LEGISLATIVE COUNCIL

Wednesday, 18 May 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:15 and read prayers.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:17): I bring up the 23rd report of the committee.

Report received.

Ministerial Statement

PINERY BUSHFIRES

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:17): I table a copy of a ministerial statement made in the other place by the Minister for Communities and Social Inclusion entitled 'Pinery Bushfire Recovery Efforts'.

ARTS FUNDING

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:17): I also table a copy of a ministerial statement made in the other place by the Minister for Arts entitled 'Federal Arts Cuts'.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

SAVE THE RIVER MURRAY FUND

The Hon. J.M.A. LENSINK (14:18): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray on the subject of the Save the River Murray levy.

Leave granted.

The Hon. J.M.A. LENSINK: In estimates last year, the minister was asked a question by the member for Flinders in relation to the Save the River Murray levy and whether all the programs that were funded from the levy would be funded at the same rate. The minister replied as follows:

> My understanding is that all the programs will continue. They will just now be funded through consolidated revenue into the future.

He then corrected that to say 'the right term is appropriation'. My question to the minister is: does he stand by that particular statement?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:19): At the point of time that I made that statement, it was entirely correct.

SAVE THE RIVER MURRAY FUND

The Hon. J.M.A. LENSINK (14:19): Further question: does that mean that that is no longer the case?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:19): No.

The PRESIDENT: Supplementary, Ms Lensink.

SAVE THE RIVER MURRAY FUND

The Hon. J.M.A. LENSINK (14:19): Goodness me! It looks like a ping-pong match. Could the minister then outline how those particular programs are to be funded into the future, if not through appropriation as he told estimates last year?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20): Again, I thank the honourable member for her most important question, but she would be aware, as would most of us, that programs don't last forever. They are usually time limited. They are to address specific functions or projects. They sometimes entail extra funding from other spheres of government—local government and federal government—and sometimes non-government organisations as well, and that comes to an end as well, because the federal government doesn't give funding for ever and a day either.

At the time when those programs were underway, they were still being funded, but as programs mature and make way for other programs that changes. That is the nature of government funding. That is the nature of programs that have been run out under government funding at a federal and state level for time immemorial. Why would the honourable member think something would change now?

The PRESIDENT: Supplementary, Ms Lensink.

SAVE THE RIVER MURRAY FUND

The Hon. J.M.A. LENSINK (14:21): Given that that is within the same financial year, how can the minister justify saying one thing in estimates in relation to the current financial year and change that in the same financial year?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:21): I haven't.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. J.S.L. DAWKINS (14:21): My question is directed to the Minister for Water and the River Murray. Will the minister indicate whether water planning and management programs—such as $200,000 for Lower Murray levee bank restoration, $540,000 for River Murray waste disposal stations, $300,000 for salt interception schemes, $115,000 for River Murray operations and $79,000 for drainage disposal basins—which were previously funded by the Save the River Murray levy, are now to have their costs recovered by the government through NRM water levies?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I thank the honourable member for his most important question. I would imagine honourable members in this place would be able to count themselves as experts on these matters, because I have spoken about water planning, management and cost recovery a number of times in this place. The state government's costs for water planning and management—ensuring that our water resources are managed sustainably—amount to more than $40 million per year. I have used that figure previously.

The 2015-16 state budget identified our intention to partially recover these costs, in effect, reducing our subsidy to water users by recovering $3.5 million via NRM boards in 2015-16, increasing to $6.8 million in 2016-17 and being indexed ongoing thereafter. This partial cost recovery, I am advised, amounts to about 16 per cent of what we actually spend—that figure is for the 2016-17 year—and this means government, on a rough appraisal, is still bearing about 84 per cent of the costs of water planning and management.

NRM boards determined that these costs should reflect, of course, primarily those regions where most irrigation takes place. That is just common sense.

The Hon. R.L. Brokenshire: It was forced upon them by you.

The Hon. I.K. HUNTER: Those regions are the South-East, the SA Murray-Darling Basin and Adelaide and Mount Lofty Ranges.

The Hon. R.L. Brokenshire: They don't believe any of this nonsense. You forced it on them.

The Hon. I.K. HUNTER: The honourable member who is interjecting—

The Hon. R.L. Brokenshire: Well, you did. We've got the evidence.

The Hon. I.K. HUNTER: —is again making things up, and if he listens to me or, indeed, reads *Hansard* at some stage in the future, he will be a little bit clearer about what I just said. NRM boards determined that the costs should reflect those regions where most irrigation takes place. That's what I said and you have this tirade of people in this place thinking something else was said and making up interjections, without actually rationally analysing what I have just said and read into the *Hansard*.

That's not surprising because that's all they ever do: they make things up. On the other hand, I live in hope that there will be some rational people out there who are listening to question time or, indeed, will read the *Hansard* and want to hear what the facts are, and they will only get them from this side because the others aren't interested in the facts. They are interested in creating a sense of crisis. That's what oppositions do; I get that. That's their job, but in fact they have never been able to back up any of their claims with any facts whatsoever.

Six of the eight NRM boards' business plans have been revised in order to support ongoing delivery of priority NRM programs in our state. As part of their business plan reviews the boards have carefully considered their programs and projects, the fair apportionment of the NRM levies across their regions, other funding opportunities and how they continue to deliver their statutory functions required under the act.

The boards have also had to make allowances for significant reductions in commonwealth government funding over past years, I am advised. The boards have all undertaken lengthy periods of community consultation far beyond that required in the NRM Act. They have also conducted social and economic impact assessments around proposed increases and critically reviewed their business priorities. Based on community feedback, some boards have chosen to withdraw program investment and reduce staffing whilst increasing levies to deliver on key priorities.

Many members of the community, including primary producers, have expressed real concern about a loss of NRM funding and the negative impact this will have, particularly in regional areas. The boards have worked hard to balance funding for natural resources management against an increase in levies. Regional NRM levies are a way of sharing the cost of managing our natural resources including, of course, water.

The state government provides funding to the Murray-Darling Basin Authority to ensure South Australia's share of the water from the River Murray flows to users and provides for the ongoing health and management of basin-wide environmental water planning, delivery and monitoring. Funding also provides for water allocation plans which ensure we manage water resources sustainably to safeguard food production and agriculture into the future.

Managing water licensing, permitting, compliance and trading schemes are all important parts of the work that the NRM boards do. In addition, funding is provided to ensure sustainable, good quality and secure River Murray water and groundwater supplies for everyone, including farmers, into the future. As I said, the boards have invested in social and economic impact assessments to help guide their decisions.

In the South Australian Murray-Darling Basin Natural Resources Management region, these assessments showed that for most farms the NRM water levy is less than 1 per cent of the total cost of running a farm. While there was some variation between different enterprises, the South Australian Murray-Darling Basin NRM Board deemed in most cases the levy would not have a significant effect on food production or agriculture in that region or in the state generally.

The Natural Resources Committee of parliament recently considered the NRM boards' levy proposals in accordance with the requirements of the Natural Resources Management Act 2004 and the committee, as I understand, resolved that they did not object to the levy proposals outlined in the

NRM boards' business plans. NRM boards are available on board websites and from natural resource regional offices, and these demonstrate clearly where the levy funding is being spent.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. J.S.L. DAWKINS (14:27): I have a supplementary question. Given the pressure applied to NRM board chairs and board members by the government on this levy issue, will the minister concede that this will negatively impact on the quality of people in local regions who will now think twice about putting themselves forward for NRM board nomination?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:27): I hardly think so. The people who put themselves forward—and there has been no diminution in that in recent times, as I understand it—do so because they want to serve their local communities. That is why they want to do that: because they believe they have something to offer their local communities. Of course they want to do it because they want to be of service to their community instead of pulling communities down—as we see from the Liberal opposition over here whose only advantage in any of this is to actually destroy confidence in South Australia and to malign our abilities to compete with other states in terms of our clean and green agriculture from our clean and green environment. That is all they intend to do: create a sense of crisis, not support local communities and businesses. That is not the view of this government and we will continue—

Members interjecting:

The PRESIDENT: Order! The honourable minister, please take a seat.

The Hon. I.K. HUNTER: We will continue to support—

The PRESIDENT: Will you please take a seat. The honourable Leader of the Opposition made a big deal to me the other day about the behaviour of people in this chamber but, by your very actions, you are doing exactly what you were complaining about. The minister is trying to answer a very important question. I can't hear him and I am sure there are some over on the government bench who can't hear him. The minister should be able to give his answer without any interjection. Minister.

The Hon. I.K. HUNTER: Thank you for your protection, I desperately need it. This government will continue to support motivated members of local communities who want to serve their communities through NRM boards, and we will give them every assistance we possibly can because we know they are the only ones working with state government who are standing up for their communities. The Liberal Party never will.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. R.L. BROKENSHIRE (14:29): I have a supplementary to the minister's answer to the Opposition Whip. I have seen the charts, and the only reduction in contribution from government has been from the state government. What evidence does the minister have that federal government programs have been cut, when you are giving them diddly squat?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:30): The honourable member comes into this place often and does not want to do his own homework. I suggest he goes and looks up the federal government's—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: You've got to love them, don't you? The best of them lack all conviction whatsoever, and the rest of them are driven by passionate intensity which is usually phoney, faux and fake. The honourable member might like to go and do his own homework with the federal government. He might want to start with the Landcare program and see how the federal government have cut those contributions.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. S.G. WADE (14:31): I seek leave to make an explanation before asking a question of the Minister for Water and the River Murray.

Leave granted.

The Hon. S.G. WADE: The minister has cited the National Water Initiative as justification for shifting departmental costs onto water users through the natural resources management levy. How does the minister justify the inclusion of $4.7 million related to water policy and strategy costs, when to do so is in direct breach of principle 2 of the National Water Initiative in relation to government activities under recovery for water planning and management?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): The opposition wouldn't know a principle if they fell over one. I have to say this about the opposition: they come in here all crazy-brave, but they are selling their communities right down the river. This is the mob who did not want to stand up to a federal government, be it a Labor federal government, they were too scared to stand up against them as well. They refuse to stand up against a federal Liberal government in the interest of South Australia.

The Hon. J.M.A. Lensink interjecting:

The Hon. I.K. HUNTER: I can tell them right now it is only because South Australia stood up for our state that we got the water deal through the agreement that we wanted all along, without any help from the opposition, none at all. They squibbed it, in the very earliest stages. They wanted to adopt the clapped-out old Corolla, that is what they wanted us to adopt. But we stood firm.

The PRESIDENT: The Hon. Ms Lensink, it is really lovely to see you back. Obviously you have a lot of enthusiasm, but the minister is trying to answer the question. It would be very much appreciated if you would just let him do so without your interjections. Minister, please finish your answer.

The Hon. I.K. HUNTER: They are very happy to try to pivot away to another issue when it does not suit them, when their record is brought up about how they failed to stand up for our state time and time again. They would not know what the National Water Initiative principles are about. They wouldn't know a principle if they fell over one.

The Hon. J.M.A. Lensink interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink, I think you are actually going a little bit overboard, and I do not appreciate it. I do not think the chamber appreciates it. Keep in your seat, allow the minister to answer the question and we will all be much happier.

The Hon. I.K. HUNTER: I am very indebted for the honourable member's thrusting into my hand these papers, because at item 3, 'Principles for recovering the costs of water planning and management activities'—look it up! It is about recovering costs from the beneficiaries. Look it up!

Mr President, I suggest through you that they look it up and understand that in other states there is a full recovery. We are only after a partial recovery. They cannot get away from the fact that, even with the partial recovery we are looking for, our water management prices through the levy process are incredibly less than the Eastern States. We are delivering for our agricultural communities, we are delivering for our irrigators, we are delivering for our farmers, and those opposite just squib it every time.

APY ARTISTS

The Hon. T.T. NGO (14:34): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister tell the chamber about the success of the APY artists in the 2016 Telstra National Aboriginal and Torres Strait Islander Arts Award?

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) (14:35): I thank the honourable

member for his question and his ongoing interest in Aboriginal affairs generally, and Aboriginal art in particular, in his role as Chair of the Aboriginal Lands Parliamentary Standing Committee. The museum and art gallery of the Northern Territory has hosted the national Aboriginal and Torres Strait Islander Arts Award since 1984, and is widely regarded as a premier Indigenous art prize in Australia.

The awards recognise Indigenous artists from right across Australia, showcasing both established and emerging artists. This year marks the 25th anniversary of Telstra's sponsorship of the awards, and I am told that they have something special planned for this celebration. I travelled to the APY lands in the last week of April, where I visited a number of the arts centres: in Fregon I visited Kaltjiti Arts where they are using very new styles and techniques showcasing very old stories. In Mimili, at Mimili Maku Arts, I saw stunning work in other mediums, including photography and digital works. At Indulkana, at Iwantja Arts, there is a melding of pop culture with traditional arts and themes. I did not visit the Ernabella Arts Centre on this occasion as it was closed when I was in Ernabella, but I spent half a day with a renowned artist from Ernabella, Gordon Ingkatji, at his homeland at David's Well.

One thing that struck me, as it always strikes me when visiting the APY lands, is how proud everyone is who contributes to the arts centre with the works they do. Of the three arts centres I visited, almost immediately upon arriving the arts centre managers rolled out the bundles of the paintings nominated for the Telstra arts prizes to show me just how proud they were of the works and the artists. I made some bold predictions about how many might get nominated as finalists from each arts centre: I was wrong on a number of them but close on a few of them.

I was informed last week that 20 APY artists have been shortlisted for the 2016 Telstra National Aboriginal and Torres Strait Islander Art Awards: two from Kaltjiti, two from Ernabella, three from Mimili Maku, five from Iwantja, five from Tjungu Palya and two from Tjala Arts. I am not sure exactly how many shortlist finalists there were this year (I know that there were about 65 last year and I think that there were a similar amount in total this year), so 20 out of something like 65 finalists is a massive representation of APY artists, who are definitely punching well above their weight in terms of representation on the national scene.

The 20 nominees included: Alec Baker from Iwantja Arts; David Frank; Vincent Namatjira; Tiger Yaltangki; Kaylene Whiskey; Betty Pumani; Mike Williams; Kathleen Tjapalyi; Matjangka Norris; Witjiti George; Pepai Carrol; Rachel Lionel; Anwar Young; Yaritji Young; Barbara Moore; Teresa Baker; Clarise Tunkin; Wipana Jimmy; Beryl Jimmy; and, Imitjala Pollard.

All 20 of these artists are shortlisted for the final of this year's Telstra prize. There are six categories of work: the Telstra art award, a $50,000 prize; the Telstra general painting award, a $5,000 prize (which I think last year was won by APY artists); the Telstra work on paper award (which I think also last year was won by an APY artist); the Telstra bark painting award; and, the 3D award.

The overall winner is chosen from across those categories, and the winners will be announced in August of this year at a special ceremony in Darwin. I certainly wish all the APY nominees the very best, and I am sure we will see them represented well, as APY artists are always represented well in this prize.

SA WATER

The Hon. J.A. DARLEY (14:39): My questions are to the Minister for Water and the River Murray:

1. With regard to the recent burst water main at the corner of Hackney Road and North Terrace, which caused significant disruption to traffic movement in the area, can the minister advise what caused the burst?

2. Was it due to inaccurate information provided by SA Water to the Department of Transport concerning the exact location of the water main or negligence on behalf of DPTI in their drilling operation associated with the O-Bahn project?

3. If the problem was caused by SA Water, what action has been taken to ensure that such information is accurate in future?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): I thank the honourable member for his most important questions which I will take on notice and inquire of DPTI what their position is and bring back a response.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:40): My question is to the Minister for Water and the River Murray. Given that the Labor-dominated Natural Resources Committee is not satisfied with his government's response in trying to justify cost shifting items which are supposed to be paid for from appropriations and passed on to irrigators, will the minister now agree to an independent audit of water planning and management costs?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): They keep recycling all their old questions. I am not sure what time they think they are going to run out of them but we have two weeks of this, so they might want to go off and look for some new ones. The Natural Resources Committee of the parliament has made a determination, I understand, to not object to the levy increases—

An honourable member interjecting:

The Hon. I.K. HUNTER: Well, that is what I was advised. They also—

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: Well, yes, that's right.

The PRESIDENT: Order! The Hon. Mr Brokenshire, we would like to hear the answer, please.

The Hon. I.K. HUNTER: The communication I have had from the committee conveying that to me has also outlined a number of questions which they would like addressed and which I will do and respond to in due course.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): When will the minister address those questions that have been outlined in the letter from the committee to him?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:41): I just advised him when.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): A supplementary question: will the minister put a time frame on it? It is an important issue for irrigators in the community. Will you put a time frame on it, please?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:41): I will give it all due consideration and I will respond when I have the information before me to inform an appropriate response.

SWITCHED ON SCHOOLS SUMMIT

The Hon. J.M. GAZZOLA (14:41): My question is to the Minister for Climate Change. Will the minister inform the chamber about how young people are learning about the state government's action on global warming and becoming the next generation of inspirational leaders?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:42): At last a sensible question. I am very grateful to the honourable member for the most important question and I am very grateful for the fact that just asking the question made the Leader of the Opposition sigh. He is one of those great climate change deniers that they have in the Liberal Party. He does not believe the

science, he is one of the sceptics who thinks climate change is a furphy. He is one of Tony Abbott's young acolytes and he cannot believe that Tony Abbott got deposed by the current Prime Minister. I have not yet seen him out on the hustings supporting the current Prime Minister but I'm sure he will be. Of course, he takes regular text messages from Peta Credlin and gets his instructions from that climate change sphere.

Members interjecting:

The PRESIDENT: Order! Let's get on with the answer.

Members interjecting:

The PRESIDENT: Order! Can we please get on with the answer?

The Hon. I.K. HUNTER: They do not like it when their factional spots are exposed in this place, do they? I had the pleasure to join the Lord Mayor Martin Haese in opening the Switched On Schools Summit at Adelaide Town Hall this morning. It is a great initiative jointly hosted by the Adelaide City Council and the Australian Youth Climate Coalition (AYCC) to empower high school students and teachers on environmental sustainability.

The Australian Youth Climate Coalition was founded, as I understand, in 2007—Australia's largest youth-led organisation with over 120,000 members and 750 volunteers nationally, I am advised. Since then, its projects and campaigns have educated, engaged and inspired over 130 high school students and young people around the country to take action on climate change.

It was a great day to see over 100 highly motivated South Australian students from Years 9 to 11 and their teachers willing to learn more about fighting global warming and sustainability. This is the second time this summit has been held in Adelaide. Last year, I think it was a one-day summit; this time it was a two-day summit, largely because of the overwhelming interest in the subject matter. It works particularly well because it uses peer-to-peer facilitated learning to engage and energise students.

The AYCC volunteers who facilitate the workshops are university students, and they help students develop the skills needed to create change such as managing groups and communicating about climate change and working towards renewable energy campaigns. It is great to see many of the participants return the following year as volunteer facilitators themselves or mentors for other schools. The program is unique, because it connects the participants to a youth leadership network and supports them to make meaningful change in their schools and their communities.

Throughout the summit students will hear from speakers on the front line of climate change, as well as from a range of young people who are actively making change in their local communities. They have the opportunity to attend workshops about climate solutions and planning sessions, and opportunities to meet like-minded students.

It was also a great opportunity for the Lord Mayor and me to outline some of the important initiatives being undertaken at a state and local level in South Australia to tackle global warming, including: our target of achieving zero net emissions by 2050; our work with the Adelaide City Council to make Adelaide the world's first carbon neutral city; our national leadership in renewable energy, with 41 per cent of our energy generated from renewables; our aim to reach 50 per cent renewables by 2025; and our outward looking approach to action on global warming, including being a founding member of The Climate Group States and Regions Alliance, of which the South Australian Premier is a co-chair, with the Premier of Quebec and the President of the Basque Country in Spain.

I wanted to ensure that these school students understood that the state government shares their commitment in fighting global warming, and ensuring that we have a sustainable future. It is indeed great to see so many young people who are incredibly passionate about their community and about the environment, and who want to have an impact.

I thank the Adelaide City Council for generously co-hosting the event for the second year. I sincerely commend the AYCC for its ongoing efforts to build a generation-wide movement to fight global warming by educating and inspiring and empowering young Australians around this issue. In particular I would like to thank the school students for taking part in this summit, and also their teachers and schools for supporting them to do so.

We need this younger generation of people to ensure that governments at all levels take global warming seriously and hold us all accountable. In particular, I hope that their voices are heard loud and clear during this current election campaign by the current commonwealth government and opposition; to finally show some leadership on this vital issue, and if the current federal government want to do this on the cheap they can just pick up the Labor opposition's policy, which will go a long way to meeting our climate change goals agreed on in Paris just recently.

These young people understand that we must all play a part in ensuring that we have a sustainable future and that acting to fight global warming is not just desirable but is absolutely vital to our future. We should all listen very carefully to what these young people have to say, and I suggest to the Hon. Mr Ridgway and the Liberal Opposition that they do exactly that.

NUCLEAR WASTE

The Hon. M.C. PARNELL (14:47): I have a supplementary question: is the minister at all embarrassed by the fact that earlier this week the Australian Youth Climate Coalition signed the No Dumps Alliance statement of concern in relation to radioactive waste dumps, with the statement: our leaders should be leaving South Australians with a future that is renewable not radioactive.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:48): Why should I be at all concerned, or even embarrassed, by young people standing up for their convictions? Why on earth would I be embarrassed by young people feeling the courage of their convictions in wanting to say what they feel. I think that is entirely commendable.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. R.L. BROKENSHIRE (14:48): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation some questions regarding his rip-off of property owners in South Australia.

Leave granted.

The Hon. R.L. BROKENSHIRE: Contrary to the minister's arrogance and ignoring the concerns out there, articles are appearing daily—articles such as one headed 'Angry Farmers to Feel Brunt of Land Tax Rise', and within that article, even one of the minister's own caucus members, the very good Hon. Steph Key, said:

> The expenses imposted are a heavy burden and might have compromised the ability of the boards to carry out their works effectively as well as caused possible damage to their relationships with their communities.

That is from the very decent Hon. Steph Key. We are advised that $6.8 million will be returned to Treasury through sleight of hand with the levy, and we are also advised that approximately $6 million will be taken out of the fund to go to so-called corporate service charges reimbursement to the minister's department, DEWNR. My questions to the minister are therefore:

1. When the Save the River Murray levy was abolished, the money for those activities, we were told, was to come from Treasury, but it clearly appears now that many of the activities included in the so-called $43 million National Water Initiative are those that would have been covered by the old levy. True or false, minister?

2. I understand that the Murray-Darling Basin contribution is at least $19 million per annum and that SA Water is paying $17 million per annum. There is not much left of the so-called $43 million total spend. Why is the minister fleecing the property owners and the farmers of this state?

3. Does the minister agree that he is in breach of the obligations under the National Water Initiative to undertake an independent and public test for cost-effectiveness of the water planning and management costs that he is so-called passing on, but I would say is actually ripping off?

4. If local government says no on 1 July to collecting this outrageous increase in levy payments, what will the minister do to local government?

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 incredibly high-quality question. As always, the Hon. Mr Brokenshire comes in here with very well researched questions, usually premised on absolute fallacies. Nonetheless, let me give him chapter and verse.

The state budget papers set out how the Department of Environment, Water and Natural Resources allocates its budget. The department has calculated the total cost of water planning and management at approximately $43 million. It should be noted that this figure represents a point in time snapshot, and the costs incurred across the water planning and management functions, and the total cost, vary from year to year. Recovery of these costs from those who benefit has been on the cards, I am advised, since the budget in 2011. That is how up to date the honourable member is; he has now only just discovered the budget of 2011 and is voicing some complaints about that. That is okay; in his own time.

The announcement contained in the 2015-16 budget, of our recovery of $3.5 million from the NRM boards in 2015-16 and $6.8 million in 2016-17 (indexed ongoing thereafter), represents a small fraction of the total investment in water resource planning and management. What does the honourable member expect would be the outcome, for example, of something that he has called for before, and another member has done today, an expensive independent inquiry? Does he actually expect such an inquiry will show that in fact there is such an incredible pull down in terms of water management and planning or is it actually expected to show that in fact we are only recovering a tiny proportion of the moneys that the government is spending on water planning and management?

If that is the case, then the call will come to actually make the beneficiaries pay more. If that is what he wants to do, then he should go out to his community and tell them that; that is what he should say to them, that the Hon. Mr Brokenshire has a plan to drive up costs to farmers and to the agricultural sector. That is what he should do if he was telling the truth to people, instead of rabbiting on as he does on the wireless from time to time and making up these stories.

As I said, when we expect to recover only $3.5 million in 2015-16 and $6.8 million in 2016-17 of that $43 million, approximately 8.1 per cent and 15.8 per cent of total costs over those two years, that expectation is just frankly silly. The state budget is publicly available. This chamber voted for it. The NRM boards' business plans are publicly available and the Natural Resources Committee, the committee the honourable member is on, just recently voted to not object to the increases.

There are, of course, ample consultation requirements for NRM boards in the development of these plans and they have fulfilled them. I am also informed that representatives from Primary Producers SA have met on a number of occasions with representatives from my department to go through these figures in greater detail. I am happy for any other groups to feel that they want to have the same explanation. Let me make it absolutely clear: we cannot be more transparent about what we are doing. We are taking a sensible approach to introducing a contribution from the beneficiaries to water planning and management costs.

How do those opposite seriously argue that those people who benefit from government investment in water planning and management should be immune from paying for a small proportion of that charge? How can they come in here and argue that and go out and hold their head up in the community and say, 'We are a fiscally responsible party of government'? They can't. They have no fiscal responsibility; they have no economic literacy whatsoever. Yet they come in here, sending a message to one community and they know in their heart of hearts they can never deliver on it because it is a small, partial recovery of the cost that the government pays on behalf of those affected sectors, those beneficiaries. We will continue to pay the majority of it, and we think it is very fair that the beneficiaries should also be making a small part payment towards those costs.

When all water related charges are taken into account, the NRM water levy rates paid by irrigators in our major food and wine producing areas such as the South-East and the Murray-Darling Basin are still incredibly low when compared to our interstate competitors. For example, the $6.30 per megalitre water levy rate proposed in the SA Murray-Darling Basin for 2016-17 is well below the equivalent charges in New South Wales and Victoria, I am advised. In the New South Wales Murray, the equivalent charge has been around $10.51 per megalitre, assuming a full use of entitlement. That is $6.30 per megalitre in the South Australian Murray-Darling Basin compared to

$10.51 per megalitre in New South Wales. In the Victorian Murray, I am advised that the lowest equivalent charge has been around $11.05 per megalitre.

The Hon. R.L. Brokenshire: You're not answering my question.

The Hon. I.K. HUNTER: Of course, the honourable member is never interested in those facts. He is not interested in any accountability whatsoever; no accountability whatsoever for him. He doesn't care about the facts. He has no concern for them, none at all. All of this information, I am advised, is set out in the ACCC's most recent Water Monitoring Report. Similarly, the $2.58 per megalitre water levy rate proposed in the South-East for 2016-17 is less than half the rate of the most common New South Wales groundwater charges, as outlined on the relevant New South Wales government website, I am advised.

The decision to partially recover these costs is not just a measure that is consistent with the NWI principles, but outside of those principles it is a budget measure that was decided by this government and passed by this house—this house, Mr President. I believe the Hon. Mr Brokenshire—

The Hon. R.L. Brokenshire: I didn't support it.

The Hon. I.K. HUNTER: He's now saying he didn't vote for the budget. I'm not sure what he did, whether he was actually here or out milking Daisy and Maribel.

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: Order! Minister, can you please take your seat? The Hon. Mr Brokenshire, you have a very deep, loud voice, so I imagine it would be very difficult for the minister to hear himself think let alone try to give an answer. Please just sit there and let him answer the question the way he sees fit and we can all get on with question time. Minister.

The Hon. I.K. HUNTER: Thank you, Mr President, I have concluded my remarks.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. R.L. BROKENSHIRE (14:57): Supplementary: what will the minister do if local government refuses to collect the levy?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57): My understanding of the legislation is that they are required to.

SMALL BUSINESS DEVELOPMENT FUND

The Hon. R.I. LUCAS (14:58): My question is directed to the Leader of the Government. How many of the 15,000 new jobs, promised under the government's Northern Economic Plan in January of this year, will be delivered by the $10 million Small Business Development Fund, which had its guidelines eventually released just this week?

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) (14:58): I thank the honourable member for his question and his interest in the small business development grants that were announced by the Minister for Small Business earlier this week. Of course, the central aim of the two components of the fund that were announced is to create more jobs and to create more jobs in northern Adelaide. That is the central aim of these grants. There isn't a figure set down for exactly how many jobs from which particular grants. I know in response to questions that I took on notice yesterday, but I can provide an answer in terms of the rollout of the grants program. I am informed by the minister in another place that applications are open immediately and payments for these grants, upon being processed and assessed, will start to be made from 1 July this year.

SMALL BUSINESS DEVELOPMENT FUND

The Hon. R.I. LUCAS (14:59): Supplementary question: if the minister indicates that the grants applications are open immediately, how come the information available on the website indicates that applications open on 1 July?

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) (14:59): I can check on that for the honourable member. Obviously, it's not in my ministerial area but I was informed that they will open immediately, and they will be assessed and payments can be made from 1 July. I will double-check on that for the honourable member. It's not in my area, so I will check on that and hopefully bring back an answer tomorrow for him.

SMALL BUSINESS DEVELOPMENT FUND

The Hon. R.I. LUCAS (14:59): A supplementary question arising out of the minister's answer: the minister indicated that minister Martin Hamilton-Smith had advised him that the applications were open immediately. He is now indicating, on the basis of information that I have provided to him, that the website indicates the applications don't open until 1 July. Can the minister indicate: did he have a direct conversation with minister Martin Hamilton-Smith in relation to the information he gave to this house in response to my first 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) (15:00): No, this was information provided at an officer-to-officer level, but I'm happy to clear it up and double-check on that one very specific point.

EMERGENCY SERVICES

The Hon. G.A. KANDELAARS (15:00): My question is to the Minister for Emergency Services. Can the minister inform the house of the incredible work of emergency services volunteers following the extreme weather event of last week?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:00): I thank the Hon. Mr Kandelaars for his important question because last week in South Australia we saw a very unique weather event: a storm event that we haven't seen the likes of in South Australia for some time. Indeed, there were elements of what occurred early last week that are unprecedented.

As many members are undoubtedly aware, last week was also National Volunteer Week, which is an annual celebration to raise the profile of volunteering in our country and to reflect upon the important and invaluable contribution volunteers make within our communities each and every day. As Minister for Emergency Services, I am privileged to work in a portfolio with some of the country's hardest working and selfless volunteers in our CFS, SES, and Volunteer Marine Rescue.

The event last week—the very substantial weather event last week—called into action an extraordinary response. Over 300 SES volunteers came into action; they were aptly supported by CFS, MFS and SAPOL contributors, and local council staff also helped in that response. Over 1,100 calls were responded to early last week—over 1,100 calls. It was an extraordinary effort, a very substantial challenge, and one that was well met.

It just so happens that we had this event on Monday evening/Tuesday morning, and then on Wednesday, by pure coincidence, it was Wear Orange Wednesday—a national day. It's a day that's in place to acknowledge the contribution of SES volunteers throughout the country. Members may be aware that on Wednesday we had a bit of a media event to draw the public's attention to what Wear Orange Wednesday is all about and to try to pass on the community's thanks and recognition for the extraordinary contribution these SES volunteers are making. I was a little bit disappointed that on Wednesday the events of earlier in the week coincided with Wear Orange Wednesday not in a positive way but, rather, there was a bit of negative media attention around what had occurred.

We have over 1,700 SES volunteers in the state; we have over 14,000 CFS volunteers in the state. One would reasonably expect—whenever you have 15,000 people who are equally passionate and committed to serving their community—there might be different views amongst 15,000 people and how best to deliver that service. That's expected; it's welcomed. It's understandable that if you have 15,000 people passionate about something, some people amongst

those 15,000 will have different views from others, and that is to be welcomed. People being able to express different views is to be encouraged and something I take rather seriously.

Our job as a government, of course, is to try and take that information and ensure that we consider it and have an evidence-based response, a response that is about making sure that we are, indeed, delivering the best possible service we can to our state. But I was a little surprised, I have to say, that the shadow minister for emergency services, the member for Morphett, seemed to get a little bit excited about this. It wasn't a measured response. It seemed to be a response that was almost salivating at the fact that there were differences of opinion within the SES.

I didn't draw attention to it at the time. I would rather just focus on what Wear Orange Wednesday was about and the extraordinary contribution that was being made. But new information has come to my attention that I think is worth this chamber being made aware of, because the reality is that all of us, as political leaders—me, first and foremost, as the Minister for Emergency Services and, indeed, my shadow in this role—have an obligation not just to make an evidence-based well thought through response to any information that comes to hand, but also to be conscious of the impact it has on the morale of our volunteers.

The morale of volunteers is A1 critical for them to have the motivation to get out of bed in the middle of the night in unprecedented gale-force winds and incredible pouring rain and to motivate themselves, knowing that they have the community's support right behind them. Clearly some of those volunteers are a little bit disconcerted about the response of the shadow minister. They have made mention of this in public forums that I think it is worth drawing attention to. Only on the weekend, the Sturt State Emergency Service volunteers put this post up on Facebook:

> The SA State Emergency Service has received some very negative press this week, directed from Shadow Emergency Services Minister Duncan McFetridge.
>
> Sturt SES volunteers can no longer sit back without voicing their opinions.

Fair enough.

> Sturt SES volunteers passionately work side by side with the [MFS] and volunteers of the [CFS] on a daily basis to assist the community during times of emergency. Our frustration and disappointment stems solely from Duncan McFetridge's actions.
>
> Sturt SES volunteers are extremely disappointed that on Wear Orange Wednesday, a day of national recognition for SES volunteers, McFetridge chose to attack those same volunteers, only 2 days after the state was lashed by a storm that resulted in SES volunteers responding to over 1000 calls from help within the community…SES volunteers worked tirelessly through the day and night only to receive criticism from the same person that should be highlighting their amazing efforts.

They go on:

> McFetridge's use of social media should be questioned; in his direct attacks at Sturt SES responses he has displayed caller details and personal information of victims of an emergency. This is highly inappropriate and unprofessional. McFetridge's uneducated and bias comments in the media and through his small group of social media followers aimed at the State Emergency Service have seen many volunteers—

and this is the important part—

> question their worth in light of his criticisms. SES volunteers give up their time from work, family, and friends 24 hours a day seven days a week to ensure the safety of the community, and comments such as [Mr] McFetridge's have only proven his unsuitability to represent them.

This isn't from a politician; this isn't from a bureaucrat. This is from volunteers whom Mr McFetridge would seek to represent, should he be in government. Let's go on further. Today, again, we have had a statement from Campbelltown, Edinburgh, Enfield, Mount Barker, Sturt and Tea Tree Gully SES units, and the leaders of those units say:

> Many of our members have been in the service for a long period of time and are distressed by some of the attention that the SA SES has received over the past few weeks, with some harsh criticism in the media, which has received further public input from the shadow [spokesperson] for Emergency Services, the Hon. Duncan McFetridge.

Here's the thing—

The Hon. J.S.L. DAWKINS: Point of order!

The PRESIDENT: Point of order.

The Hon. J.S.L. DAWKINS: The minister has been on his feet for over eight minutes—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: No—the point of order is that this is question time—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: —and the Leader of the Government assured me we would have concise answers to questions. This has been an eight-minute answer to a Dorothy Dixer.

The PRESIDENT: The honourable minister, get to the nub of your answer.

The Hon. P. MALINAUSKAS: I personally and this government have all the time in the world for our volunteers. We are not going to be a government that seeks to diminish or undermine the extraordinary contribution of our volunteers. We welcome the fact that there are different views amongst the 15,000 volunteers within our state but what we will not tolerate—

The Hon. J.S.L. DAWKINS: Point of order, Mr President. I know the minister hasn't been here very long but he does have the opportunity to move a substantive motion on what is an attack on another member of parliament, and I seek for you to bring him to order, sir.

The PRESIDENT: I understand, the Hon. Mr Dawkins, that you might not be happy with the minister's answer but that is the way he is answering the question. Minister.

The Hon. P. MALINAUSKAS: Mr President, the principal point—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —that we want to get across is that we are—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —incredibly grateful as a government for all the hard work that our volunteers put in, particularly those SES volunteers. We want to make sure that this state government's gratitude is passed on to them. It was disappointing that they did not get the recognition and the attention that they should have had on Wear Orange Wednesday. It is regrettable that there are so many volunteers who are disappointed with the opposition spokesperson for emergency services contribution to the debate, and we call on all people who are in political leadership to show our thanks and make sure that next time Wear Orange Wednesday comes around that we don't seek political opportunism to make a point but rather thank our volunteers for all the hard work that they do.

The Hon. K.L. VINCENT: I was just going to make what I hope would be considered a valid point of order, which is that by my count on at least three occasions the minister referred to the member in the other place by his first name, and he should know that that is not parliamentary.

The PRESIDENT: Take note, the honourable minister.

The Hon. P. MALINAUSKAS: Mr President, of course I am aware of protocol and I am very keen to abide by it at all times. The only occasion on which I did that was when I was directly quoting from the words of volunteers.

Members interjecting:

The Hon. P. MALINAUSKAS: I was directly quoting from the words of volunteers.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks has the floor.

ARTS FUNDING

The Hon. T.A. FRANKS (15:11): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing the Minister for the Arts, questions about arts budget cuts.

Leave granted.

The Hon. T.A. FRANKS: I welcome the words in a ministerial statement today by minister Jack Snelling, Minister for the Arts in South Australia, which take on board the horrific situation that the arts sector finds itself in in this country. In 2015, under the federal budget, the arts sector was left reeling by the announcement that over $100 million was to be redirected from the Australia Council for the Arts to create a new discretionary fund by the then minister for the arts, George Brandis, and his new so-called National Program for Excellence in the Arts (NPEA).

While some steps have been taken to redress that situation with the new Prime Minister and a new Minister for the Arts, Mitch Fifield, of course we saw last Friday dubbed Black Friday by the arts sector, with slashing and burning across this nation of our vibrant arts sector, to leave it on its knees.

In South Australia, the small and medium companies that will possibly no longer exist in the future because of these funding cuts, are Slingsby and Brink—both well renowned theatres, one for young people and also contemporary theatre organisations; the Australian Experimental Art Foundation; the Contemporary Arts Centre of South Australia; Vitalstatistix, based at Port Adelaide which has a proud feminist and working-class history; and Tutti Arts which, of course, specialises in disability arts. These are companies we may no longer hear spoken of in our community due to these horrific federal budget cuts.

I welcome the ministerial statement today saying that the minister has met with some of the major companies and that he will certainly be speaking to the majors about these cuts and the way that they will impact on the small to medium sector, but my questions are:

1. Will the minister commit to a crisis meeting with the small to medium sector of the arts?

2. Will the minister commit to a moratorium on all state budget cuts into the future until these outstanding organisations can secure their future?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:14): I thank the honourable member for her most important questions directed to the Minister for the Arts in the other place, and I thank her for referring to his ministerial statement today, which was about federal Liberal government cuts to the arts sector.

As she said, the slashing and burning of the arts sector by the federal Liberal government is unprecedented, but I just have to wonder at the thought processes behind the Greens continually coming in here complaining about federal government cuts and then saying to the state government, 'But you must backfill these cuts.' It is unsustainable. It is absolutely unsustainable to come in here and say that the federal government has ripped $5 billion out of education and health and you, the state government, need to backfill that bucket of money that no longer exists. Now she is asking us to not make any other cuts, despite the fact that funding has been cut at the federal level. We have a federal election campaign on: why don't the Greens go out and attack the federal Liberal government instead of campaigning against Labor seats?

ARTS FUNDING

The Hon. T.A. FRANKS (15:15): Supplementary.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks.

The Hon. T.A. FRANKS: I would expect a state minister to understand that, given that the state arts minister has announced that there is probably $8.5 million of state cuts to come—he should be actually understanding that they are the cuts that I have asked for a moratorium on, and certainly we seek a moratorium on no state budget cuts.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:16): The honourable member just shows again, through her ignorance, that she has absolutely no clue—no clue. Here we have the Greens and the Liberal Party at a federal level doing cosy deals to swap preferences to get a federal Liberal government re-elected—that is what the Greens party is doing to get a federal Liberal government re-elected, swapping preferences interstate—and she has the hide to come in here and complain about that federal Liberal government cutting the arts sector.

Her party is doing dirty deals with the Liberals to get the Liberal Party re-elected at a federal level, and she has the hide to come in here and complain about the federal Liberal government. Take it up with your federal leadership, Hon. Tammy Franks.

The PRESIDENT: The Hon. Mr Stephens. Order! There is a point of order.

The Hon. T.A. FRANKS: On a point of order, a member has had a supplementary for quite a while now.

ARTS FUNDING

The Hon. K.L. VINCENT (15:17): Maybe it will work if I do it. Will the minister please answer the question?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:17): When the Hon. Kelly Vincent has the opportunity to read the *Hansard,* she will see that I have.

APY LANDS, RENAL DIALYSIS UNITS

The Hon. T.J. STEPHENS (15:17): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about kidney dialysis on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: The minister may be aware of a scheme running in the Northern Territory which allows patients remote, and many Aboriginal, the ability to administer self dialysis in their own home without the need to travel to a regional centre or hospital. Given that across the border in South Australia the government forces remote Aboriginal patients to attend lifesaving dialysis in Adelaide, Alice Springs and Port Augusta, this sort of scheme could allow those patients to remain in their homelands. My understanding of the cost of administering self dialysis is about $100 per treatment, which a patient usually has to do three times a week, as against $560 per treatment that we pay to the Northern Territory government to administer dialysis in Alice Springs. My questions therefore to the minister are:

1. Is the minister aware of this scheme being run in the Northern Territory?

2. Is a trial in South Australia being considered and, if not, why not?

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) (15:18): I thank the honourable member for his question and for his continued and very genuine interest in Aboriginal affairs, particularly issues affecting people living in remote Aboriginal communities. I know the honourable member regularly visits remote Aboriginal communities for his interest and also as a member of the Aboriginal Lands Parliamentary Standing Committee, and of course he has spent a lot of time in regional South Australia and understands many of the issues and the challenges facing those living outside the metropolitan area.

Certainly there are many challenges faced by those living in remote and very remote communities in South Australia, not just in the area of health, and particularly in Aboriginal

communities where there are significant barriers, including language barriers, that affect how people can firstly access services and how those services need to be provided, considering not just language but cultural reasons as well.

I understand that the Aboriginal Lands Parliamentary Standing Committee in the last few weeks has heard some witnesses in relation to various models in terms of dialysis, and I know that they are very interested to make sure that the best possible services that can be provided are being provided. The provision of dialysis is a matter for the health department and the Minister for Health. I am not aware of the scheme he was referring to and how it operates in the Northern Territory or if there are trials in South Australia, but I will take those questions to the Minister for Health and seek a reply about what is actually happening in the Northern Territory, what application if any there might be for South Australia and, of course, the costs of those treatments.

I do not know about this program specifically, but I do know that in many other areas there are the specific costs of the treatment but there are also other ancillary costs that can go along with the provision of services that are not always apparent in the first instance. I do not know the specifics of this but I will take those questions to the Minister for Health in another place, seek a reply about that particular service and also see, from the evidence the committee has heard, if there are further things the committee might be informed of to give a more complete view over the relative merits of different treatments.

Matters of Interest

DOMESTIC VIOLENCE

The Hon. G.E. GAGO (15:21): On Wednesday 4 May I attended a candlelight vigil for domestic and family violence in Elder Park. The event remembered those who have lost their lives to the scourge of domestic violence. However, through the tragedy that brought us all together that evening, there were certainly bright points of hope.

We heard from a domestic violence survivor, Stacey, whose harrowing story of abuse reminded us all that we can overcome domestic violence, not just as individuals but also as a society, by refusing to stay silent and taking all possible steps to eliminate violence against women and children. I felt humbled to be amongst so many tireless committed workers from the DV sector and also the victims who were present, those who had had their lives ravaged by domestic violence and yet had the strength and courage to use their personal grief to make a community difference.

For instance, Arman Abrahimzadeh took the deep personal tragedy of the death of his mother, Zahra, and has used that as fire to fuel his work preventing other families from experiencing the tragedy that his family has suffered. The Zahra Foundation Australia, which they put in place, remembers Zahra Abrahimzadeh and seeks to assist other women escaping domestic violence through empowerment, particularly in achieving economic empowerment. The Zahra Foundation has so far delivered two financial literacy programs under the Build Your Independence program in western and southern Adelaide.

They have also partnered with PKF Kennedy to deliver the Power, Knowledge, Freedom program which provides information sessions to women to assist them in their financial independence. Arman and his sisters show extraordinary passion and commitment which has helped to focus public attention on this issue and drive improvement to DV policy and service responses to make victims of domestic and family violence safer and also to prevent domestic and family violence.

Another attendee at the vigil was Ivan Phillips, an inspirational man, who like Arman has used a deep personal loss, that of his stepdaughter Tash, to fuel his campaign to end domestic violence. In 2007, Ivan's stepdaughter Tash was brutally murdered as a result of sustained domestic violence attacks. Tash left behind a beautiful young son, Josh, and a grieving family. After two years of court proceedings, the offender was incarcerated for 30 years, but unfortunately, not very long after that, Ivan also lost his wife and Tash's mother, Di, to cancer.

Since then, Ivan has fought on, vowing to keep Tash and Di's memory alive and raise awareness for the impact that DV has on families. Ivan is a proud ambassador for White Ribbon, which is an important voice in domestic violence campaigning, allowing male voices to seek to change the culture of men's violence against women. Ivan's cause, Riding Free of DV, will see him

ride his motorbike roughly 15,000 kilometres around the circumference of Australia to promote White Ribbon and raise awareness of domestic violence. He will ride for three months, travelling through every mainland state in Australia, visiting more than 55 rural and regional communities to speak on domestic violence and the help that is available.

Ivan's feat will be launched at an event here in Adelaide on 27 May—that is next Friday—at 7:30pm in the State Library, with local celebrities such as from *The Voice*, Rachael Leahcar, performing, as well as speeches from prominent members of the DV sector and, of course, the Minister for the Status of Women, Zoe Bettison. Tickets are available by going to Ivan's Facebook page, Riding Free of DV, and following the link to the event or by going to www.eventbrite.co.uk and searching for Riding Free of DV. Those who cannot attend the launch can still support Ivan's good work through his MyCause page, Riding Free of DV. There you can donate and help Ivan reach his goal of $25,000 towards domestic violence campaigning.

There were many more campaigners, workers, families and survivors who have been touched by domestic violence attending the vigil, and all of their efforts, their stories, their tragedies and their successes take us further along the path to ending domestic violence. Hopefully, through these efforts there will come a day when we will be free of the terror and tragedy of domestic and family violence.

FEDERAL ELECTION

The Hon. T.J. STEPHENS (15:26): I rise today to talk about the upcoming federal election, as I do not believe I will get another opportunity to do so in this place before then. This election is an important one for the medium-term direction of the country and South Australia in particular. It would be no surprise that I am advocating for the re-election of the Coalition government, and so I ask South Australians to support their local Liberal candidate.

It is only the incumbent Coalition government that has a proven record and a sustainable plan for the future. The recent budget demonstrated that the current state of the deficit is such that there cannot be any new spending and in fact that current spending must be reprioritised to best serve the Australian Commonwealth in terms of economic growth and the wellness and prosperity of its citizenry.

I would argue that this budget is more than fair in that it could have gone much further to rein in government spending in order to facilitate deeper and more immediate cuts to both company and personal tax. These two taxes and their related cousin, capital gains tax, are a collective handbrake on economic growth and investment. Both philosophically and economically, they are bad taxes. The honourable the Treasurer of the commonwealth has laid out a clear path to the lowering of certain taxes and it is gradual, which is wise. This allows individuals and companies time to adjust to the new regime without drastic change from year to year. Also, more importantly, there is not a drastic reduction in the current offering of services.

To conclude commentary on the budget, I have to say that it is a reasonable one, particularly for an election year. Sadly, the commonwealth did inherit the massive debt and deficit from the Rudd-Gillard Labor years, and seemingly the only way to curb that without massive disruptions to government services and administration is for taxes to largely remain steady.

Shifting to the election battle here in South Australia, there is a clear choice. The Liberal Party has delivered on the submarine build as well as future frigates and other associated projects, and there has been significant investment in infrastructure in this state, including the Torrens Road to River Torrens project and the Darlington interchange. Both are part of the wider north-south corridor upgrade. It must be stressed that these projects have had majority commonwealth funding and would not have happened if it were not for the Coalition government.

There has been the additional spending commitment on the extension to the Tonsley line to Flinders University. Of course, this state lacks basic public transport infrastructure after years of neglect by Labor. It is something which if done decades ago could actually have fed into the Weatherill Labor government's carbon neutral city agenda, but of course they are far too short-sighted to recognise that.

In addition to the good work that the commonwealth Coalition government is doing, we also have very capable and worthy candidates running in all seats. There are proven incumbents whose records speak for themselves, and I encourage all electors in the seats of Barker, Grey, Hindmarsh, Sturt and Mayo to support the MPs who have done outstanding jobs in representing their constituencies. I do want to encourage the support of candidates in the divisions of Kingston and Port Adelaide.

I will lend my final words to a personal endorsement of the candidates for Boothby, Wakefield and the federal seat of Adelaide. I commend Dr Andrew Southcott for his 20 years of service to the commonwealth parliament and to the electors of Boothby. It is imperative for the future of that region of Adelaide that the seat remains as part of the government. In supporting Ms Nicolle Flint not only will the good people of Boothby ensure that vital infrastructure projects are completed in their area but they also gain a visible, hardworking member who will do her utmost to ensure the concerns of her constituents are heard in Canberra.

Ms Kathleen Bourne is a passionate and committed small businesswoman and a Wakefield local. Wakefield is an eclectic mix of suburban, rural, industrial and commercial zoning. Ms Bourne has a perfect array of attributes and expertise to serve that electorate well. Mr David Colovic is an extremely personable, competent and capable candidate and will make an excellent member of parliament in the federal seat of Adelaide.

In closing, I would just like to say there has never been a more exciting time to be an Australian voter.

NO DUMP ALLIANCE

The Hon. M.C. PARNELL (15:30): This week I was pleased to attend the launch of the No Dump Alliance of South Australia. This is a new group that has been formed to campaign against ill-conceived plans by both state and federal governments for nuclear waste dumps in South Australia. To quote from the alliance's statement of concern, they say—and I agree:

> South Australia is a proud state rich in possibilities, clever people, culture, creativity and breathtaking nature. We believe we can achieve so much more than becoming the dumping ground for the world's radioactive waste. This statement is our response to any proposal to establish a nuclear waste dump in South Australia.

They go through and they expand on the lack of respect for the original first nations peoples of this country. They talk about public and environmental health risks and financial risks. But they also talk about future generations, and they say:

> To import international nuclear waste is an irrevocable decision. Once brought to South Australia, the waste would be here forever and remain dangerous for hundreds of thousands of years. We would not be able to change our minds and send the waste back. Our children and countless generations who follow them would have no say in the decision, yet they are the ones who would be left with the responsibility and the cost. We have no right to mortgage their freedom and independence.

I attended a briefing at lunchtime today organised by the Premier's department into the next steps to be taken in the debate over nuclear waste in South Australia. What came out of that process is that the next generations, in fact, will not be eligible to participate in the citizens' jury. They have got an arbitrary cut-off of 18 years of age, yet when you think about it, a large number of the people who do participate will be dead long before any nuclear waste dump is established. So I think it is important, as this debate progresses, that young people are brought within the tent. I would urge the Premier to revise the restriction by allowing at least 16 and 17 year olds to participate in that process.

In terms of the membership of the alliance, there are a number of groups and individuals represented and I want to acknowledge some of them. The ambassador for the No Dump Alliance is Mr Yami Lester, who is a Yankunytjatjara elder, and most people here would know of his story of being caught out in the desert when the British nuclear tests were undertaken. He is now 74 years old, he is blind, and he basically is standing behind future generations and saying that his people want no part of a nuclear waste dump.

Other voices of the alliance include his daughters. Karina Lester is the chairperson of the Yankunytjatjara Native Title Aboriginal Corporation, and his daughter Rose Lester as well. Also Tauto Sansbury, the chairperson of South Australian Aboriginal Congress, has subscribed his name and organisation to this cause. I would also draw the attention of my comrades in the Labor Party to the

fact that Jamie Newlyn, South Australian Branch Secretary of the Maritime Union of Australia, has subscribed. He says:

> The MUA have a long history of opposing expansion of the nuclear industry including nuclear waste dumps. We fear that the economic assumptions pale in insignificance to the unknown safety & environmental implications of such plans. MUA members work in critical points of the logistics cycle and therefore the safe handling and above ground storage for decades is of great concern to the MUA…

Also in the alliance we have Dr Peter Tait, Public Health Association of Australia Ecology and Environment. We have Emily Munyungka Austin of the Kupa Piti Kungka Tjuta; Dr Margaret Beavis, President of the Medical Association for Prevention of War; and Dr Irene Watson of the Tanganekald Meintangk First Nations, who makes the point:

> First Nations may not have the power but we have the authority to say No, and we say NO.

Also, we have Dr Robert Hall, the South Australian coordinator of the Medical Association for Prevention of War. Attending the launch this week was Christobel Mattingley, famous author, who has written a book on the Maralinga story, which is being launched next week. She says:

> We have no right to mortgage the health and wellbeing of countless future generations of South Australians.

Members would know that Emeritus Professor Richard Blandy, or Dick Blandy as he is known, has come out against the economic case for the nuclear waste dump. Craig Wilkins, the CE of the Conservation Council of South Australia has subscribed, as has Dan Spencer of the Australian Youth Climate Coalition, and he said, and I will say these words for the second time today:

> Our leaders should be leaving young South Australians with a future that is renewable not radioactive.

Kevin Buzzacott, Arabunna Elder, has signed as has Dr Sean Williams, the number 1 *New York Times* best selling author, who says:

> South Australians—indeed Australians, and everyone on the planet—deserve better than a half-arsed plan to sweep nuclear waste out of sight, out of mind. There'll be no forgiving or forgetting a mistake of this magnitude.

Again, directed especially to the comrades of the Labor Party, Adjunct Associate Professor Elizabeth Dabars AM, Secretary of the Australian Nursing and Midwifery Federation, South Australian Branch, has signed on.

This debate clearly has a long way to go, and South Australians are being given opportunities to express themselves. In fact, they have been expressing themselves for the last year or so and have been ignored for that time. I am looking forward to the future process, and I would urge the government in particular to pay close attention to what people are saying and in particular to seek out the voices of young people for whom these decisions will be their legacy.

SAFE SCHOOLS PROGRAM

The Hon. G.A. KANDELAARS (15:37): I rise today to talk about the Safe Schools program. I recently visited SHine SA to speak with Natalya Giffney, the South Australian Project Manager for the Safe Schools Coalition, to gain a greater understanding of how the program operates and the work that has been going on in our South Australian schools.

Safe Schools was designed to promote inclusion and acceptance of same-sex attracted, intersex and gender diverse students. It is believed that 75 per cent of lesbian, gay, bisexual, transsexual, intersex (LGBTI) students experience a form of abuse in their life, and it is known that 80 per cent of that abuse occurs at school. As well as this, research has found that homophobia experienced at school by gay students directly affects their academic achievement and engagement. From this, it is clear that something needs to be done to ensure that students are being educated on diversity in schools and being taught to accept their peers who identify as same-sex attracted, intersex and gender diverse students.

The Safe Schools program encourages schools to teach acceptance of gender diverse people and to promote a safer school environment for students. If a school wishes to become a member of the Safe Schools Coalition, they would need to formalise their membership by signing a membership form. By doing this, they are committing their school to work towards providing a safe school environment that is inclusive to the students and staff of the school.

Schools that are members of the Safe Schools program are not required to follow a set curriculum. The Safe Schools Coalition's All Of Us curriculum is offered to schools as a teaching resource but it is not a condition of membership in the Safe Schools Coalition to use the All Of Us curriculum.

The curriculum provides teachers with videos and activities that meet the Australian curriculum for health and physical education core outcomes. As well as the curriculum, schools are provided with optional support from Natalya Giffney. Natalya provides schools and teachers with professional development classes and also responds to phone calls from schools requiring assistance with some LGBTIQ students who are experiencing difficulties in schools.

It is important to note that schools that are members of the Safe Schools program are in control of how they wish to educate their students on gender diversity and inclusion of LGBTIQ people. Interestingly, the Safe Schools Coalition is not only supported by many public schools but is also supported by some prominent private schools, such as Eynesbury College, Pulteney Grammar, Scotch College and St Peter's College—to name a few.

There are some people who believe that the Safe Schools teaches children sexualised behaviour and that their children should not be exposed to the contents of this program. My counter to that is that we need to educate our children in schools to accept diversity amongst their peers, to put an end to homophobic and transphobic beliefs. We need to ensure that our schools are supportive of students from the LGBTIQ community and that they are not perpetrating an idea to students that there is something worrying about being gender diverse or same-sex attracted, which is not the case.

The Safe Schools program resources that should be available to teachers in our schools ensures that they have an understanding of gender diversity and how to handle homophobic or transphobic bullying in their classrooms. It is important to remember that schools have a duty of care to their students and teachers to provide a safe and supportive environment to the whole school community. Having this program present in our schools is allowing students that may be same-sex attracted, intersex, or gender diverse to discover their identity in a safe environment and encourages acceptance of gender diversity. I should note that yesterday was actually the International Day Against Homophobia.

FOETAL ALCOHOL SPECTRUM DISORDER

The Hon. K.L. VINCENT (15:42): Last year, a House of Representatives standing committee conducted an inquiry into the harmful use of alcohol in Aboriginal and Torres Strait Islander communities. The committee tabled its report on 25 June last year. The aspect of the report that I wish to focus on today is Foetal Alcohol Spectrum Disorder (FASD).

FASD is the clinical diagnosis of permanent damage to the brain structure and function due to exposure to alcohol in utero. According to the report, it can be diagnosed with or without recognisable features such as changed facial features, growth impairment and other defects. The disabilities associated with FASD include poor impulse control, developmental delay, impaired language and communication skills, and delayed social and emotional development. Sadly, we know that Australian children are born with FASD at some of the highest rates in the world.

The report outlines a number of recommendations to the commonwealth and state governments. Considering our nation's high rate of FASD, I am concerned that there seems to have been very little done to address this issue; in particular, that a report had been completed by the commonwealth specifically about FASD back in 2012, yet apparently due to a lack of action many of the same report's recommendations have been repeated just three years later.

One of the main concerns raised in the 2015 report is that, despite the many disabilities associated with FASD, it is not considered a disability in and of itself. Many of those with the condition will struggle to gain access to disability support services and funding from social services, education and training systems, and justice and health-related agencies.

I think that it goes without saying that, unless adequate services are provided, individuals with FASD will be further disadvantaged in our community. Untreated FASD will cost our state much

more in the long run. We must invest in children who are suspected of having FASD earlier to ensure that they are given the support they need to reach their true potential.

According to the report, 90 per cent of adults with FASD demonstrate mental health problems, 60 per cent have trouble with the law and a disrupted education, 40 per cent have substance abuse issues, and fewer than 10 per cent of individuals with FASD live or work independently by the time they are 21 years old. There is a lot of money to be saved if we identify and support children and young people with FASD as early as possible.

Recognition of disabilities is not necessarily a statewide issue. However, it is crucial that the South Australian government work alongside the commonwealth government to ensure that this matter is holistically addressed. There is evidence that screening and early intervention for children suspected of having FASD can make a significant difference to their lifelong outcomes, as well as to our economy.

In particular, the report found that children and young people with FASD have specific educational requirements and behaviours which need to be taken into account in educational planning. One of the recommendations calls for states' and territories' teacher training, education and in-service support systems to provide information and education about children exposed to alcohol and drugs, and how this may affect their mental health and their achievements at school. This recommendation, in particular, needs to be addressed by our state to ensure that education about FASD is included in teacher training. These are just a couple of the recommendations and concerns that have come out of this report.

I have also recently raised these matters with the Minister for Mental Health and Substance Abuse, and I am waiting for a response. I trust that the state government will take seriously its responsibility to address this issue as a matter of urgency to ensure that people with FASD are provided with the services and supports that they need and deserve, as well as to ensure that the public is further educated on this matter to hopefully prevent the condition in future generations of children.

SOUTH AUSTRALIAN HEALTH AND MEDICAL RESEARCH INSTITUTE

The Hon. J.S. LEE (15:47): It is my pleasure today to highlight the work of the South Australian Health and Medical Research Institute (SAHMRI). Almost every time a new visitor comes to Adelaide they ask me a question about this building, and they would want and request to take a photo in front of the building. It looks like a spaceship from afar, and I have also heard that some people say it looks like a gigantic metallic pineapple or a giant cheese grater. You simply cannot miss it if you drive along North Terrace. The building I am talking about here is SAHMRI of course.

I was honoured to be invited by Ms Kay Gerard, Manager of Development and Communications at SAHMRI, for a personalised tour recently. It is certainly a unique and iconic building. The building is lifted, like a floating object, creating a partially open-ground plane, in an integrated landscape, opening the building up to the public as well as to the users. The 25,000 square metre facility is located adjacent to the new Royal Adelaide Hospital, sharing its forecourt entry. SAHMRI is South Australia's first independent flagship health and medical research institute and the pioneer of the state's new health and biomedical precinct on North Terrace.

The institute houses a mix of 600 South Australian, interstate and international researchers in its purpose-built, state-of-the-art contemporary building, which was built to symbolise the growth and vibrancy of Adelaide. The construction of SAHMRI was made possible by a $200 million grant from the federal government. Since its establishment, SAHMRI has already attracted over $45 million in competitive research funding, which is allocated to the various research sectors SAHMRI represents. The main research themes are Aboriginal Health, Cancer, Healthy Mothers, Babies and Children, Heart Health, Infections and Immunity, Mind and Brain, and Nutrition and Metabolism.

The number one objective of SAHMRI is to apply innovation to transform research into health solutions. They want to fundamentally improve the quality of life of all people through innovative, world-class and groundbreaking health and medical research, as well as being a vibrant, globally recognised institute that fosters discovery and collaboration in delivering health outcomes.

SAHMRI plays a strong role in promoting the benefit of STEM subjects at schools and also offers unique opportunities for high degree students to undertake their honours or PhD studies in a world-class facility. SAHMRI has become a home to students from all three major universities based in South Australia—University of South Australia, University of Adelaide and Flinders University—in providing an opportunity for many to carry out their research across a broad range of research themes and pillars.

A critical element to the long-term success of SAHMRI will have to be securing funding and ongoing fundraising efforts. It is always a great honour to be asked to support events in South Australia that raise awareness and funding for SAHMRI, and one of those successful events was the Asia in SA gala event. Asia in SA was held in August last year and attracted over 300 people. It was organised by two successful South Australian exporters—Mrs Susan Lee and Gerald Lipman—and raised a substantial $28,000 for SAHMRI last year.

A second Asia in SA fundraising event is underway which will be held on 30 September this year and I take this opportunity to wish them every success. In discussion with SAHMRI recently, they expressed their wish to engage with a broader range of health professionals and business leaders, particularly those who have overseas connections or who are currently working in the international community.

I am delighted to have the opportunity to work with SAHMRI to create an event for a group of health professionals and business leaders to come together for a behind-the-scenes tour of SAHMRI in June. I would like to take this opportunity to congratulate the team at SAHMRI for their dedication to developing a centre of excellence in Australia and internationally and working collaboratively to deliver health outcomes to have a positive impact on our community.

KRIX SPEAKER SYSTEMS

The Hon. J.M. GAZZOLA (15:52): Many a great band or brand is dreamed up and hashed out inside the family garage and Krix Speaker Systems is no exception. With a stash of old radio parts, Scott Krix began playing around with kit amplifiers and experimental speakers in the family garage in the early seventies. By 1974, having completed his engineering degree and upgraded to a garage of his own in an Adelaide suburban rental, Scott launched the Krix brand and began building speakers for friends.

By 1976, Scott opened The Acoustic Foundry in Goodwood, an edgy little retail store popular with university students, offering design-your-own speaker kits. Scott set out to demonstrate that his own designs were better than the perceived superiority of overseas brands and that they had a potential price advantage thanks to astronomical import duty and sales tax. With a sideline developing semiprofessional systems for nightclubs, supply soon outstripped demand, and the leap was made into a major commercial investment—an acre of land in the southern suburb of Hackham.

What started as a 120 square metre factory build has multiplied, over the past 40 years, as demand grew into over 2,000 square metres of floor space housing an administration centre, multiple workshops and assembly line, warehousing and a research and development department. In fact, their U-shaped assembly cell and quality control acoustic test chamber is believed to be one of the largest and most advanced in the world.

Accordingly, all employees are given the opportunity to undertake additional training to meet the demands of the latest technologies. My recent visit to the Krix factory included a tour of the newest reconfiguration and upgrade to shed 1 and I must say that it was very impressive. From the first to the last, I could see that Krix take their speaker making very seriously, with a global reputation to prove it.

The Krix team, which includes the five brothers Krix —Scott, Ashley, Brett, Kingsley and Gary—are known worldwide for manufacturing exceptionally high-quality loudspeakers for both commercial and domestic use, and I can declare that I have had a pair of Krix speakers since 1998. As expected, they are still going strong and they provide an excellent aural experience.

Despite humble beginnings in Adelaide, Krix has been hugely successful in the commercial installation industry with Krix loudspeaker systems used in more than 3,000 cinemas in 30 countries worldwide, including a 60 per cent share of the Australian cinema market.

Krix is still at the cutting edge of the latest 3D immersion sound technology and has been working with Dolby to develop speakers specifically for Dolby Atmos, installing five full theatres with up to 61.3 channels of sound, an enormous leap from the traditional 7.1 channels of cinema sound. The future of high quality cinema sound really is here in South Australia.

Their most recent large-scale international project was the VOX outdoor cinema in Dubai, an epic project requiring custom screen speakers and subwoofers to blend with the rooftop design of the outdoor cinema perched on top of Dubai's leading shopping mall. The results, I hear, are both visually and acoustically phenomenal.

The awards list for Krix designs is truly impressive, from the 1991 Sound+Image highly commended award for the Krix Superbrix, to the series SX home cinema range being announced Custom Installation Product of the Year for 2016, hardly a year goes by without Krix winning an award for one or more of their products.

Every year Krix continues to push the boundaries of what is believed to be possible in sound quality, and I am pleased to see that despite a massive global shift away from Australian manufacturing, Krix have managed to stay local, not just surviving but thriving and delivering much-needed manufacturing jobs to workers in our state. I would like to congratulate Krix on over 40 years of success, and wish them all the very best for the future.

Motions

MEDICAL CANNABIS

The Hon. T.A. FRANKS (15:56): I move:

That this council—

1. Notes the February 2016 passage of the Federal Narcotic Drugs Amendment Bill 2016 enabling a national licensing scheme for the controlled cultivation across Australia of cannabis for medicinal and scientific purposes;

2. Notes the April 2016 passage of the Access to Medicinal Cannabis Bill 2015 through the Victorian parliament which will establish an office of medicinal cannabis and give patients in that state legal, safe and secure access to medical cannabis to those in need;

3. Notes medical cannabis law reform could offer both local job opportunities and would ensure that South Australians are no longer forced to choose between suffering needlessly and breaking the law to access medicinal cannabis; and

4. Calls on the South Australia government to take action on medical cannabis to allow for the production and supply from the farm to the pharmacy.

This motion states that this council notes the February passage of the Federal Narcotic Drugs Amendment Bill 2016 enabling a national licensing scheme for the controlled cultivation across Australia of cannabis for medicinal and scientific purposes. It also notes the April 2016 passage of the Access to Medicinal Cannabis Bill 2015 through the Victorian parliament which will establish an office of medicinal cannabis and give patients in that state safe, legal and secure access to medical cannabis for those in need.

It also notes that medical cannabis law reform could offer South Australians not only the healthcare that they need but also local job opportunities and urges the South Australia government to take action on medical cannabis from the production to the supply, from the farm to the pharmacy to the patient.

I stood on Parliament House steps today and launched this motion—it is obviously not the first time I have brought this issue of medical cannabis to this place, but I launched this particular motion standing with the Fulton family. The Fulton family, as some members may be aware, are a family from Victor Harbor. They have two young daughters, Georgia-Grace and Tabetha: both those girls have a degenerative lung condition.

Both those girls saw their families and their mum and dad (Bobby and Marcus) pack up their belongings, have a massive garage sale and take the kids off to Canada to get the treatment that they need. In Canada, they have successfully been able to access medical cannabis. They have been able to take those young girls from a life where they are in wheelchairs, on oxygen tanks,

unable to attend school, unable to go surfing, which they love, and unable to participate in the range of activities that should be the markers of any healthy childhood.

In Canada, through medical access to cannabis in Canada they have been able to not only access the medications but, indeed, restore their lives. The health of those girls in Canada was restored and they went from being too ill to participate in ordinary life to, in fact, being back in the best of health and, of course, spirits.

But, the Fultons do not live in Canada, they live in Victor Harbor. So this family came home just over a month ago now, but here in this country access to medical cannabis is still not legal, and in this state particularly there is no hope in sight that it will be. If the Fulton family lived in Victoria they would be taking heart from Premier Daniel Andrews' leadership on this issue, and from the recent passage of legislation that was quite wholeheartedly supported across parties in that state, which will see by 2017 the beginning of access to medication in that state.

In fact, as we would be well aware, access to medication is the end of the line; the growing has also begun in Victoria. Premier Andrews, just a week ago now, posted online on social media the first crop to produce the first medical cannabis in that state. Victoria is surging ahead. In New South Wales, which has long led the way in this area, Premier Mike Baird has not only overseen in that state a system where access, in terms of medical trials that he announced some years back now, will soon be able to be undertaken through that, with priority given in the first trial to children with epilepsy. Certainly children with intractable epilepsy have shown time and again that it is a condition very much supported and alleviated by medical cannabis.

But of course the Haslam family there and Dan Haslam has had a profound impact on Premier Baird in that state. Dan Haslam passed away some months back now, but Lucy, his mum, continues the fight. Lucy, working with the Nationals, Deputy Prime Minister Barnaby Joyce, recently launched what she hopes will be the first New South Wales medical cannabis farm just outside Tamworth, at an undisclosed location.

Lucy is an astounding woman. Last week she held, convened and hosted the second national symposium of United in Compassion. That is an organisation that has come together to further the progress of medical cannabis in this country and help us catch up to other nations around the world where medical cannabis is old news rather than untraversed territory. There, Dan Haslam, with his particular condition and his particular cancer, was wasting away, in significant amounts of pain and unable to eat. His parents, who had had been long-time law-abiding citizens—his dad a police officer and his mum in the medical profession as a nurse—decided to access illegal cannabis for their son so that his quality of life could be restored. They were amazed by the impact, and to their credit they want that benefit of medical cannabis in the future, which is now too late to help their dead son Dan, for families such as the Fulton family.

In Queensland Premier Palaszczuk has announced that from next year that government will see from external sources the possible provision of medical cannabis. In the Northern Territory they are surging ahead. In WA they are surging ahead. In Tasmania there is a memorandum of understanding with the New South Wales government to grow the crops that will be required. Tasmania has undertaken extensive work into this area, and certainly has had an extensive inquiry that this state could draw on, which shows the benefits not only for the health budget but indeed for the regional economies where this product could be grown.

The health economics alone show that this is not just a boost for that jobs budget, but it is a saving for the health budget. Health economist, based at the University of Wollongong, Professor Simon Eckermann, has noted that just on palliative care and chronic pain alone we could be seeing savings to our budget in the first years of at least $730 million a year, rising up to the billions soon thereafter. That is simply for chronic pain, yet there are so many conditions that medical cannabis could be employed for in this country.

We need to have a look at ourselves in South Australia. I think the other states are leaving us behind and leaving us in their wake. As I referred to, Professor Simon Eckermann is a South Australian originally, so I think he has a soft spot for us. He was quick to point out at the United in Compassion conference that, particularly in the South-East of our state but also in many

parts of South Australia, the climate in South Australia would be prime growing opportunities for medical cannabis. He points to the Mediterranean climate and the many benefits that could have.

I stood also not just with the Fulton family today but with Garry Davies and David Dempsey, local farmers from the South-East who just want a future for the region. They want a future in growing medical cannabis and they have approached me to go into bat for them because so far they have not had much interest from government. Yet, around this state we see such a need for jobs, for boosts to regional economies, for boosts to outer metropolitan economies.

I simply point to an example from overseas in the United States where an old Hershey's factory has been converted into a medical cannabis production facility. Surely, we would not ever have any chocolate factories going out of production anytime soon, but certainly we have many other parts of our manufacturing industry looking for new ways forward and ways to create job growth.

I think that in this place we often avoid new issues or issues that seem difficult to grapple with because of the significant levels of nuanced legislation that impact on them. Previously that was the case for medical cannabis in this state because the federal parliament had not acted, yet now the federal parliament has acted. It has opened the way.

The reality is that the federal parliament and that particular piece of legislation, while it will create the opportunities to cultivate this product, it will not make all of the linkages necessary to ensure that young Georgia-Grace and young Tabetha can live out their lives happily and healthily in Victor Harbor and not be medical refugees made to flee back to Canada.

Other states are stepping up, other states are leading the way. They are Liberal states, they are Labor states. It is time for South Australia to stand up for young kids like Georgia-Grace and Tabetha and to see no more Dan Haslams in our midst. I will be offering members a briefing from Professor Eckermann about the health economics of medical cannabis. I will look forward to a response from government that starts to take seriously, not just the health benefits and outcomes that could be had from this but indeed the job opportunities. With that, I commend the motion to the chamber.

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

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: REGIONAL REPORT, MARCH 2014-APRIL 2016

The Hon. G.A. KANDELAARS (16:09): I move:

That the 108th report of the committee, entitled Regional Report, March 2014-April 2016, be noted.

This is the Natural Resources Committee's first regional report. This report has been written in response to the Premier's letter of 27 May 2014 outlining his charter for a stronger regional policy. As part of the charter, the Premier made a request for the Natural Resources Committee to convene a meeting in a regional location to provide a forum for regional South Australians to put their view in relation to the committee's work.

As outlined by the committee's Chair, the Hon. Steph Key, in a written response to the Premier dated 25 March 2015, the committee members enthusiastically supported the proposal for the committee to convene a meeting in a regional area. The NRC makes regular visits to regions to meet and consult with regional South Australians as part of its statutory responsibility to consider NRM levies and to visit NRM regions to observe the work done under the guidance of regional NRM boards and the Department of Environment, Water and Natural Resources (DEWNR).

The committee takes these responsibilities very seriously. Over the course of a four-year parliamentary term, the committee endeavours to visit all eight NRM regions in order to meet with natural resource managers and community members. The eight South Australian NRM regions are the Adelaide and Mount Lofty; Alinytjara Wilurara; Eyre Peninsula; Kangaroo Island; South Australian Arid Lands; South Australian Murray-Darling Basin; the South-East; and Northern and Yorke.

With the larger NRM regions—Alinytjara Wilurara, which extends from the APY lands to the Great Australian Bight, and the South Australia Arid Lands region, which extends from Port Augusta to the New South Wales border and north to the Queensland and Northern Territory borders, for

example, are especially large and remote—the committee prefers, when time and funds allow, to make multiple visits to different parts of the respective NRM regions to gain a more thorough appreciation of NRM issues.

The reporting period chosen is the 53rd Parliament, extending from March 2014 to the end of April 2016. This period has been an especially busy one for the Natural Resources Committee, in part due to the committee's undertaking the inquiry into fracking/unconventional gas extraction, and also its oversight role with regard to the state's eight NRM boards. Over the reporting period, the committee undertook eight regional fact-finding visits and tabled nine reports relating to its regional NRM responsibilities.

During this reporting period, the committee has managed to visit six NRM regions at least once, and members have committed to visit the two remaining NRM regions before the end of the parliamentary term. Much of the information contained in this report is available in other committee reports, which can be accessed on the committee's website. Since this regional report was completed in late April 2016, the NRM committee has devoted a number of meetings to deliberations on the NRM board business plans and NRM levies for 2016-17. These deliberations occurred outside the reporting period for the regional report and will be detailed in subsequent reports.

I commend the members of the committee: the Presiding Member, Hon. Steph Key MP; Mr John Gee MP; Ms Annabel Digance MP; Mr Peter Treloar MP; the Hon. Robert Brokenshire MLC; and the Hon. John Dawkins MLC for their contribution. All members have worked cooperatively during the reporting period. Finally, I thank the parliamentary staff for their assistance: Patrick Dupont, the secretary, and Barbara Coddington, our research officer. I commend this report to the council.

The Hon. J.S.L. DAWKINS (16:15): I rise to support the comments made by the Hon. Gerry Kandelaars about this first regional report. As the Hon. Mr Kandelaars indicated, the report was developed in a manner to encapsulate much of the work that has been otherwise reported in greater detail. In relation to the NRM board levies, it will be detailed in a greater manner in the next sitting week. The report was developed to outline the work of the committee as a response to the Premier's letter, which I understand went to all parliamentary standing committees on 27 May 2014, outlining his charter for stronger regional policy.

As a member of a committee that has always travelled—and it is part of our remit to travel, but certainly members of the committee have always made themselves available to travel at some length right around this state—to me, that letter could well have been written to some committees that never travel beyond the end of Hindley Street, and there are a number of them.

The Hon. G.A. Kandelaars interjecting:

The Hon. J.S.L. DAWKINS: They can remain nameless today, Hon. Mr Kandelaars, but they are the ones that get the same travel budget from the House of Assembly as the Natural Resources Committee. The Premier should have written that letter to those committees. To me, it was an absolute joke that the Premier wrote that letter to the Natural Resources Committee. Indeed, I would say that the Aboriginal Lands Parliamentary Standing Committee would also have found it a bit of a joke to get a letter like that, asking us to go and convene in the regions and to actually visit the regions and have meetings in the regions, because that is something that is just bread and butter.

I do commend the report but I just think that that letter from the Premier, which was all part of his deal with the Hon. Geoff Brock, was all window-dressing. For that letter to be sent to a committee such as the Natural Resources Committee, which travels to just about every corner of this state as often as it can, is a joke. This report is far from a joke. It has some very good information in it. I commend my colleagues on the committee, including the Chair, the Hon. Steph Key, who chairs a very good committee. I think the committee's work is advanced by the way she operates. I also echo the words of the Hon. Mr Kandelaars in thanking the staff, Patrick DuPont and Barbara Coddington, for their great efforts.

Motion carried.

Bills

ANIMAL WELFARE (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:19): Obtained leave and introduced a bill for an act to amend the Animal Welfare Act 1985. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:20): I move:

That this bill be now read a second time.

The Animal Welfare (Miscellaneous) Amendment Bill 2016 is a very simple bill, but it addresses quite a serious issue. Members, no doubt, would have heard through the media that a bar in Adelaide intends to have sharks in a tank as part of its nightclub. This—whilst seemingly a relic of our past and seemingly an outrageous proposal to many tens of thousands of not only South Australians but people around the world who have protested this idea—is not illegal in this state.

When I first saw the news that the Atlantis Lounge Bar on Light Square, which had its preview last Thursday night—a VIP launch—without sharks in the tank, I might note (although sharks are intended to be in those somewhat small tanks in a very noisy bar sometime soon in this state), the operators of that bar quite rightly said that they were contravening no state or federal laws. Indeed, it might seem ludicrous to think of putting a shark in a tank in a nightclub to the vast majority of people both in this place and in the community, but it is not illegal.

When this issue was first drawn to my attention—and I must thank, particularly, the work of Sea Shepherd and Geoff Cann in drawing this issue to my attention quite quickly when it was first promoted online—I raised my concerns with the RSPCA. I understand from my discussions with them that they, too, sought legal advice to discover that this contravenes no state or federal law.

I would note that, under section 58 of the National Parks and Wildlife Act, there are protections for protected animals only, but it is envisaged that this species of shark will not be one of those protected animals. There are also requirements that should these sharks be travelling across state borders there would be protection for these animals, but that does not apply in this case.

My understanding from the public statements made mainly through social media from the bar's management is that the only other protections would be that they must be secured through a professional fishing operation rather than an amateur fishing operation. Of course, there is a commercial investment that this bar is making in anticipating that people will want to come and pay money to sit and drink and dance—because there are DJs in this bar—in a bar with sharks in tanks.

The reason there is nothing that the RSPCA can do about this particular situation is that under our Animal Welfare Act 1985 hammerhead sharks are not considered animals. They do not fall within the definition of animals, so this bill amends the Animal Welfare Act 1985 to add to that definition of animal. It also specifically ensures that an animal means a member of any species of the subphylum Vertebrata. This bill applies to all fish, but I note that it will specifically not limit the operation of the Fisheries Management Act 2007, the Aquaculture Act 2001 or, indeed, the Natural Resources Management Act 2004. This will address any concerns around the current situation where, for example, European carp should not be and are not returned to the water.

It would also cover standard fishing practice in this state and I note that it would bring our laws in this state into line with most of the laws across the country, where the definition of animals would include these sharks as animals under their animal welfare act or equivalent protections for animals, which of course allow, most appropriately and most rightly, the RSPCA some ability to monitor cruelty and welfare concerns reported to them about animals. It is also important to note the interaction with the Natural Resources Management Act. Circumstances where, for example, a dam might need to be drained to fight a fire, are addressed. Should that circumstance be necessary to fight a fire, that would not be in contravention of animal cruelty.

This bill creates a new section relating to animals kept in tanks without the minister's approval. The minister, with carriage over the Animal Welfare Act, would have the authority to grant

an approval to a person to keep a prescribed animal in a tank. However, that minister could not grant approval unless the RSPCA approves the living conditions in which the prescribed animal is proposed to be kept. The definition of a tank would include a pool, a pond, a dam, a pen or other confined area. The bill defines a prescribed animal to mean a marine mammal including, of course, whales, dolphins and porpoises. A class of fish will also include sharks and rays.

I note that we cannot legislate for all occasions but, in this case, we have clearly failed to ensure protections not against illegality but against stupidity. The stupidity of a shark in a tank in a nightclub bar has certainly captured the attention and, rightly, the concern of many citizens of this state, and I hope that it will concern members of this chamber. On a side note, this bill would not cover the issue of the proposed tuna pen at Victor Harbor, as it includes fish of the class Chondrichthyes (sharks). Tuna would need to be prescribed in regulations and certainly, we note that there are also tuna in a situation in Port Lincoln.

I want to thank those stakeholder groups I have worked with on this bill. At first, the consideration was to replicate a New South Wales piece of legislation. There, the Exhibited Animals Protection Act would have covered this particular situation. It is quite a complex piece of legislation, covering standards for the housing, fencing, caging and exercise facilities for animals; hygiene for the keeping and housing of animals; nutrition, general care and husbandry of animals; records to be kept about the breeding, health, welfare, movement, acquisition, death and disposal of animals, including that a stock and mortality register be kept; the destruction of animals and disposal of carcasses; educational and scientific requirements for animal exhibits; and transport and public safety.

I urge the government to have a look at that New South Wales legislation because, clearly, there are areas where we in South Australia lag behind in the protection of animals, particularly in the protection of exhibited animals. This bill quite simply ensures that sharks will be considered animals, will let the RSPCA do its job and will ensure that there is some ministerial accountability and discretion where stupidity appears to have prevailed over common sense.

It is a simple bill. I hope that members of this chamber and the Weatherill government can take it seriously because, while sharks in a bar in a tank seems a stupid idea, it is also so senseless and so cruel as to require some sort of swift action. I thank the RSPCA and in particular Di Evans and Tim Vasudeva. I thank also Animal Liberation, Animals Australia, the Conservation Council, and Voiceless—particularly their Emmanuel Giuffre—as well as various shark experts and Dan Monceaux.

I have noted in the media that this Atlantis Lounge Bar have said that they are consulting with animal experts and that they are taking advice on these issues. I think some of the advice would have been, 'Yes, it will get you a lot of media to say that you are going to have a shark in a bar.' Something less cruel, like people dressed up as mermaids that you had at your launch on Thursday night, will get you just as much attention and just as much enjoyment for your patrons.

Certainly, I note that when I arranged a meeting between Dan Monceaux, the RSPCA and me with the proprietors of the Atlantis Lounge Bar, they cancelled a few hours before we were scheduled to meet so we have yet to have that meeting with them. I wonder who the animal experts are that they have met with because they certainly have not met with the RSPCA. With those few words, I commend the bill to the council.

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

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE: DOMESTIC AND FAMILY VIOLENCE

Adjourned debate on motion of Hon. G.E. Gago:

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

(Continued from 13 April 2016.)

The Hon. G.A. KANDELAARS (16:32): I rise to speak to the report of the Social Development Committee's inquiry into domestic and family violence. As members are aware,

I had the privilege of being the presiding member of the committee for much of the time the committee dealt with this inquiry. Domestic violence is a blight on Australian society, costing an estimated $21 billion a year and rising. One woman is hospitalised every three hours due to domestic violence in this country; 84 women were murdered by a partner or former partner in Australia in the last year. It is estimated that three-quarters of a million women in Australia are affected. More than half of the women experiencing domestic violence have one or more children under their care. These are but a few of the statistics that highlight the tragedy of domestic violence in Australia.

There were a number of areas the Social Development Committee certainly highlighted to me. On a positive, the Multi-Agency Protection Service (MAPS) has significantly improved the risk assessment of domestic and family violence incidences and many other Australian jurisdictions are looking to the South Australian model. MAPS goes hand in hand with the family safety framework which brings government agencies and NGOs together collaboratively at a local level, sharing information on high-risk cases.

But other areas do need some special focus. Aboriginal and Torres Strait Islanders are vastly over-represented in domestic and family violence cases. Again here the statistics are staggeringly tragic. An estimated 25 per cent of Aboriginal women experience one or more incidences of violence a year. Aboriginal people represent approximately 3 per cent of the Australian population, yet constitute 13 per cent of homicide victims and 11 per cent of homicide offenders. I believe there is a need for a concerted effort to engage with the Aboriginal community through their various representative organisations.

In my view the commissioners for Aboriginal engagement could provide valuable assistance in coordination and focus on domestic violence in Aboriginal communities. They are aware of the cultural sensitivities and could bring together the various Aboriginal groups to focus in on this issue. What I will emphasise is that the need for action on domestic violence in Aboriginal communities needs to be driven from within those communities.

Another area of special focus is the culturally and linguistically diverse CALD communities because of language and cultural issues. One such issue is that in some CALD communities there is a reluctance to report domestic violence (DV) because of community stigma. That is an issue that needs to be addressed. Again, it is my view that Multicultural SA could be of significant assistance here.

Another issue is the need for the federal government to take more action around visas, particularly where perpetrators prey on their victims by threatening the withdrawal of visas. Another area is the need for better migrant, refugee and visitor information on rights and responsibilities when it comes to domestic and family violence.

Another special area of focus is the disability community where the disabled are at greater risk because of their dependence on carers, and this can significantly increase their vulnerability to domestic and family violence. The report also raised concerns around the existing funding model for domestic violence services. Currently much of the domestic violence funding is centred around homelessness programs. I believe this sends the wrong message in the domestic violence space where the safety of victims is the first priority and, where possible, victims should be able to stay in their homes.

Whilst relocating victims and finding them new accommodation may be necessary, this should be avoided where possible. We also need to ensure that adequate funding is provided for the unique nature of rural and remote domestic violence services, taking into account distances travelled, isolation from services and the different social nature of rural and remote life.

One area that the Social Development Committee raised in my mind was around our legal system. For many victims the legal system is very unfriendly, in particular there is a lack of coordination between state and the Federal Court system. In some cases there can even be conflicts between orders issued in both jurisdictions. At another level, SAPOL cannot interrogate the Federal Family Court data to review orders issued by that jurisdiction and have to rely on victims or, for that matter, perpetrators to provide hard copy of orders—a situation that is totally unsatisfactory.

Another issue is around the confidentiality of personal details held by domestic service providers. One case was brought to our attention where a perpetrator sought to use court discovery

processes to access victim case notes. I personally believe there is a need for special care to be taken by the court system around this issue. Court discovery processes should not be able to be used as a fishing expedition by perpetrators or their legal advisers.

In my view there is a need to intervene in domestic violence cases at the earliest opportunity. Perpetrators need to know that the consequences of their actions can be severe. Abuse of victims through the telecommunications system should be dealt with sooner; that is, abusive phone calls, text messages, abuse through email or social media or illegal use of tracking devices should be dealt with swiftly and firmly.

Another area where identification of possible domestic violence victims could occur is through our primary health system. The primary health system is that of general practice, community health services and emergency departments, etc., which can play a key role in identifying domestic violence victims early and assisting them through referrals to appropriate support, such as domestic violence service providers. Consistently through the Social Development Committee's inquiry into domestic violence, the issue of perpetrator programs was raised. Certainly there is a need for more of these programs, but it is also interesting to note that there is a need to evaluate the effectiveness of current programs.

Finally, I thank members of the committee for their effort and commitment to this inquiry. I also personally thank the committee secretariat, Carmel O'Connell, the research officer for the inquiry, who diligently went through all the submissions and evidence put to the committee, and Robyn Schutte, the committee secretary, who organised hearings for witnesses to the inquiry, which involved a number of hearings in country and metro areas, plus a videoconference from Whyalla to Alice Springs. In conclusion, I also thank the individuals and organisations who took their time and effort to provide submissions to the inquiry and to attend committee hearings to give evidence before the committee.

The Hon. J.S. LEE (16:41): Today I rise to also speak about the important report prepared by the Social Development Committee on the inquiry into domestic and family violence. Domestic and family violence destroys family life and has long-term effects. Women and children are often in greater danger in the very place where they should be safest, within their families and in their homes. It is difficult to determine the exact number of women and children affected by domestic and family violence, given that research and anecdotal evidence indicates that it is largely under reported, as was found by the committee during the witness hearings.

The Australian Bureau of Statistics notes that there is no single agreed definition of 'domestic violence'. The key questions are: does domestic violence affect only the two people in an intimate relationship who live together? Should it be extended to partners who do not live together and to all victims of domestic violence, including children and family members? Is physical violence the only type of domestic violence, or are there other types, for example, psychological abuse?

The legislation in New South Wales, Victoria, Queensland, Western Australia, the ACT, Northern Territory and South Australia now defines domestic violence as occurring between intimate partners, relatives, family members, carers and children, and in most cases an intimate relationship can exist between two people who do not live together, people in a dating relationship, for example. In Tasmania, however, family violence is only considered in the context of a spouse or partner relationship.

The terms 'domestic violence', 'family violence', 'domestic and family violence' and 'domestic abuse' are used across the different jurisdictions. Therefore, the committee recognised this as being very important and has actually made the first recommendation: that the South Australian government strongly advocate that the national plan to reduce violence against women and their children 2010-22, which is part of the national plan, become a national agreement that has been agreed by all Australian jurisdictions.

Some people believe that domestic abuse is essentially a private matter and of no concern to others, that it is not their business. There are some people who still believe there are circumstances in which violence may be excused, for example, in situations where the man regrets his abusive behaviour. Other people think that there are certain situations in which women bear some responsibility for the domestic abuse: they believe she must have provoked him. Yet, it is hard to

ignore that every day thousands of women and children in Australia in our community suffer physical, psychological, emotional and financial abuse within their home. The violence is not an over-reaction, it is a systematic, repeated and planned approach to assert power and control.

Family violence so often starts with love, it arises from a loving relationship; that is what makes it so difficult and complex. For many women, their home is where they face continued fear, intimidation and violence at the hands of somebody close to them, somebody they should be able to trust. They are frequently unable to make decisions for themselves, voice their own opinions or protect themselves and their children for fear of further repercussions. Their basic human rights are denied, and their lives are literally stolen from them by the ever-present threat and fear of abuse.

Former Australian of the Year Rosie Batty said in her valedictory speech in January that family violence was an epidemic. Nationally, one in three women will experience physical violence in their lifetime, from the age of 15, and one in five will experience sexual assault. Two women a week are actually dying from being murdered in Australia. In South Australia in particular, the most recent statistics are that since 2008, 23 women and two children have been killed due to domestic violence. It is not something to be proud of.

It became apparent throughout the inquiry that domestic and family violence has a unique consequence for different sections of our community. It affects a large number of children and exposes them to a variety of vulnerabilities, in particular having an effect on their education, future relationships, health and emotional wellbeing, and engagement in community life.

Some of the most vulnerable groups include the women from Culturally and Linguistically Diverse (CALD) backgrounds. Those who experience domestic abuse have unique issues because of language barriers, cultural differences, lack of support networks and lack of understanding about their rights under Australian laws.

Aboriginal women are 31 times more likely to be hospitalised than other women as a result of family violence, and an estimated 25 per cent has experienced one or more incidents of physical violence in the previous 12 months. Women and girls with disabilities are most likely to experience violence. Research undertaken has shown that where they are living in residential institutional settings they are more likely to experience sustained episodes of violence. Women living in regional and rural remote areas are reported to experience higher rates of domestic abuse than those in metropolitan areas, because of demographic and geographic barriers.

During the inquiry period, the committee travelled extensively throughout South Australia, travelling to Murray Bridge, the Riverland, Whyalla and Port Augusta, listening to people and agencies about their concerns, and also hearing about what programs are available, and some of the gaps that need to be filled in terms of services.

It has been a privilege working with the committee members on the Social Development Committee. I would like to thank the Hon. Gerry Kandelaars, the former presiding member, who left the committee at the beginning of the year. I would like to thank the new presiding member, the Hon. Gail Gago, who was the former minister for the status of women. Her input and insights into women's issues, particularly with domestic and family violence, were very well received by the committee.

I would like to thank the Hon. Kelly Vincent for her excellent contribution to the committee. The member from the other place, Adrian Pederick, the member for Hammond, is the only country member represented on the Social Development Committee, and his views and perspective on matters in regional South Australia were very much valued. The other members were Nat Cook MP, Dana Wortley MP, and, of course, Katrine Hildyard, who instigated the inquiry, also joined the committee for a short period of time.

A big thank you to the committee secretary, Robyn Schutte, and the committee's research officer, Carmel O'Connell. We are indeed very sorry to see Carmel leave the Social Development Committee as her contract has come to an end, but she was with the committee from the beginning of the inquiry until the end.

Robyn and Carmel did an excellent job with their comprehensive research and excellent organisational skills in ensuring that we reached the right witnesses and were able to cover all the

ground in metropolitan Adelaide and regional South Australia. Their dedication to the Social Development Committee and contributions to this inquiry were outstanding and very much appreciated.

I take the opportunity to acknowledge all the agencies, government departments, community organisations and individuals who have made a contribution and submitted evidence to address this important issue. Their dedication and commitment to the domestic violence sector are very much appreciated, particularly when they apply their understanding and their personal skills and empathy throughout to assist victims of domestic and family violence, in many cases dealing with very tough and emotional circumstances.

I am encouraged to learn that the Prime Minister Malcolm Turnbull announced at the COAG meeting on 1 April that the federal, state and territory leaders will unite to tackle domestic violence at a national summit in October 2016. I strongly advocate for the list of recommendations put forward by the Social Development Committee of this parliament to be implemented. I also thank all the White Ribbon ambassadors who have participated in terms of advocating and supporting the cause. I encourage all honourable members to read the report and call on the government to implement the recommendations for future policy funding and legislative reforms. I commend the motion.

Debate adjourned on motion of Hon. T.T. Ngo.

Motions

BRIGGS, PROF. FREDA

The Hon. K.L. VINCENT (16:52): I move:

That this council—

1. Notes the passing on 6 April 2016 of child protection advocate, Emeritus Professor Dr Freda Briggs AO;

2. Recognises the extraordinary body of work Dr Briggs undertook to become an expert in the field of child protection;

3. Recognises the role Dr Briggs played into her 86th year of life working towards the welfare and safety of children; and

4. Calls on the South Australian government to establish a research scholarship in Freda Briggs' name at the Australian Centre for Child Protection to honour her name and her dedication to this work.

Dignity for Disability is pleased to move this motion to mark the remarkable life of a remarkable woman. Freda Akeroyd was born in Yorkshire, England, and she left school at the age of 15. At her first workplace, she made history when she reported the chief engineer of Imperial Chemical Industries for sexual harassment due to inappropriate comments he was making to her and other employees.

After five years, she left that job to join the London Metropolitan Police where she undertook additional training to work in the child protection unit before studying an accelerated teaching course as a mature age student, first at Warwick and then Sheffield universities where she graduated with a junior primary education degree before going on to a graduate degree in education and postgraduate qualifications in psychology and sociology before completing a Masters in research.

With her husband she had two children and they were also a foster care family. The family emigrated to Melbourne in 1975 to take up a pioneering position as Director of Early Childhood Studies at the State College of Victoria. Later, Freda Briggs made Adelaide her home, starting with a post as Foundation Dean at the newly established de Lissa Institute. She was a champion for quality early childhood teaching and resisted moves to have the specialty absorbed into general teaching degrees. She rose to the position of Emeritus Professor of Childhood Development at the University of South Australia. Freda Briggs was also the recipient of the inaugural Australian Humanitarian Award, an Anzac Fellowship Award, the Jean Denton Memorial Scholarship, and the Creswick Fellowship Award for work for disadvantaged children. She was also made an Officer of the Order of Australia in 2005.

My personal relationship with Freda Briggs began in 2010, when I organised a session for parents of children and adults with disabilities on the topic of how to respect people with disabilities

and keep them safe from sexual abuse. This session was necessary, unfortunately, because, depending on which research you read, people with disabilities are statistically between two and seven times more likely to experience physical and sexual abuse than our non-disabled counterparts.

Being abused and successfully reporting abuse are unfortunately two very different matters. Freda Briggs made it her life work to research, investigate and champion the rights of children and adults who are mistreated, neglected or abused. That session I invited her to present was informative and, rightly so, explicit. It made the point that it does not pay to skirt around the issue when it comes to discussing appropriate behaviour, and touching in particular. Freda Briggs was prepared to bridge her academic expertise with the everyday language that parents need to be equipped with to talk to their children. At our session she, I think again quite rightly, exploded the myth of 'stranger danger' and detailed explicitly the types of behaviours adults can use when grooming for sexual abuse.

The people who attended the session were not only parents but also service providers. At the time, there was an incredible thirst for this information, and it shocked me that it was so, or still so, back in 2010. For if what Freda Briggs was presenting was new to the service providers, then who really has the duty of care for the people with disabilities that they are providing services to, and what training had they had before?

Freda certainly did not believe in tiptoeing around the issue, because she understood that such an approach is feeble to ward off perpetrators. Freda knew that in talking to parents, and in this case service providers, in a comprehensive, explicit way, she would be arming them to be alert to the behaviours of people that could indicate potential abuse. It is difficult to come away from a session like that with any skerrick of faith in human nature left, but there again Freda was able to put it into perspective.

Freda described some potential grooming behaviours, explaining how would-be or could-be abusers, as she said, make themselves very popular with potential targets. Alarm bells should ring when an adult engages in immature rough-and-tumble play at the child's level. She particularly implored parents to stop tickling before it goes under clothing and, I think most importantly, to not ignore your sense of discomfort or, perhaps even more importantly, the sense of discomfort of your child. Intervene and stop contact, even though this person may be popular with you, your family or your child. In providing that description, she was empowering us to protect others by trusting our own instincts.

I think one of the things that I admired most about the approach of Professor Briggs in her work was that she always tried to afford children and young people a tremendous amount of respect and agency. In some ways, unfortunately, I think we can look to our British heritage to explain the way that we often shirk or talk about issues of bodily safety, or even relationships, in very roundabout ways.

Freda was, as I have become, partially informed by her work as a very strong advocate for changing that. I think it is very important that we teach children and young people about bodies, personal safety and relationships in a very straightforward manner, and that information should suit their needs, not only because this may help minimise susceptibility to abuse and perhaps even lead to the early detection of abuse but also because it is, I believe, a simple and fundamental human right.

I am often frustrated when I hear children and young people described with terminology such as 'future leaders'. It may well be true that they are learning how to become informed and assertive leaders in their future, but I think being a true leader means that you are always learning. Of course, it is important that we talk about what the future may hold for children and young people, but sometimes I think we do this to the detriment of actually talking about the present. Often we talk about children and young people being future citizens and future leaders, and I think that dismisses the role that they have to play now and the people who they already are.

Although they may or may not be able to fully explain or understand it in the way that we might as adults, children and young people are still experts in their present, expert in their own feelings, and they are incredibly insightful about this and incredibly intuitive. In many ways, we as a parliament can demonstrate that respect to children and young people through changes in legislation and policy such as the Disability Justice Plan, making it easier for children in court, and also, of

course, by continuing our long journey toward a state children's commissioner. We also, I would argue, do not need legislation to start respecting people, validating their experiences and realising that they are the experts in what they are experiencing, the experts in their own lives, and that with the right support every person is able to work through that experience, whatever it may be.

Freda Briggs was unstoppable, or so it seemed. At the age of 85 she was still working, having campaigned against compulsory retirement for 65 year olds, and thank heavens for that because we can only imagine the amount of work and passion we may have missed out on if people like Freda had been forced to retire much earlier than they themselves would have liked.

A week prior to her death, Freda gave a presentation on child protection to a consortium of international schools in Indonesia. She applied determination and rigour to her quest to remove the scourge of abuse, and particularly child sexual abuse, from not only our community but the many communities around the world in which she has worked.

Freda Briggs' work, of course, remains unfinished. The scourge continues and so does the vigilance by parents, support workers, teachers and all others who will protect children and young people as well as adults who may be particularly susceptible to abuse, including people with disabilities. The need to provide comprehensive and explicit education for children and adults that meets their needs, including their literacy needs, is as important today as it was when Freda first worked in this important field of child protection.

Her legacy should be that we all continue to become more and more armed with the knowledge and information we require to protect all people from abuse and also to prosecute abusers in the fearless way that she pioneered. I think it is fitting to let Freda have the last word here, so I will finish with a quote that she gave to the ABC, as I understand it. The quote reads:

> My energy probably comes from anger. I get very angry with the way that people, governments and courts treat children. It makes me angry that governments can waste millions of dollars advertising their own policies while departments fail to investigate child abuse cases because they don't have sufficient resources.

I think that is an anger that we in this chamber do, and should, continue to all share, and may we in this parliament and in our community of South Australia continue to maintain that very justified rage. Vale Freda Briggs.

Debate adjourned on motion of Hon. T.T. Ngo.

WOMEN'S LEGAL SERVICE

Adjourned debate on motion of Hon. J.S. Lee:

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.

(Continued from 13 April 2016.)

The Hon. G.E. GAGO (17:05): I rise to support this really important motion congratulating the Women's Legal Service on celebrating 20 years in October 2015. We certainly commend the work of the Women's Legal Service in South Australia and congratulate them on their 20th anniversary.

The Women's Legal Services Australia is a national network of community legal centres specialising in women's legal issues. They are part of the National Association of Community Legal Centres. Their mission is to promote a legal system that is safe, supportive, non-discriminatory, and responsive to the needs of women accessing justice. The Women's Legal Service has been, and continues to be, an integral part of legal services for the South Australian community. Women of all

backgrounds have been assisted by the service, and it has a special place in the South Australian legal frameworks.

Understanding one's legal rights is something that can often be hard to achieve when language and cultural barriers stand in the way. The Women's Legal Service has a long history of helping women to overcome these barriers to live safely. In particular, the service has played an incredibly valuable role in providing ongoing support of Aboriginal and Torres Strait Islander women, and women from culturally and linguistically diverse backgrounds who are escaping or experiencing domestic violence and sexual assault. The service also assists women living in the APY lands to understand their rights and escape violent situations.

All South Australian women must be able to access justice supports. Living in remote parts of South Australia can make access difficult at times, and it is important to ensure remoteness is not a barrier to receiving assistance. This service has run outreach programs to rural areas of South Australia to ensure these women can access and understand the remedies and actions available to them.

Women from culturally and linguistically diverse backgrounds can have cultural and language barriers that make it extremely difficult for them to know about and understand their fundamental legal rights. The Women's Legal Service has done an outstanding job working with this group of women to ensure culture and language are not barriers to accessing support.

The Women's Legal Service has worked with many diverse women's groups, domestic violence services, migrant services, government and non-government agencies. The Women's Legal Service has done an outstanding job of educating the women of South Australia about their legal rights as well as providing representation in court and advice on many legal matters over the past 20 years.

However, it is somewhat ironic that this motion has been put forward by the Liberal Party opposite me, whose federal colleagues have been responsible for gutting the funding to this very service. The Turnbull Liberal government announced in September 2015 their $41 million domestic violence plan. The plan revealed it would be slashing the service's funding from $850,000 per annum to $420,000 per annum from 2017.

Days later, on 2 October 2015, Zita Ngor, the Director of the Women's Legal Service, was quoted in an article on AdelaideNow.com.au titled 'Adelaide's leading women's support centre reveals it is struggling to stay afloat' as saying:

> At a time where we should be focusing on helping women flee domestic and family violence, Women's Legal Service (SA) is fighting to keep its doors open.

This is a time when up to 100 women per year are dying at the hands of domestically violent perpetrators per year. The Women's Legal Service is a front-line service for women fleeing violence and in 2014-15 assisted more than 3,000 women and helped secure 650 intervention orders.

While I commend and applaud this motion, it is coupled with grave disappointment that the congratulations are not being supported by the federal Liberal government, whose funding cuts will have such a savage impact on legal services for women in South Australia. I call on all those state Liberal members opposite, if they really care about the Women's Legal Service, to lobby their federal Liberal colleagues to reinstate those vital funds, which are planned to be slashed.

The Hon. A.L. McLACHLAN (17:10): I rise to support the Hon. Jing Lee's motion in congratulating the Women's Legal Service of South Australia on their 20th anniversary. I am a White Ribbon Ambassador. I have a deep interest in supporting organisations that are involved in assisting and improving the lives of women suffering in domestic violence situations. Given that 50 per cent of clients at the Women's Legal Service are victims of family violence, it is fitting that we recognise the important work this organisation carries out for the community.

Many victims of domestic violence are financially dependent on their partner and would find it difficult to access legal services if they were not available through the Women's Legal Service. The Parliament of Australia's Library Research Paper entitled 'Domestic, family and sexual violence in Australia: an overview of the issues' states that, regardless of their prior economic circumstances,

many women experience financial risk or poverty as a result of domestic violence. In the Women's Legal Services of South Australia 2014-15 Annual Report, Penny, a family violence survivor, states:

> I do not have the money to fight legally with my husband and have no one around me as support. I needed someone to give me a head start, WLSSA helped me to get the start I needed.

By providing free legal services to these women, the financial strain they are under is alleviated at a time when they are at a very difficult phase in their lives and must deal with the emotional scars caused by violence in their own homes.

The Women's Legal Service helps provide assistance in a number of family legal matters that can assist in the improvement of their lives. Some of these family legal services involve advising on intervention orders, child protection and child support. I commend the Women's Legal Service for their 20 years of service improving the lives of women and, particularly, victims of domestic violence in South Australia.

I would also like to recognise the volunteers who devote their time to the organisation. As a non-profit organisation, the Women's Legal Service relies on funding from government and other organisations but, in particular, it relies on the dedicated time of volunteers. The 2014-15 report notes that, in that year alone, volunteers provided 5,928 hours of their time to the organisation.

The organisation would not be able to continue without the great work of these volunteers who devote their time to improve the lives of some of South Australia's most vulnerable women. I commend this motion to the chamber and I congratulate the Women's Legal Service of South Australia on 20 years of dedicated service to the women of South Australia.

The Hon. T.A. FRANKS (17:12): On behalf of the Greens, I also rise to express our support for this very important motion. I thank the Hon. Jing Lee for moving this motion in our chamber to give us the opportunity to note and wholeheartedly support the recognition of the significant contribution of the Women's Legal Service. It is just one of the many community legal centres committed to the cause of social justice and fairness, as well as justice, of course. I express my sincere congratulations to them on the significant milestone of their 20th anniversary.

One would think that with a 20-year track record like this, we would see them going from strength to strength. They certainly do incredibly important work for some of our society's most vulnerable members or members of our society in their most vulnerable times. The service helped more than 2,500 women last year, one in two of whom were victims of domestic violence or, as I would prefer to say, survivors of domestic violence. Yet, it is facing cuts of up to 50 per cent.

According to the Women's Legal Service President, Ms Zita Ngor, the service works with about 200 Aboriginal women a year, two-thirds of whom are also suffering family violence. Furthermore, one out of five women who access the centre have a disability, and one in five are homeless or at risk of homelessness. But time and time again the message is clearly being sent by the federal government that the Women's Legal Service and, in fact, all community legal services are not valued and are not being supported with the commensurate funding that they need to do their job to ensure protections for these most vulnerable members of our community.

If the federal government proceeds with slashing legal aid funding, the Women's Legal Service in our state may be forced to drop its 300 cases next financial year and cease outreach services to rural and remote areas such as Ceduna, Port Augusta, Coober Pedy and, of course, the APY lands.

As noted, or lamented indeed by the Law Council of Australia, this year's federal budget continues to underfund legal aid to the tune of hundreds of millions of dollars. The federal government has not only stood by these budget cuts, these savage budget cuts that were announced in 2014, but has announced further cuts for 2017. This will result in $12.1 million being stripped from our community legal centres and a further $4.5 million stripped from Aboriginal and Torres Strait Islander Legal Service.

The federal government may hold up funding for specialist domestic violence units around the country as a commitment to treating what is a scourge—the scourge of domestic and family violence in this country. However, while the unit run by the Legal Services Commission at Elizabeth will assist that particular area, what are those survivors across the rest of our state left with?

I support calls on all levels of government to commit the additional $200 million per year identified by the Productivity Commission as being required to adequately fund all legal assistance services in Australia, and congratulate our legal community for raising its ire at this savage cut. I note that the Law Society of South Australia just yesterday held a rally in Victoria Square and reiterate and draw to the attention of this council their demands which read as follows:

> Australian governments must:
>
> 1. Increase the commonwealth's share of Legal Aid Commission funding to 50 per cent with the states and territories. This would amount to an addition $126 million in the 2016 commonwealth budget.
>
> 2. Immediately provide a further $120 million to cover civil legal assistance with the states and territories contributing $80 million, comprising a total of $200 million as recommended by the Productivity Commission.
>
> 3. Immediately reverse further commonwealth funding cuts to legal assistance services announced in 2014 that are due to take effect from July 2017. These include:
>
> (a) $12.1 million in cuts to community legal centres;
>
> (b) $4 million in cuts to Aboriginal and Torres Strait Islander legal services; and
>
> (c) all cuts directed at policy and advocacy work conducted by legal assistance bodies as recommended by the Productivity Commission.

We have heard just today on a very important report, I believe, by the Social Development Committee on family and domestic violence. We know as a nation that this is one of the most serious challenges that we have in our communities. Certainly I think you cannot say that you stand against domestic violence and family violence in this country and oversee cuts to the very services that support our most vulnerable and, in this case, the Women's Legal Service.

The Hon. K.L. VINCENT (17:18): I want to put a few brief words on the record on behalf of Dignity for Disability to mark this important motion. I certainly thank the Hon. Ms Lee for bringing this motion forward to the council to mark the 20th anniversary of the Women's Legal Service (WLS). The WLS certainly provides an invaluable service to South Australia. While we are discussing the excellent work of this service, I would like to reiterate the funding challenges that the Hon. Ms Gago and also the Hon. Ms Franks have referred to—the challenges that they are currently facing need to be noted and certainly rallied against.

This has been an ongoing issue for the past 12 months in terms of their funding, and I understand that senior solicitor, Connie Mittiga, has also been on the radio in recent times with stories of the funding challenges and the cuts to their important service—the Women's Legal Service—is facing. It is a microbusiness but it is certainly not receiving the funding that it deserves for the enormous work it does and provides services with such a small team and a group of volunteers to the women of South Australia and particularly women in very difficult circumstances. So, we certainly need to be providing more support to them.

I would also like to put on the record some of the achievements of their exceptional director, Zita Ngor, an outstanding woman and, it is important to note, a woman of migrant background. Zita travelled from South Sudan with her mother Margaret and siblings to join their father in Adelaide in 1989. The Ngor contingent was one of the first African Sudanese families to establish themselves within the broader community of South Australia.

Zita's achievements include that she was involved with Multicultural Youth South Australia from 2000 to 2003, awarded the national centenary model for service to the community in 2001, and selected as an NGO delegate adviser to the Australian government delegation attending CSW57 in New York during March 2013. She also convened and organised the first national conference in Australia to look at issues of gender-based violence in relation to women from culturally and linguistically diverse backgrounds in April 2013 as part of Stand Up! national conference on the elimination of all forms of violence against CALD women.

Her leadership of women within the South Australian community and the broader regions of Coober Pedy and Whyalla, as well as remote APY lands, covers an extensive and vast range of positions. Her connection with the Indigenous community in particular in many differing positions has

seen her become a determined advocate for women and their families who are traumatised or challenged through domestic violence, child custody battles and family breakdown.

Currently as Director of the Women's Legal Service, from 4 January to 2010 to the present, Zita has driven and overseen rebranding and diversification of the organisation, which I think needs to be recognised. This free service is the only women-specific agency providing legal information, legal advice, legal representation and referrals to women of all ethnic and cultural backgrounds that identify from within the low socio-economic bracket.

So certainly the work that Zita and the Women's Legal Service is doing, not only for women who can already face significant barriers but women specifically in low socio-economic backgrounds, is very important and I congratulate them on that and look forward to hopefully getting the funding and support that is needed to see that work continue far into the future.

The Hon. J.S. LEE (17:22): I thank the Hon. Gail Gago, the Hon. Andrew McLachlan, the Hon. Tammy Franks and the Hon. Kelly Vincent for their contributions. I particularly wish to thank the Hons Ms Gago, Ms Franks and Ms Vincent for their continuous work in supporting women and women's issues and also advocating for revised funding. I appreciate and recognise the fact that there are funding issues and challenges facing the Women's Legal Service. I report that when I spoke to the acting shadow minister for women, Vickie Chapman, in the other place, she had met with our federal counterparts in the Liberal Coalition government, and she is actually advocating for them to revise the funding. We from our side will continue to do so.

Nevertheless the Women's Legal Service has achieved 20 years of remarkable service and an outstanding commitment to addressing legal services for women, especially the most vulnerable in our community, which has to be recognised and paid tribute to. I thank all honourable members for their contribution in supporting this motion.

Motion carried.

AUSTRALIA CHINA FRIENDSHIP SOCIETY

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates the Australia China Friendship Society for celebrating its 50th anniversary in 2016;

2. Acknowledges the significant work and commitment of the Australia China Friendship Society's Committee and volunteers, past and present, who continuously work towards building and promoting a friendship between the peoples of Australia and China; and

3. Acknowledges the importance of their establishment and the society's attempts at bringing to the Australian public a greater knowledge and understanding of China's rich cultural heritage.

(Continued from 9 March 2016.)

The Hon. T.T. NGO (17:25): I rise on behalf of the government to support this motion. This year the South Australian branch of the Australia China Friendship Society celebrates its 50th anniversary. This is a momentous feat. I myself have not been around for that long yet. For five decades the South Australian branch of the Australia China Friendship Society has been a cornerstone for building and improving the relationship that Australia shares with China.

The society was not born off the back of China's promise of trade or significant economic growth. It was created to break barriers and forge relationships—a role that the society still plays to this day through non-governmental diplomacy. Fifty years ago when the White Australia Policy was in place and relations with China were misunderstood, the Australia China Friendship Society had the foresight to lobby the commonwealth government for the diplomatic recognition of the People's Republic of China which happened in 1972.

I would also like to acknowledge that, although I have spoken previously in this chamber about how the ALP was complicit in its support of the White Australia Policy, it was Labor opposition leader Gough Whitlam who engaged first with the Chinese. He was the first leader of the Western world to visit China in 1971, and many people believe this visit paved the way for Australia's close relationship with China today.

The society has also played a role in developing South Australia's relationship with our sister state, Shandong. Back in 1985, a delegation of the society, led by Mr Jeff Emmel, went to Shandong province. Upon their return, they brought home the message of partnership which eventually led to South Australia and Shandong becoming sister states in 1986.

The society continues to proactively further South Australia's relationship with China. It organises many activities, including cultural art exhibitions in Murray Bridge and Mount Gambier. It also arranges specialised tools to China, scholarships to the Shanghai Normal University, annual youth camps in Shanghai and study tours that have resulted in sister school relationships.

It is of great importance that South Australians have a good understanding of Chinese culture. The South Australian community is home to over 15,000 people born in China, and over 16,000 people speak Mandarin at home. Our state is also home to a large number of ethnic Chinese from countries other than China, including people of Chinese heritage from Hong Kong, Singapore, Malaysia and Taiwan, just to name a few.

It is also important that we acknowledge the enormous contribution that the Chinese community has made to our state, both economically and culturally. We need to remember our relationship with China is more than a matter of business. I believe that a mutual understanding of Chinese and Australian cultures fosters ties that go beyond business transactions. I know that this is the view that the modern day ALP would endorse.

The government congratulates the South Australian branch of the Australia China Friendship Society for its 50 years of tireless work in bringing Australia and China closer together. I, therefore, endorse this motion.

The Hon. J.S.L. DAWKINS (17:29): I rise briefly to commend the Hon. Jing Lee for bringing this motion to this chamber and to highlight the great work that the Australia China Friendship Society has done over its 50 years.

I had the great privilege on 25 February to accompany the Hon. Jing Lee to the society's 50th anniversary dinner, and I think also there were some other members there, including the member for Hammond. A number of regional local government figures, including several mayors were in attendance, including the Mayor of Mount Barker, Ann Ferguson; the Mayor of Gawler, Karen Redman; and the Mayor of Barossa, Bob Sloane—and the honourable member reminds me that the federal member for Barker was there as well, Mr Tony Pasin; and also the state president of the LGA, Mr Dave Burgess, who is also the Mayor of Mid Murray.

It was good to see, I think, that regional influence there that supports this group. There is no doubt that the society has reached out beyond the confines of metropolitan Adelaide. It has, I think, unashamedly got those connections to regional communities who have a great deal to gain from heightening their relationship with China. This group has obviously, through its history, helped to open a lot of doors. I think that was recognised by those mayors who were there that evening. It was great that His Excellency the Governor was able to be there and speak at the event and he of course highlighted the work that the society, its president Ms June Phillips, and many other committed people have been doing and no doubt will continue to do.

It was interesting to learn that in 1951 and 1952, the Australia China Society, as the Australia China Friendship Society was then known, was established in Melbourne and Sydney. This was only two years after the founding of the People's Republic of China on 1 October 1949. Active members rendered numerous effective and beneficial works in increasing Australia-China friendship and this later contributed to the promotion of the establishment of diplomatic relations between the two countries. Diplomatic relations were established between Australia and China in 1972.

Certainly, those brief sentences do encapsulate the work that this organisation has been able to do, I think. Governments and non-government agencies do a lot of work in these areas, but certainly those voluntary community organisations can sometimes do some of that heavy lifting that governments and NGOs are not necessarily able to do. So I do commend the South Australian branch of the Australia China Friendship Society for its 50th anniversary and I also commend the Hon. Jing Lee for bringing it to the attention of the council.

The Hon. J.S. LEE (17:34): I would like to thank the Hon. Tung Ngo and the Hon. John Dawkins for supporting this important motion. What started with a very simple friendship then lasted that 50 years, growing from a diplomatic relationship to then developing trade gateways and offering exchanges for students and teachers and a lot more trade and business opportunities. It is pretty amazing, and the people who I have known for many years who have engaged in that process in the Australia China Friendship Society really ought to be congratulated for the work that they have done over the last 50 years, acting as a bridge, a facilitator and also, I suppose in some ways, a gateway between China and Australia, and indeed South Australia. Thank you very much to all honourable members for making a contribution and for supporting this motion.

Motion carried.

CARNEVALE ITALIAN FESTIVAL

Adjourned debate on motion of Hon. J.S. Lee:

That this council:

1. Congratulates the Carnevale Italian festival for celebrating its 40th anniversary in 2016;

2. Acknowledges the significant work and commitment of the Carnevale Italian Festival Committee and volunteers, past and present, for continuously showcasing the vibrant and energetic Italian culture through the festival; and

3. Acknowledges the importance of their establishment and the work it has done over the last 40 years in the promotion and preservation of Italian heritage and, in doing so, enriching the multicultural landscape of South Australia.

(Continued from 9 March 2016.)

The Hon. J.M. GAZZOLA (17:35): I rise to speak in support of this motion. For so many of us over the past 40 years, Carnevale has been a highlight of South Australia's festival season, and this government welcomes the opportunity to honour such a significant milestone for South Australia's Italian community. In November 1976, Adelaide celebrated its first Italian alfresco festival in Rundle Mall, which was opened by the late Hon. Don Dunstan AC QC, then premier of South Australia.

Back in 1976, festivities for the Italian festival were held over two weeks, with a diverse cultural program held in a range of venues across the city. Forty years later, Carnevale has grown to be one of our most popular and successful celebrations of Italy in South Australian style. Our South Australian lifestyle has much to thank our Italian migrant community for, and this influence endures. Through trade and cultural exchange, our relationship with Italy continues to grow and evolve, bringing new talent and opportunities to the state today and for the future, something Carnevale has always encouraged.

For 40 wonderful years, Carnevale has provided South Australians with the opportunity to both experience and share the very best of Italian culture, and there is certainly something for everyone to enjoy at Carnevale, from mozzarella stretching workshops to the motor show and Italian wine seminars, to the Carnevale Cup soccer competition. New connections are made, and I am sure much fun is had by all.

This year, at its 40th Carnevale, the event took a new direction, supporting the wonderful diversity of our state by urging other South Australian cultural groups to contribute to a multicultural celebration on Saturday 6 February 2016. It is encouraging to see that even after 40 years, Carnevale continues to grow, with new experiences to be shared alongside the traditional. In congratulating the Italian coordinating committee on this auspicious occasion, we must acknowledge its role in the South Australian community in delivering projects and programs for the ageing.

Carnevale is CIC's major annual fundraiser, raising vital funds to support its work to facilitate access to high-quality, efficient and relevant services for Italian South Australians. CIC regularly assists about 800 mostly elderly people in South Australia's Italian community, with a focus on supporting them to stay in their homes as long as they wish. It is fitting that a weekend of making connections and celebrating our diversity ultimately supports members of our Italian community to remain independent and active in their community and take part in as much social connection as possible.

The South Australian government is proud to support CIC with the costs of running Carnevale, and I am pleased to advise the council that the state government contributed $90,000 towards the 2016 Carnevale Italian Festival. As with any successful event of this nature, Carnevale simply would not be possible without the contribution, hard work and dedication of the many skilled members of its organising and volunteers committee. On behalf of the state government, I would like to thank and acknowledge the many committee members, staff and volunteers of the CIC; Ms Vinnie Ciccarello, Carnevale chair; San Remo as the primary patron; and the generous sponsors, stakeholders, associations and partners who participate in the event as exhibitors and performers.

The government supports this motion and congratulates all involved in reaching this important milestone. No doubt organisers and supporters of Carnevale would have enjoyed the reception to celebrate the 40th anniversary of Carnevale hosted by the Minister for Multicultural Affairs, Hon. Zoe Bettison MP. I commend the motion.

The Hon. T.A. FRANKS (17:39): I rise today on behalf of the Greens to support this very worthy motion and to congratulate the Carnevale Italian Festival on its milestone 40th anniversary this year. Carnevale, then known as the Italian Festival, began in 1976 with a parade from Victoria Square to Elder Park and then festivities in Rundle Mall. It has since undergone many changes and has grown to become one of the largest (if not the largest) Italian festivals here in Australia, attracting some tens of thousands of visitors each year.

Carnevale showcases the best that Italy and the local Italian community here in South Australia have to offer, from food to fashion to wine, art and culture, language, technology, sport, automobiles and so much more. It is a celebration of Italian language, culture, history and achievements, and the contribution that the large and proud Italian community has made to our state.

I would like to pay tribute to the Coordinating Italian Committee and its army of volunteers for successfully putting on this event each year. In particular, I would like to acknowledge the hard work of Angelo Fantasia, the president of the Coordinating Italian Committee; Vini Ciccarello, the chair of the Carnevale organising committee; and Eugene Ragghianti, the special events manager.

Carnevale is truly a community event featuring many of South Australia's regional Italian clubs, associations and service groups who cook up a wide array of delicious, authentic Italian dishes. This year there were food stalls run by the Arena Community Club, Bene Aged Care, the Calabria Sports and Social Club, the Campania Sports and Social Club, Cucina Veneziana, the Lions Club of Adelaide Italian, the Rotary Club of Campbelltown, and St Hilarion.

Also at Carnevale this year we had many important institutions and community representatives, as well as advocacy organisations with their most informative display stands, which included: Com.It.Es; Code.As.It; the Dante Alighieri Society of South Australia; ANFE; and the Campania Club Flood Appeal. We also saw an impressive array of cultural and historic exhibitions and food and wine displays, including:

- an exhibition of Giuliano-Dalmati exodus and their journey to South Australia;
- an exhibition put on by the Marche Club about famous people from the Marche region;
- an exhibition about the history of Italian migration in the City of Norwood, Payneham & St Peters;
- a seminar on Italian wine presented by Italian sommelier Alessandro Ragazzo from Bottega Rotolo; and
- a mozzarella-stretching workshop (as noted by the Hon. John Gazzola) led by Vince Salandra from La Casa del Formaggio and Gina Dal Santo from TAFE SA.

The Italian community of South Australia's two radio stations, Radio Italiana and Radio Uno, were present over the weekend to transmit the festivities live.

Carnevale is not just a celebration, it is also a major fundraising event that raises very much needed funds for the welfare needs of elderly members of the Italian community. The proceeds are administered by the Coordinating Italian Committee and used for a range of very important services, including: day care programs for the frail and aged; information and referrals; an in-home visiting

program; support and assistance in accessing services; advocacy; a support group for carers; shopping; social luncheons; physical activity programs, including swimming and light exercise for women; and a social support program.

The Coordinating Italian Committee is organising a gala masked ball fundraiser to raise much needed funds for these very important services on Saturday 16 July at the Hilton in the city. The Italian community has made a significant contribution to our state and our nation. It is testament to the success story that is multiculturalism here in South Australia that we have so many people from different parts of the world living and working harmoniously, free to maintain, celebrate and give expression to their distinctive cultural heritage.

We are proud and fortunate to have the Italian community here, not only being included in the rich tapestry that is the multiculturalism of our nation but playing a leading role in paving the way for successive groups of other people from around the world also settling here and forming part of that rich tapestry.

The Greens, of course, celebrate our multicultural identity in Australia and we recognise it as an intrinsic part of our national identity. The Australian Greens are particularly proud to have their first federal leader of a major political party who is of Italian descent. Senator Richard di Natale is, of course, not only a doctor, but Richard is very proud of his Italian heritage: he speaks Italian fluently (unlike myself); is an amazing Italian cook (with his own pizza oven); has his own vineyard and makes his own wine. The Greens congratulate the Carnevale Italian Festival on its 40th anniversary and wish it all the very best for another successful 40 years. With that, I commend the motion.

The Hon. J.S. LEE (17:45): I am really delighted that this motion is supported. I recognise the contribution by the Hon. John Gazzola; I think he is a passionate Italian through and through. Now and then we exchange some Italian, but mine is so poor that he kind of just frowns and says, 'I don't know what you are talking about.' But then if you try to test your Chinese with me, I might do the same. We often compare notes about best Italian restaurants and cuisine.

Italian culture and food has been immersed into South Australian society and communities in such a big way and ought to be celebrated, not just through the Carnevale festival but every day to celebrate the Italian within us. The Hon. Tammy Franks in her wonderful contribution told us stories about her Italian experiences, her cooking, the friendships she has made and how Italian culture has become a part of our society. She also referred to the Italian heritage of some of the candidates in her own party and also members of parliament.

Every year we attend the Carnevale functions, but we need to pay tribute particularly to the volunteers and the committee members. On that note, thank you so much for supporting the motion.

Motion carried.

HURN, MR B.

Adjourned debate on motion of Hon. R.L. Brokenshire:

That this council—

1. Expresses its deep regret at the passing of Mr Brian Hurn OAM, former mayor of the Barossa Council and former president of the Local Government Association; and

2. Places on record its appreciation of his distinguished service to local government and to the broader community.

(Continued from 10 February 2016.)

The Hon. T.T. NGO (17:47): I rise to support this motion which honours the life of the late Mr Brian Hurn OAM who sadly passed away on 18 October 2015 after a long illness. First of all, I would like to pass on my condolences to Brian's family.

Brian Hurn was the loving husband of Gillian Hurn, deceased; loving father and father-in-law of William and Sandi Hurn; Stephen and Jenny Hurn; and Joanne (his, sadly, deceased daughter). He is survived by seven grandchildren: Shannon, Ashton, Jessica, Hannah, Laura, Harry and Mary. He was the loved brother of Malcolm, Richard, Geoffrey, and Lynette.

I do not profess to have known Brian, but from what I have read and heard Brian was a mate to many and a great credit to the Barossa—a fact attested to by many members of parliament and the South Australian community who attended Brian's funeral in Angaston. The chamber has already heard much of Brian's achievements and personal anecdotes from the Hon. Mr Brokenshire and the Hon. Mr Dawkins who both gave great tributes. I will try to be brief and reiterate some of Brian's stellar achievements both in local government and in the sporting realm.

Brian Hurn was born in Angaston and grew up on a sheep and cattle property. He had an idyllic childhood and remembered fondly walking to school through the paddocks to Good Shepherd Primary School. Later, he attended Prince Alfred College in Adelaide. Brian started his political career when Colin Angas asked Brian to stand for the district council of Angaston in 1978. He was a councillor, deputy chairman and then chairman of the district council of Angaston before the Barossa Council was created in 1996.

Brian was then the inaugural mayor of the Barossa Council from 1996 and held the position for 17 years. He was vice-president of the Local Government Association for four years and president for two years. In 1999, he was awarded the Medal of the Order of Australia and in 2010 the Local Government Association's John Legoe Award. It is clear, on reading about Brian's political career, that he cared deeply for the Barossa region and worked tirelessly to advocate for the region. As a former councillor on the Port Adelaide Enfield council, I can in some way appreciate this.

However, as many honourable members know, Brian not only had a stellar political career, he was a first-class cricket player and was part of the South Australian Sheffield Shield winning side in 1963-64. He played 31 first-class cricket matches for South Australia in a career spanning nine seasons from 1957 to 1967.

Brian also played football and served for many years on the Angaston Football Club committee. He was instrumental in building the clubrooms. As an avid sportsman, he continued to play lawn bowls. Brian was very involved in his community and formed the Tarrawatta Fire Organisation with farmers in his area. During his time with the Country Fire Service, no-one was lost during any firefighting. I commend this motion to the council.

The Hon. R.L. BROKENSHIRE (17:51): I thank the Hon. John Dawkins on behalf of the Liberal Party and the Hon. Tung Ngo on behalf of the Labor Party for their contributions. I think the fact that there have been contributions from the Liberal Party, the Labor Party and the crossbenches just reinforces how respected Mr Brian Hurn was on all sides of the political spectrum, and rightly so. I am sure he is smiling today as we conclude this debate, enshrining permanently in the parliament something well deserved, and that is recognition of a great man, a great South Australian and a great contributor to the wellbeing of our state. I commend the motion to the house.

Motion carried.

Bills

FARM DEBT MEDIATION BILL

Committee Stage

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I have six amendments to move and I have just a couple of brief comments I would make at clause 1, but I think I might move to report progress shortly. As I said, I have six amendments standing in my name that I will move, before, of course, the third reading of this bill. In my second reading speech last month I briefly outlined the five amendments I intended to move during the committee stage; however, my colleagues may have noticed there are now six.

All of these amendments were suggested by the Australian Bankers Association and effectively mirror elements of the corresponding New South Wales legislation. I do not believe any of these amendments are contentious and they will simply strengthen the bill. I intend to explain those amendments in more detail when I move them.

Clause passed.

Sitting suspended from 17:57 to 19:46.

Clauses 2 to 4 passed.

Clause 5.

The Hon. D.W. RIDGWAY: I move:

Amendment No 1 [Ridgway–1]—

Page 5, after line 21—Insert:

(3) This Act does not apply to a farm debt of less than $50,000 or more than $30,000,000.

This is the insertion of clause 5(3), which effectively limits the scope of this bill to farm debts between $50,000 and $30 million. I have a few other comments to make. As I mentioned in my second reading speech, the reason for this amendment is that for a farm debt below the minimum of $50,000, although mediation expenses are not too significant, we believe the effectiveness of this process could be somewhat diminished.

Similarly, if the farm debt is over $30 million then perhaps mediation would not be the most appropriate forum to settle a dispute of this magnitude. As I said in my remarks, all these amendments were suggested by the Australian Bankers Association, and they mirror a lot of the provisions in the New South Wales legislation. This amendment confines mediation to debts between $50,000 and $30 million.

Amendment carried; clause as amended passed.

Clauses 6 to 18 passed.

Clause 19.

The Hon. D.W. RIDGWAY: I move:

Amendment No 2 [Ridgway–1]—

Page 10, line 20 [Clause 19(1)(a)]—Delete 'unreasonably delayed entering into or proceeding with mediation' and substitute:

not entered into or proceeded with mediation within 3 months of a notice of availability under section 8 being given or a request for mediation under section 9 being made (as the case requires)

This is a new provision, or an amendment to the provision, to put a deadline or a time limit on the mediation process. There are two amendments to clause 19: my amendments Nos 2 and 3, which I assume will be consequential. This clause refers to a situation where both the farmer and the creditor are presumed to have refused to participate in mediation following an unreasonable delay entering into or proceeding with mediation.

The feedback we received is that it will create more certainty if there is a defined period. We have taken this feedback on board, and now the farmer, the landowner, the farm operator, or the creditor will be presumed to have refused to participate in mediation if either party has not entered into or proceeded with mediation within three months of the request being made under sections 8 and 9 of this bill.

To be clear, these amendments are intended to exist in conjunction with the remaining subsections that already exist in clause 19. Again, this was a suggestion from the Australian Bankers Association to have a defined period of time. I urge all members, as with my previous amendment, to support this amendment.

Amendment carried.

The Hon. D.W. RIDGWAY: I move:

Amendment No 3 [Ridgway–1]—

Page 10, line 34 [Clause 19(2)(a)]—Delete 'unreasonably delayed entering into or proceeding with mediation' and substitute:

not entered into or proceeded with mediation within 3 months of a notice of availability under section 8 being given or a request for mediation under section 9 being made (as the case requires)

I believe this amendment to be consequential because it has exactly the same wording as the previous one.

Amendment carried; clause as amended passed.

Clauses 20 to 22 passed.

Clause 23.

The Hon. D.W. RIDGWAY: I move:

Amendment No 4 [Ridgway–1]—

Page 12, after line 13—Insert:

(2a) A mediator may call a pre-mediation conference.

(2b) The mediator may—

(a) conduct a pre-mediation conference with such procedures as it thinks fit; and

(b) without limiting paragraph (a), allow the parties to participate in a pre-mediation conference by means of telephone, video link or any other system or method of communication.

This fourth amendment I move today inserts subclauses (2a) and (2b), which require a pre-mediation teleconference. This enables the mediator to call what we will call a pre-meditation teleconference to be conducted via phone, telephone link or any other communication system, and the purpose of this is so that both parties can actually be prepared before they get to mediation. The experience, I think, from what we have seen in other states, is that, if you do not actually have this, then people turn up, do not have the appropriate documents and are not fully prepared. So, it is really just a way of being fully prepared so that the actual mediation starts with people getting maximum benefit out of the mediation process.

Pre-meditation conferences give both parties an opportunity to better prepare and almost, if you like, see what the other party has, in a sense, the issues they will been dealing with. We think that also by having that pre-meditation teleconference (and this is the New South Wales experience) it moves it further towards both parties feeling that they are treated fairly and equitably. Often, as you would appreciate, Mr Chairman, when it is a business owner, a farmer, a relatively small operation, against the might of one of the big banks, this actually levels the playing field because everybody is prepared before they get there. I encourage all members to support the amendment.

Amendment carried; clause as amended passed.

Clause 24.

The Hon. D.W. RIDGWAY: I move:

Amendment No 5 [Ridgway–1]—

Page 12, line 31 [Clause 24(1)(b)]—Before 'consent' insert 'written'

Amendment No 6 [Ridgway–1]—

Page 12, line 35 [Clause 24(1)(d)]—Before 'consent' insert 'written'

These amendments prevent a person from disclosing any information obtained in mediation or in the administration of this proposed act without the consent from whom the information was obtained or to whom it relates. The amendment would require written consent to be specifically given to release their information.

From what we have worked out from the other states where mandatory mediation has worked extremely well, it is their advice that it is a sensible amendment that provides certainty and security for people that their information, sometimes very sensitive information about their personal financial details, will not be disclosed. I encourage members to support those two final amendments as well.

Amendments carried; clause as amended passed.

Remaining clauses (25 to 31), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:56): I move:

That this bill be now read a third time.

I would like to thank those members who provided a contribution and their support for the bill. I note that this bill will receive the support of all of the crossbenchers, and I thank each member who has taken the time to understand the proposition we are putting forward.

I would also like to take this opportunity to comment on the government's position. At the second reading speech—I think the Hon. Gerry Kandelaars spoke on behalf of the government—he said they would not be supporting this bill. I am disappointed with that. Since then, I have had a couple of briefings and one in particular was with the Small Business Commissioner and the minister who he reports to, minister Hamilton-Smith. We met last week and they outlined why they would be advising the government that they should not support this bill.

The Hon. J.S.L. Dawkins interjecting:

The Hon. D.W. RIDGWAY: No, we do not exchange Christmas cards and probably never will, I suspect, exchange Christmas cards.

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: I voted for him when he was the leader, absolutely, I always support the leader.

The PRESIDENT: The Hon. Mr Ridgway, do not get distracted.

The Hon. D.W. RIDGWAY: I got distracted, I am sorry.

Members interjecting:

The Hon. D.W. RIDGWAY: And of course, he is a very good friend of Kyam Maher's. Anyway, we are trying—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: Can we just keep the comments for—I had a meeting with the minister. The primary assertion from the government, through the minister, was that the current farming industry dispute resolution code was working effectively and therefore a mandatory model was not necessary. Strangely enough, in the very next sentence they also informed me that the farming code, which is working so well, has never been used by the Small Business Commissioner for any farm debt mediation. So, it is absolutely laughable, I think, that the government can say their mediation model is working effectively when it has not resulted in one mediation since its inception in 2013.

The purpose of the bill currently before the parliament is to require mandatory mediation, something the current model does not impose. It is about getting the parties, the farmer and the creditor, around the table early in the piece to ensure they have the opportunity to get the best outcome for everyone involved. I have covered the industry-wide support I have had for this bill in my second reading speech, but I reiterate that this bill has strong support from the farmers and the banking industry. Two parties, or industries, which will be directly affected by the bill support it. So, why is the government standing in the way? Is there a political motivation behind their opposition to this bill?

The government and the minister also mentioned that they thought the current model did impose mandatory mediation. I reiterate, under the current code parties must voluntarily request mediation after having already attempted to resolve the dispute and then it is at the discretion of the Small Business Commissioner to require mediation. This hardly seems mandatory. The words 'voluntary', 'attempt' and 'discretion' are hardly synonymous with the word 'mandatory'.

The bill I have put before the chamber requires a creditor to write to a farming operation before it commences the steps involved with foreclosure. In a bid to remove any confusion on the government's part I will read out clause 8 of this bill. Clause 8(1) states:

A creditor who proposes to take enforcement action against a farmer under a farm mortgage must, before doing so, give written notice to the farmer in accordance with subsection (3).

The operative word of that sentence is 'must', a creditor must write to a farmer informing them of their right to mediation. I have also already outlined there is also a mechanism for the farmer to instigate mediation. Therefore, there are notable points of difference between the current code and the bill here before us today.

First, under my bill, the creditor must write to the farmer regarding mediation available through the Small Business Commissioner, which is not currently required under the farming code. Secondly, under this bill, the Small Business Commissioner must arrange for each farm debt dispute to be referred to mediation under part 2, to be the subject of mediation by a mediator. Again this is not under the farming code.

I also highlight that the Small Business Commissioner has ample mediation resources to facilitate and implement this proposed legislation. To my understanding, the Small Business Commissioner has 10 mediators on its panel. In the commissioner's 2014-15 annual report it outlined that there had only been three mediations conducted in total across all industry disputes in the 2014-15 period. Therefore, logic tells me that at least seven of the mediators available to the commissioner were not even used in this period.

I hear anecdotally in the 2015-16 period so far there have been eight mediations which represents a significant increase. However, this is still less than one mediation per mediator per year available to the commissioner. Also in terms of cost, it is my understanding that the Small Business Commissioner pays for the mediators somewhere in the order of $920 a day. Parties to a negotiation pay a flat fee of $195 per mediation. A simple calculation tells me the cost of mediation through the Small Business Commissioner would only cost the commissioner just over $500, speaking in very rough terms. The point I make is that, although this mediation is through the commissioner, it is not an overly burdensome expense for the commissioner to wear.

It was interesting, when I had the discussions with minister Hamilton-Smith and the Small Business Commissioner, Mr John Chapman, that they talked about getting an increase in their budget, so they were going to do some more advertising. You would think if you adopt this approach then it is mandatory: the finance authority or the farmer can in writing request mediation. They do not actually have to have the Small Business Commissioner advertising what they are doing out in the marketplace. It is an interesting concept where it just seems that we have to continually spend lots of money on government advertising, rather than actually just delivering the service.

Again we do not have accurate information, but anecdotally we think there have been about 50 farms in the last six years that have either been foreclosed on or are in mediation at the moment. There is actually a real need for this, and none of them is going through the Small Business Commissioner. This is all happening externally to that.

This bill has received the support of all key players involved, with the exception of the government. Both the farmers and the banking industry, those who are directly affected by the implications of this bill, support it. I have received submissions and consulted with the Australian Bankers Association, the rural arms of the NAB, the Rural Bank, Bendigo Bank, Rabobank, ANZ, Westpac and the Commonwealth, none of which opposes the bill.

I have also had mediators who speak out strongly in favour of this bill. I know that I have had discussions with some of the farm rural financial counsellors who see this as a really important part of dealing with farm debt. Of course we have the issue, very sadly at the moment, with the crisis in the dairy industry, where I know a number of operators are faced with some particularly unpleasant financial circumstances, yet the government is not prepared to acknowledge that. The Minister for Primary Industry announced some extra money for counselling and support for the dairy industry today, but this would have been a very simple measure that the government could have supported.

You just never know—two months ago you would not have thought that the dairy industry would be facing the crisis they are facing now. We all do hope that we have a great season, with plenty of rain, and that none of our grain farmers or broadacre farmers face difficult circumstances, but you just never know. It seems really strange that the government is not prepared to support it.

As I flagged in my second reading speech, Primary Producers SA are not strong advocates for the bill but they do not oppose it either; they do not see it as being a negative step.

With all this support from all of the farm sectors involved, coupled with the fact that the existing voluntary code has never been used, I really cannot understand why the government has not been prepared to support this bill. I believe I canvassed the effectiveness of the New South Wales legislation when I first introduced the bill but, as a last resort to get the government to see reason, I will run through it again. A report into the New South Wales act, commissioned by the New South Wales Rural Assistance Authority and conducted by the University of Western Sydney, included survey data from all parts of the mediation process, including farmers, creditors, mediators and representatives.

Firstly, generally the report found the New South Wales Farm Debt Mediation Act is achieving its objects. Secondly, all participants in farm debt mediation support the opportunity for farm debt mediation. Thirdly, they believe that farm debt mediation is cost-effective. Fourthly, the majority of farmers and overwhelming majority of members would use and recommend mediation again. Fifthly, the results of the mediation act highlighted the benefits of farm debt mediation.

More specifically, 72 per cent of farmers reached a settlement. Positive settlements reported by farmers included 37 per cent of the time farmers refinanced the debt, 20 per cent of the time the lender gave the farmer more time to pay, and 23 per cent of the time the lender either wrote off or paid off part of the debt. So 60.7 per cent of farmers felt positive after a farm debt mediation and only 17 per cent had a negative view.

Again by way of comparison, zero per cent of farmers reached a settlement under the South Australian voluntary code, zero recorded positive settlements, and zero felt positive after mediation, because, I reiterate, there has never been a mediation under the current voluntary code. Mandatory farm debt mediation legislation works in other states and the current voluntary code does not. In conclusion, although I welcome the passage of this bill through the Legislative Council, I am a realist and know that without government support in the other place this proposed legislation will never come to fruition.

The Hon. S.G. Wade: Change the government.

The Hon. D.W. RIDGWAY: My colleague, the Hon. Stephen Wade, yells out, 'Change the government' and maybe in 667 days' time that may take place, but while we are here today and dealing with the government that we have I would implore the government to see reason and to revise its position when the bill comes up for debate in the other place later this year.

With those words, I thank all members of the chamber for their contributions. When this bill, hopefully, passes the Legislative Council and is sponsored by one of the Liberal Party members in the lower house—probably the member for Hammond, Adrian Pederick—then I do hope the government has the good sense to change its position.

Bill read a third time and passed.

STANDARD TIME (ALTERATION OF STANDARD TIME) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 October 2015.)

The Hon. G.A. KANDELAARS (20:08): I rise to give the government's response to this bill, and that is to oppose it. This bill seeks to make South Australian Standard Time 30 minutes closer to Western Australian time and 60 minutes behind Eastern Standard Time.

Members may be aware that in February through to April 2015 the government undertook a public consultation on three options for changing South Australian Standard Time. The three options were to align South Australian Standard Time with the Eastern States, move closer to Western Australian time, or retain the current time zone. There was considerable consultation with community and business, consideration of individuals' submissions and economic analysis.

I would like to quote some important facts raised in a report from 2015 titled 'Report on community consultation over South Australia's time zone—What we heard'. It states South Australia's first legislated time zone in 1895 was GMT plus nine hours, half an hour behind the current time zone, which was later adopted in 1899.

According to *The Advertiser* of 1 May 1899, the move forward was due to 'agitation by commercial men' about the need to be closer to Melbourne time for business purposes, in particular to alleviate the one-hour advantage held by eastern states in sending cablegrams, supported by cricket and football circles also to obtain a half-hour extra daylight at the end of the day. These arguments made in 1899 in favour of a shift in time zones are similar to those made in 2015 and, interestingly, as I understand it, a lot of the push for these changes was actually initiated by Business SA.

One option outlined in this report is for South Australia to move closer to Western Australian time—that is, coordinated universal time +9 hours (UTC +9). Comments in support of this option state: South Australia would adopt its natural time zone to align with the state's geographical location; South Australia's closer alignment with time zones of our major trading partners in Asia such as Japan and Korea (both UTC +9) and China, Singapore and Malaysia (UTC +8) could potentially increase business activities with those partners. It also allows South Australians to overcome existing wellbeing effects felt in the west of the state associated with the current time zone and daylight saving such as health, tiredness and behavioural problems.

A number of comments opposed this time zone shift including: we will exacerbate problems associated with interstate travel, particularly for business travel to the Eastern States, in some cases requiring travel the night before rather than early in the morning; for those who have been involved in travel interstate quite often—as I was in a previous life—one would realise that it is far easier travelling from Adelaide over to the east coast than it is the other way because of that half-hour difference.

It will create yet another additional time zone across the country, as no other state or territory currently uses UTC +9. It would exacerbate the current issues with such things as time delay in broadcasts. It would result in darker evenings with implications for leisure and sporting activities. The natural time zone argument, while it may be valid for primary agrarian societies, is not convincing for modern societies with widespread availability of artificial lighting. They point out that the majority of time zones around the world are not properly aligned with natural time. Many jurisdictions more often are biased towards light in the evening as a consequence of what have become normal working hours for the majority of the population.

The internal analysis shows the economic interaction with the Eastern States is significantly larger than with international markets. It is believed that 9 per cent of South Australian jobs are related to overseas exports while 16 per cent are related to interstate exports. New South Wales and Victoria are more important economically to South Australia than Asian markets with the great majority of interstate exports going to the three states of the eastern seaboard.

The report looked at the business survey conducted by the South Australian Centre for Economic Studies of the University of Adelaide on behalf of Business SA in 2008 to determine the degree to which businesses would be affected by move to Eastern Standard Time. The government asked the South Australian Centre for Economic Studies to carry out for comparative purposes a similar business study in 2015 but also considered a shift to UTC +9. They found advantages of moving to UTC+9 in the survey: no advantages, 39 per cent; minor advantages, 16 per cent; and major advantages, 12 per cent. Disadvantages of moving to UTC+9: minor advantages, 21 per cent; and major disadvantages, 16 per cent.

The time change would significantly affect primary producers working to daylight hours. One survey conducted by Primary Producers SA with 1,174 respondents found that 42.5 per cent of members favoured one hour behind Eastern Standard Time, with only 5 per cent in support of time changes to Eastern Standard Time and 52 per cent of respondents happy with the current time zone. Many comments stated a change would impact family life negatively and concerns around sleep deprivation and morning travel.

Finally, what I will say is that it became very apparent to the government that the proposed changes would not gain the support of this chamber and, as such, the government determined it would not proceed with changes to alter standard time in South Australia in either direction. As I said, it would be worthwhile if the member who proposed this bill had actually read this, but I suspect he has not so, as I said, the government opposes the bill.

The Hon. R.I. LUCAS (20:16): I rise on behalf of Liberal members to speak to the second reading of the bill. As briefly referred to by the Hon. Mr Kandelaars, the genesis for this debate, I suspect in part, was driven by the exercise started by Premier Weatherill and announced on 5 February last year when, for some strange reason, he gave minister Martin Hamilton-Smith responsibility for managing the process.

The Hon. K.J. Maher: What's strange about that?

The Hon. R.I. LUCAS: Well, the man is incompetent. It is a pretty simple answer to that particular question.

The PRESIDENT: I would just like to remind you that you do not refer to people by their name; he is the member for Waite.

The Hon. R.I. LUCAS: I did not refer to him; I just said 'the man is incompetent.'

The PRESIDENT: No, you mentioned the honourable—

The Hon. R.I. LUCAS: No.

The PRESIDENT: I think you did. That is what I heard.

The Hon. R.I. LUCAS: I said it was a bizarre suggestion to give it to the Hon. Mr Hamilton-Smith and the Leader of the Government said, 'What's wrong with him?' and I said, 'The man is incompetent.'

The PRESIDENT: You do not refer to him as—

The Hon. R.I. LUCAS: As 'the man'?

The PRESIDENT: —Martin Hamilton-Smith; you refer to him as the minister from another place.

The Hon. R.I. LUCAS: I said 'minister Martin Hamilton-Smith', and in response to the interjection, out of order I might say, from the Leader of the Government—

The PRESIDENT: Totally out of order.

The Hon. R.I. LUCAS: —totally out of order—who had said, 'What's wrong with him?' I just said, 'The man is incompetent.' If you actually wanted to get something through a house of parliament, something complex and complicated, with strongly divided views in the community, which anyone who has been through this particular debate before knows, why would you put a person in charge of it who is such a divisive personality, a person with a record of incompetence, a person with a record of not being able to achieve anything—even the most simple task—let alone a complicated task?

It was a bizarre decision by Premier Weatherill to put minister Hamilton-Smith in charge of what was a complex complicated process and, true to form, it turned into an unmitigated disaster. It cost a lot of money—

The Hon. R.L. Brokenshire interjecting:

The Hon. R.I. LUCAS: Yes, he spent a lot of money and he did a lot of travel. Of course, minister Martin Hamilton-Smith loves doing a bit of travel and loves spending a bit of money, but in the end the record was that it was an unmitigated disaster. It was so bad that the government and the Premier decided not to even proceed with it in the house of parliament.

There are many issues where the government knows they are not going to be successful in terms of legislation. I suspect the bills trying to gut, neuter, the Legislative Council as a chamber in

this parliament are likely to face the same fate when debated in this chamber, but the government says that it believes in it and that it is going to persist with the particular debate.

The handling of this bill was such an unmitigated disaster by the minister, and the Premier was so embarrassed by the whole process, he just withdrew it. He just took his bat and ball and went home: flew the flag up, spent a lot of money, and kept the minister busy for a while. Maybe that was the purpose: it gave him something to do.

The Hon. R.L. Brokenshire interjecting:

The Hon. R.I. LUCAS: It is a bit like those make-work schemes that I am sure the Hon. Mr Brokenshire and others would know of, that when you have a surplus public servant in the Public Service, for example, they have been declared excess to requirements, but in the end you have to keep them on for a while, you have to find jobs for them to do. You have to find projects for them to do.

I suspect Premier Weatherill said, 'What are we going to give minister Hamilton-Smith to do to keep him out of trouble for a while? I know what, we'll give him this job about daylight saving. It's never happened before, he's not going to be able to achieve it, but it will mean he has to drive around the countryside, fly around the countryside, spend a bit of money and talk to people. In the end it will turn to nothing, but what the heck?' Maybe that was the clever strategy from Premier Weatherill in relation to all this. The sad fact is, of course, the taxpayers of South Australia had to pick up the cost of the debate at the time. As I said, this process started back in February of last year.

The Hon. T.T. Ngo: He delivered the submarines.

The Hon. R.I. LUCAS: He what?

The Hon. T.T. Ngo interjecting:

The Hon. R.I. LUCAS: Delivered? Minister Hamilton-Smith did? Another out of order interjection, I might say, Mr President. I am being harangued by frontbenchers and backbenchers viciously—the Government Whip, no less, defending minister Hamilton-Smith, saying he delivered the submarines. He had a big smile on his face at the time, so I suspect he did not really believe it when he said it. My understanding is minister Hamilton-Smith never even actually met the federal Minister for Defence, never actually had the chance to lobby the federal Minister for Defence, so what influence might he have had in that particular area? Mr President, I am being unreasonably diverted by unruly interjections from the government benchers.

The PRESIDENT: Do you want protection?

The Hon. R.I. LUCAS: No, I am going to ignore them.

Members interjecting:

The PRESIDENT: Sit down for a second, Mr Lucas. The Leader of the Government, the Hon. Mr Lucas deserves the same protection I give any person in this chamber. The Hon. Mr Ngo, keep it in mind as well that the Hon. Mr Lucas has every right to deliver a speech in silence. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Mr President, I am forever indebted to you for your protection. I am being verbally bludgeoned by government interjections over there. So, that is the background to this debate. If we turn to the substance of the debate, about which, of course, you can have a sensible discussion, and I credit the Hon. Mr Brokenshire. I know in the past he has expressed these views in different fora and has expressed these views again on this particular occasion. He will know, as I do, that within the Liberal Party and within the community, there are people who share the view of turning back the clocks half an hour. It is an unfortunate analogy in the current parlance about turning back the clocks, because, in essence, it conjures up a picture of negativity, going backwards, but there is a sensible, rational debate that you can have about the time zone that the Hon. Mr Brokenshire has put forward.

He knows that there have been, in the past in particular, and there continue to be members of the Liberal Party who share the view. If they had a blank slate, if they were starting fresh at the start of South Australia, in terms of the time zone, there is a sensible discussion and debate in relation

to moving the clocks back half an hour. I know my former colleague, the Hon. Caroline Schaefer, was one of the number. She served on a parliamentary committee and had a very strong view—

The Hon. R.L. Brokenshire: A good member.

The Hon. R.I. LUCAS: A very good member. She had a very strong view in relation to moving the clocks back an half an hour. Of course, originally she came from the West Coast, the Kimberley region, and reflected the views of her community. She argued the views of her community powerfully within the Liberal Party room and also within the parliament on occasions.

There remain today members of our party room who have a variety of views in relation to time zone. I am not sure that there are any (there might be some) who support a move forward to the Eastern Standard Time. There are none that I am aware of, but there might be. Certainly, within the broader Liberal Party membership there may well be members because there are members in the business community who support the move to Eastern Standard Time, and they have certainly reflected that view.

There are certainly members in the broader Liberal Party membership and the Liberal parliamentary party who, if they had a blank slate, would be arguing the case for our clocks being moved back half an hour. In part as a result of the ineptitude of the way the government and minister Hamilton-Smith handled this whole process, the position that our Liberal parliamentary party room adopted at the time of the debate about moving the clocks forward, and now in terms of moving the clocks backward, is that the majority view of our Liberal Party room—and a very strong majority view of our Liberal Party room—is that there is no major problem with the status quo. There is no major problem with the situation as it sits now.

Yes, there are people who would argue for a change either forward or backward, but that is the majority view of our party room and we believe the majority view of the community, as a number of the surveys conducted during the exercise last year indicated. Even the surveys that the primary producers association did of their membership reflected in essence a relative degree of comfort with staying with the status quo at that particular time.

For those reasons, the Liberal parliamentary party room, as it adopted the position in relation to moving the time zone forward, is adopting the same position in relation to moving the time zone backwards, or indeed in any direction. We are taking the view that the majority position of our party room is to support the status quo, and for those reasons we will not be supporting this particular measure.

The Hon. K.L. VINCENT (20:27): As a Dignity for Disability member, you have a reputation for supporting the underdog, and that is why I am happy to support the Hon. Mr Brokenshire on this particular occasion.

The Hon. R.L. Brokenshire: An old dog and an underdog.

The Hon. K.L. VINCENT: I will not respond to that interjection, Mr President.

An honourable member interjecting:

The Hon. K.L. VINCENT: Nor that one. I will speak briefly to indicate that Dignity for Disability will be supporting the Hon. Mr Brokenshire's bill on this occasion which seeks to alter South Australia's time zone by putting our clocks back half an hour from where they currently are, or in other words plus nine hours Universal Time Coordinated (otherwise known as UTC). In so doing, we would be aligning this state more with our actual longitude, or true meridian, in terms of South Australia's location. It would be of particular benefit, as I understand it, to people to the west of Adelaide in our state, including many primary producers, and to those in our community conducting business with Asia.

It is also a position that I understand from my reading of the YourSAy website the majority of commenters supported, second only to maintaining the status quo. The idea that we move our clocks forward half an hour so that we are lined up with the Eastern States, and therefore up to date with TV, I think merits some consideration, but perhaps not enough to sway a particular view on this topic.

I might just mention a submission that was made by a community member on the YourSAy website during the consultation last year that is quite pertinent to this debate and summarises several issues at once quite well. The submission was made by Clinton Garrett, and I believe it makes some valid and reasonable points. He states:

> Globally, our correct time zone should be based on 135 E longitude, which would place us 9 hours plus UTC.
>
> Canada has 6 time zones for a population which is…65% larger than Australia's.
>
> The USA has 4 time zones in the lower 48 states, where most of its 319 million people live.
>
> I understand that both of these countries span a wider range of longitude than Australia does, but it is quite clear that businesses in both of those countries are able to cope with multiple time zones. This causes me to ask why is it that our businesses claim that their lives are made so difficult by having to deal with just 3 time zones.
>
> We now live in an electronic world where information/requests etc can be transmitted instantly at any time of the day. For that reason there is less need for businesses to have voice contact in order to place or query an order…with the rest of eastern Australia, due to the fact that Queensland does not move to daylight saving [time] when the rest of Australia does.
>
> I have not noticed that the economy of Queensland collapses in these 5 months when they are not in sync with the rest of eastern Australia. South Australian businesses need to learn to use the technology that is now available.
>
> If there is to be any movement of our time zone, it should be to +9hours UTC, [and] not to Eastern Standard Time, which is…10 hours UTC.

I think that really makes the point quite well. With those few words, I indicate our support at this time and commend the bill to the chamber.

The Hon. R.L. BROKENSHIRE (20:31): I thank all honourable colleagues for their contribution, and with your concurrence, sir, I would like to conclude with a few remarks and hope that there may be a change of thought between the two big parties here. First and foremost, I thank the Hon. Kelly Vincent for her contribution, I thank the Hon. Gerry Kandelaars for his contribution on behalf of the government, and I thank the Hon. Rob Lucas for his contribution on behalf of the Liberal Party, as the opposition.

First and foremost, I want to put on the public record the fact that we are actually in the 21st century and that this is not about going backwards: this is about going forwards. The reality is that we do not have carrier pigeons anymore; we do not have telex machines anymore. We actually trade 24/7. The fact is that when on my motorbike and getting my cows in at 3 o'clock in the morning, I have my iPad with me and I am looking at text messages and emails. As we slowly walk the cows in—sometimes it takes a half an hour, depending where they are—I can be doing transmissions to constituents at 3am on the motorbike. That is where we live today.

We do not send carrier pigeons ordering a part for a piece of farm machinery to Sydney or Melbourne anymore. We have actually advanced. So, I say we are not going backwards: we are going forwards. Why are we going forwards? It is a pretty simple thing: No. 1, we would actually be governing for all South Australians.

The Hon. Martin Hamilton-Smith had a brainwave because over the Christmas break Premier Weatherill said to his ministers, 'We've got to get reinvigorated; we've got to actually start to show that we are a progressive government and that we are going to have a strong opportunity to deliver for South Australians.' That was code for, 'The government is tired and stale and has been in too long.' That is what it was code for. Of course, Martin Hamilton-Smith then brought back the old chestnut that he had when I was with the Liberal Party, and that was this argument about doing business with the eastern seaboard—well, we are doing business.

We are doing way too much business with the eastern seaboard. Businesses are closing here, and we can hardly get a postage stamp let alone a gearbox for a seeder in Adelaide anymore like we used to. You have to actually bring it over on Toll or StarTrack at night. This was Martin Hamilton-Smith's big baby. As the Hon. Rob Lucas said, a lot of money was wasted and a lot of people were misled. People from Eyre Peninsula were ringing me and saying, 'The Hon. Martin Hamilton-Smith was over here, and he is pretty good because he said he is going to listen to us and deliberate.' What a nonsense! The point is we would be going forward by going to our true meridian for three key reasons.

The first and most important reason, I believe, is we would be then governing for all South Australians. As far as Family First are concerned, Eyre Peninsula is as important to South Australia as any other part of South Australia. The absurd comment made by the Hon. Martin Hamilton-Smith when he was defeated was, 'They can have their own time zone.' What a joke, what a disgrace, what an insult! This is rubbing salt into the wounds of our great Eyre Peninsula people who deliver so much economically to this state. I will leave it at that. They can make their judgement to their cousins, their relatives and their mums and dads who have retired in Waite or live in Waite, who can vote against Martin Hamilton-Smith just on that alone.

Coming back to the key couple of points, secondly, where is our future? A lot of our economic future is in Asia. That is where our strong economic future is. I commend Premier Weatherill for taking delegations to China and Asia because that is where our future is. My friend, the Hon. Tung Ngo, is from Vietnam. There are all of those places. We can grow closer relationships with those areas of growth if we go forward in our thinking and go back to our true meridian.

The third key point is that if you talk to the medical scientists about how you develop the best health they will tell you to work in your natural time zones, as that is how you develop your best health. At high noon—that is, 12 o'clock—and that is when it is best for the body clock. No-one in this chamber, and no-one anywhere from what I have read, can disprove the fact that medical science has said that if you work at high noon, in your body clock's natural time zone, that is best for your health.

We fought the good fight. I just want to say, because the Hon. Rob Lucas touched on it, have a look at what was said when the government was absolutely steamrolled on this. Make no mistake that if I were the Premier there is no way I would be going to the Hon. Martin Hamilton-Smith and asking him for a brainwave anymore because do you know what that brainwave delivered for the government? Egg on their face—that is all it delivered, nothing more and possibly less. I can tell you that they went onto their website called haveyoursay.gov.au or whatever it is. They are doing it again now on other things.

The Hon. T.A. Franks: YourSAy.

The Hon. R.L. BROKENSHIRE: YourSAy? Thank you. I actually had constituents have their say on our website, and I can tell you that the absolute majority of them either supported staying as we are or going to Central Standard Time, and the absolute minority of them said go to Eastern Standard Time—the Marty muddling model, the marbles model of Marty. That is what the absolute minority said.

Won't this government be happy when they do not have him in the cabinet anymore? They only have to put up with him for a couple more years. Be very careful, by the way. I just warn them that if things get tough, he will leak. He will leak just before the next election. Mark my words, I know all about it. If you reckon minister Hunter has a problem with leaks and bursts, wait until you get close to the election and see how Marty leaks because he will always put himself before the people or the party he represents. To come back to the key point—

Members interjecting:

The PRESIDENT: Order! Let's get a little bit of order in this house. The Hon. Mr Brokenshire.

The Hon. R.L. BROKENSHIRE: To come back to the key point, the bottom line is that one thing I learnt at Urrbrae Agricultural High School is that you cannot trust city-centric governments, so I say to the people of Eyre Peninsula, the Mid North and the large percentage of people in Adelaide who wanted a change—and the Hon. Kelly Vincent picked it up, and I congratulate her for supporting her constituents. She was actually focused on what she believed in, and I congratulate her for that. To come back to my final point, a lot of city people are sick of mad March, they are sick of extended daylight savings, and this was a good balanced compromise.

An honourable member: They are sick of daylight savings?

The Hon. R.L. BROKENSHIRE: Yes, the extended daylight savings. They have had a gutful of it, all for mad March. Economically, mad March should be spread across the 12-month calendar

period, not just for four-year cycles at election time. At least the racing industry is realising that and putting pressure on the government.

I want to finish with this: we fought the good fight. The other thing I learnt at Urrbrae was that I can count. I learnt a bit about arithmetic, and I am not going to beat the two major parties tonight. However, we will be back, and at an appropriate time I will bring this debate back to the parliament. I commend the bill to the house and I hope, with those few words, that they will support the Hon. Kelly Vincent and myself, change their minds on the run and support a fair go for all South Australians and our future. I commend the bill to the house.

Second reading negatived.

CORPORATIONS (COMMONWEALTH POWERS) (TERMINATION DAY) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (20:43): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Corporations (Commonwealth Powers) Act 2001* refers, from the Parliament of South Australia to the Parliament of the Commonwealth, the following legislative powers:

- the power to enact the *Corporations Bill 2001* and the *Australian Securities and Investments Commission Bill 2001* as laws of the Commonwealth extending to each referring State; and
- the power to make express amendments to those Acts that are amendments about forming corporations, corporate regulation or the regulation of financial products or services.

The referrals of power are made pursuant to section 51(xxxvii) of the *Constitution* and, in conjunction with identical referrals from all other state Parliaments, form the constitutional basis for the national legislative scheme for the regulation of corporations and financial products and services ('the Corporations Scheme').

The Corporations Scheme commenced on 15 July 2001. It replaced the national scheme laws (based on the Commonwealth's administration of the States' and Northern Territory's Corporations Law), the Constitutional certainty of which was undermined by the *Wakim* and *Hughes* decisions of the High Court.

The Corporations Scheme operates as follows:

- All states, including South Australia, have enacted referral legislation in accordance with section 51(xxxvii) of the *Constitution*, referring the relevant power to the Commonwealth Parliament.
- In reliance upon the referrals of power, the Commonwealth has enacted the *Corporations Act 2001* ('the Corporations Act') and the *Australian Securities and Investments Commission Act 2001* ('the ASIC Act') (collectively referred to as the 'Corporations Legislation').
- The Australian Securities and Investments Commission ('ASIC') administers the Corporations Legislation.

Unless terminated earlier, the referrals of power supporting the Corporations Scheme terminate on the 15th anniversary of the day of the commencement of the Corporations Legislation (15 July 2016), having twice been extended for five year periods in 2005 and 2011.

Section 5(1) of the Corporations Act provides that the Corporations Legislation applies only to:

(a) referring States;

(b) the Capital Territory (including the coastal sea of the Jervis Bay Territory);

(c) the Northern Territory; and

(d) external Territories (but only in relation to some provisions).

Section 4(6) of the Corporations Act provides that a State ceases to be a referring State if the State's referrals of power terminate.

As the Corporations Scheme commenced on 15 July 2001, South Australia will cease to be a referring State on 15 July 2016 if the Parliament does not extend the referrals of power.

Unlike other states, whose referrals of power can be extended by proclamation, South Australia's referrals of power can only be extended by legislation.

This Bill, the *Corporations (Commonwealth Powers) (Termination Day) Amendment Bill 2016*, amends the *Corporations (Commonwealth Powers) Act 2001* to extend the references of power for a further five years. The new expiry date will be the 20th anniversary of the commencement of *Corporations (Commonwealth Powers) Act 2001*, 15 July 2021.

The economy of South Australia would be harmed by the State ceasing to be a referring State. The extent to which the Corporations Legislation would continue to apply within South Australia would be uncertain. Section 5 of the Corporations Act provides that, while the provision of the Act can apply to entities, acts and omissions outside of referring states, whether this will be the case in relation to any particular provision will depend upon several factors: whether the provision is intended to apply in a non-referring state and, if so, whether the Commonwealth has the constitutional power to legislate with respect to the subject matter of the provision. These factors can only be determined on a provision-by-provision basis. This uncertainty would also undermine any attempt by the State to establish its own system of corporate and financial regulation, as any South Australian laws would be invalid to the extent they are inconsistent with a valid Commonwealth law. In any event, establishing and maintaining a local regulatory system would be prohibitively expensive.

For South Australia to participate fully in the national economy, it must remain part of the Corporations Scheme. To do this it must continue to be a referring State.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Corporations (Commonwealth Powers) Act 2001*

3—Amendment of section 5—Termination of references

This clause deletes from current section 5(1) '15th' and replaces it with '20th', thereby delaying by 5 years the termination of the references of matters to the Parliament of the Commonwealth under the principal Act. Following this amendment, the references are due to expire on 15 July 2021.

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

STATUTES AMENDMENT (COMMONWEALTH REGISTERED ENTITIES) BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (20:43): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill proposes amendments to the *Collections for Charitable Purposes Act 1939* and the *Associations Incorporation Act 1985* to reduce administrative burden for charities registered under the *Australian Charities and Not-for-profits Commission Act 2012* and collecting in South Australia.

The Collections for Charitable Purposes Act requires charities collecting or attempting to collect money or goods for defined charitable purposes in South Australia to be licensed. The Bill proposes to clarify the definition of charitable purpose to make clear that charitable purpose includes support, provision and research in connection with health services.

The amendments in this Bill propose that any charity registered under the *Australian Charities and Not-for-profits Commission Act 2012* that gives notice of its intention to act as a collector, will be allowed to conduct fundraising collections in South Australia without having to apply for a licence under the Collections for Charitable Purposes Act or report to the Minister. Nevertheless, the conduct of fundraising collections by these charities will continued to be subject to the code of practice and other disclosure obligations.

These changes will significantly reduce regulatory duplication for charities registered under the *Australian Charities and Not-for-profits Commission Act 2012*. To facilitate these arrangements, the Bill provides for information exchange to assist both the Australian Charities and Not-for-profits Commission and Consumer and Business Services

fulfil their legislative functions. It also provides for removal of the collection agent licence (section 6A) and the entertainment licence (section 7) as there are no parallels with the Australian Charities and Not-for-profits Commission arrangements.

The Bill also includes amendments to better address concerns about potential misuse of funds collected for charitable purposes. Specifically, the Bill enables the Minister to request criminal history information from the Commissioner of Police about an applicant for or a holder of a licence. It also includes improved information gathering powers.

Many of the South Australian charities registered under the *Australian Charities and Not-for-profits Commission Act 2012* will be associations incorporated under the Associations Incorporation Act. These charities will still be regulated pursuant to the Associations Incorporation Act, but will not be required to lodge periodic returns under this Act if certain information has been provided to the Commissioner of the Australian Charities and Not-for-profits Commission (and Corporate Affairs Commission if required).

Prescribed associations that are registered under the Commonwealth *Australian Charities and Not-for-profits Commission Act 2012* will still be required to lay certain information before members of the association at the annual general meeting of the association as well as causing a report of the committee to be prepared disclosing any benefits received.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Associations Incorporation Act 1985*

4—Insertion of sections 33 to 34B

This clause inserts sections 33 to 34B:

33—Preliminary

Definitions are inserted for the purposes of the measure.

34—Application of Division to relevant prescribed associations

A relevant prescribed association (which is defined) is exempt from Part 4 Division 2 if the association has submitted specified information to the Australian Charities and Not-for-profits Commission. Despite the exemption from the Division, certain requirements are prescribed.

34A—Disclosure of information relating to relevant prescribed associations

An agreement may be made relating to information sharing between Commonwealth and State regulators.

34B—Commission may provide information to Commonwealth Commissioner

The Commission is authorised to provide information to the Commonwealth Commissioner for the purposes of the measure.

5—Amendment of section 39—Annual general meeting

This is a technical amendment to make the time period within which a relevant prescribed association must hold its annual general meeting consistent with the equivalent requirement in the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.

6—Amendment of section 67—Regulations

The regulation making powers are amended to include a power to exempt incorporated associations that are registered under the *Australian Charities and Not-for-profits Commission Act 2012* from the application of the *Associations Incorporation Act 1985*.

Part 3—Amendment of *Collections for Charitable Purposes Act 1939*

7—Amendment of section 4—Interpretation

Definitions are inserted and amended for the purposes of the proposed amendments to the *Collections for Charitable Purposes Act 1939*.

In addition, the definition of *charitable purpose* is amended to include the provision of, or assistance or support to the provision of, health services (within the meaning of the *Health Care Act 2008*) or research in the field of health or such health services as a charitable purpose. Another amendment is made to the definition.

8—Amendment of section 6—Collectors must be authorised by licence

Provision is made for a Commonwealth registered entity to be deemed to hold a section 6 licence for the purposes of the Act while the entity remains a Commonwealth registered entity. Requirements and other matters relating to such licences are provided for.

9—Repeal of section 6A

Section 6A is repealed.

10—Amendment of section 6B—Disclosure requirements for collectors—unattended collection boxes

This amendment is consequential on the repeal of section 6A.

11—Amendment of section 6C—Disclosure requirements for collectors—other collections

The amendment to section 6C(4)(a) is related to the amendments that recognise Commonwealth registered entities (by providing for such entities to hold 'deemed' licences).

The repeal of section 6C(7) is consequential on the repeal of section 6A.

12—Amendment of section 7—Disclosure requirements for collectors—entertainments

The repeal of section 7(2) removes the requirement for a person who conducts or sells a ticket for an entertainment to hold a section 7 licence. Instead, the requirements in section 7(3) and (5) relating to entertainments are imposed on section 6 licence holders. Other amendments are consequential.

13—Amendment of section 8—Grant of authority by licensee

14—Amendment of section 9—Revocation of authority by society etc

These amendments are consequential on the repeal of section 7.

15—Amendment of section 11—Application for licence

Currently, section 11(2) requires the Minister, in considering an application for a section 6 or 7 licence, to take into account any matter the Minister thinks fit and consider whether, having regard to the objects of the applicant, those objects would be more effectively or economically carried out by any other person, society, body, or association being the holder of or an applicant for a licence under the Act.

The amendment proposes the repeal of subsection (2) so that the Minister is not expressly required to consider those matters in considering applications.

16—Amendment of section 12—Conditions of licence etc

Proposed new subsection (1) provides for licences to specify the period for which they apply.

The amendment relating to codes of practice reflects the insertion of a definition of code of practice into the Act.

Other amendments require the giving of notice before certain action is taken.

Other amendments provide for suspension of licences.

17—Insertion of sections 14A and 14B

This clause inserts sections 14A and 14B:

14A—Provision of information to Minister by Commissioner of Police

The Commissioner of Police must provide criminal history information to the Minister about a licence holder or applicant.

14B—Minister may require production of documents, records etc

The Minister may require production of documents, records or other information in a person's possession connected with an activity for which a licence is required under the Act.

18—Amendment of section 15—Accounts, statements and audit

The first amendment allows the Minister to require the holder of the licence to provide to the Minister a statement setting out specified information relating to money or property collected or received by the holder of the licence for charitable purposes.

Another amendment allows the Minister to publish on a website maintained by the Minister any information provided by the holder of a licence and requires the Minister to publish certain information.

Another amendment exempts Commonwealth registered entities from certain provisions of the section in certain circumstances. The Minister may impose requirements about the manner of provision of documents or information under the section.

19—Amendment of section 15B—Powers of inspectors

An inspector may require that the answer to a question under the section be verified by statutory declaration or given under oath.

20—Insertion of section 17A

This clause inserts sections 17A and 17B:

17A—Disclosure of information relating to Commonwealth registered entities

The Minister may enter into an agreement with the Commonwealth Commissioner as to the manner and provision of information for the purposes of the Act.

17B—Disclosure of information—general

The Minister is authorised to disclose certain information to certain persons or bodies.

21—Amendment of section 18C—Evidentiary

Some technical and consequential amendments are made to section 18C.

Schedule 1—Transitional provisions

This Schedule provides for transitional provisions for the purposes of the measure.

Schedule 2—Statute law revision amendments

This Schedule makes various amendments of a statute law revision nature to the principal Act.

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

REAL PROPERTY (ELECTRONIC CONVEYANCING) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (20:44): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

National Electronic Conveyancing (NEC) is a Council of Australian Governments (COAG) reform. It is part of the National Partnership Agreement for a Seamless National Economy, to which South Australia is a party.

A comprehensive business case for National Electronic Conveyancing (NEC) undertaken in 2010 indicated that NEC is likely to generate national gross savings of up to $250 million per annum – largely for the banking industry and entities involved in conveyancing.

South Australian industry's share of savings to the conveyancing industry will be approximately $10 million per annum - which could be equated to this initiative's value to the community in reducing red tape.

South Australia's participation in NEC will markedly reduce current administrative burdens and costs associated with time and resources currently expended on physical settlements and processing of paper land transactions.

It is anticipated that NEC will:

- Reduce costs and delays associated with conveying and settling land transactions
- Increase the accuracy of transactional data lodged with Land Registries and hence reduce the costs of corrections
- Reduce the complexities and costs of dealing across eight different jurisdictions.

The legal framework for NEC to be introduced in each State and the Northern Territory comprises the Electronic Conveyancing National Law plus Model Participation Rules (MPRs) and Model Operating Requirements

(MORs), which are being developed by the Australian Registrars' National Electronic Conveyancing Council under the National Law.

The Electronic Conveyancing National Law (South Australia) Act 2013, which enacts the Electronic Conveyancing National Law in South Australia commenced on 21 January 2016. This Act provides a common regulatory framework to enable documents in an electronic form to be lodged under the Torrens land Title legislation in each State and Territory and will become operational in South Australia with the implementation of NEC.

The *Real Property (Priority Notices and Other Measures) Amendment Act 2015* introduced the first stage amendments required to support introduction of NEC to the *Real Property Act 1886* and commenced on 29 April 2015. These amendments included the introduction of an express statutory power to require parties to conveyancing transactions to verify their identity. Secondly, it introduced a new instrument called a Priority Notice, which allows parties to protect the priority of instruments prior to their lodgement.

The Real Property (Electronic Conveyancing) Amendment Bill 2016 (the Bill) will make the remaining changes required for South Australia to participate in NEC.

This Bill aligns the requirements for paper conveyancing with the new provisions for electronic transactions to facilitate a smooth transition between the two lodgement mediums and avoid the complexity and costs of dealing with two separate systems.

In particular, the Bill introduces the following amendments:

Certifications

The Bill broadens the current certification requirements to align with the certifications required for electronic conveyancing. The additional certifications will provide greater certainty that conveyancers, legal practitioners and mortgagees have complied with their statutory obligations, including the requirement to verify the identity of their client (or the mortgagor in the case of the mortgagee).

Certifications will be required to be provided in relation to:

- compliance with relevant legislation;
- compliance with the requirements of verification of identity and the execution of an instrument;
- retention of documents related to the certification of the instrument;
- compliance with any other requirements prescribed by legislation.

If a provision under the Act currently requires execution by all parties, then all parties will be required to provide certifications. In the case of a transfer of land, certification would be required from the transferor and transferee.

The Registrar-General will have the power to exempt parties or instruments from certification requirements under the Act. For example, a self-represented party would be exempt from making the full suite of certifications, particularly in relation to their person.

Client Authorisation

A Client Authorisation is a document by which a party to a conveyancing transaction authorises a legal practitioner or registered conveyancer to execute and lodge instruments on that party's behalf.

The Bill introduces new provision in the Act making it an offence for a legal practitioner or registered conveyancer to execute or lodge an instrument on behalf of another person, other than in accordance with the terms of a properly completed Client Authorisation.

In electronic conveyancing, the transacting parties will generally not have direct access to the electronic conveyancing system themselves. Each party will therefore need to provide a Client Authorisation to a legal practitioner or registered conveyancer who does have access to the electronic conveyancing system, authorising that legal practitioner or registered conveyancer to execute and lodge instruments on their behalf.

Once electronic conveyancing has commenced, a registered conveyancer or legal practitioner may not initially know if a particular transaction is to progress in paper or electronically. Alternatively, a transaction may be intended to proceed electronically but for some reason need to revert to paper.

The Bill aligns the paper and electronic conveyancing requirements to facilitate a smooth transition between the two lodgement mediums and avoid the complexity and costs of dealing with two separate systems.

Therefore, the same Client Authorisation form will be used for both paper and electronic transactions.

A Client Authorisation must be signed by the client or clients and the legal practitioner or registered conveyancer, or their agent. A properly completed Client Authorisation will have effect according to its terms as an authorisation to execute and lodge the specified instruments on behalf of the client. The conveyancer or legal practitioner will also need to take reasonable steps to establish that the client is entitled to enter into the conveyancing transaction identified in the Client Authorisation form. Reasonable steps could include inspection of some form of proof that the client's identity is connected to the subject land.

Instruments that must currently be executed and witnessed will require a Client Authorisation form.

The use of a Client Authorisation for caveats and Priority Notices will be optional and the following instruments will be exempt from the requirement for a Client Authorisation:

- applications for title by possession to land;
- applications for land division, applications for amalgamation of titles;
- applications under the Community Titles Act 1996 and Strata Titles Act 1988.

The Bill also gives the Registrar-General the power to exempt parties or other instruments from the requirement to obtain a Client Authorisation, for example, where documents require a personal declaration (ie. application under Part 7A of the Act – Title by Possession).

Mortgages

In electronic conveyancing, the purchaser will not usually have a representative acting for them in their capacity as mortgagor; their legal practitioner or registered conveyancer acts for them in their capacity as transferee. Their representative will therefore not execute the mortgage on their behalf.

As such, the Bill introduces amendments which allow for a mortgage to be lodged without the mortgagor's execution where the mortgagee is an Authorised Deposit-Taking Institution (ADI) (e.g. a bank) or where the mortgagee is represented by a legal practitioner or conveyancer. If this method of execution is used the mortgagee will need to hold a mortgage executed by the mortgagor on the same terms. A certification to this effect will need to be provided by the mortgagee or their legal practitioner or conveyancer. The same process may be used for a mortgage extension.

To provide uniformity between electronic and paper instruments, these execution methods will be applied to both lodgement mediums.

The Bill also gives the Registrar-General the discretion to allow other categories of mortgagees to use the above method of execution. For example a financier such as HomeStart Ltd, which is not an ADI, may wish to seek approval to utilise the above method of execution.

When a mortgage is transferred the transferee must take reasonable steps to verify that the transferor complied with the verification of identity and verification of authority obligations.

If the person by or on whose behalf the mortgage is executed as mortgagor is not the registered proprietor of the land and in the Registrar-General's opinion, the mortgagee:

- failed to comply with the verification of identity and verification of authority obligations; or
- cannot produce the mortgage on the same terms executed by the mortgagor,

the Registrar-General may cancel the mortgage.

If the person by or on whose behalf the mortgage is executed as mortgagor is not the registered proprietor and the mortgagee failed to comply with verification of identity and verification of authority obligations the mortgagee's interest in the land is not indefeasible.

Removal of Duplicate Certificates of Title and other duplicate Instruments

The Bill removes the requirement for the Registrar-General to issue, and for registered proprietors to produce, duplicate certificates of title and tenants' copies of Crown leases. Reference to duplicate certificates of title and tenants' copies of Crown leases will also be removed from all State legislation.

The current practice of issuing a paper duplicate certificate of title or tenant's copy of a Crown lease, and producing it to the Registrar-General for each transaction, is incompatible with an electronic form of conveyancing.

Duplicate certificates of title and tenants' copies of Crown leases have historically played the following roles:

- authentication: the duplicate certificate of title or tenant's copy of Crown lease is used as a means of identifying the relinquishing party in a transaction;
- evidence of entitlement: possession of the duplicate certificate of title or tenant's copy of Crown lease is used as evidence of a right to deal with the land;
- passing of interest: passing control of the duplicate certificate of title or tenant's copy of Crown lease from one party to another at the time of settlement (as a form of baton) protects the interest of the acquiring party between settlement and registration by ensuring that another dealing transferring that estate or interest does not gain priority (and also prevents multiple sales of the land);
- confirmation of registration: the issue of a duplicate certificate of title or tenant's copy of Crown lease acts as confirmation of registration of the conveyancing instrument.

However, the requirement to produce a duplicate certificate of title or tenant's copy of Crown lease in conveyancing transactions has not entirely prevented fraud. Attempts to forge duplicate certificates of title have been

detected by the Registrar-General. In other jurisdictions, forgers have successfully undertaken fraudulent transactions. Additionally, fraudulent transactions have been entered into by parties who have dishonestly obtained or improperly used genuine duplicate certificates of title.

Whilst possession of the duplicate certificate of title or tenant's copy of a Crown lease has been treated as evidence of ownership - and hence the right to deal with the land - it does not prove that the person transacting with the property is the person named in the Register as the registered proprietor and is entitled to deal with the land. Use of the duplicate certificate of title or tenant's copy of Crown lease to identify the transacting party, and as evidence of their right to deal with the land, is therefore inappropriate.

To combat this, the Bill introduces requirements for parties to a conveyancing transaction to have their identity and their right to deal with the land formally verified.

Where they are used, Priority Notices also prevent the registration of inconsistent dealings with the land and will therefore replace the 'baton' role of duplicate certificates of title and tenants' copies of Crown leases.

A subscription service known as Title Watch will also be introduced with the removal of duplicate certificate of title and tenant's copy of Crown lease. Title Watch is an alert service which will notify the subscriber via email or SMS that activity has been detected on the nominated Title. Items which trigger notification include, but are not limited to:

- order of a Property Interest Report or Form 1;
- lodgement of a Priority Notice;
- lodgement of a dealing (e.g. transfer, mortgage etc.).

Verification of Authority

The Bill introduces an obligation on practitioners not only to verify the identity of their clients but to verify the client's authority to enter into the transaction.

Both verification of identity and verification of authority – which is the right to deal with an interest in land - are important steps in preventing fraud. The Bill introduces amendments which require conveyancers, legal practitioners and mortgagees to take reasonable steps to identify their clients and ensure that they are in fact the registered proprietor of the land or otherwise entitled to deal with the land.

Such requirements protect the interests of innocent registered proprietors, who might otherwise suffer a loss due to fraudulent dealings (for example a mortgage) registered on the certificate of title for their land. Likewise, verification of authority protects the publicly funded Real Property Assurance Fund from compensation claims resulting from fraudulent dealings with the land.

Self-represented parties (other than mortgagors) will also need to provide a certification that they have the authority to enter into the transaction.

Document Retention

Associated regulations will be made requiring supporting documents to be retained for a specified period.

Caveats

The *Real Property Act* will also been amended to expressly allow a registered proprietor to caveat their own property. This has been introduced following a number of applications received by registered proprietors wishing to caveat their property out of concern regarding potential fraudulent activity.

In order to clarify the existing policy position held by the Registrar-General, a provision to make it clear that the Registrar-General may enter a caveat when it is in the public interest to do so has also been included.

The amendments will also make it clear that the Registrar-General may prescribe instruments which can be registered or recorded in the face of a caveat (unless the caveat specifically forbids the registration or recording of that particular instrument). The instruments that will be prescribed will reflect the existing position.

For national consistency and to align paper and electronic processes, the encumbrance panel is being removed from the Lands Titles Office forms as instruments are subject to prior registered interests in any case. Due to the removal of the encumbrance panel from instrument forms, instruments lodged after a permissive caveat will automatically be subject to the caveator's claim. The subsequent instrument need not be expressed to be subject to the caveator's claim.

Offences

New offences are created for fraudulently using a digital signature, fraudulently altering a Client Authorisation, executing an instrument on behalf of another person without a properly completed Client Authorisation and false certification.

A defence of honest mistake, will be available in relation to the offence of falsely providing a certification.

The same defence is available in relation to the offence of executing an instrument on behalf of another person without a properly completed Client Authorisation.

Assurance Fund

The Real Property Act Assurance Fund was established to compensate persons deprived of land, or an interest in land where they have suffered a loss, for example as a consequence of fraud or by any error, omission or mistake by the Registrar-General or his officers. The Assurance Fund is directly linked to the pivotal principle of the Torrens system which is to provide a Government guaranteed Title.

The Bill amends the Assurance Fund provisions to provide clarification in relation to the meaning of 'market value' for compensation and of the Registrar-General's right to payment for costs incurred in relation to the claim.

For the purposes of determining compensation, value is to be market value as at the date on which the claimant institutes proceedings for compensation.

The Registrar-General may use money from the Assurance Fund to pay the costs incurred by the Registrar-General in connection with a claim.

These amendments have been included to provide clarity and direction on existing provisions.

Terminology

Various amendments are included to make the Act technologically neutral. In particular, the definition of 'dealing' has been deleted to ensure consistent wording throughout the Act. Likewise, the terms 'registered' and 'recorded' have been used throughout the legislation in relation to instruments. The term 'registered' applies to traditional estates or interests in land such as transfers and mortgages. The term 'recorded' applies to other estates or interests such as Land Management Agreements.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Real Property Act 1886*

4—Amendment of section 3—Interpretation

This clause amends the definitions of several terms in the principal Act and inserts new definitions to support provisions in the measure. The clause also updates archaic and obsolete terms consistent with the statute law revision process undertaken in the measure.

5—Repeal of sections 14 and 15

The clause removes references to the Acting Registrar-General and Acting Deputy Registrar-General and the requirement for the Governor to appoint an employee of the Public Service to these positions.

6—Amendment of section 21—Seal of office

The clause removes a reference to the terms 'inscribed' and 'imprinted' in relation to the seal of office of the Registrar-General, to allow for the seal of office to be issued and appear in an electronic form. The clause also makes amendments consistent with the statute law revision process undertaken in the measure.

7—Amendment of section 39—Caveat against bringing land under Act

The clause makes an amendment to provide that caveats are to be lodged in the Lands Titles Registration Office, and not with the Registrar-General, consistent with other references in the Act.

8—Amendment of section 44—Proceedings under caveat

This clause makes an amendment to provide that caveats are to be lodged in the Lands Titles Registration Office and not with the Registrar-General consistent with other references in the Act.

9—Amendment of section 45—Lapse of caveat

This clause makes an amendment consequential to the amendment in clause 8 and also makes amendments consistent with the statute law revision process undertaken in the measure.

10—Amendment of section 49—Folios in Register Book

This clause makes an amendment to standardise the references to certificate of title in the Act.

11—Amendment of section 51B—Registration of title electronically etc

This clause makes an amendment to standardise references in the Act to a record being made in the Register Book or on a certificate of title.

12—Substitution of section 51C

This clause substitutes section 51C as follows:

51C—Issuing certificates of title

The proposed section updates the provisions in the current section 51C by standardising references to certificates of title, and making records on a certificate of title.

13—Substitution of section 52

The clause substitutes section 52 as follows:

52—Endorsement of record of registration

The proposed section provides that on registering an instrument the Registrar-General must make a record of the date and time of registration and the record must be accepted in legal proceedings as conclusive evidence of the date and time of registration.

14—Amendment of section 53—Retention of records

This clause makes amendments standardising references in the Act to information being registered or recorded by the Registrar-General.

15—Substitution of sections 54 and 55

This clause substitutes sections 54 and 55 as follows:

54—Form of instruments

The proposed section incorporates the provisions in the current section 54, standardises references to information being registered or recorded by the Registrar-General and also updates language consistent with the statute law revision process undertaken in the measure.

55—Non-compliant documents may be registered or recorded

The proposed section provides that the Registrar-General may register or record a document that is not in the appropriate form, or does not comply with a requirement under the Act (including where the document is not signed or executed in a manner required under the Act), despite the fact that the document does not comply with that form or requirement, if satisfied that the document substantially complies with the form or requirements of the Act and that loss or inconvenience would result if the document were not registered or recorded.

16—Substitution of section 56

The clause substitutes section 56 as follows:

56—Priority of instruments

The proposed section re-writes current section 56 incorporating standardised references to information being registered or recorded by the Registrar-General, and updating language consistent with the statute law revision process undertaken in the measure.

17—Amendment of section 57—Effect of registration or recording of instruments

This clause deletes a reference to signing an instrument to allow for instruments that may be executed in electronic form.

18—Repeal of section 58

The clause repeals an obsolete section.

19—Amendment of section 59—Provision for registration in case of death of person

Subclause (1) makes amendments consistent with the statute law revision process undertaken in the measure. Subclause (2) makes amendments to provide for the execution of documents in paper and electronic form. Subclause (3) inserts a new subsection (2) to provide for the validity of an instrument executed on behalf of a person pursuant to a client authorisation after the person's death.

20—Amendment of section 64—Power of court to direct cancellation of certificate or entry

This clause amends the section to standardise references to records and certificates of title in the Act.

21—Amendment of section 65—Search allowed

This clause provides that if an instrument is lodged electronically, the Registrar-General may determine that only the instrument as registered is to be accessed in a search of records in the Lands Titles Registration Office.

22—Amendment of section 67—Instruments not effectual until registration

This amendment is consequential on the proposed new definition of instrument and limits the operation of the section to instruments registrable under the Act.

23—Repeal of section 68

This clause repeals an obsolete section.

24—Amendment of section 69—Title of registered proprietor indefeasible

Subclauses (1) to (6) amend the section to standardise references to time and certificates of title in the Act, and update language consistent with the statute law revision process undertaken in the measure. Subclause (7) inserts a new paragraph providing that if a mortgagee fails to comply with verification of identity requirements or verification of authority guidelines, the mortgagee's interest under the mortgage is not indefeasible.

25—Amendment of section 71—Saving of certain rights and powers

The clause amends the section to remove references to dealings with the land.

26—Amendment of section 73—Certificate of title

This clause makes an amendment to the section to standardise references to certificates of title in the principal Act.

27—Substitution of section 80B

This clause substitutes section 80B as follows:

80B—Application requirements

The proposed section provides that an application under section 80A must be in the appropriate form, and updates language in existing section 80B consistent with the statute law revision process undertaken in the measure.

28—Amendment of section 80E—Notice of application

The clause makes an amendment to provide for a notice to be in the appropriate form and another amendment consistent with the statute law revision process undertaken in the measure.

29—Amendment of section 80H—Cancellation of instruments

This clause makes an amendment to the section to standardise references to certificates of title in the Act.

30—Amendment of section 88—Entry as to easement to be made on certificates of title

This clause makes an amendment to the section to standardise references to certificates of title in the Act and another amendment consistent with the statute law revision process undertaken in the measure.

31—Amendment of section 90A—Application of sections 90B, 90C, 90D, 90E and 90F

This clause makes an amendment to standardise references to certificates of title in the Act.

32—Amendment of section 93—Execution and registration of Crown lease

This clause makes a technical amendment.

33—Substitution of section 96

This clause substitutes section 96 as follows:

96—Transfers

The proposed section incorporates the provisions of current sections 96 and 96A, amended consistently with the statute law revision process undertaken in the measure. In addition, the proposed section provides that both the transferor and the transferee must execute a transfer.

34—Repeal of section 96A

This amendment is consequential on the amendment in clause 33.

35—Amendment of section 97—Transferee of land subject to mortgage or encumbrance to indemnify transferor

This amendment is consequential on the amendment in clause 33.

36—Repeal of sections 98 to 100

This clause repeals obsolete sections.

37—Amendment of section 107—Transfer on sale under writ, warrant, decree or order

This clause makes an amendment to standardise references to registration in the Act.

38—Repeal of sections 112 to 115

This clause repeals obsolete sections.

39—Amendment of section 116—Leasing of land

The clause amends the section to require both the registered proprietor and the prospective lessee to execute a lease.

40—Amendment of section 119—Lease for 1 year need not be registered

This clause removes the reference to dealing with land, inserts references to registering and recording instruments and makes amendments consistent with the statute law revision process undertaken in the measure.

41—Amendment of section 120—Lease may be surrendered by separate instrument

The clause deletes a reference to 'signed' and replaces it with a reference to 'executed' to allow for instruments that may be executed in electronic form.

42—Substitution of section 121

This clause substitutes section 121 as follows:

121—Registrar-General may record surrender

The proposed section provides power for the Registrar-General to record a surrender of a lease in the Register Book in the circumstances outlined in the section.

43—Substitution of section 128

This clause substitutes section 128 as follows:

128—Mortgage of land

The proposed section provides for the form and requirements of a mortgage to be executed if land is to be charged or made security in favour of a person, matters of which the Registrar-General must be satisfied before registering a mortgage and the requirements that parties to the mortgage must satisfy before a mortgage can be lodged for registration. Offences under the proposed section have a maximum penalty of $5,000.

128A—Obligations of mortgagee

Proposed subsection (1) makes it an offence for a person entering into a mortgage as mortgagee to fail to first verify the authority of the intended mortgagor to enter into the mortgage in accordance with the verification of authority guidelines.

Proposed subsection (2) makes it an offence for a mortgagee to fail to retain a copy of a document used to fulfil his or her obligations under subsection (1) for the period prescribed by the regulations. The offences in the proposed section attract a maximum penalty of $10,000 or imprisonment for 2 years.

128B—Encumbrance of land

The proposed section re-enacts the second part of current section 128 to provide that if land is to be charged with, or made security for, the payment of an annuity, rent-charge or sum of money in favour of a person, an encumbrance in the appropriate form must be executed by the registered proprietor and the person. The section only applies to land intended to be charged or made security under the principal Act by the registration of an encumbrance.

44—Amendment of section 129—Contents of mortgage or encumbrance

This clause makes amendments consequential on amendments in clause 43, and makes amendments consistent with the statute law revision process undertaken in the measure.

45—Amendment of section 129A—Standard terms and conditions of mortgage or encumbrance

The clause amends the section to provide that documents are to be filed in the Lands Titles Registration Office and not with the Registrar-General.

46—Amendment of section 143—Discharge of mortgages and encumbrances

Subclause (1) makes an amendment consequential on the definition of appropriate form. Subclause (2) substitutes the term 'signed' for 'executed' to allow for instruments that may be executed in electronic form. Subclause (3) deletes an obsolete provision.

47—Insertion of section 147

This clause inserts a new section as follows:

147—Cancellation of registration of mortgage by Registrar-General

The proposed section sets out the circumstances in which the Registrar-General may cancel the registration of a mortgage.

48—Insertion of section 152A

This clause inserts a new section as follows:

152A—Obligation of transferee if mortgage transferred

Proposed subsection (1) provides that a person must not execute a transfer of a mortgage, as transferee, without first taking reasonable steps to establish that the transferor complied with any obligation imposed under the Act on the transferor, as mortgagee, to verify the mortgagor's identity or authority to enter into the mortgage.

Proposed subsection (2) provides that a transferee must retain a copy of any document used for the purpose of fulfilling his or her obligations under proposed subsection (1) for the period prescribed by the regulations. The offences under the proposed section have a maximum penalty of $10,000 or imprisonment for 2 years.

49—Amendment of section 153—Renewal or extension of mortgage etc

This clause amends the section to provide that an instrument must be lodged in the Lands Titles Registration Office and not with the Registrar-General, consistent with other references in the Act.

50—Insertion of section 153A and 153B

This clause inserts new sections as follows:

153A—Requirements for renewal or extension of mortgage

The proposed section sets out the requirements for the renewal or extension of a mortgage.

153B—Obligations of mortgagee

The proposed section provides that a mortgagee must not execute an instrument renewing or extending the mortgage without first verifying, in accordance with verification of authority guidelines, the mortgagor's authority to enter into the transaction for the renewal or extension of the mortgage. The mortgagee must retain a copy of any document used for the purposes of fulfilling any such obligations for the period prescribed by the regulations, with a maximum penalty of $10,000 or imprisonment for 2 years.

51—Repeal of section 154

This clause repeals section 154 which is obsolete as a consequence of the new definition of instrument as inserted in the measure.

52—Amendment of section 154B—Effect of priority notice

This clause provides that the Registrar-General may give effect to an application under the Act by a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book even if a priority notice is in force in relation to the relevant land.

53—Substitution of section 156

This clause substitutes section 156 as follows:

156—Deposit of duplicate or attested copy

The proposed section updates current section 156—

- by substituting references to depositing a duplicate or attested copy of a power of attorney with the Registrar-General with a reference to the Lands Titles Registration Office; and
- to include a reference to noting the date and time of depositing the duplicate or attested copy; and
- consistent with the statute law revision process undertaken in the measure.

54—Amendment of section 157—Revocation of power of attorney

Subclause (1) amends the section to provide that a revocation of a power of attorney must be signed by the grantor. The amendments in subclause (2) provide that the date and time the revocation is deposited in the Lands Titles Registration Office must be noted on the copy. Subclause (3) makes amendments consistent with the statute law revision process undertaken in the measure.

55—Substitution of section 163

This clause substitutes section 163 as follows:

163—Insertion of the words 'with no survivorship' in instruments

The proposed section incorporates the provisions of existing section 163 but updates a number of references to allow recording of instruments and the entering of words in electronic form, as well as updating the provision consistent with the statute law revision process undertaken in the measure.

56—Amendment of section 164—Trustees may authorise insertion of 'with no survivorship'

This clause inserts into the section references to executing the appropriate form and recording on a certificate of title to allow for execution and recording in electronic form.

57—Amendment of section 165—Effect of record

This clause makes amendments to standardise the references to recording in the Act.

58—Amendment of section 168—Survivors may perform duties or transfer to new trustees

This clause amends a reference to the surviving and remaining trustee.

59—Amendment of section 169—Disclaimers

The clause contains amendments consequential on the proposed definition of instrument, as a disclaimer is a document that does not fall within the proposed definition. The clause also makes a number of amendments consistent with the statute law revision process undertaken in the measure.

60—Amendment of section 171—Transmission to be recorded in Register Book

The clause amends the section to standardise the references to making a record in the Act, and include a reference to executing an application in the appropriate form, to allow for an application which may be in electronic form.

61—Amendment of section 173—Bankruptcy or assignment of lessee

Subclause (1) amends the section to standardise the references to making a record throughout the Act. Subclause (2) inserts a new subsection (2) to provide that a lessor, mortgagee or encumbrancee must retain a copy of any document used for the purpose of fulfilling his or her obligations under subsection (1) for the period prescribed by the regulations, with a maximum penalty of $10,000 or imprisonment for 2 years for non-compliance with the subsection.

62—Amendment of section 191—Caveats

The clause makes a number of amendments to section 191 including:

- outlining the purpose of a caveat, namely, to prohibit absolutely the registration or recording of any instrument dealing with the land, or to provide that the registration or recording of an instrument dealing with the land may only occur subject to the claim of the caveator, and provided that, if any conditions are expressed in the caveat, the instrument complies with those conditions;
- inserting a provision providing that if a caveator lodges a caveat providing that the registration or recording of an instrument dealing with land will be subject to the claim of the caveator, any instrument dealing with that land registered or recorded after the lodgement of the caveat will be taken to be registered or recorded subject to that claim;
- standardising references to the execution of caveats, and the registering and recording of caveats and instruments affecting land consistent with the use of these terms elsewhere in the measure;
- setting out the circumstances in which the Registrar-General may, after a caveat has been lodged, register or record another caveat or instrument or an instrument of a kind prescribed by the regulations;
- clarifying that a registered proprietor of land may lodge a caveat in respect of land for which he or she is the registered proprietor;
- amendments consistent with the statutes law revision process undertaken in the measure.

63—Insertion of sections 210A and 210B

The clause inserts new sections as follows:

210A—Value of land determined by market value

The proposed section provides that in determining the compensation payable from the Assurance Fund for any deprivation or loss under Part 18, the value of the land must be determined according to the market value of the land on the day on which the claimant institutes proceedings against the person or the Registrar-General.

210B—Registrar-General may use Fund money

The proposed section provides that money in the Assurance Fund may be applied for the purpose of meeting any expenses incurred by the Registrar-General in connection with any claim for compensation from the Assurance Fund.

64—Amendment of section 220—Powers of Registrar-General

The clause makes a number of amendments to standardise the references to registering or recording in the Act, as well as amendments consistent with the statutes law revision process undertaken in the measure. The clause also inserts a new paragraph 220(g)(iv) to give the Registrar-General power to enter caveats prohibiting the registration or recording of an instrument if the Registrar-General considers it is in the public interest to do so.

65—Amendment of section 221—Reviews

This clause inserts a new subsection (1a) providing that if a person is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under section 147, the person may seek a review of the decision by the Tribunal.

66—Amendment of section 223D—Caveats

The clause inserts a reference to lodging a caveat in the Lands Titles Registration Office instead of with the Registrar-General, consistent with other references in the Act.

67—Amendment of section 223L—Operation of corrections

The clause amends the section to standardise references to 'recording' in the Act.

68—Amendment of 223LA—Interpretation

The clause inserts a new subsection (7) to provide that an application or instrument under Part 19AB may not be executed under a client authorisation.

69—Amendment of section 223LD—Application for division

This clause substitutes subsection (2) to provide that an application under the section must be in the appropriate form, signed by the applicant and accompanied by the prescribed fee.

70—Amendment of section 223LJ—Amalgamation

The clause substitutes section 223LJ(2)(a) to provide that an application for amalgamation must be in the appropriate form and signed by the applicant.

71—Amendment of section 228—Declarations

This clause adds registered conveyancers to the list of persons before whom a declaration under the Act may be made.

72—Substitution of section 229

This clause substitutes section 229 as follows:

229—Offences

The proposed section updates the offences in current section 229 to include references to documents and instruments, signing, certification and execution, so that the existing offences may apply to client authorisations and documents that may be in electronic form. The proposed section also makes amendments consistent with the statute law revision process undertaken in the measure.

73—Amendment of section 230—Perjury

This clause removes a reference to dealing with land, and standardises the penalties that apply to similar offences in Part 20.

74—Amendment of section 232—Certifying incorrect documents

This clause deletes the current offence in section 232(1) and substitutes 2 new offences and a defence. Proposed subsection (1) makes it an offence for a person to falsely provide a certification under section 273(1) of the

principal Act with a maximum penalty of $5,000 or imprisonment for 1 year. It is a defence to this offence to prove that the defendant was not negligent and the act or omission constituting the offence was attributable to an honest mistake on the defendant's part. Proposed subsection (1b) makes it an offence for a person to falsely provide certification under section 273(1) knowing that the certification is false, with a maximum penalty of $10,000 or imprisonment for 2 years.

75—Amendment of section 232A—Offences relating to verification of identity requirements

This clause updates all penalty provisions in line with other similar offences in Part 20. It also inserts a new subsection (7) to clarify that a certification provided under section 273(1) of the Act is not a statement for the purposes of the offences in this section.

76—Insertion of section 232B

This clause inserts a new section:

232B—Offences relating to verification of authority

This section includes a number of offences relating to the requirement to verify a person's authority to enter into a transaction in accordance with the verification of authority guidelines and the participation rules. It is an offence for a person to falsely state that a person's authority to enter into a transaction has been verified in compliance with the verification of authority guidelines or the participation rules with a maximum penalty of $5,000 or imprisonment for 1 year. A higher penalty applies ($10,000 or imprisonment for 2 years) if the person makes the statement knowing that it is false. There are also offences relating to making false statements in connection with verifying a person's authority to enter into a transaction for the purposes of the verification of authority guidelines or the participation rules, production of false or misleading records and retention of documents or records.

77—Amendment of section 233—Other offences

The clause adds the following new offences to the section with a maximum penalty of $50,000 or imprisonment for 10 years to apply:

- an offence if a person without lawful authority and knowing that no such authority exists intentionally alters or causes to be altered a client authorisation;
- an offence if a person fraudulently uses, assists in fraudulently using or is privy to the fraudulent using of a digital signature within the meaning of the *Electronic Conveyancing National Law (South Australia)*.

The clause also removes references to dealing in the section, makes an amendment consequential on the repeal of section 14 and makes a number of amendments consistent with the statute law revision process undertaken in the measure.

78—Insertion of Part 20A

This clause inserts a new Part as follows:

Part 20A—Client authorisation

240A—Client authorisation

The proposed section defines a client authorisation as—

- a document that is a client authorisation for the purposes of the *Electronic Conveyancing National Law (South Australia)*; or
- a document in the appropriate form by which the client of a law practice, legal practitioner or registered conveyancer authorises the practice, practitioner or conveyancer to execute 1 or more instruments, or do 1 or more other things, on behalf of the client in connection with a specified transaction or for a specified period of time.

240B—Effect of client authorisation

The proposed section sets out the effect of a client authorisation completed under the proposed Part.

240C—Termination of client authorisation

The proposed section provides for the requirements for terminating a client authorisation.

240D—Instruments to be executed by natural persons

The proposed section sets out the requirements for an instrument to be executed under a client authorisation in the case of a law practice or a registered conveyancer that is a body corporate.

240E—Client authorisation may be given by Crown or statutory corporation

The proposed section provides that the Crown (including an instrumentality of the Crown) or a statutory corporation may provide for a representative to execute instruments on its behalf by completing a client authorisation (irrespective of whether it has the capacity to delegate its powers).

240F—Legal practitioner and registered conveyancer must obtain authorisation

Proposed subsection (1) makes it an offence with a maximum penalty of imprisonment for 2 years for a legal practitioner or registered conveyancer to execute an instrument for the purpose of the principal Act or the *Electronic Conveyancing National Law (South Australia)* on behalf of a party to the instrument other than in accordance with a properly completed client authorisation, or without first complying with verification of identity requirements and verification of authority guidelines as set out in the proposed subsection.

Proposed subsection (2) sets out the circumstances to which an offence under proposed subsection (1) does not apply. Proposed subsection (3) provides a defence for the offence in proposed subsection (1).

240G—Retention of client authorisation

The proposed section provides that a client authorisation must be retained by the legal practitioner or conveyancer for the period prescribed by the regulations with a maximum penalty of imprisonment for 2 years.

79—Amendment of section 246—Unregistered instruments to confer claim to registration

The clause amends section 246 to include a reference to an instrument that may be executed other than by signing, to allow for instruments in electronic form. The clause makes other amendments consistent with the statute law revision process undertaken in the measure.

80—Amendment of section 247—Informal documents may be registered

The clause amends the section to include reference to a document being signed or executed to allow for instruments in electronic form.

81—Amendment of section 255—Confused boundaries

The clause amends the section to include and standardise references in the Act to registering or recording instruments on the certificate of title.

82—Amendment of section 267—Witnessing of instruments

The clause makes an amendment to delete reference to execution of an instrument requiring witnessing and substitute a requirement for witnessing in the case of signing an instrument.

83—Amendment of section 268—Improper witnessing

These amendments are consequential on amendments in clause 82. The penalty for the offence is increased in line with other similar offences.

84—Amendment of section 270—Execution of instrument by corporation

This amendment provides that a corporation may execute an instrument in any manner permitted by law.

85—Amendment of section 273—Authority to register

The clause makes a number of amendments to ensure consistency between certification requirements under the principal Act and the *Electronic Conveyancing National Law (South Australia)*, and to enable certification by a person who has executed an instrument under a client authorisation.

86—Insertion of section 273AA

This clause inserts a new section:

273AA—Proof of authority of unrepresented parties to enter into transaction

Proposed subsection (1) provides that if a party to the instrument is not represented by a legal practitioner or registered conveyancer, the Registrar-General must not register or record an instrument in the Register Book or the Register of Crown Leases unless the party has satisfied the Registrar-General that he or she is authorised to enter into the transaction to which the instrument relates.

Proposed subsection (2) provides that such a party must retain a copy of any document used for the purpose of fulfilling his or her obligations under proposed subsection (1) for the period prescribed by the regulations, with a maximum penalty of $10,000 or imprisonment for 2 years.

Proposed subsection (3) inserts a definition for the purposes of the proposed section.

87—Amendment of section 273A—Verification of identity requirements

Subclause (1) provides that the identity of a party to an instrument or a person executing a document for the purposes of the Act (other than a legal practitioner or registered conveyancer acting under a client authorisation) must be verified in accordance with the prescribed verification of identity requirements. Subclause (2) removes the limitation of a period not exceeding 10 years from the specified requirements in subsection (4)(b) of the Act. Subclause (3) provides that in civil proceedings (other than review proceedings under the principal Act) where it is alleged that a person failed to comply with a requirement under the verification of identity requirements, that person bears the onus of proving his or her compliance with the requirement. The amendment in subclause (4) is consequential on the new definition of instrument in the measure, and the amendments in subclause (1).

88—Insertion of section 273B

This clause inserts a new section:

273B—Verification of authority guidelines

The proposed section provides the requirements for the issue of verification of authority guidelines.

89—Insertion of section 276A

This clause inserts a new section:

276A—Evidence of instruments lodged electronically

The proposed section provides evidentiary provisions for a document certified by the Registrar-General that reproduces the contents of an instrument lodged electronically under the Act or the *Electronic Conveyancing National Law (South Australia)*.

90—Substitution of section 277

This clause substitutes section 277 as follows:

277—Regulations

The proposed section allows the Governor to make regulations under the Act.

Schedule 1—Related amendments

Part 1—Amendment of *Legal Services Commission Act 1977*

1—Amendment of section 18A—Legal assistance costs may be secured by charge on land

The clause makes a consequential amendment to the section to remove reference to an instrument being attested by a witness, as a result of changes implemented in the measure.

Part 2—Amendment of *Registration of Deeds Act 1935*

2—Amendment of section 6—Registrar-General of Deeds

The clause removes the requirement for the Registrar-General of Deeds to be appointed by the Governor, and provides that the Registrar-General under the *Real Property Act 1886* is to be the Registrar-General of Deeds.

Part 3—Amendment of *Stamp Duties Act 1923*

3—Amendment of section 2—Interpretation

The clause inserts the following interpretative provisions into the Act:

- if an instrument under the *Real Property Act 1886* is executed by a legal practitioner or a registered conveyancer on behalf of a person under a client authorisation (within the meaning of that Act), the instrument will be taken for the purposes of the Act to have been executed by the person who provided the authorisation;
- if a dutiable instrument to be registered or recorded under the *Real Property Act 1886* is in electronic form, a requirement under the Act for such an instrument to be duly stamped will be taken to be satisfied if a stamp duty identification number (as defined) appears on the instrument.

Part 4—Amendment of *Worker's Liens Act 1893*

4—Amendment of section 10—Lien to be registered

This amendment makes amendments consequential on other amendments in the measure relating to forms, execution, signing and witnessing.

5—Amendment of section 12—Notice to be deemed caveat

This amendment is consequential on certain amendments in clause 62 of the measure.

Schedule 2—Related amendments—duplicate certificates of title

The amendments contained in the Schedule remove references to duplicate certificates of title from various Acts.

Schedule 3—Transitional provisions

1—Registrar-General and Deputy Registrar-General of Deeds

The clause provides for the continuation of the appointment of the current Registrar-General of Deeds and any Deputy Registrar-General of Deeds.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (20:44): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

From time to time minor errors, omissions and other technical deficiencies are identified in legislation that are more efficiently dealt with in a single omnibus Bill than in separate Bills for each Act. It is timely to now introduce an Attorney-General's Portfolio Bill.

There is a particular need to ensure that the *Criminal Law (Forensic Procedures) Act 2007* keeps up with technical advances and forensic procedures. The Bill makes a number of technical amendments to the *Criminal Law (Forensic Procedures) Act 2007*.

The Bill amends s 3 and s 14 of the *Criminal Law (Forensic Procedures) Act 2007* to remove the need for the authorisation of a senior police officer to recover gunshot or other chemical residue from a suspect's hands or fingers. The delay in seeking and obtaining the authorisation of a senior police officer to recover gunshot or other chemical residue from a suspect might allow such important evidence to be lost. This is a very limited measure. It is confined to taking gunshot or other residue from a suspect's hands or fingers without the authorisation of a senior police officer.

The Bill amends s 3 of the *Criminal Law (Forensic Procedures) Act 2007* to modify the definition of an 'intrusive forensic procedure' to exclude oral rinsing.

The *Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Act 2015* amends the *Criminal Law (Forensic Procedures) Act 2007* to require an offender who bites or spits at a police officer or other emergency worker to undertake a blood test at the discretion of a senior police officer in order to test for infectious diseases. The recent Act did not include Department of Correctional Services staff. The Bill amends s 20A of the *Criminal Law (Forensic Procedures) Act 2007* to address this omission.

The Bill makes a minor amendment to s 41 of the *Criminal Law (Forensic Procedures) Act 2007* to change the terminology used to refer to the national DNA database to be more generic. This will promote flexibility and practical effectiveness. It avoids the Act having to be updated each time there is a change to the terminology or operation of the national DNA database.

The Bill also amends s 41 of the *Criminal Law (Forensic Procedures) Act 2007* to confirm and support South Australia's involvement through the Australian Federal Police in the Interpol DNA database and to gain access to this database. The issue of South Australia's 'direct' participation in the Interpol scheme is unclear under the current wording.

The Bill makes a minor amendment to s 42 of the *Criminal Law (Forensic Procedures) Act 2007* to confirm the legality of the backup DNA database system used by Forensic Science SA (FSSA).

The Bill inserts a new s 50A into the *Criminal Law (Forensic Procedures) Act 2007* to allow, with the approval of a 'prescribed authority', the regulated use and disclosure of DNA samples for legitimate scientific research and scientific methodology.

There is concern that the current Act does not permit the valuable development of forensic knowledge through scientific research using samples obtained under the Act and DNA profiles derived from such samples. As scientific rigour is the foundation of forensics and expert evidence, FSSA should be able to disclose forensic data (not being personal information) obtained under the Act to enable such worthwhile scientific research and scientific methodology to be undertaken.

A specific provision in the Act to enable the use and disclosure of that material for scientific research and methodology is needed. Such disclosure will be subject to strict safeguards. No personal information that could identify the source of the DNA material would be able to be released. The Bill provides for such exchanges to be approved by a 'prescribed authority' to be defined by regulation. It is proposed that this will be the Director of FSSA who will have in place a strict internal protocol consistent with that of Australian universities.

The Bill amends s 55 of the *Criminal Law (Forensic Procedures) Act 2007* to clarify and simplify the procedure for police to take DNA samples from deceased persons.

The Bill amends s 55 of the Act to simplify the relevant procedures and to allow police to request the DNA testing of samples taken during post-mortem examinations (held by FSSA), including where the analysis would assist in the investigation of an offence or the identification of the deceased such as in a natural disaster.

The Bill makes a number of changes to replace the now outdated term 'mental disability' with the preferable term 'cognitive impairment' in the *Criminal Law Consolidation Act 1935* and in s 29 of the *Intervention Orders (Prevention of Abuse) Act 2009*.

The Bill also amends s 29 of the *Intervention Orders (Prevention of Abuse) Act 2009* to update the range of specific orders that can now be made by a court to assist a vulnerable party with a cognitive impairment in proceedings under the *Intervention Orders (Prevention of Abuse) Act 2009*. This accords with the expanded specific orders that are now available to assist vulnerable witnesses under the recent amendments to the *Evidence Act 1929* made by the *Statutes Amendment (Vulnerable Witnesses) Act 2015*.

Section 106 of the *Summary Procedure Act 1921* presently provides that a victim of a sexual offence or a child under the age of 12 years (to be increased to a child of or under 14 years when the *Statutes Amendment (Vulnerable Witnesses) Act 2015* comes into force) cannot be required to provide evidence at a preliminary examination unless the court is satisfied that the interests of justice cannot be adequately served except by doing so. The Bill extends the procedure in s 106 of the *Summary Procedure Act1921* to a witness with a cognitive impairment that adversely affects the person's capacity to give a coherent account of the person's experiences or to respond rationally to questions. This change is consequential to the recent changes in the *Statutes Amendment (Vulnerable Witnesses) Act 2015*.

The Bill makes further consequential amendments to the definition of a 'sexual offence' in the Child Sex Offenders Registration Act 2006, the Criminal Law Consolidation Act 1935, the Criminal Law (Sentencing) Act 2008 and the Summary Procedure Act 1921.

The Bill incorporates a recommendation from the former South Australian Ombudsman and amends s 75 of the *Civil Liability Act 1936* to give full legal protection in any civil proceedings to any form of an apology. On 20 November 2014, the former Ombudsman provided a Report titled 'An Audit of State Government Agencies' complaint handling'. It was noted that the present s 75 is worded ambiguously as to the extent to which the Act intends to afford legal protection to those who express regret for the occurrence for an incident that may form the basis of civil proceedings in tort.

There is continued frustration from complainants to the Ombudsman that their original disputes with various agencies are usually unnecessarily lengthy, expensive and frequently result in avoidable emotional distress. Such incidents could have been more effectively and efficiently resolved by an apology or acknowledgement by the agency that an adverse event has occurred which has caused upset to the aggrieved party. Such a frank apology can also produce benefits in the context of wider civil litigation and reduce unnecessary lawsuits.

Recommendation number 4 in the South Australian Ombudsman's 2014 report provided:

> 'That the State government consider amendment to the Civil Liability Act 1936 to clarify that the provisions afford full legal protection to an apology made by any party. Ideally, legislation should specifically provide that an apology does not constitute an admission of liability, and will not be relevant to a determination of fault or liability in connection with civil liability of any kind. Furthermore, the amendment should state that evidence of such an apology is not admissible in court as evidence of fault or liability. In conjunction with this, agencies should also consider creating policies regarding apologies.'

Section 75 of the *Civil Liability Act 1936* currently provides that: 'In proceedings in which damages are claimed for a tort, no admission of liability or fault is to be inferred from the fact that the defendant or a person for whose tort the defendant is liable expressed regret for the incident out of which the cause of action arose.'

The underlying policy of the present s 75 and the specific provision received bipartisan support when it was originally introduced. However, there is a strong view that the current section 75, despite its good intentions, as the 2014 report noted, is unduly limited in scope and also is not as clear as it should be.

The Bill implements the 2014 recommendation and gives full legal protection in any civil proceedings to any form of an apology made by a party.

The Bill applies whether or not the apology admits or implies an admission of fault in connection with the matter. The Bill makes it clear that an apology is not relevant to a determination of fault or liability in respect of civil liability of any kind. The Bill only expressly excludes defamation. Other forms of civil liability beyond defamation can be excluded by regulation.

The Bill amends s 353(4) of the *Criminal Law Consolidation Act 1935* to simplify and clarify the power of the Court of Criminal Appeal to remit a case for re-sentence as noted by the Court of Criminal Appeal in *R v Ainsworth* [2008] SASC 68 and *R v Kreutzer* [2013] SASCFC 130. The Bill promotes judicial flexibility in this regard and will enable the Full Court to quash a sentence and remit a case for resentencing without having first to form the view that a different sentence should have been passed.

The Bill amends s 54 of the *District Court Act 1991*, s 51 of the *Magistrates Court Act 1983* and s 131 of the *Supreme Court Act 1935* to increase the protection given to sensitive or private records held by a court to require the parties in the proceedings to be informed and given the opportunity to be heard upon a third party seeking access to such material.

Section 54 of the *District Court Act 1991*, s 51 of the *Magistrates Court Act 1983* and s 131 of the *Supreme Court Act 1935* provide a procedure for a third party to the proceedings in a criminal case with the consent of the court to gain access to private or sensitive material not in the public domain held by a court. Though in practice they tend to do so, there is no current requirement for the court to give notice of an application by a third party to the parties in the proceedings, namely the prosecution and the defence and to allow the parties to be heard on an application.

It is of concern that a court might grant access to private material to a third party, including the press, without notifying the parties in the proceedings of any such application and giving the parties an opportunity to be heard on an application. This amendment also supports the recent amendments in the *Statutes Amendment (Vulnerable Witnesses) Act 2015* to strengthen the protection given to sensitive material involving vulnerable witnesses.

The Bill makes amendments to Part 13A of the *Electoral Act1985* to:

- exclude electorate allowances paid to Members of Parliament under s 6A(1) of the *Parliamentary Remuneration Act 1990* from the definition of 'political expenditure' in s 130A of the *Electoral Act 1985*. This will mean that expenditure from the Global Allowance will not be political expenditure within the meaning of Part 13A; and
- change the donation disclosure threshold for donors to political parties, associated entities and third parties to $5,000 (indexed) per *financial year*. This will make it consistent with the donation disclosure threshold for political parties, associated entities and third parties which receive donations.

The Bill addresses an unintended omission in the recent *Statutes Amendment (Vulnerable Witnesses) Act 2015*. The Bill amends the *Summary Offences Act1953* to provide that the new procedure for the audio visual accounts of vulnerable victims or witnesses (namely children of or under 14 years of age or persons with a cognitive impairment) to be used as a substitute for the witness's examination in chief at trial applies to cases of murder, manslaughter, the offence under s 14 of the Criminal Law Consolidation Act 1935 of criminal neglect where a or a dies or suffers as a result of an act and the offence of intentionally or recklessly causing harm under s 24 of the Criminal Law Consolidation Act 1935.

The Bill provides a definition of 'complex communication needs' for when a vulnerable party will be entitled to communication assistance (if reasonably available) in a court context. There will be a supplementary provision included in the forthcoming Regulations for a consistent definition of 'complex communication needs' for when a suspect, witness or victim with complex communication needs is similarly entitled to a communication partner (if reasonably available) for outside court. All parties, whether working in or out of court, will be assisted in approaching the *Statutes Amendment (Vulnerable Witnesses) Act 2015* with an explicit definition of 'complex communication needs'.

A 'complex communication need' in the Bill refers to an impairment that significantly affects a person's ability to communicate. It may due to various causes. It is wider than a cognitive impairment or an intellectual disability but it is not so wide or expansive as to render both the concept of 'complex communication needs' and the communication partner role unworkable. It is not a mere communication need. For example, a mild stutter, would not amount to a 'complex' communication need. It is not due to language alone as this falls within the linked but the quite distinct and separate role in s 14 of the *Evidence Act1929* of a language interpreter.

The Bill clarifies the transitional arrangements for the commencement of the *Statutes Amendment (Vulnerable Witnesses) Act 2015* in respect of all offences and it especially clearly provides for the continued admissibility and use of the audio visual interviews conducted with vulnerable victims of sexual offences under the old s 34CA of the *Evidence Act 1929* after the *Statutes Amendment (Vulnerable Witnesses) Act 2015* comes into operation. The Bill makes it clear that these interviews remain admissible after the *Statutes Amendment (Vulnerable Witnesses) Act 2015* comes into operation and will be subject to the new statutory criteria and admissibility will be at the discretion of the court.

The Bill amends the *Jurors Act 1927* to remove the current maximum age of a juror of 70 and to allow any person to automatically opt out of jury service if summoned after attaining 70 years of age.

In South Australia, a person aged 70 years or more is presently not eligible to serve as a juror.

Many Australian jurisdictions have a system of voluntary excuse which recognises that while a person who has reached a certain age may not be willing or able to serve as a juror and should on that basis be excused if they so indicate, the person should not be automatically deprived of the opportunity to serve as a juror if that is their choice.

These jurisdictions also allow them to claim exemption from jury service as of right. In each of these jurisdictions, the exemption must be claimed in writing to the relevant authority and on receipt of such written claim (and subsequent verification of age) a person is automatically excused from any future jury service. New South Wales, the Australian Capital Territory, the Northern Territory and Tasmania allow a person over a particular age (between 60 and 70 years) to opt out of jury duty. The Bill draws on these models.

Persons over the age of 70 who choose not to opt out of jury service, may still if summoned, also apply to be excused for good cause because of illness, mental or physical incapacity (including mobility, hearing or vision impairment) or undue hardship.

The Bill amends the *Subordinate Legislation Act 1978* dealing with the expiry of regulations to exclude prescribed National law scheme regulations by allowing the prescribing of a list of excluded regulations by regulation under the Act. This amendment will promote practical and drafting efficiency.

The Bill makes various technical amendments to the *Summary Offences Act 1953* to update the various references to the now outdated term 'video tape' with the more modern concept of an audio visual recording.

The Bill amends clause 37, Schedule 1 of the *Intervention Orders (Prevention of Abuse) Act 2009* to resolve a transitional issue and make it clear that an intervention order continued in force under this clause, that includes a term fixing an expiry date, will expire on that date unless the court has varied the order prior to that date to make the order ongoing.

The Bill finally contains a clause to clarify the operation of the recent *Youth Justice Administration Act2016*.

Clause 33 of the Bill is an amendment to section 79A of the *Summary Offences Act 1953* consequential to the passage of the *Youth Justice Administration Act 2016*.

Clause 33 is in the same terms as the relevant clause in the *Youth Justice Administration Act2016.* By way of background, the amendment was, and is, part of a series of amendments consequential to the commencement of the *Youth Justice Administration Act2016* which, broadly speaking, transfers powers and responsibilities undertaken by the Minister and Chief Executive within the meaning of *the Family and Community Services Act 1972*, to the Minister and Chief Executive within the meaning of the *Youth Justice Administration Act 2016*.

Clause 33 of the Bill, as clause 2(7) of the Bill provides, will not come into operation before Schedule 1 of the *Youth Justice Administration Act2016* is proclaimed. So, this commencement clause has the effect that:

- if Schedule 1 of the *Youth Justice Administration Act2016* is proclaimed prior to this Portfolio Bill receiving Royal Assent, section 33 will commence on Assent;
- if Schedule 1 of the *Youth Justice Administration Act 2016* has not been proclaimed when this Portfolio Bill receives Royal Assent, then section 33 will not commence until that proclamation of the *Youth Justice Administration Act 2016* (specifically, Schedule 1) occurs.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Child Sex Offenders Registration Act 2006*

4—Amendment of Schedule 1—Class 1 and 2 offences

This clause amends Schedule 1 to—

(a) include in the definition of *sexual offence* an offence against section 51 of the *Criminal Law Consolidation Act 1935* (sexual exploitation of person with a cognitive impairment); and

(b) define an offence against section 51 of the *Criminal Law Consolidation Act 1935* (sexual exploitation of person with a cognitive impairment) involving sexual intercourse if the victim was a child as a Class 1 offence; and

(c) an offence against section 51 of the *Criminal Law Consolidation Act 1935* (sexual exploitation of person with a cognitive impairment) involving indecent contact if the victim was a child as a Class 2 offence.

Part 3—Amendment of *Civil Liability Act 1936*

5—Substitution of Part 9 Division 12

This clause repeals Part 9 Division 12 and substitutes a new Division 12 containing section 75 which provides that an apology made by or on behalf of a person in connection with any matter alleged to have been caused by the person does not constitute an express or implied admission of fault or liability by the person in connection with that matter and is not relevant to the determination of fault or liability in connection with that matter. The new section further provides that such an apology is not admissible in any civil proceedings as evidence of the fault or liability of the person in connection with that matter.

New section 75 will not apply in relation to the tort of defamation or in relation to civil liability of a kind that is excluded by regulation.

Part 4—Amendment of *Criminal Law Consolidation Act 1935*

6—Amendment of section 5AA—Aggravated offences

This clause amends section 5AA to include a definition of cognitive impairment and substitute that term for 'mental disability'. *Cognitive impairment* is defined to include:

(a)a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);(b)an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);(c)a mental illness.

7—Amendment of section 14—Criminal liability for neglect where death or serious harm results from unlawful act

This clause amends section 14 to include a definition of cognitive impairment and substitute that term for 'mental disability'. *Cognitive impairment* is defined to include:

(a) a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);

(b) an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);

(c) a mental illness.

8—Amendment of section 278—Joinder of charges

This clause amends section 278 to include an offence against section 51 of the *Criminal Law Consolidation Act 1935* (sexual exploitation of person with a cognitive impairment) in the definition of *sexual offence* for the purposes of the section.

9—Amendment of section 353—Determination of appeals in ordinary cases

This clause amends section 353 to change the test for the Full Court, on an appeal against sentence, to quash the sentence and either substitute another sentence or to remit the matter to the court of trial for re-sentencing. Currently, the Full Court is required to think that a different sentence should have been passed. The new test proposed in this clause is that Full Court thinks that the sentence is affected by error such that the defendant should be re-sentenced.

Part 5—Amendment of *Criminal Law (Forensic Procedures) Act 2007*

10—Amendment of section 3—Interpretation

This clause amends section 3 as follows:

(a) a definition of *gun shot residue procedure* is inserted meaning a forensic procedure consisting of the taking of samples by swab or other similar means of the hands and fingers of a person for the purposes of determining the presence of gun shot residue;

(b) for the purposes of the definition of *intrusive forensic procedure*, reference to a forensic procedure involving intrusion into a person's mouth is deleted and substituted with a reference to the taking of a dental impression;

(c) a definition of *simple forensic procedure* is inserted meaning a forensic procedure consisting of a simple identity procedure, a gun shot residue procedure or a forensic procedure prescribed by regulation for the purposes of this definition.

11—Amendment of section 14—Suspects procedures

This clause amends section 14 to substitute the reference to a *simple identity procedure* with reference to a *simple forensic procedure*. This clause proposes that *simple forensic procedure* may be carried out on a person suspected of a serious offence.

12—Amendment of section 20A—Interpretation

This clause amends section 20A to include in the definition of *prescribed employment* for that section, employment as an officer or employee of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Correctional Services Act 1982*.

Section 20A is to be inserted into the principal Act on commencement of the *Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Act 2015* at which time it is proposed that this clause commence (see clause 2).

13—Amendment of section 41—Commissioner may maintain DNA database system

This clause amends section 41 to substitute a general reference to a national database in the place of references to the NCIDD (the database that is known as the National Criminal Investigation DNA Database and that is managed by the Commonwealth).

This clause also amends section 41 to permit the Minister to enter into an arrangement under the section for the transmission of information recorded in the DNA database system for an additional purpose of any other thing required or authorised to be done under the corresponding law or otherwise authorised by law.

14—Amendment of section 42—Storage of information on DNA database system

This clause amends section 42 to insert a new paragraph permitting the storage of a DNA profile of a database in accordance with directions of the Commissioner of Police for the sole purpose of preserving a backup copy of the DNA profile.

15—Insertion of section 50A

This clause inserts a new section 50A to allow a person authorised by regulation to authorise the release, disclosure and use of forensic material and information obtained under this Act for the validation or development of forensic methodologies and the furtherance of forensic research and methodologies. This will not apply to forensic material or information obtained by carrying out a volunteers and victims procedure if the DNA profile of that person is contained only on a volunteers (limited purposes) index.

Forensic material and information released, disclosed or used under the section may only be released, disclosed or used in a manner such that it is not possible to identify the person from whom the material or information was obtained or to whom the material or information relates.

16—Amendment of section 55—Power to require forensic procedure on deceased person

This clause amends section 55 to broaden the circumstances in which a senior police officer may authorise the carrying out of a forensic procedure on a deceased person. The clause provides that the officer may authorise the procedure if satisfied that the evidence obtained from the carrying out of the procedure is likely to assist in the investigation of a serious offence or in the identification of the deceased person.

Part 6—Amendment of *Criminal Law (Sentencing) Act 1988*

17—Amendment of section 19A—Intervention orders may be issued on finding of guilt or sentencing

This clause amends section 19A to include in the definition of *sexual offence* an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935*.

18—Amendment of section 33—Interpretation

This clause amends section 33 to include an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935* in the definition of *sexual offence* for the purposes of Part 3 Division 3.

Part 7—Amendment of *District Court Act 1991*

19—Amendment of section 54—Accessibility to Court records

This clause amends section 54 so that a member of the public who wishes to inspect or obtain certain material must apply to the Court for permission to inspect or obtain that material and, on such an application, both the applicant and any party to the proceedings are entitled to be heard in respect of the application.

Part 8—Amendment of *Electoral Act 1985*

20—Amendment of section 130A—Interpretation

This clause expands the definition of *political expenditure* in section 130A.

21—Amendment of section 130ZH—Gifts to relevant entities

This clause makes a number of minor technical amendments to section 130ZH.

Part 9—Amendment of *Evidence Act 1929*

22—Amendment of section 4—Interpretation

This clause amends section 4 to include a definition of *complex communication needs*.

Part 10—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

23—Amendment of section 3—Interpretation

This clause amends section 3 to include a definition of *cognitive impairment* which is defined to include:

(a)a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);(b)an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);(c)a mental illness.

24—Amendment of section 29—Special arrangements for evidence and cross-examination

This clause amends section 29 to add to the list of orders that may be made under this section. Firstly, the clause provides that extra allowance be made for breaks during, and time to be given for, the taking of evidence. Secondly, the clause updates reference to mental disability to cognitive impairment and, the case of a person with a cognitive impairment with complex communication needs, includes reference to communication assistance as may be specified by the Court under section 14A of the *Evidence Act 1929*.

25—Amendment of Schedule 1—Transitional provisions

This clause includes amendment of clause 37 in Schedule 1 for clarification of the operation of transitional provisions under that Schedule.

Part 11—Amendment of *Juries Act 1927*

26—Substitution of section 11

This clause substitutes section 11 to effectively delete paragraph (b) which makes persons above the age of 70 years ineligible for jury service.

27—Insertion of section 17

This clause inserts new section 17 to give persons above the age of 70 years a right of exemption from jury service. This right of exemption may be exercised on application to a judge or the Sheriff after summons for jury service.

Part 12—Amendment of *Magistrates Court Act 1991*

28—Amendment of section 51—Accessibility to Court records

This clause amends section 51 so that a member of the public who wishes to inspect or obtain certain material must apply to the Court for permission to inspect or obtain that material and, on such an application, both the applicant and any party to the proceedings are entitled to be heard in respect of the application.

Part 13—Amendment of *Statutes Amendment (Vulnerable Witnesses) Act 2015*

29—Amendment of Schedule 1—Transitional provision

This clause amends Schedule 1 to ensure that there are transitional arrangements in place in relation to the amendments to the *Evidence Act 1929* provided in the Statutes Amendment Act.

Part 14—Amendment of *Subordinate Legislation Act 1978*

30—Amendment of section 16A—Regulations to which this Part applies

This clause amends section 16A to include regulations made pursuant to an agreement for uniform legislation between this State and the Commonwealth or other States or Territories of the Commonwealth and prescribed for the purposes of the section in the list of regulations to which Part 3A (Expiry of Regulations) of the principal Act does not apply.

Part 15—Amendment of *Summary Offences Act 1953*

31—Amendment of section 33—Indecent or offensive material

This clause amends section 33 to substitute a reference to video recording for the current reference to video tape.

32—Amendment of section 74EA—Application and interpretation

This clause amends section 74EA by adding to the list of offences in the definition of *serious offence against the person*.

33—Amendment of section 79A—Rights on arrest

This amendment is consequential to the *Youth Justice Administration Act 2016*.

34—Amendment of section 81—Power to search, examine and take particulars of persons

This clause amends section 81 to substitute references to audio visual recording and audio visual records for the current references to videotape and videotape recordings.

Part 16—Amendment of *Summary Procedure Act 1921*

35—Amendment of section 4—Interpretation

This clause amends section 4 to include a definition of *cognitive impairment* is defined to include:

(a) a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);

(b) an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);

(c) a mental illness.

This clause also amends the definition of *sexual offence* to include an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935*.

36—Amendment of section 99AAC—Child protection restraining orders

This clause amends section 99AAC to include in the definition of *child sexual offence* an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935* committed against or in relation to a child under 16 years of age.

37—Amendment of section 106—Taking of evidence at preliminary examination

This clause amends section 106 to provide that a the Court must not grant permission to call a person with a cognitive impairment, where that cognitive impairment adversely affects the person's capacity to give a coherent account of the person's experiences or to respond rationally to questions, as a witness for oral examination unless satisfied that the interests of justice cannot be adequately served except by doing so.

Part 17—Amendment of *Supreme Court Act 1935*

38—Amendment of section 131—Accessibility to court records

This clause amends section 131 so that a member of the public who wishes to inspect or obtain certain material must apply to the Court for permission to inspect or obtain that material and, on such an application, both the applicant and any party to the proceedings are entitled to be heard in respect of the application.

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

SUMMARY OFFENCES (FILMING AND SEXTING OFFENCES) AMENDMENT BILL

Second Reading

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) (20:45): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill refines and updates the offences in Part 5A of the *Summary Offences Act 1953* (filming offences) in response to the emerging phenomena of sexting (the sending of sexually explicit photographs or messages, typically via mobile phone) among young people and revenge pornography (the publication of explicit material portraying someone who has not consented for the material to be shared, often with the purpose of causing humiliation, embarrassment or distress). Sexting-type images of adults and minors are commonly being used (whether by adults or minors) as a tool of revenge, bullying, vilification or harassment or as a form of domestic violence. This is a major source of current concern.

The *Summary Offences (Filming and Sexting Offences) Amendment Bill 2016* proposes to amend Part 5A of the *Summary Offences Act* to apply the current offence of distribution of an invasive image to the distribution of images depicting a minor, being a child under the age of 17 years, to create a new offence of threatening to distribute an invasive image or an image obtained from indecent filming, which would apply to both minors and adults, and to make other consequential and related amendments to the existing provisions.

The Bill will amend section 26C of the *Summary Offences Act* so the offence in section 26C of distributing an invasive image will apply to images where the party depicted is under 17 years. Under the Bill, the distribution of an invasive image of a minor will be a criminal offence attracting a fine of up to $20,000 or imprisonment for four years. The existing penalty for the offence of distributing an invasive image of an adult is unchanged, namely a fine of up to $10,000 or imprisonment for two years.

In order to prevent the criminalisation of the distribution of innocent images of minors (for example, sending innocent images of naked infants to family members), the definition of invasive image excludes an image of a person that falls within the standards of morality, decency and propriety generally accepted by reasonable adults in the community. This test is a familiar concept in the criminal law. This definition protects the innocent uses of images of minors but ensures that the distribution of explicit images of children that offend reasonable adults in the community applying the stated standards are captured. This also means that the distribution of such images where, for example, the images themselves or the audience is inappropriate, are not captured by this exclusion and may still be charged. The inappropriate distribution of explicit images may also be captured under the child exploitation material offences in the *Criminal Law Consolidation Act 1935*.

A new offence has been created, which will apply to invasive images or images obtained by indecent filming of adults or minors, to target persons who threaten to distribute such an image of another person, intending to arouse a fear that the threat will be carried out or being recklessly indifferent as to whether such a fear is aroused; a practice colloquially referred to as 'revenge porn'. In many cases of revenge porn, the images are acquired in the context of a relationship or by way of consensual sexting. Such an offence will attract a penalty of up to a $10,000 fine or 2 years imprisonment if the image is of a minor, and up to a $5,000 fine or imprisonment for 1 year in any other case.

The Bill also makes related and consequential changes, such as making the relevant age 17 years rather than the current 16 years for section 26C and section 26D offences (consistent with the child exploitation material and other sexual offences in the *Criminal Law Consolidation Act*), updating the preferred terminology and definition of a cognitive impairment to invalidate any consent to the distribution of such images, and incorporating female breasts in the definition of an invasive image and private region.

The Bill will provide prosecuting authorities with greater flexibility and a wider range of offences to better reflect the nature of the offending conduct in a particular case as, presently, offences involving invasive images depicting children aged under 17 can usually only be charged under the child exploitation material offences in the *Criminal Law Consolidation Act*.

The Bill reflects changing social and technological trends and reaffirms standards of appropriate conduct, especially involving the use of invasive images depicting minors. It is important to avoid an assumption that young offenders who deal with explicit material depicting a child aged under 17 are simply naïve or misguided individuals. There are some young offenders who use such images as a form of unacceptable bullying (including, as revenge pornography). There will, of course, continue to be serious cases involving child exploitation material where a young person should properly be charged with an offence under the *Criminal Law Consolidation Act*. Decisions as to the appropriate charge in any such case, if any, are best left to the sensible exercise of discretion by police and prosecutors.

Any solution to this complex area is obviously not purely legislative. There is an important role for education, especially for children. However, the criminal law also has a vital role to play in declaring the boundaries of appropriate conduct.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

4—Amendment of heading to Part 5A

It is proposed to amend the heading to Part 5A to reflect that the offences will cover sexting.

5—Amendment of section 26A—Interpretation

It is proposed to insert a definition of *cognitive impairment* for the purpose of replacing the outdated and more limited term of 'mentally incapacitated' currently used in section 26E(1)(a) (and see clause 10). It is also proposed to amend the current definitions of *film*, *private region* and *private act*; to insert a definition of *image* which makes it clear that an *image* includes an image that has been altered by digital or other means; and to substitute the definition of *invasive image*. The new definition of *invasive image* will no longer exclude images of a person under or apparently

under the age of 16 years and, instead, will provide that an image of a person that falls within limits of what are generally accepted in the community will not be taken to be an invasive image of the person.

6—Amendment of section 26B—Humiliating or degrading filming

This amendment is consequential.

7—Amendment of section 26C—Distribution of invasive image

The proposed amendment to section 26C substitutes the penalty provision for subsection (1) so that a higher penalty is provided if the invasive image is of a minor than in any other case. The penalties match those set for offences under current section 26D (Indecent filming).

8—Amendment of section 26D—Indecent filming

This amendment is consequential.

9—Insertion of section 26DA

A new section is proposed to be inserted after section 26D.

26DA—Threat to distribute invasive image or image obtained from indecent filming

New section 26DA(1) provides that a person who makes a threat to another person that he or she will distribute an invasive image of that person or some other person intending to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused, will be guilty of an offence. The maximum penalty for such an offence is as follows:

(a) if the invasive image is of a minor—$10,000 or imprisonment for 2 years;

(b) in any other case—$5,000 or imprisonment for 1 year.

New section 26DA(2) provides that a person who makes a threat to another person that he or she will distribute a moving or still image obtained by the indecent filming of that person or some other person intending to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused, will be guilty of an offence. The maximum penalty for such an offence is as follows:

(a) if the person filmed was a minor—$10,000 or imprisonment for 2 years;

(b) in any other case—$5,000 or imprisonment for 1 year.

It is a defence to a charge of an offence against subsection (1) or (2) to prove—

(a) that the person filmed consented to that particular distribution of the image the subject of the filming; or

(b) that the person consented to distribution of the image the subject of the filming generally,

and that, at the time of the alleged offence, consent to the distribution had not been withdrawn.

This section applies to a threat directly or indirectly communicated by words (written or spoken) or by conduct, or partially by words and partially by conduct, and may be explicit or implicit.

10—Amendment of section 26E—General provisions

One of the amendments proposed to section 26E(1)(a) lifts the age of consent for the purposes of this Part to 17 years and changes the reference to 'mentally incapacitated' to refer to cognitive impairment; and the other is a consequential amendment.

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

Resolutions

NUCLEAR FUEL CYCLE ROYAL COMMISSION

The House of Assembly passed the following resolution to which it desires the concurrence of the Legislative Council:

1. That in the opinion of this house, a joint committee be established to consider the findings of the Nuclear Fuel Cycle Royal Commission, focusing on the issues associated with the establishment of a nuclear waste storage facility, and to provide advice, and report on, any South Australian government legislative, regulatory or institutional arrangements, and any other matter that the committee sees fit.

2. That in the event of a joint committee being appointed, the House of Assembly shall be represented thereon by three members, of whom two shall form a quorum of assembly members necessary to be present at all sittings of the committee.

At 20:47 the council adjourned until Thursday 19 May 2016 at 14:15.

Answers to Questions

ABORIGINAL HERITAGE ACT

In reply to **the Hon. T.J. STEPHENS** (17 March 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):

I can advise that on 22 March 2016 the *Aboriginal Heritage (Miscellaneous) Amendment Bill 2016* passed through parliament. The bill came into operation on 24 March 2016.

Since 2008, and as part of the review of the *Aboriginal Heritage Act*, there have been four separate stages of consultation. These took place across 2009, 2013, 2015 and 2016.

There were 61 consultation sessions and meetings held:

- 25 in 2009
- 18 in 2013
- 10 in 2015
- 8 in 2016

There were 32 written submissions received:

- 24 in 2009
- 8 in 2013

WORRALL, MR L.

In reply to **the Hon. R.I. LUCAS** (24 March 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): I am advised that:

1. The total remuneration package value for 2014-15 was $364,037. There was also $5,673 in travel and meeting costs relating to Mr Worrall's responsibilities for the bid process and establishment of the Innovative Manufacturing Cooperative Research Centre (CRC).

2. The former federal minister for industry and science, the Hon Ian Macfarlane MP requested that competing Manufacturing CRC bids from South Australia and Victoria be re-submitted as a joint bid. Therefore Mr Worrall continued work on the joint bid and the establishment of the resulting Innovative Manufacturing CRC.

3. Mr Worrall provided leadership for the successful bid for funding from the commonwealth government for the Innovative Manufacturing CRC. This involved extensive industry engagement and South Australian company recruitment to the CRC; engagement in and alignment of key research centres/researchers in South Australia and nationally; productive collaborations with industry and government and advocacy to leverage additional resources for complementary projects.

Funding for the Innovative Manufacturing CRC was announced on 26 May 2015 by the former commonwealth minister for industry and science, the Hon Ian Macfarlane MP. A node of the CRC, the SA Industry Engagement Node Office, has opened at the Stretton Centre in Munno Para West.

INVITING THE WORLD TO WALK THROUGH OUR DOOR

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (25 February 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):

1. 1000 copies. Cost of printing was $8,622.00 exc. GST.

2. No other languages.

3. The photograph is consistent with that used on the South Australian government website www.premier.sa.gov.au.