility in this State.

In short, it delivers to the government what they said they needed in terms of reform of this act. I understand they are supporting this amendment, so I do not need to speak to it any further.

The Hon. P. MALINAUSKAS: The Hon. Mr Parnell is right: we are supporting his amendment.

Amendment carried; clause as amended passed.

New part 3.

The Hon. R.I. LUCAS: I move:

Amendment No 2 [Lucas–1]—

Page 2, after line 15—Insert:

Part 3—Expiry of Act

5—Expiry of Act

This Act will expire on the day falling 6 weeks after the day on which this Part commences unless section 4 comes into operation before that day.

The Hon. P. MALINAUSKAS: The government supports the amendment.

New part 3 inserted.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CORPORATIONS (COMMONWEALTH POWERS) (TERMINATION DAY) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

LOCAL GOVERNMENT (STORMWATER MANAGEMENT AGREEMENT) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 18:24 the council adjourned until Thursday 14 April 2016 at 14:15.

Answers to Questions

ABORIGINAL HEALTH

In reply to **the Hon. S.G. WADE** (28 October 2015).

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): The Minister for Health has provided the following advice:

The Umoona Tjutagku Health Service Aboriginal Corporation (the Corporation) is incorporated under the *Federal Corporations (Aboriginal and Torres Strait Islander) Act 2006*. The South Australian government does not have regulatory authority over the Corporation.

The findings of the investigation by the Office of the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) into the affairs of the Corporation cover a range of operational governance issues.

A notice issued on 5 November 2015, on behalf of the Registrar, requires the Corporation to take action to comply with the *Federal Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the Corporation's constitution, and to rectify any other irregularities as mentioned in the notice, including financial matters.

The Australian government's Department of the Prime Minister and Cabinet and the Commonwealth Department of Health are both working with the Corporation in relation to the findings.

I am advised SA Health provides funding to the Corporation, under a service agreement for outpatient counselling to address substance misuse.

Under the service agreement, SA Health receives quarterly service monitoring and financial reports, annual audited financial statements, and has quarterly contact meetings with the Corporation. I am further advised there have been no irregularities in these reports to suggest the outpatient counselling service is not being properly delivered.

I am advised that SA Health made inquiries and sought assurances that the funding was and is used exclusively for the provision of the contracted outpatient counselling appointments and that those assurances have been provided.

NUCLEAR WASTE

In reply to **the Hon. M.C. PARNELL** (8 March 2016).

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): The Premier has received the following advice:

The government has not broken the law. Section 13 of the *Nuclear Waste Storage Facility (Prohibition) Act 2000* provides that no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this state.

It is the government's position that, until there is an identifiable proposal for the construction of a nuclear waste storage facility in South Australia, section 13 cannot be engaged. Whether section 13 is engaged by the Nuclear Fuel Cycle Royal Commission's report is not yet known. It will depend upon the report.

The repeal of section 13 is necessary because section 13 has the potential to prevent the government from consulting on the merits of a nuclear waste storage facility, once the Royal Commission hands down its final report on 6 May 2016.

The repeal of Section 13 does not signal a shift in the government's policy on nuclear waste storage.

On 15 February 2016, the Premier committed to deciding on next steps and embarking on the next stage of discussions with the South Australian community following the release of the final report.

The repeal of section 13 is to ensure barriers that prevent consultation with the community are removed.

The government awaits the release of the Royal Commissions' final report and will then consult on the report's findings.

It will not release any public feedback prior to embarking on the next stage of the discussion with the South Australian community as part of the deliberative process.

NUCLEAR WASTE

In reply to **the Hon. M.C. PARNELL** (10 March 2016).

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): The Premier has received the following advice:

No Minister or agency has breached section 13.

It is the South Australian government's position that, until there is an identifiable proposal for the construction of a nuclear waste storage facility in South Australia, section 13 cannot be engaged.

The repeal of section 13 is not intended to protect any particular minister or agency. Its repeal is necessary because section 13 has the potential to prevent the government from consulting on the merits of a nuclear waste storage facility once the Royal Commission hands down its final report to the government on 6 May 2016.

No action will be taken by any minister in breach of section 13. Advice will be sought as to what action is open to the government in the event the bill does not pass. This advice will guide the government's future action.

The Solicitor-General's advice will not be released as the advice is subject to legal professional privilege. The government's offer to brief members on the bill stands.