LEGISLATIVE COUNCIL

Thursday, 19 May 2016

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. K.J. Maher)—

Aboriginal Lands Trust—Report, 2014-15

By the Minister for Science and Information Economy (Hon. K.J. Maher)—

Bio Innovation SA—Report, 2014-15

Ministerial Statement

REGIONAL DEVELOPMENT FUND

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:17): I table a copy of a ministerial statement relating to a new report highlighting the economic contribution of the Regional Development Fund made earlier today in another place by my colleague the Hon. G. Brock.

ELECTRONIC MONITORING ENHANCEMENTS

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:17): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. MALINAUSKAS: Following recent media and questioning in this place on the masking of ankle bracelets, I have sought assurances from the Department for Correctional Services about the performance of the system. I am extremely disappointed that offenders continue in their attempts to defeat the system and acknowledge the support provided by South Australia Police. However, for the benefit of the council and to provide the requisite assurances to the South Australian community, I am providing an update on the work that is being undertaken to enhance the system.

I continue to be briefed by the Department for Correctional Services on the steps they are taking and measures they are implementing to strengthen the detection and response capacity to this behaviour. As a result of these ongoing briefings, I have reviewed my comments to the council on Tuesday 17 May, following the questions from the Hon. Mr Hood.

For the sake of clarity, I would like to state that a loss of connection alert is immediately raised when the system fails to re-establish a connection. When communication is broken and a connection cannot be re-established between the monitoring centre and the ankle bracelet, it triggers an alert. In relation to the ongoing work being undertaken, I can advise that the department is deploying a number of enhancements, which include increasing the frequency of the programmed connection between the monitoring centre and the ankle bracelet, and automating the alert when the connection between the unit in the offender's home and the ankle bracelet is lost.

These two measures will strengthen the redundancy of the system when the GPS signal is lost, including when an offender attempts to mask the signal. This will further increase the likelihood of detection and increase the likelihood that the offender will be going to prison.

Recent advancements in electronic monitoring technology have significantly improved how we manage offenders in the community; however, the flip side of this is that, as the technology becomes more sophisticated, so does the resourcefulness of a small number of offenders who think they can beat the system.

I would stress to the council and the South Australian community that the monitoring of offenders in the community strengthens the supervision of offenders and is utilised by the Department for Correctional Services, SAPOL and the courts. I am reassured that the department continues to identify opportunities to strengthen the robustness of the system, making it easier for the department to detect a breach of conditions.

I have sought to maintain regular updates from the department about the progress of these improvements and other initiatives being undertaken to improve the system. I commit to keeping the council informed as this work continues.

Question Time

SA WATER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Water about SA Water policies.

Leave granted.

The Hon. D.W. RIDGWAY: I have been contacted by a member of the public whose household is supplied via a private water line. For members' understanding, he hooks to an SA Water supply and a meter and then the line runs for about a kilometre to his house. Recently, this person had a very nasty shock when they received two water bills totalling some $12,000, when usually for those two quarters it would have been somewhere around $1,000. He was advised by SA Water in writing, as I think we all have when your water bill is unusually large. There is often a letter to say, 'This is unusually large. Please check that something is not leaking or something has gone wrong.' He did check and could not find any leak.

He was later informed that a neighbour had been speaking to SA Water and they said they had found the leak in his particular line, but did not advise him that they had discovered that leak. My questions are:

1. Once SA Water becomes aware there is a leak in a private line and the location of that leak, what is the policy to advise the landowner of that particular leak?

2. Does SA Water have a minimum and maximum pressure policy of provision of water to households or properties?

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 very important questions. I certainly invite him, as I do regularly with other members if they have issues with a constituent, to please contact my office and we will try to sort it out for them.

Without the information about this particular situation, I cannot really advance much specific information, but what I can say in terms of indirect water supply, as former minister Brokenshire would know, is that it is put in place when properties do not abut mains lines and where the cost of extending the mains would be prohibitively expensive for landowners, and so they often elect to take water from a line or a mains some distance away as a private extension which they are responsible for. As it moves away from the mains, they are responsible for it.

There are some difficulties in place sometimes when some of these extensions, these private lines, sometimes cross neighbouring properties. They usually do that hopefully by agreement. It has not always been the case in the past, but hopefully it is these days that neighbours seek the agreement of their neighbours to put water infrastructure across their land.

We can understand at times when there may be a leak in that private infrastructure and it is not on their land and they forget, or for some other reason do not check that infrastructure for the leak, that they can be in a situation as described by the honourable Leader of the Opposition.

Nonetheless, SA Water always works very closely with customers, but at this point in time, without that further specific information about the situation, I cannot offer a lot more information.

In terms of pressure, pressure is normally supplied by gravity. I think I have said before that pressure is applied by those header tanks that are often located in the higher parts of suburbs or, certainly in the eastern suburbs, up towards the foothills, and they apply regularly one gravity of pressure to the pipes. We could certainly put in some governing mechanisms to reduce the pressure, but that would mean, of course, that people would not get very much water out of their pipes. It would take them half an hour to fill the kettle and that is usually not what people want.

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire is commenting about his regular morning hygiene and I would encourage him to think about reducing the shower times from one hour to five minutes or six minutes. Not long, but if you are efficient, Hon. Mr Brokenshire, I am sure you can get the job done. I invite the Hon. Mr Ridgway to supply me with the details of his constituent and I will see what information I can find out for him.

CARBON PRICING

The Hon. J.M.A. LENSINK (14:25): I seek leave to make an explanation before directing a question to the Minister for Employment and Minister for Manufacturing and Innovation regarding carbon pricing.

Leave granted.

The Hon. J.M.A. LENSINK: As honourable members would be aware, the federal Labor Party has advertised its plans to introduce the carbon tax, which federal Treasury modelling shows will increase wholesale electricity prices by some 78 per cent. What impact will such an increase have on South Australian jobs, particularly in the manufacturing sector, and does he have any specific concerns about the potential impact on Arrium?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:26): I thank the honourable member for her most important question in relation to carbon pricing. As she understands, of course, the matter of carbon pricing is really one for the federal government of the time, and we can go through chapter and verse the history of a carbon price.

I note that there is a report out very recently as a critique of the current federal government's approach to climate change and its indirect action, as it has been called in this article—really, it is a direct action policy, but it is a policy that pays polluters to continue to pollute. It is a policy that, in fact, pays for people to do things they probably were already going to do anyway. So this is taxpayers' money the federal government is paying to big polluters to actually do what they are already doing.

By the way, the federal government has, I think, used almost all the money—I think it was roughly up to $2 billion, it was a bit more than that— that was put aside for recovering the abatement that it needed to get to its promises in Paris, but only about 5 per cent of it. They spent about two-thirds of their allocated budget to buy 5 per cent of the abatement that they need to uphold their agreement that they entered into in Paris. What a failure of a policy is that.

The Hon. Michelle Lensink in her question, in her naive Andrew Bolt sort of approach to these things, fails to talk about what is the price of not acting? What is the price to our economy of not acting? Because we know, we are advised by senior economists all the time, not acting now means we will have to act at a much higher price later on, a higher price for our economy, a higher price to our workforce. Not acting now means the price we are putting on the next generation is going to be even higher.

That's what the Liberals won't tell you. That's what Andrew Bolt won't tell you. They want to be absolutely irresponsible and push all responsibility for addressing the issues of global warming to the next generations. They want to wash their hands of it and say, 'We will walk away from this, run a scare campaign about a great big tax on carbon', which there never was. The article I was referring to, which I could go to and quote at length if the honourable member would like me to, says in fact the only way the federal government's work on direct action will actually work and deliver the

outcomes they promise it will is if they adopt the emissions trading scheme that Bill Shorten and Mark Butler have said they will bring into place.

The PRESIDENT: Supplementary, the Hon. Ms Lensink.

DIRECT ACTION PLAN

The Hon. J.M.A. LENSINK (14:28): Did the South Australian government apply for any funding under the direct action program and was it successful, and if so, what did it receive and for what programs?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:29): I do not have the details of those applications. I do know there are some South Australian organisations that have applied for funding, I'm not quite sure whether they were successful yet as not.

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

The Hon. I.K. HUNTER: Well, we can go to how terrible the policy is. The Hon. Michelle Lensink has just reversed her position completely. She now accepts that the federal Liberal government's policy is a terrible policy. Obviously she was listening to my information in my answer, Mr President, but—

The Hon. J.S.L. Dawkins: And you talk about verballing people!

The Hon. I.K. HUNTER: It is exactly what she said across the chamber, Mr President; I am only repeating her own comments.

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

The PRESIDENT: Order!

The Hon. I.K. HUNTER: We know, indeed, one of the greatest critics of the federal government's direct action policy was of course Malcolm Turnbull. Malcolm Turnbull said, 'It is a fig leaf'—

The Hon. K.J. Maher interjecting:

The Hon. I.K. HUNTER: Not now as Prime Minister. He had to give up those views to actually get the top job. But, prior to that, he said direct action was a 'fig leaf'—a rubbish policy that will not deliver the abatement, the emissions reduction, this country needs to actually just get to the weak, insipid targets that this country signed up to in Paris—one of the weakest targets in the world. Australia adopted one of the weakest targets in the world and they have not even got close to it.

Members interjecting:

The Hon. I.K. HUNTER: Well, yes—

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —the Greens are supporting that federal Liberal government, of course. I seem to recall that the Greens at the federal level in fact voted against Kevin Rudd's price on carbon. That is how principled they are.

EMERGENCY SERVICES

The Hon. S.G. WADE (14:30): I seek leave to make a brief explanation before asking a question of the Minister for Emergency Services in relation to the recognition of emergency services volunteers.

Leave granted.

The Hon. S.G. WADE: The South Australian government has recently given a firm commitment that it will maintain comprehensive Australia-wide ambulance cover for volunteer ambulance officers, in recognition of the contribution they make. My question to the minister is: is the government considering providing similar recognition to other emergency services volunteers comparable to the recognition it provides to volunteer ambulance officers?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31): I thank the honourable member for their important question. As has already been advised by the Minister for Health, this is something that is currently under review. I am happy to take that question on notice. The honourable member would be aware that entitlements to ambulance cover and the like are still in the purview of the Minister for Health. I am happy to take that on notice and pass on the question accordingly.

The PRESIDENT: Supplementary, Hon. Mr Wade.

EMERGENCY SERVICES

The Hon. S.G. WADE (14:31): I was not limiting my question to ambulance cover as a recognition of service. In light of the government's ESL hikes, for example, Country Fire Service volunteers might similarly receive benefits in terms of remissions to their ESL obligations.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:32): Again, the ESL and its coverage, remissions and the like are questions for the Treasurer, so, again, I am happy to take some information on notice. What I would say generally, having had some awareness with emergency services and the entitlements of volunteers and the like, this government is very grateful for the incredible work that our volunteers do.

I spoke yesterday about our sincere appreciation of the extraordinary SES volunteers and our recognition of that on Wear Orange Wednesday. I note the attempted hijack by the shadow minister, which was disappointing, but we are a government that is incredibly grateful for all the work that our volunteers undertake. Of course, we are also a government that recognises that volunteering is indeed exactly that: it is volunteering, and we need to think carefully about the way public policy operates around volunteering.

If incentives are provided, then of course it undermines the concept of volunteering itself. In my now three or four months of experience in talking directly to volunteers, what I can share with the council is that volunteers are very committed to providing a service to their community, and more often than not are not looking for anything in return. In fact, I have not come across any volunteer who has enunciated anything to me that demonstrates or suggests that they are looking for anything in return.

Volunteers I have engaged with, and those who have been on the front line recently serving our community in some pretty awful conditions, have made it clear that all they are looking for, if anything, is the satisfaction that they get as a result of helping out a fellow member of their community. That is their principal desire, and I think that is something that is worthy of recognition. Leaders within the sector, such as people like myself and the shadow minister, should be doing everything they can to give them that acknowledgement wherever the opportunity falls due, including on days like Wear Orange Wednesday.

DEFENCE SHIPBUILDING

The Hon. J.M. GAZZOLA (14:34): My question is to the Minister for Employment. Minister, will you inform the chamber about the job creation potential of naval shipbuilding in South Australia?

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) (14:34): I thank the honourable member for his question and his ongoing advocacy for jobs in South Australia. I know I spoke in this chamber before about some of the types of jobs we might see in shipbuilding, but we also have some estimates about the quantum of jobs we might see as a result of shipbuilding in South Australia. There is no doubt shipbuilding will provide long-term jobs here in South Australia. The construction of the first of a new fleet of offshore patrol vessels, followed by Future Frigates and submarines, ensures we will have a continuous build right here in South Australia.

Shipbuilding has the potential to be absolutely transformational for our economy. International studies show that the macroeconomic impact of having a high-tech, complex manufacturing economy with high productivity growth leads to high-paid jobs and large export

potential. Large defence projects, like naval shipbuilding, become drivers for new technology and jobs right across the economy. Shipbuilding will create a very significant number of jobs in South Australia. I know that projections have been put together to show that the air warfare destroyers could create as many as 2,300 jobs, the Future Frigates as many as 2,000 jobs, offshore patrol vessels as many as 400 jobs, the submarines as many as 2,900 jobs, the continued sustainment of the Collins class submarines as many as 900 jobs, and the construction of the infrastructure to do that as many as 400 jobs.

The estimates of direct jobs from naval shipbuilding in South Australia, as it gears up over the next decade, are peaking at about 5,800 direct jobs. We know that these will be high-tech jobs, not just temporary jobs, and actual careers for decades to come. There will be significant research and development, spin-off and innovation opportunities, not just for those almost 6,000 direct jobs, but the estimates are many thousands of further jobs indirectly and in related spin-offs. There will be problems and innovations needed in areas like sensing, optics, software, hardware, artificial intelligence and high-tech fabrication.

As I said already in the chamber, there will be jobs in many areas, such as naval architecture, marine engineers, draftsmen, trades such as boilermakers, welders, electricians, fitters and painters, and production and engineering areas such as production managers, mechanical and electrical engineers, supply chain and configuration managers, project managers, and a lot in the software, electronics and sensing areas.

Through diversification, companies like Castech, a local casting foundry, have been very successful in their work on the Collins sustainment, and now they deliver a first-class product for the Collins exhaust manifold. Big international companies, such as Saab, have diversified out of their existing defence work in South Australia. I had the opportunity a couple of months ago to visit Saab, and they are capitalising on opportunities in other areas, such as in security and management with their new OneView system, which is designed to integrate disparate security systems, including CCTV, access control, intruder alarm, key safes and other technologies into one common-use package.

So, we are seeing a company that has worked in defence industries diversify into other areas in the South Australian economy, and that is something we will see a lot more of: companies whose primary involvement has been in defence industries diversifying to other areas outside of strictly defence. There are many South Australian companies that are already working in the defence sector that will benefit from naval shipbuilding in South Australia: companies like MG Engineering, PMB Defence and, as I mentioned, Castech.

There are also companies in South Australia who will no doubt be able to take advantage of not just the direct but the spin-off effects of these large contracts—companies like Codan, Cohda Wireless and Ferrocut—in a whole range of areas that include very high-tech electronics and sensing. We will almost certainly see more engagement with large international defence companies who will look to increase their presence in South Australia—companies such as Saab or Lockheed Martin or BAE Systems—and it would be very likely that we might see other big international defence companies set up here in South Australia.

Many sectors of our state's economy are growing and capable of significant further growth, and we have talked about them before in this chamber: food manufacturing and health care. But this defence industry will help to underpin South Australia's transformation to high-tech jobs and opportunities for many decades to come. I have noticed commentary in the media, that there is a risk to shipbuilding in Australia. My very firm view is that the biggest risk would be not building submarines here in Australia, and seeing thousands of jobs and core skills and capabilities sent offshore. This is the experience from overseas.

Great Britain's Prime Minister, David Cameron, made a commitment to shipbuilding in the Scottish shipbuilding yards, an £859 million investment. Prime Minister Cameron said at the time that as well as keeping his country safe it was part of a long-term economic plan. At the time Prime Minister David Cameron said, 'We are not just building the most advanced warships in the world, we are building the careers of many young people with apprenticeships that will set them up for life.'

I think that goes to the heart of what the risks would have been had we not built these ships in South Australia, and sent the jobs and sent the skills and sent the opportunities offshore. We have some real opportunities that will provide a long-term foundation for the transformation of our economy here in South Australia, and we will see these benefits over many, many years and a number of decades to come.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (14:40): I seek leave to make a brief explanation before asking questions of the Minister for Correctional Services regarding prisons, offenders and services and support for offenders including people who are living in prisons.

Leave granted.

The Hon. K.L. VINCENT: Last month I asked questions of the minister in relation to people incarcerated in prisons due to a lack of access to appropriate housing, and concerns surrounding services and supports provided to people with cognitive disabilities and mental illness, in particular, in our prisons. I am yet to receive an answer to those questions, but I can inform the chamber that in the meantime I have had a range of phone calls to my office from individuals and advocacy groups, confirming that the issues I have raised in this place are unfortunately but a tiny snapshot of an enormous challenge we have around former prisoners and their accommodation, employment and support services for offenders and their families.

It has come to my attention that there are estimated to be more than 200 South Australians who have completed their prison terms and are awaiting release, yet remain in prison due to a lack of suitable housing. I have also been told of the scant programs and resources being provided to prisoners and their families, both while they are in prison and post release.

Additionally, I have been informed of many cases where prisoners appear not to have any support being provided around their disability or mental illness. Meanwhile there is overcrowding in our prisons and the 'tough on crime' policy of this government is resulting in ever increasing prison numbers in the state. So my questions to the minister are:

1. Can the minister confirm that there are more than 200 prisoners living in our prisons today, at a cost of $86,000 per person, per year, who have completed their sentences and have been approved for parole but remain in prison due to lack of appropriate support?

2 (a) Is the minister aware that several weeks ago a prisoner was released from Yatala prison with only 10 minutes' notice, with no formal release plan in place?

(b) In this case, is the minister aware that Corrections could not locate this man's clothing, so he was released still is his prison uniform?

(c) While in this case the prisoner was picked up by family members, is the minister concerned that without organised release plans in place prisoners are at risk of homelessness or reoffending and other undesirable outcomes?

3 (a) What programs are in place in our prisons to ensure prisoners can rehabilitate and reintegrate into their community as much as possible, and their families, and gain employment upon their release?

(b) How much recurrent annual funding is devoted to funding these programs?

4 (a) What programs is the minister currently funding to support prisoners on release from prison to prevent reoffending?

(b) How much recurrent funding is in place for those programs?

5. What action is the minister undertaking currently to ensure that other government departments and offices such as housing, health, education and disability liaise and work constructively with the corrections department to ensure the best and most holistic outcome for all offenders?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:43): I thank the honourable

member for her important questions on a subject that is very much close to my heart, and becoming increasingly so. There are a number of questions outlined in the honourable member's question. Of course, what I will do is I will take many of them on notice in respect of some specifics and come back to her. Allow me to attempt to answer the question hopefully in a way that is satisfactory to the honourable member and deals with a subject that she raises broadly.

First, the honourable member rightly points out the extraordinary cost of incarceration in South Australia, although the cost of incarcerating a prisoner in South Australia is very much comparable, in fact in some instances cheaper, with what we see in other jurisdictions around the country. It is, nevertheless, a very large figure—somewhere in the order of $70,000 to $100,000, depending on the prison they are at and the level of security around them that is required—an extraordinary figure.

When you marry up that figure with the fact that we still have, depending on which measure you use, a reoffending rate in South Australia that is somewhere in the order of 48 per cent of those people exiting the system, it is extraordinary. While both these numbers are better than many of our comparable counterparts in other jurisdictions around the country, it is still not good enough, and in my view something that is in need of great improvement.

The honourable member quite rightly outlined why. One of the reasons we should be seeking to address this is of course the fact that our prisons are becoming increasingly full, something for which I will not apologise. This government does not have an intention to depart from our tough on crime stance. We have seen a reduction in crime in South Australia for the better part of a decade that has been very substantial, and much of that is attributable to this government's sincere commitment to being tough on crime and supporting SAPOL.

What I am very keen to do is make sure that, once people are incarcerated under the law and they fall into the custody of the state, we do everything we can to rehabilitate them. Just as importantly, once they are released, we need to provide them with the services they need in order to maximise the likelihood of their avoiding reoffending and being incarcerated again.

It was recently drawn to my attention anecdotally, by talking with people in the sector, that release times are not always convenient and sometimes do lead to a hurried release that might otherwise appear to be a lack of preparedness around it for the person in custody. When you actually drill down and ask why that is the case, there are often good reasons for it. There are approaching 3,000 people within the correctional services system, and release dates are a rather complex question, about when release becomes approved by the Parole Board and other such bodies.

There is a lot of merit in ensuring that we are doing everything we can so that people are released towards the beginning of the day rather than at the end, because it allows access to basic amenities. It is fair to say (and I have identified this in a number of forums at which I have already spoken) that one of the things that can be done in order to decrease the likelihood of recidivism or reoffending is what happens post custody.

Already the Department for Correctional Services puts a lot of effort into rehabilitating people while they are in custody, but there is a need to have a good look at what we do post custody. There are a range of not-for-profit organisations that provide services in this area, as the state cannot do everything on its own. A range of not-for-profits do provide outstanding services—OARS is a good example of such an organisation.

But, I do think that we want to continue to work collaboratively with organisations like that so that we can be doing everything we can to give people, once they are released having served their time, the best chance of making a positive contribution rather than reoffending and ending up back incarcerated at substantial expense to the state.

With regard to the specifics, like the 200 people and the gentleman who was released in his prison attire, to whom the honourable member referred, and other such questions raised, I am happy to take them on notice and come back with an answer as quickly as I possibly can.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (14:49): Supplementary: is the minister able to elaborate on generally how the release plan process would go? He said that it varies from time to time, but is he able to give a general outline of how that plan would usually come to be?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:49): I can answer that by saying that I have received advice generally that normally a pre-release plan is put in place in conjunction with the department, and sometimes people who work within the Department for Correctional Services who perform roles engaging prisoners and putting these plans in place.

With regard to a specific process, again, I am probably inclined to take it on notice but, as I understand it and as I have been advised in the past, release plans are put together in conjunction with an offender and a DCS employee. There will be a range of people who will contribute to that plan. There will be a range of variables that has to be taken into account in putting together a plan: parole conditions, access to home, family connections and access to additional services that not-for-profits may be able to provide. But in terms of a more thorough response, in terms of how that plan is developed and precisely who does it and when it starts I am happy to take on notice and come back to the honourable member.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (14:50): I have a supplementary question. I think I have this correct, that the minister mentioned that there are currently 3,000 South Australians in Corrections. Is he able to give a bit of a cross-section as to what the most common offences would be as to why those people are in Corrections at the moment?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:50): It will not surprise honourable members that the nature of the make-up of prisoners varies depending on the type of offence that an individual has committed. I can give some broad statistics while I am on my feet now. The daily average currently in Corrections is approximately 2,644 prisoners, although I am advised that number does fluctuate from time to time. There are currently, as at 11 April this year, I am advised, 2,817 approved beds in the system.

One of the statistics that many members would find particularly interesting is that our prison population currently, as at 19 May, I am advised, is 40.72 per cent—so 40 per cent of our prison population is on remand. There is an increasing number of people who are remanded within our prison system and there is a range of contributing factors to that, and some good reasons why that should be the case; nevertheless, it is worthy of examination.

In terms of the demographics of our prison population I can advise the chamber that I am advised that males make up 94 per cent of the prison population, females make up 5.8 per cent of the prison population, and that 22.2 per cent of the prison population are people who are identified as being Aboriginal. Again, these are astonishing statistics. We have talked already on previous occasions around the over-representation of the Aboriginal population within the South Australian correctional system which, again, reflects what is occurring already in other parts of the country, and efforts that have been put in place to deal with that.

I am more than happy to come back. I will take the question on notice in terms of the break-up. I have seen documents and I have been advised in the past of the percentage of the prison population in terms of the nature of offences. It can be broken up into assaults, offences against a person, property offences, sexual assaults and the like. I have some broad numbers floating around in my head, but for the sake of accuracy I prefer to take that number on notice and I am more than happy to provide that information to the honourable member.

PRISONER SUPPORT AND TREATMENT

The Hon. J.A. DARLEY (14:53): Is the minister able to provide some details about the 200 people in prison with disabilities, as to the sorts of offences that they have committed?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): Again, as I referred to, the 200 statistic that the Hon. Ms Vincent referred to I am going to take on notice, and I am happy to do that again. I think you will find that, generally speaking, the nature of offences that are committed by people who are suffering from a mental health condition do vary. They will often be reflected by other offences that otherwise occur within the community.

But, again, I am happy to come back and answer with some specific breakdown. I do not have figures at hand in terms of the specific percentage of what offences are committed by people who have a mental disability who find themselves within the system. I am happy to get that information and bring it back to the honourable member.

The Hon. K.L. VINCENT: Just as a point of clarification: that 200 number, as I understand it, might not necessarily have a disability but they are in prison after completing their prison sentence, so they may or may not have a disability. That is just for the minister's information.

SAFECOM STAFFING LEVELS

The Hon. A.L. McLACHLAN (14:54): My question is directed to the Minister for Emergency Services: can the minister advise the chamber whether there are any extant plans to reduce the staff numbers at SAFECOM?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:54): I thank the honourable member for their question regarding SAFECOM. SAFECOM is an organisation that performs an important function in the state when it comes to an agency that works collaboratively with other sectors within emergency services, namely the CFS, the MFS and the SES. It is an organisation that has, over recent years, due to changes around budgets, already undertaken very substantial reforms within itself to make sure they are providing an efficient service to those agencies as best as they can.

Like any agency, they are subject to budgetary requirements, and budgets are always subject to review through the normal budgetary process. SAFECOM is an organisation that I think continues to perform an important function and, of course, it would be my expectation that if the SAFECOM budget changed then of course they would have to change the way they look at their staffing.

I can advise the house that I would expect all the agencies that I am responsible for to be constantly reviewing themselves to make sure that they are prepared for things to change in respect of their budget. Of course, I do my very best to keep abreast of any sort of potential changes around staffing within the agencies, where it's reasonable to do so.

CONTAINER DEPOSIT SCHEME

The Hon. G.A. KANDELAARS (14:56): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister update the chamber about measures undertaken in other jurisdictions to implement South Australia's container deposit scheme and how South Australia leads the nation in its efforts to recycle and reduce waste?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:56): How incredibly up-to-date the Hon. Mr Kandelaars is with what is happening interstate, and I thank him for his very important question. We have in South Australia many examples of world's best practice when it comes to waste management and recycling. It's fantastic to see that our experiences are inspiring other jurisdictions to follow our lead, albeit it has taken them quite a few years to do so.

A perfect example of this situation is our own iconic container deposit legislation. South Australia introduced this groundbreaking legislation, I am advised, in 1977. It has been so widely adopted in our state that it was declared a heritage icon in 2006 by the National Trust in recognition of the role it has played in contributing to South Australia's cultural identity. In 2008, we increased the refund from 5¢ to 10¢, and container return rates continue to increase strongly, I am advised, with an overall return rate of 78.46 percent in 2014-15, a 12 per cent increase compared to 2007-08.

The Northern Territory, of course, has already adopted a similar scheme after doing some battle with Coca-Cola Amatil, I think it was, and various other container manufacturers. I now welcome the news that New South Wales has modelled their scheme on our CDL, and it is set to come into effect in July 2017.

The CDL, of course, is not the only reform where South Australia has led the nation. We were also the first jurisdiction to ban lightweight plastic bags in 2007. Each of these reforms has not only helped South Australia become national leaders in waste management and recycling but also resulted in significant waste reduction.

For example, a 2014 report by the Commonwealth Scientific and Industrial Research Organisation into coastal marine debris in Australia found that the CDL had resulted in two-thirds less beverage container litter along the South Australian coast compared to other states. According to Keep South Australia Beautiful (November 2014), when compared to New South Wales, the Northern Territory, Queensland, Victoria and WA over the past seven years, South Australia has had the lowest percentage of beverage containers in its litter stream.

In 2012 it was estimated that the ban on plastic bags had resulted in a 45 per cent decrease in the percentage of lightweight plastic bags in South Australia’s litter stream. South Australia now has a recycling rate of 79.4 per cent, I am advised, amongst the world’s best and the highest per capita recycling rate in the country. But this activity has also had a significant economic impact on our state.

The CDL has been instrumental in engaging community groups and has generated significant employment in the recycling sector. For example, the scheme is credited with providing between 800 to 1,000 jobs in the beverage container collection and recycling industry in South Australia. During 2014-15, over $58 million was returned to South Australians for sporting clubs, community groups and charities, and the Scouts financially benefited from the scheme.

In addition, the waste management and resource recovery industry is a growing sector of our economy. It has an annual turnover of around $1 billion, I am advised, and contributes over $0.5 billion directly and through multiplying effects to gross state product, and employs almost 5,000 people directly and indirectly. Our experience has shown us the enormous value that such schemes can have for our state, not only in terms of litter reduction in our homes, in our parks and on the roads but as a very practical way for community groups and charities from the non-government sector to get involved and also benefit.

New South Wales and the Northern Territory are mirroring South Australia's container deposit legislation, and I understand the ACT has indicated that if New South Wales adopts such a scheme they are well disposed to do the same. Then it is only a matter of time before the rest of Australia follows suit. I would finally say that we worked very closely with our New South Wales government colleagues, both at an officer level and at a government level, to help them understand how our scheme worked and to give them the benefit of our long experience and advice. I am very pleased to say that we will continue to offer that experience and advice to any other jurisdiction that wants to be part of the future by adopting South Australia's 1977 CDL scheme.

HOME DETENTION

The Hon. D.G.E. HOOD (15:01): My question is to the Minister for Corrections and follows from my question on Tuesday of this week. What, if any, were the consequences for the individuals who were detected to be tampering with their electronic monitoring bracelet or anklet devices, as recently reported on Channel 7 *News*? For example, when they were detected, were they subject to further sanctions, and if so, what form did those sanctions take?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01): I thank the honourable member for their question and their ongoing commitment to community safety around this issue in particular. Naturally, of course, I have been making inquiries in light of the Channel 7 report that occurred the other evening regarding home detention breaches. I refer to the ministerial statement I have already given today, which goes to what I am doing and what the department is doing to make

sure that such events do not occur in the future, or that if they do occur they are picked up by the system.

Regarding what occurs in the event that a breach is detected, the answer really depends on the type of home detention they are on, so allow me to go into a bit of detail. If a person is on intensive bail supervision—and this, I am advised, is the majority of offenders who are on home detention—then the bail authority is indeed a court itself. In that instance, Corrections reports to SAPOL, and a breach of bail is possibly a new criminal offence in its own right and they are reported back to the court.

A second scenario is someone who is on home detention, as distinct from intensive bail supervision. If this is the case, the report is provided to a senior manager within the Department for Correctional Services. The Department for Correctional Services determines if a person is required to be returned to custody, so that is an option that is available in that instance. If that is determined, that will be effective immediately, and Corrections or SAPOL will return the person to custody. That is an option that is available.

Thirdly, if a person is on parole, and one of the conditions of parole is them being issued with electronic monitoring, then Corrections provides a minute to the Parole Board. The Parole Board then determines what action to take and could indeed issue a Parole Board warrant for their arrest. Critically—I think this is the important thing—in each of those three instances, whether they be on intensive bail supervision, on home detention or on parole for electrical monitoring, if a breach of their conditions occurs, it can have the consequence of incarceration.

I think it would be a reasonable expectation of the community that a reprimand be put in place if someone does breach. In some instances, that is a decision before the department for corrections, but in other instances, of course, it is a decision of the court, or indeed a decision of the Parole Board. Of course, as minister I do not seek to intervene in any of those instances. I should not be intervening in Parole Board decisions, nor should I be intervening in decisions of the court or operational decisions of DCS, but importantly any breach in any of those three instances can result in a person being incarcerated and I have been advised that, on at least one occasion where a breach has been detected and been known to occur, that has resulted in a person being put back into custody.

HOME DETENTION

The Hon. K.L. VINCENT (15:04): The minister may feel he has already covered this, but in the event where somebody was incarcerated again for breaching their conditions, what might happen upon their release after that additional incarceration? Would they have to comply with any special conditions given that they had already been known to breach previous conditions?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:05): I thank the honourable member for her supplementary question because it is a good one. If I were to attempt to answer the question with one word it would be yes. Special conditions can be put in place, but of course they are conditions that are to be determined by, I am advised, the relevant body, so indeed it could be the court or the Parole Board.

There are a number of options that are available to organisations in those instances. They can increase the level of supervision; there are a number of levels that can be determined. Those are decisions that rest with the Parole Board or the court, as is appropriate, depending on the type of home sentencing or whatever they were on in the first place.

HOME DETENTION

The Hon. A.L. McLACHLAN (15:05): When was the first occasion the minister became aware of the attempts to defeat the system?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:06): I thank the honourable member for their supplementary question. I personally can recall the first time my office was informed of the instance that has been referred to and that was through media reports, but I am happy to take

on notice any specific information that was drawn to my office's attention to ensure accuracy of the answer.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (15:06): I seek leave to make an explanation prior to directing a question to the Leader of the Government on the subject of the Northern Economic Plan.

Leave granted.

The Hon. R.I. LUCAS: Members would be aware that for a number of weeks I have sought further clarification details of the announcement of the Northern Economic Plan and minister Maher's commitment for 15,000 new jobs to be generated from the Northern Economic Plan. Yesterday, in response to a specific question, the minister indicated quite clearly that he had had a discussion with minister Hamilton-Smith in another place, and he had advised the house that applications for the $10 million of grants under the Small Business Development Fund were open immediately and that payments would start to be made from 1 July this year.

Members will recall that when I pointed out in a supplementary question that that was in conflict to what the minister's own departmental website said, he then clarified his question and said he would check. He also indicated then that he had not had a conversation with minister Martin Hamilton-Smith, as he had claimed in the answer to the first question, with the information being given at an officer to officer level and that he would go off and double-check.

I would have hoped that at the start of question time today the minister would have clarified whether or not he had misled the house in response to the first question yesterday or whether he was standing by the claims that he made that he had had a conversation with minister Hamilton-Smith and that applications were open immediately and grants would be made from 1 July of this year.

The second aspect of my question today is that the minister yesterday in his response also said, when I asked, 'How many jobs would be generated by the $10 million Small Business Development Fund?' which of course is the biggest part of the $24 million Northern Economic Plan, he indicated, 'There isn't a figure set down for exactly how many jobs from which particular grants.' That is, the minister was saying there was no estimate of how many jobs would come from the $10 million Small Business Development Fund.

My question is: if it is the minister's position that it is not possible to estimate how many jobs will be generated from the $10 million Small Business Development Fund, how does he explain that it is possible to estimate that there will be 15,000 jobs from the $24 million Northern Economic Plan, which of course includes the $10 million Small Business Development Fund?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:09): I thank the honourable member for his question. As usual he comes in here and tells half-truths and conflates different facts, mixes things up in order to suit his own purposes. In order to suit his own purposes, he takes two very different things and tries to put them together, comes out with another thing and then tries to make grandiose claims.

To mix metaphors, he is the boy who cried 'Jumping the shark.' He comes out with this so often that no-one believes him. He comes out with these things nearly every day, so much so that no-one believes a thing he says anymore. A couple of years ago, it was not just people involved in politics but also journalists who were mocking him with the hashtag #TweetLikeRobLucas, when Rob Lucas was blaming people for everything. The lost sock you lose in the washing machine was #TweetLike—

The Hon. J.S.L. DAWKINS: Point of order: the question was quite directly about whether the minister had or had not had a conversation with this best mate, the Hon. Martin Hamilton-Smith.

The PRESIDENT: The honourable minister.

The Hon. K.J. MAHER: And so we have the often-mocked and derided Hon. Rob Lucas, who is continually put out to ridicule for claiming that everything is going wrong and for claiming that everything has happened when it has not happened. I regularly speak to minister Hamilton-Smith. In fact, I will speak to him nearly every week at cabinet meetings. He sits in cabinet, which is something not a single member of the Liberal Party except for Rob Lucas, who is now in his fourth decade in parliament, has done. It takes someone to be here that long to have a single member of the Liberal team ever having sat in a cabinet room.

I regularly speak to minister Hamilton-Smith about a number of things. In relation to very specific things, I have not spoken to him about the very specific timing of when grants will be open—

The Hon. R.I. Lucas: You said you did!

The Hon. K.J. MAHER: And there we go: he conflates it again, in terms of—I think I answered, in relation to speaking very, very generally—

Members interjecting:

The Hon. K.J. MAHER: —to minister Hamilton-Smith. He is trying to conflate things and mix things up again as he usually does. In relation to—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: In relation to the $10 million—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: In relation to the $10 million grants, we will aim to create as many jobs as possible. We set aspirations of creating jobs in South Australia, which is a far cry from their document that sets out plans for 2036. I noted, even today, on an online forum, the Leader of the Opposition was being mocked for a 2036 target. People did point out that it would be good to have some views now or in the next couple of years, not out to 2036.

Sure, we will look to do what we can now. We will try to create as many jobs as we possibly can and get the biggest bang for our buck with this grant program, which stands in stark contrast to their aims for something to happen in 20 years' time.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (15:12): Supplementary question arising out of the minister's answer: is the minister now indicating that he did or did not have, as he said yesterday—he was informed by the minister in another place that applications are open immediately. Is he indicating that he did or did not have a conversation with minister Hamilton-Smith, as he said yesterday on the *Hansard* record?

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) (15:13): I have already answered that question. I regularly speak to him about a very broad range of things.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (15:13): Supplementary question: is the minister indicating that the statement he made—because this is a question that might be the subject of a misleading the parliament motion—is he indicating whether or not his statement yesterday was accurate, and that he had a conversation with minister Hamilton-Smith about applications being open?

Members interjecting:

The PRESIDENT: The minister says he has answered it, but can I just make it clear that the Hon. Mr Lucas has the right to get up and ask a question, no matter how many times he asks the question, in silence. The Hon. Mr Ngo.

PRISON INDUSTRIES

The Hon. T.T. NGO (15:13): My question is to the Minister for Correctional Services. Can the minister advise as to the benefits of a recent partnership established between Hegs Australia—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ngo has the floor.

Members interjecting:

The PRESIDENT: The Leader of the Government—

Members interjecting:

The PRESIDENT: Order! You are all behaving quite immaturely at the moment. The Hon. Mr Ngo has a question, and he wants to ask it. Hon. Mr Ngo.

The Hon. T.T. NGO: I will start the question again: can the minister advise as to the benefits of a recent partnership established between Hegs Australia and the Department for Correctional Services?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:14): I thank the honourable member for the important question, because it goes to some of the issues that were raised earlier by the Hon. Ms Vincent. It gives me great pleasure to have the opportunity to highlight one of many success stories that is contributing to the growth of a local South Australian company through the use of Prison Industries.

A pillar of the rehabilitative journey is that of the structured day, which involves the development of new life skills through exposure to education and vocational training, which may lead to employment opportunities upon release, which is proven to reduce reoffending. Prison Industries plays a significant role in this process, engaging prisoners in commercial activities with public and private sector companies and organisations, while also striving to replicate an environment where work and life balance is mirrored to reflect what is expected in the wider community.

Prisons in South Australia are engaged in Prison Industries on a daily basis across all prison sites in a number of different activities, ranging from bakeries, agriculture, woodwork, textiles and metalwork. During the last financial year 2014-15, approximately 1,000 prisoners in South Australia participated in industry-related activities. One of the great successes in Prison Industries is found in Murray Bridge at Mobilong Prison, which I was able to visit recently and see first-hand.

Earlier this year, the prison commenced a partnership with Hegs Australia to assemble and package Heg pegs. Hegs Australia pegs are a proud and growing South Australian company that appeared on Channel 10's entrepreneurial showcase *Shark Tank*, and was successful in gaining backing from a corporate investor. Hegs Australia pegs are designed with dual hooks, which maximises hanging space. They have a grip for ease of use and a grip lock system that assists in holding washing taut on clotheslines.

What I like about the South Australian company is that Hegs are committed to helping their local community. Hegs have built strong communications with their commitment to support community by teaming up with partners such as Orana disability services in South Australia. Mobilong Prison is now also benefiting from their continued commitment to social investment. The partnership with Mobilong Prison is aimed at providing employment for prisoners, including those prisoners who, either through age or other reasons, cannot physically undertake strenuous duties that may have traditionally formed part of Prison Industries.

Without going into further detail—and I have extensive detail for those members who are interested regarding Hegs' relationship with Corrections—what this example speaks to is the profound impact that work can have on people's lives. Hopefully everyone accepts in this place that work provides dignity, no matter what work that is, and we want to ensure that people, when they are in custody, get the skills and the knowledge required and also get the dignity that work can provide in giving them the hope and the opportunity that they can gain employment once they are released

from incarceration, which will maximise their likelihood of being able to make a positive contribution to society.

I applaud the company that I mentioned, Hegs Pegs, for engaging with Corrections. I would very much hope, if there are other South Australian companies who want to be able to provide the dignity of work to those people who are looking for a second chance post custody, that they get in touch with the Department for Correctional Services. All opportunities and ideas will be considered, and I also want to assure the house that Prison Industries and providing prisoners the opportunity to have the dignity of work is something I want to see taken up with gusto for as long as I have the privilege of being in this role.

NATIVE VEGETATION

The Hon. M.C. PARNELL (15:18): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation about native vegetation.

Leave granted.

The Hon. M.C. PARNELL: For the last 30 years in South Australia, native vegetation has been protected by law, with a regime of permits and offsets designed to stop the extensive broadacre clearance that dominated the last century and a half in this state. Under the Native Vegetation Act, if you want to clear native vegetation, you must apply to the Native Vegetation Council and follow their directions. However, there is an emerging trend for unsuccessful applicants to go crying to the minister for special exemptions that are outside the Native Vegetation Council assessment process.

The most recent example of this is the case of the Shahin family's Peregrine Corporation, who convinced the minister recently to gazette special regulations allowing them to clear large areas of native vegetation, comprising mostly intact Mallee box grassy woodland and other scattered trees, for the purpose of a motor-racing drag strip at Tailem Bend.

When assessed by the Native Vegetation Council, it was determined that the vegetation in question, especially around 10 hectares in the northern part of the property, are the best of what remains of a 700 hectare property and should be protected. The council noted that most of this property and surrounding properties had already been cleared, and that this was the best of what remained.

In fact, the Native Vegetation Council determined that allowing the clearance of this intact native vegetation would seriously be at variance with the principles of clearance of native vegetation, as set out in the Native Vegetation Act. The Native Vegetation Council quite properly rejected the application, but did approve the removal of over 100 scattered trees. According to the minister's regulations, the Native Vegetation Council has been bypassed in the process, and all that developers now need to do is convince Jim Hallion, the State Coordinator-General, of the need for clearance and they will be exempted from the need to gain any other approvals. Under the minister's regulations, the Native Vegetation Council will not even be consulted. My questions are:

1. Does the minister have confidence in his Native Vegetation Council?

2. If he does have confidence in their ability to fulfil their statutory functions, why does he undermine them?

3. What will he do when other disaffected applicants for native vegetation clearance come knocking on his door asking for the same special treatment with special laws passed for their benefit?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:21): I thank the honourable member for his most important questions. In South Australia the authorised clearance of native vegetation is, in certain circumstances, required to be offset by the establishment of a significant environmental benefit. Under the Native Vegetation Act 1991 and the Native Vegetation Regulations 2003 significant environmental benefits, intended to compensate for the loss of vegetation from approved clearance activities, are achieved by managing and enhancing native vegetation elsewhere with the intent of providing a net environmental gain over and above the impact of the clearance.

So, given that environmental benefits operate in a similar manner to offsets as required under the commonwealth's Environmental Protection and Biodiversity Conservation Act 1999, I am advised, and other jurisdictions in Australia, the government has developed the Native Vegetation (Credit for Environmental Benefits) Regulations 2015, which set out a process for accrediting third party providers, establishing the information to be kept on a register to establish a process to account for the use of credit for approved clearance activities and establish associated fees. I am advised that the regulations came into operation in December 2015.

DEWNR is developing currently a significant environmental benefit policy to support the regulations and reforms to significant environmental benefits aimed at providing greater clarity, rigor and options available to clearance applicants. These reforms also create a new market for the environmental conservation, and this will enable individuals or entities to work directly with companies with a clearing native vegetation order to provide the required significant environmental benefit. It is anticipated that the new significant environmental benefit options and metrics will be produced this year.

In relation to Native Vegetation Council determinations—and I think we all understand that we want to ensure their sustainable use of native vegetation where we can and protect it also—we have taken various steps to ensure the ongoing preservation of what remains of our native vegetation. The act provides for the clearance of native vegetation only in certain circumstances, and permitted clearances are listed in the native vegetation regulations.

Since 1997 there have been significant amendments to the regulations, resulting in their current form. I must say that I admit here that the current form is somewhat complicated to administer. We are undertaking reform of the native vegetation policies and procedures to simplify them, and we have a regulation review strategy in place to develop more effective regulations. The aims of the review are to reduce regulatory burden for landholders and establish a stronger focus on the value of native vegetation, ensuring biodiversity and conservation priorities. I think we have all reached that in terms of accepting the act in this house and the other place in recent times.

In relation to the honourable member's specific questions about a development, I think near Murray Bridge, I will have to take those questions on notice and bring back some advice for him on what stage that is up to.

Bills

SUPPLY BILL 2016

Second Reading

Adjourned debate on second reading.

(Continued from 14 April 2016.)

The Hon. T.A. FRANKS (15:24): I rise today on behalf of the Greens, as I imagine my colleague will also do at a later date, to respond to the Supply Bill 2016. As we know, this has been made a priority of government for debate this week, although I note that it will not be progressing further into second reading or final votes today.

I rise to raise awareness, and express my concern as the Greens spokesperson for the arts, about the savaging that the arts sector is currently facing. Certainly, obviously, with a federal election in the air this is a highly contentious and political issue, but I think it is also one that is very relevant to the state budget that is to now be brought in in July.

The federal government, of course, announced its savaging of the Australia Council in favour of a new funding model. Cuts to the arts have been high on the national agenda and also on the state agenda. It would have been bad enough if those federal cuts—which we have now seen announced last Friday as the 'black Friday' for the arts sector—were only at a federal level, but indeed, the proposed state level cuts of some $8.5 million, $1 million of which we already know is to come from the Adelaide Festival, not just compound this situation but make it many times worse.

The Hon. S.G. Wade interjecting:

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

The Hon. T.A. FRANKS: This week the bleak reality has set in with news that 65 arts organisations across the country are to be de-funded. Those 65 arts organisations are staffed by people who are passionate about the services they provide, and of course, are patronised by people who learn, laugh and in some cases even live for what those organisations stand for. In our state of South Australia, those that will fall, that have lost their funding, include the Australian Experimental Art Foundation, Brink Productions, Contemporary Art Centre South Australia, Slingsby and Vitalstatistix.

Housed at the Lion Arts Centre, the Australian Experimental Art Foundation was established in 1974 by a small group of artists with dedication to encouraging new approaches to promote the idea of art as radical and only incidentally aesthetic. For over 40 years, the Experimental Art Foundation has provided a space for artists to make and exhibit art that expands current debates and ideas in contemporary art and culture.

The young yet very impressive and award-winning Slingsby is in its ninth year and can boast that it has premiered six original productions performed in 69 venues in 43 cities on five continents, including a two-week sold out season on 42nd Street in New York—fodder for bragging rights for our state, for a vibrant festival state, I would have thought. Slingsby produces quality programs. They present emotionally challenging storytelling and rich theatrical experiences. Slingsby even bravely and successfully presented Oscar Wilde for children.

Also providing a platform for quality original work, Brink Productions has been around for about 17 years. Brink started as a group of seven creatives with a goal to improve artistic production in Australian theatre, and that they have done. Brink produces insightful, thought-provoking art with complex ideas. Contemporary Art Centre South Australia has a 74 year history of nurturing, supporting and exhibiting living artists. Interestingly the group started in 1942 as a breakaway group of young artists from the Royal Society of Arts seeking greater opportunities for their work. Since then, they have provided prospects for contemporary artists.

Finally, coming to Vitalstatistix: it was formed in 1984 and, more than 30 years later, Vitals (as it is affectionately known) offers a program of performance, residencies, events, exhibitions, collaborations and initiatives for South Australian artists. A feminist organisation at its core, Vitalstatistix also has a very proud tradition of supporting women artists. All of these companies, like the many rich, diverse and vital arts organisations across South Australia give a voice to those who are voiceless. They give a voice to the young, to the vulnerable, the educated, the under-educated, the at-risk, the innocent and, of course, they give a voice to the arts. They are voices that may fall silent and their vast contribution to our cultural identity will be lost.

The justification for cutting the arts will often focus on the idea of a cost—that this money could apparently be better spent elsewhere. But just what is the cost of cutting arts programs? What is the cost to our culture, to our overall sense of wellbeing? With many of the defunded organisations involved in arts education or youth programs, what also is the cost to the next generation?

What of the economic cost, the flow-on effect to other businesses? Which people get to decide that experiencing a live performance is somehow a better way to spend an evening than a night of Netflix and chill? Or, better yet, choosing to travel to South Australia as tourists—to us, the Festival State—a title that will be difficult to justify once these cuts have full effect. As I say, those cuts at a federal level are dwarfed by those to come at a state level, if we are to believe the media reports that have been confirmed by this government in the other place.

We often wax lyrical on the benefits of a vibrant city and a vibrant South Australia and an innovative nation and an innovative state but in accepting these cuts to the arts we are either taking the vibrancy and that innovation for granted and thinking it will somehow persist or we are simply paying hollow lip service.

This year, over the 18 days of the Adelaide Festival, there was a total box office income in excess of $2.8 million across the 27 ticketed events, and that excludes the WOMADelaide event. Australian works were amongst some of the most popular. There were outstanding international events, of course, like the 11-hour National Theatre of Scotland's *The James Plays* which played to capacity houses and brought people to the theatre who possibly would not normally go, thus proving

South Australia is a world leader in producing quality arts events and connecting creativity with the broader community.

The cost of cutting the arts will be far greater than any savings to be found. While those in the federal government will often talk about growing the pie there is no denying that the arts pie is considerably small. The funding of arts projects and organisations should not be at the whim of politicians but, under the new federal funding regime, this has been the case. We have seen the artists pillory the former minister, George Brandis, and his attempts to commandeer the arts funding regime in his own image, and to his own choice with, indeed, the thing that the arts do best—satire and parody and using the arts to fight back.

I have to make note of the wonderful Vitalstatistix, an organisation I have a great affection for. I attended the event just a week ago that was packed out with local community—and certainly on a cold Friday night a wonderful place to spend the night in Port Adelaide enjoying the wonderful work of the National Trouble Makers Union and Bryan Dawe, who would be known to many of you through his comedy work over many decades, who also has a very special place in his heart for Vitalstatistix.

While that money for Vitalstatistix is cut adrift, minister Peter Dutton is investing in the arts, in particular in a film, a film which is, of course, an anti-asylum seeker telemovie. At many millions of dollars this seems to be the only arts that the federal government has been interested in. As I say, Brink will not be getting any funding into the future but perhaps 'George Brandis, the Musical' might well get a run in coming years.

We hear about other cities and other states, most notably Victoria, investing in their arts and arts communities. We can only stand by and watch as Premier Andrews announces a creative industry boost of $115 million in their most recent state budget, knowing that $8.5 million in cuts is still to come, hanging over the heads of the arts community here. South Australia, we can do much better than this.

If we say we cannot fund the arts, what are we saying not only to our own citizens but to the rest of Australia who once saw us as the pacesetters in arts innovation? What are we also saying to the world, where South Australia is recognised as having the biggest arts festival in the Southern Hemisphere and the second biggest Fringe festival in the world? What are we saying if we stop supporting our arts locally? What are we also saying to those emerging artists who do not want to move interstate to practise their craft?

As Ross McHenry said standing on the steps at a recent protest, he does not want to be an artist who is from Adelaide: he wants to be an artist who works and lives and is in Adelaide. Are we to become a place where people used to come from when they make it big on either the world or national stages, or will we be a place where those artists call home? We certainly will not be able to hear them call it home if we continue with the savaging of the arts sector that the federal government has commenced.

We are also saying to those voiceless people who do get a voice through the arts that we do not want to hear their voices any longer. When the arts community eventually falls silent, we will not be hearing those voices at all, so now is the time to speak up for the arts.

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

STATUTES AMENDMENT (GENDER IDENTITY AND EQUITY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 April 2016.)

The Hon. T.A. FRANKS (15:37): I rise on behalf of the Greens today as the gender and sexuality spokesperson, and indeed the only gender and sexuality spokesperson in this parliament, to speak to the Statutes Amendment (Gender Identity and Equity) Bill 2016. We warmly welcome the introduction of this bill, which seeks to address some of the legacy and history of discrimination that

occurs to our citizens on the basis of their sexual orientation, gender, gender identity and intersex status under South Australian legislation.

I note that while this is the first bill that we are debating and it largely addresses the discrimination that exists in the language currently in our various statutes and practices, it is to be the first of a raft of other pieces of legislation. It arises from the Address in Reply speech made at the beginning of the parliament in 2015, and here we are, almost halfway through the parliament in 2016, finally debating this bill. That is somewhat disappointing. While the wheels of parliamentary change do turn slowly, I think most people would have to agree that that is a little too slowly when you are addressing areas of discrimination.

The Greens note that this bill is the first of several that will arise from the work and the reports of the South Australian Law Reform Institute (SALRI), which has been given an LGBTIQ reference by the Premier. I note that the Greens certainly made a contribution to that review. We look forward to seeing all of the areas of discrimination against people on the basis of sexuality, gender and gender identity in this state eradicated by the end of this calendar year.

The bill in front of us, as I say, largely deals with the language. It is what you might refer to as somewhat of an administrative bill. It certainly has been a challenge to the other place, which does not often devote a large amount of time to debating what are called 'conscience issues'. I understand that this is to be a conscience issue for the government, given the content of gender identity and sexuality. In the other place, as those in this chamber have learnt, much to our frustration in some cases, there is not a great deal of time spent debating private member's business or these conscience issues, and so I understand that, in the other place, the government had to create some new mechanisms.

Carriage of the bill was allocated to certain members of the government benches, not on the basis of portfolio but on the basis of willingness and interest, and also there were whipping arrangements and government time, most importantly, government debating time, given to this bill to progress it. Had that not occurred—and I commend the Premier for his leadership in ensuring that that did occur—I think we would not even be seeing this bill before us, as slowly as it has made its way here, it probably would have been some many more months before this chamber was to debate it.

I know in this chamber that we are not afraid to actually do the job we were elected to do, which is to debate legislation and then to vote on it; unlike the other place where conscience votes, time and time again, are stalled and stymied, and seem too hard for those members to get to that point where they actually exercise their votes. This chamber, I know, is quite comfortable with doing the job that we were elected to do. I look forward to a respectful debate. A debate where I know that we will all have a variety, a spectrum, if you like, of opinions, different views on different parts of this legislation, but a debate that I know will eventually reach its rightful conclusion.

The Greens are a little disappointed that this bill is simply correcting the words. That is an important part of the process; to get the language right in our laws is a mark of respect. To actually work for equality, to actually start changing the laws that, to this day and after this bill will be passed, continue to discriminate against members of our community. The laws discriminate against Andrew Birtwhistle-Smith, who lost his husband Christopher, his husband of 11 years, to whom he was married in Canada some 11 plus years ago.

Mr Birtwhistle-Smith lost his husband and had to go through a process that was brought to national attention when Marco Bulmer-Rizzi had to go through a similar process. A UK man who came here on his honeymoon, with his husband David, and unfortunately and tragically David lost his life in our state. Both Andrew Birtwhistle-Smith and Marco Bulmer-Rizzi, one a South Australian citizen, the other a UK citizen, had to go through that same horrific procedure of having their marriages and their husband's existence denied by the South Australian bureaucracy. The South Australian computer said no to both of those bereaved men.

The Greens want to see change come, and change come soon for people like Marco and Andrew and others who transition gender in this state, who have to jump through impossible hoops. I know that the Sexual Reassignment Act is soon to come into this place in some form or another for debate as a result of the SA Law Reform Institute's recommendation, but for many decades we have

had a system that is unworkable, untenable and impossible for people with regard to changing their gender identity and being the people that they are. Again, our computers say no. It is not good enough for South Australian computers to be saying no, when we know that these are matters of fundamental and basic human rights and respect.

It was very disappointing, however, that the South Australian Law Reform Institute references began with an indication that no submissions were to be made on the subject of marriage. That was the first few paragraphs once you logged onto the website to make a submission to this process. That is quite disappointing. Not to be deterred by that, I simply noted that there was a range of areas that the state could act on with regard to marriage. I certainly take the George Williams position that there is potential for states to act on marriage. Certainly, an ACT bill has failed the High Court challenge, but that is not a state bill and not a bill that was drafted to the advice of both George Williams and Australians for Marriage Equality. There is still scope for states to act on that.

Regardless, SALRI in its wisdom, and under direction possibly from the Premier, stated that marriage was not to be considered. Same-sex marriage can be considered under our state's laws and since then, with those tragic deaths, and the tragic death in particular of David Bulmer-Rizzi, I note that the Premier has said that this state will act to legislate in this area and has added that to the list of things. Of course, he could also add to the list of things the forced divorce provisions currently under our Sexual Reassignment Act. Those couples who have married in other jurisdictions can now no longer actually access a divorce should their relationship disintegrate.

There is a range of other provisions around marriage, but of course marriage equality is not the be all and end all in the areas of law form required. Same-sex parenting is, of course, something that this parliament has debated before and was the subject of a Social Development Committee range of recommendations made in a report, but only one portion of that particular Social Development Committee report has yet been enacted. That was an area around female co-parents who had conceived through assisted reproductive technologies. A joint bill, sponsored by both myself and the member for Unley, that passed this parliament some years ago was the only part of that particular Social Development Committee report to make it through both houses of this parliament

That is to our shame. There was a raft of recommendations. They should have been debated; they should have been progressed through the parliament. We can see that hopefully happening in the future with future pieces of legislation. I cannot, of course, ignore the fact—and I bring it to members' attention—that I am moving an amendment to this bill that has been the subject of the second instalment of that female co-parenting, regarding those couples who conceive a child through assisted reproductive technologies who had not lived together prior to that conception for a period of three out of the former four years.

It is a curious South Australian anomaly that is under our domestic partnerships requirements, that should those two women who bring a child into this world willingly, consciously, using a sperm donor and going through an agency not have lived together for three of the past four years, they do not comply with that same-sex parenting recognition as they would if they lived in any other state or territory of this country and indeed as they should in this state. I will be moving an amendment that I have previously seen debated in this place and that we have seen slowly, as slowly as a snail—possibly slower—eke its way through this parliament. I know that it was debated yesterday in the other place, but I still do not understand quite what the outcome of that debate was, and I still have not seen a message returned to this chamber. We will persist, I think.

I will persist with my amendment to this government bill in the hope that something will actually start to progress for those parents who are waiting and young Tadhg who has now turned two and who still does not have a birth certificate that has both Elise and Sally as his rightful mums on that piece of paper because, of course, in South Australia the computer says no. If you are same sex or gender diverse, the computer says no. We cannot accept the computer saying no any longer. The parliament needs to start saying yes.

With those few words, there is a range of areas here that I look forward to further debating at the committee stage and I look forward to a respectful debate that recognises the realities of South Australian's lives and that recognises the lives of gender diverse and sexually diverse members of not only our community but visitors to our state when they come here, and ensures that in the future

no computer says no and that we do say yes to human rights and to respect of diversity. With those few words, I commend the bill.

The Hon. J.A. DARLEY (15:50): I rise to speak very briefly on the Statutes Amendment (Gender Identity and Equity) Bill 2016 which, if passed, will implement the majority of the South Australian Law Reform Institute's recommendations dealing with discrimination on the grounds of sexual orientation, gender, gender identity and intersex status, and characterised as requiring immediate action by the government. I note that the most contentious aspect of the bill in its original form related to changes to terminology concerning pregnant women. I understand the concerns around those changes were addressed in the lower house and are therefore no longer an issue. This is a welcome development.

In relation to the bill as it stands now, I am inclined to support the views of the Deputy Leader of the Opposition, Ms Vickie Chapman MP, in the other place who, during her contribution to this debate, stated that she would be supporting the bill for the very reason that it does not attract a new set of entitlements or obligations, rather it removes words that have the effect of excluding others, in this case minorities. I agree that, on that basis, this bill ought to be supported.

Indeed, the progression of the bill this week would be even more appropriate given that just a few days ago communities around the world celebrated International Day Against Homophobia and Transphobia. Although not related, this bill also serves as a timely reminder for some other changes that the government is committed to concerning discrimination on our statute book.

Honourable members may recall media reports earlier this year regarding the tragic death of British man, Mr David Bulmer-Rizzi, who was honeymooning in Australia with his husband, Mr Marco Bulmer-Rizzi. David and Marco married in London last year. As members would be aware, same-sex marriages were legalised in the UK in 2014, so this was a legally recognised marriage. According to an article in *The Advertiser*, the couple were visiting Adelaide when tragedy struck and David lost his life after a fall down a staircase. Unfortunately, South Australian authorities failed to recognise Marco and David's marriage and, as such, Marco was effectively shut out of every decision pertaining to and following his husband's death.

To add insult to injury, the death certificate issued by the South Australian authorities failed to list Marco as David's husband. While same-sex marriages remain illegal in Australia, states are able to amend their laws to ensure that same-sex marriages performed overseas are recognised and to allow partners to act as next of kin. Indeed, at least some of our eastern state neighbours have amended their laws to reflect this position.

It is unfortunate and disconcerting that we were not in a position to afford David and Marco the respect they deserved when this devastating incident occurred. I remain deeply sorry that Marco had to endure further pain following the death of his husband because of outdated and archaic laws that had not kept up with societal changes. The Premier has indicated publicly and to Marco personally that examples of senseless discrimination such as this would be addressed through legislative amendments, and I for one look forward to the speedy consideration of such further reforms. With those few words, I support the second reading of the bill.

The Hon. D.G.E. HOOD (15:54): I rise to speak on the Statutes Amendment (Gender Identity and Equality) Bill. This bill proposes to amend a number of acts, as members would know, as a result of the recommendations from the South Australian Law Reform Institute's review of legislative discrimination on the grounds of sexual orientation, gender, gender identity or intersex status.

The fundamental purpose of the bill is to remove the so-called 'binary notions of sex'. That is the idea that sex is either male or female, or gender being only man and woman. Large parts of this bill, in my view, are unnecessary, although some parts of it do have merit.

This bill was debated and scrutinised at length in the other place, as members would be aware, and some of the more controversial clauses of this bill, debated in the other place, were indeed voted down. Amongst the clauses I refer to are those that intended to change the words 'pregnant woman' to 'a pregnant person' or 'someone who is pregnant'. This language infers that a person who is not a female would have the physical capability to fall pregnant and give birth. This is

obviously wrong and unnecessary, and the majority of members in the other place agreed and voted it down. Common sense prevailed.

The American College of Paediatricians issued a statement on their website, www.acpeds.org, on 6 April 2016, just a few weeks ago, dealing with the issue of gender identity. The following quotes I am about to give are word-for-word quotes from the American College of Paediatricians website. The authors credited by this website for these statements are the following: firstly, Dr Michelle A. Cretella MD, President of the American College of Paediatricians; secondly, Dr Quentin Van Meter MD, Vice President of the American College of Paediatricians; and finally, Dr Paul McHugh MD, University Distinguished Service Professor of Psychiatry at Johns Hopkins Medical School and the former psychiatrist-in-chief at Johns Hopkins Hospital. I quote from their website as follows:

> 1. Human sexuality is an objective biological binary trait: 'XY' and 'XX' are genetic markers of health—not genetic markers of a disorder. The norm for human design is to be conceived either male or female. Human sexuality is binary...This principle is self-evident. The exceedingly rare disorders of sex development (DSDs), including but not limited to testicular feminization and congenital adrenal hyperplasia, are all medically identifiable deviations from the sexual binary norm. Individuals with DSDs do not constitute a third sex.
>
> 2. No one is born with a gender. Everyone is born with a biological sex. Gender (an awareness and sense of oneself as male or female) is a sociological and psychological concept; not an objective biological one. No one is born with an awareness of themselves as male or female; this awareness develops over time and, like all developmental processes, may be derailed by a child's subjective perceptions, relationships, and adverse experiences from infancy forward. People who identify as 'feeling like the opposite sex' or 'somewhere in between' do not comprise a third sex. They remain biological men or biological women.

Thirdly:

> …When an otherwise healthy biological boy believes he is a girl, or an otherwise healthy biological girl believes she is a boy, an objective psychological problem exists that lies in the mind not the body, and it should be treated as such. These children suffer from [a condition known as] gender dysphoria…The psychodynamic and social learning theories of Gender Dysphoria have never been disproved.

And finally:

> 5. According to the DSM-V (Diagnostic and Statistical Manual of the American Psychiatric Association fifth edition) as many as 98% of gender confused boys and 88% of gender confused girls eventually accept their biological sex after naturally passing through puberty…

That is a long quote, but I believe it is worth putting on the record to inform the debate of some expert opinions. These quotes, from established, respected medical professionals speak for themselves. There are in fact only two biological genders: male and female; this is a biological fact. Claims that there are more genders have no basis in biological fact.

Moving on from this general point, which makes the bill largely unnecessary, in our view, there are some additional practical problems with this bill. Indeed, there are clauses contained in the bill that can create ambiguity and potentially lead to unintended outcomes. For example, clauses 9 and 10 of the bill, which deal with the Criminal Law (Forensic Procedures) Act 2007, change the definition of 'intrusive forensic procedure' to include the exposure of or contact with the breast region of a transgender or intersex person who identifies as a female. Under the proposed amendments, section 21(3) of the Act would stipulate the following:

> If reasonably practicable, a forensic procedure that involves exposure of, or contact with, the genital or anal area, the buttocks, or the breast region of a female person or a transgender or intersex person who identifies as female, must not be carried out by a person of a different sex (other than at the request of the person on whom the forensic procedure is to be carried out).

It is proposed that an 'intrusive forensic procedure' is not to be carried out by a person of a different sex and, as previously noted during the debate in the other place, there is a potential issue where a so-called intersex person is the subject of an intrusive forensic procedure under the Forensic Procedures Act, or a search under the Correctional Services Act 1982.

To avoid infringing these proposed provisions, is it sufficient to have an intersex person conduct the procedure, or is it required that the person conducting the procedure not only be intersex but also identify as the same gender to which the subject identifies with? Where do we draw the line? It is simply not clear in this bill, and you can imagine there will be many practical problems if a person

identifies as a sex and there is no-one of that same gender to search them. Evidently, aspects of this bill raise further questions, can create uncertainty, and could interfere with important and necessary evidence gathering procedures.

In response to these concerns, I have been advised by the government that there are existing police and correctional services policies and guidelines which deal with suspect and prisoner searches, and guidelines to handle situations where a suspect or prisoner objects. Perhaps the minister responsible for this bill could elaborate on this further in committee and explain to us how this may or may not be handled.

Notably, the section relating to intrusive forensic procedures also includes the words 'if reasonably practicable'. I would hope that this is a sufficient enough safeguard against unintended outcomes and to prevent a person unreasonably objecting to and avoiding important investigatory and evidentiary procedures based on a technicality. Political correctness must not override important police work.

As I indicated at the outset, however, this bill does contain reasonable amendments in addition to highly questionable ones. For example, the bill removes outdated provisions, such as section 44 of the Landlord and Tenant Act 1936, which implies that the main trade of a woman is sewing, typewriting and doing laundry—clearly an outdated view, and its removal will have Family First support.

Overall, there are some reasonable proposals contained in this bill, yet there are other aspects of this bill that can at the same time create uncertainty, as is typical with this type of legislation. We will monitor the debate. We are inclined to not support the bill, but we will monitor the debate and see where it all ends up. We are happy to support the second reading because, as I said, there are some aspects of this bill which are worthy of support, but we reserve our final position to see what the bill looks like in the end.

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

LEGAL SERVICES COMMISSION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 March 2016.)

The Hon. A.L. McLACHLAN (16:03): I rise to speak to the Legal Services Commission (Miscellaneous) Amendment Bill. I speak on behalf of my Liberal colleagues. I advise the chamber that the Liberal opposition will be supporting the second reading of the bill. The bill seeks to change the governance arrangements of the Legal Services Commission. As a result of my working life, I am well versed in the importance of legal aid to the functioning of the court system. Without a strong system of justice, the rule of law would be compromised, as would the rights and liberties enjoyed by all Australians. That is why we as a community invest in a system of justice: to protect rights, ensure civil liberties and enforce civic responsibilities.

If access to legal institutions was reserved for only wealthy citizens, the confidence of the broader community in our system of justice would be undermined. Our democracy therefore depends on the premise that all Australians are equal before the law. Our Legal Services Commission plays an important role in achieving that equality by striving to ensure that all citizens, regardless of their means, have access to legal services and to the law.

In South Australia, the Legal Services Commission is established by the Legal Services Commission Act 1977. The commission is at present comprised of 10 members in total. The members are appointed by the Governor and consist of the following: a chair, who is a person holding a judicial office or a legal practitioner of not less than five years standing, nominated by the Attorney-General; one person who, in the Attorney-General's opinion, is an appropriate person to represent the interest of assisted persons; three others nominated by the Attorney-General; three further persons nominated by the Law Society; one employee of the commission on nomination of the employees of the commission; and, the director of the commission.

Currently the commission is a representative rather than skills-based board. Appointed members of the commission hold office for three years, at the conclusion of which they are eligible for re-enrolment. These types of governance relationships, otherwise known as representative boards, I accept are currently out of fashion. The preference, it appears these days, is for adopting structures similar to trading companies. I am personally not entirely enamoured with the change in approach; I believe in representation of the community where appropriate. Although each governance model has its strengths, each also has its weaknesses, which must be mitigated. I would not like to see appointed, if this bill becomes law, political hacks owed favours by those in power, but I suspect I will be disappointed.

The commission currently meets approximately every month. Generally it receives reports from the director on the operations of the organisation, and is responsible for considering and approving the policies and processes by which the commission provides legal assistance and its other services. The commission also has responsibility for approving annual budgets, setting the strategic direction of the commission, overseeing the performance of the director and hearing appeals against decisions of the director from assisted persons, persons seeking assistance or lawyers regarding applications for legal aid and the terms on which it is to be provided.

In February 2011, the commission announced a review into the provision of legal aid in state criminal cases. The review was conducted by a committee of senior legal practitioners. The committee released four reports. In its third report, titled 'The Governance Structure of the Commission and a Public Defender's Office for South Australia', it recommended a change to the governance structure of the commission. In particular, the committee stated that:

> The current composition of the commission may exclude skills of benefit to the commission.
>
> Members possessing skills in management, public administration and service delivery could benefit the commission.

The review ultimately recommended the abolition of the board and the appointment of a commissioner. This was rejected by a number of the stakeholders when they were consulted. The bill before us represents the government's response to the recommendation, which instead is to reduce the size of the board and ensure all board members are appointed by the Attorney-General. I fear it will be out with the community and out with the knowledge of legal aid and its workings in the community, and instead another opportunity for bureaucrats, Labor mates and a gaggle of compliance yes men and women and other fellow camp followers.

The bill seeks to amend the Legal Services Commission Act. The bill before us aims to reduce the number of members of the commission and the system by which people are appointed to it. More specifically, the amendments include reducing the membership of the board from 10 members to five. The changes will mean the commission will be made up of a chair nominated by the Attorney-General, the same as the current criteria, a director and three other people nominated by the Attorney-General, one of which may have experience in financial management and one of which must be able to represent the interests of legally assisted persons.

The bill also amends the appointment criteria to make skills, knowledge and expertise relevant when appointing the commissioner. The bill also establishes a legal profession reference committee. The reference committee will advise the committee in relation to any matter referred to it by the commission or any of the commission's functions under the act. The committee will also perform any other function assigned to the committee under the act. The committee will be made up of seven members with the Law Society and Bar Association able to nominate two members each.

The government asserts that the establishment of this committee addresses the concerns that have been raised in respect of the bill, that legal practitioners will not be sufficiently represented on the new board. This is challenged by the Law Society in its letter of 18 March 2016 to the Attorney-General. I suspect that the reality will be that the legal profession's representatives will be relegated to a powerless advisory committee where their views and wisdom can be ignored at will by the commission.

The legal profession strongly submits that there needs to be members of the commission with a working knowledge of the issues of legal aid, and with this sort of representation it will be the best to serve the commission going forward. In essence, the Law Society, of which I advise the

chamber I am a member and have done so in the past, advises that the recent constitution of the commission proposed by the bill risks the close association between the profession, the society and the commission. The Law Society points out that its argument is supported by the fact that the local legal profession is involved with up to 68 per cent of the grants of legal aid.

The Law Society also points out the commission annually fixes scales of payment to private practitioners and these scales are considerably below market rates. In essence, its argument is that the Law Society members or those appointed by the society have not sought to use their position for self enrichment. With those few words, I reiterate that the Liberal Party will be supporting the second reading.

The Hon. M.C. PARNELL (16:11): The Greens will be supporting the second reading of this bill. When members of the community think of legal aid often they need reminding that there are actually two components to legal aid: the shorthand description that I use is that there is government legal aid (that is the Legal Services Commission) and then there is community legal aid, which is most commonly represented by community legal centres.

As members would know, for the 10 years before entering parliament my job was working in one of these community legal centres, in particular the Environmental Defenders Office. In fact, my history with community legal centres goes back to 1982, or maybe even 1981, where I was a volunteer at the Fitzroy legal service in Melbourne. In fact, I think my supervisor was one John Faine, who is now heard on the wireless interstate, but he was involved in that enterprise.

In terms of government legal aid, a Legal Services Commission, I do not believe I need to declare any interest. I have certainly done unpaid work for them, helping them to deliver legal education. It is an important part of their work. It used to involve going down to the Adelaide TAFE college to its audiovisual room, and they would organise for community workers in country areas (Ceduna, Port Augusta, Mount Gambier) to be in a similar audiovisual environment and, through that mechanism, we could talk to people right across the state. I gave a number of talks on environmental law, but I do not believe I need to declare an interest. I have never been paid for any of that work but I was more than happy to do it.

I also note that this morning, as I hopped off the train at Adelaide station, I was greeted by a group of Legal Services Commission lawyers because they were undertaking what they refer to as their legal health check-up service. They make the point that a person's legal health can be as important as their physical health, and they were there to see whether people needed help with referral to agencies or services.

It really was an example of the Legal Services Commission reaching out to the community, and I congratulate them for that. I also acknowledge the role that they have played this week in terms of the rally that was held outside the Sir Samuel Way building for improved funding for legal aid. They were a big part of that and they were also a big part of this week's Walk for Justice, which is the annual fundraiser for JusticeNet. I do not have the final figure but I believe they made $40,000 or $50,000 and had 500 or so participants. It was in fact the place to be seen if you were a lawyer, a judge or just anyone who cares about access to justice.

The main thing I want to put on the record today, and it follows from the contribution that the Hon. Andrew McLachlan made, is the concerns that the Law Society of South Australia has with this bill. Their lengthy submission could probably be summarised in one or two sentences, and that is that they are concerned that the current arrangement which provides for up to three representatives from the Law Society is to be replaced with a new model where they are not guaranteed any representation on the Legal Services Commission. I will just read a couple of sentences from the society's letter of 18 March to the Attorney-General, which is under the name of David Caruso, the President:

> 7. The Society submits that a skills based Commission would make provision for a Commission Member who was a legal practitioner with appropriate skills to be appointed. The Bill makes no express provision for its constituency to include a Commission Member who is a legal practitioner of requisite skill.
>
> 8. We submit that the Society should, on behalf of the legal profession, retain a right to nominate at least one Commission Member. The Society previously had the right to nominate three Members to the Commission.

9. Those nominations provided for Commissioners with legal expertise to inform the work of the Commission. Those nominations accounted for the financial contributions made by the legal profession to legal aid funds by virtue of the percentage contribution of interest accrued on the Combined Trust Account.

That leads me to the first question that I would invite the minister to respond to either in committee or when he concludes the second reading, and that is: how much money does the profession provide to the Legal Services Commission by virtue of the percentage contribution of interest accrued on the combined trust account? The Law Society submission basically goes on to repeat:

13. The Society submits the Bill should be amended to provide for at least one Commission Member to be a legal practitioner of requisite skill and for the Society to nominate that Commission Member.

The question that flows from that for the minister is: why not? I do understand that when you are moving to expert-based rather than representative that there is a tendency to think that it is either/or. My question is: why can't it be both? The submission goes on to say:

21. The necessity for retaining an engaged local legal profession is illustrated by the mixed model of service delivery whereby 68 per cent of grants of legal aid are undertaken by private practitioners.

The question that flows from that is: if two-thirds of the work is actually done by private legal practitioners, why not provide for the representative body for those two-thirds of workers to be actually represented on the commission itself? The Law Society's submission also points out that constituting the commission in the manner provided by the bill 'risks impairing the close association between the profession, the Society and the Commission'.

The final point in their submission relates to the independence of the profession and access to justice, and I think it is important because it relates to separation of powers as much as anything else. The society states:

46. The Society also draws attention to the issue of independence of the profession. The Bill passes total control of the Commission to the Executive. This is because all appointments will be nominated by the sitting Attorney-General.

47. The justice system is the third arm of government and functions only by its independence of the Executive.

48. This is nowhere clearer than in criminal justice and administrative law, where the government or its institutions are the principal contradictor.

49. Legal aid is a critical part of the justice system and access to justice.

50. It is an essential aspect of the justice system that litigants have access to independent legal advice, representation and advocacy.

51. There is no other way of achieving this than through an independent profession, which includes an independent provider of legal aid and legal services.

52. Proposals which bring the justice system into closer control of the Executive threaten its independence.

I think they make a very good point. I think we are still in the year of the 800th anniversary of the Magna Carta. Whilst that is not the origin of the separation of powers, it is one of those fundamental documents that has us thinking about the nature of government, the nature of law and in particular the three arms of government in our system.

I think the Law Society makes a good point. Certainly, the Greens will need convincing, as the minister sums up debate on the second reading or in committee, that the government has got this right in terms of excluding direct representation from the Law Society. With those brief remarks, the Greens will be supporting the second reading of this bill.

The Hon. T.T. NGO (16:20): I rise in support of the Legal Services Commission (Miscellaneous) Amendment Bill. In particular, I would like to speak about the benefits that arise from changing the Legal Services Commission's outlook from being purely a representative body, and instead giving it a broader focus to effectively administer its responsibilities.

One of the key changes is to amend the commission's constitution to allow for the reduction of the number of board members from 10 to five. The director will be appointed by the commission. The Attorney-General will nominate the chairperson, who must be a person holding a judicial office

or a legal practitioner of at least five years' standing, as well as three people to fill three of the five positions.

Of the three members chosen by the Attorney-General, at least one person must have financial management experience, and at least one person must represent the interests of assisted persons—I am told that potentially they could be clients or future clients, because it is important to have the people who you serve generally on the board, so that you have a broad view of what is going on out there—with the Attorney-General consulting with the Law Society and the South Australian Bar Association. The third member can be any other person.

This bill recognises that the Legal Services Commission is a substantial body corporate with important duties to perform. The commission is responsible for sound decision-making with regard to the allocation of funds and management of expenses. As reported in the Legal Services Commission's 37th annual report for the 2014-15 financial year, the commission recorded a total income of almost $41 million. It is surely in the public interest that this money be allocated and managed in the most effective way.

The reforms in this bill are similar to the ReturnToWorkSA board reforms implemented through the WorkCover Corporation (Governance) Amendment Act. Essentially, the government believes that these types of boards stand to benefit from the contributions of people with relevant management and business expertise. While the commission has a broad social objective, we must recognise that fundamentally it is a business.

The primary function of the commission is the provision of legal services to disadvantaged and vulnerable members of our community. I am sure honourable members will agree that access to justice is a social issue affecting people across all ages, genders and background. To ensure that they continue to have access to these legal services, the Legal Services Commission must be placed in the best position to run its business effectively. There are several interests to consider, including the legal sector, and community and welfare stakeholders, and this is reflected in the proposed amendments.

In saying this, I do acknowledge the Law Society's concern regarding its ability to advise the commission on matters of interest or concern in the legal profession as outlined by previous speakers. The bill introduces the Legal Profession Reference Committee to safeguard the profession's engagement with the commission. Four of the seven members on this committee belong to the profession: two nominated by the Law Society and two nominated by the South Australian Bar Association. This committee advises the commission on any matter referred to it and also consults with the director to determine the scale of fees for professional legal work.

We cannot dispute that the lawyers contributing their expertise to this scheme are invaluable. The rewards that flow into the community from legal aid work carried out by legal practitioners far outweigh what they are paid. I am hopeful that, as has been the case for many years since the commission's establishment, the advice and input of the Law Society, who represent the legal profession in South Australia, will continue to be recognised by the commission.

It is important for honourable members to understand that in no way does the bill impact the commission's independence from the government. The amendments simply ensure that the commission is equipped with the skills necessary to effectively operate within its available resources. I commend this bill to the council.

The Hon. K.L. VINCENT (16:26): I only wish to put on the record a few brief words of support for this bill and state that Dignity for Disability will be supporting it. In particular I thank the Legal Services Commission for the important service they provide in providing legal aid to people in dire need, particularly those on low incomes. The commission has, on several occasions, provided much needed assistance to several of my constituents. I want to put on the record our personal thanks for that and also to say that we did have some questions, but they have been touched on by the Hon. Mr Parnell and we will look forward to some answers. All that being said, and pending those answers, we will support the bill.

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

Resolutions

STATEMENT OF PRINCIPLES FOR MEMBERS OF PARLIAMENT

Consideration of Message No. 88 from the House of Assembly, in response to which the Hon. K.J. Maher moved:

That this council—

1. Notes the resolution passed by the House of Assembly in adopting a statement of principles for members of parliament.

2. Adopts the following statement of principles for members of the Legislative Council—

   (a) Members of parliament are in a unique position of being accountable to the electorate. The electorate is the final arbiter of the conduct of members of parliament and has the right to dismiss them from office at elections.

   (b) Members of parliament have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity, subject to the laws of the state and rules of the parliament, and using their influence to advance the common good of the people of South Australia.

   (c) Political parties and political activities are a part of the democratic process. Participation in political parties and political activities is within the legitimate activities of members of parliament.

   (d) Members of parliament should declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their duties. Members must declare their interests as required by the Members of Parliament (Register of Interests) Act 1983 and declare their interests when speaking on a matter in the house or a committee in accordance with the standing orders.

   (e) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

   (f) Members of parliament should not promote any matter, vote on any bill or resolution, or ask any question in the parliament or its committees, in return for any financial or pecuniary benefit.

   (g) In accordance with the requirements of the Members of Parliament (Register of Interests) Act 1983, members of parliament should declare all gifts and benefits received in connection with their official duties, including contributions made to any fund for a member's benefit.

   (h) Members of parliament should not accept gifts or other considerations that create a conflict of interest.

   (i) Members of parliament should apply the public resources with which they are provided for the purpose of carrying out their duties.

   (j) Members of parliament should not knowingly and improperly use official information, which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for private benefit.

   (k) Members of parliament should act with civility in their dealings with the public, minister and other members of parliament and the Public Service.

   (l) Members of parliament should always be mindful of their responsibility to accord due respect to their right of freedom of speech with parliament and not to misuse this right, consciously avoiding undeserved harm to an individual.

And that upon election and re-election to parliament, within 14 days of taking and subscribing the oath or making and subscribing an affirmation as a member of parliament, each member must sign an acknowledgement to confirm they have read and accept the statement of principles.

(Continued from 17 May 2016.)

The Hon. J.A. DARLEY (16:28): I rise to speak very briefly to this motion which, as we know, has a long history insofar as it was first recommended by a select committee back in 2004 and championed for another 10 years after that by the late Hon. Bob Such. I am sure we would all agree that, despite whether or not we think it is a necessary motion, he would be delighted to know that it is finally being dealt with by both houses of parliament.

Both the Hon. Rob Lucas and the Hon. Mark Parnell have already made the point that many of the elements addressed by the statement of principles for members of parliament are already covered either through existing standing orders or legislation. Those that are not covered are a matter of sheer common sense and courtesy. I do not intend to dwell on whether or not the motion is necessary. I will say that, like the Hon. Bob Such, I too believe that as politicians we should all hold ourselves to the highest possible standard. We have a responsibility to represent the interests of our constituents fiercely and never take for granted the trust and confidence that has been bestowed upon us by the community.

I think that is really the gist of the motion. My mother always used to say that if you have nothing nice to say about a person, then you should say nothing at all. I will be the first to admit that motto is often hard to live by, but one that we should all strive to follow. The same can be said for the statement of principles. It serves as a reflection of the responsibilities we all have as members of parliament, and even if the statement does, as some members have indicated, state the bleeding obvious, it is one we should all observe.

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) (16:29): I will not speak for very long. I would just like to thank all honourable members for their contribution to this motion and look forward to the passing of this motion.

Motion carried.

Bills

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Final Stages

Consideration in committee of the House of Assembly's message.

The Hon. K.J. MAHER: I move:

That the Legislative Council do not insist on its amendments.

The Hon. A.L. McLACHLAN: The Liberal Party will be insisting on its amendments.

The Hon. K.J. MAHER: I thank the honourable member for his statement of position. The government believes that the bill as originally received from the House of Assembly is sufficient and therefore does not believe that the amendments should be insisted on.

The Hon. M.C. PARNELL: To assist the council in its deliberations, the Greens will also be insisting on the amendments, but we do so on the understanding that we oppose the entire bill. We will insist on the amendments, regardless we do not like the bill. We have said that on three or four occasions that it has been brought forward, so our position has not changed.

The Hon. J.A. DARLEY: I indicate that I will be insisting on the amendments.

Motion negatived.

HOUSING IMPROVEMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 May 2016.)

The Hon. M.C. PARNELL (16:36): The Greens will be supporting this bill, but I just want to put a few observations on the record and to explain the intent of amendments that I have filed. First of all, the act that this bill seeks to replace is one of the older acts that we have amended a couple of times over the years but is now going to be totally replaced, and that is the Housing Improvement Act 1940.

What people obviously realise is that society and standards have changed a great deal. The question that this bill and the previous act address is: what should the minimum standards be for

buildings that are used for human habitation? The answer to that question was different in 1940 as it is today. Back in 1940, the need for a flushing water closet was unheard of. What you needed was a—and I think this is a technical term—dunny can out the back in a small shed, adjoining a laneway, where someone would come and collect night soil in a horse and cart. That was the standard.

Over the years, standards have changed and they have improved. Now you see, in the regulations under the Housing Improvement Act, that flushing toilets in houses used for human habitation is now the standard. Of course, it is not just toilets; it is also other plumbing, water, access to light, and a whole range of things. Certainly, the sturdiness of houses, so that they do not fall down on people, is all part of the ongoing improvement of basic minimum standards for housing.

I would make the point that, as those standards change over time, they also change geographically quite a bit as well. If you look at similar provisions in other places, you will see that they put a higher emphasis on things that are absent from our standards. For example, if you go to the province of Alberta in Canada, you find things such as the obligation to have double-glazed windows, or at least to have shutters. Anyone who has ever been to Canada in winter would understand why that is a pretty basic requirement.

They have to have heaters. You have to have a furnace that is capable of reaching at least 22º Celsius. In the dead of winter, they make a bit of a concession, whereby it has to get to at least 16º Celsius. The consequences of living in a house in Alberta in midwinter with no heating is probably the death of the occupants.

They also have standards as to how hot the hot water service has to be (between 46º and 60º). There is a range of things that have not found their way into the South Australian housing standards, largely as a result of our different climate. There are a couple of things that I think we ought to consider in terms of future regulations for minimum housing standards, and they are the subject of my amendments.

The first thing I think housing authorities ought to be able to take into account is the environmental performance of buildings, and that includes water and energy efficiency, and also any of the fixtures, fittings and facilities provided with those premises. I am not saying that we need to set out in legislation a star rating for rental housing. I am not going that far. All I am doing is adding to the list, in the bill, the things that the government may make regulations about on this issue of environmental performance. In other words, it is in there for the occasion, which I do not think is too far away, when governments realise that, no, actually we should be mandating things other than basic plumbing and basic sunlight.

I can see a day when insulation ratings might become part of basic housing standards. I am not proposing them for today. I am not proposing any particular standards be incorporated into the regulations; all I am saying is the regulation making power ought to at least leave room open for environmental performance to be included. That is the first of my amendments. The second of my amendments is that that same list of factors to be taken into account in setting basic minimum standards should also include the construction materials that are used in premises, and in particular materials that might pose a risk to human health.

Now, people might think, 'Well, that's odd.' I will tell you what I have in mind. What if Mr Fluffy came to South Australia? Most people should have heard of Mr Fluffy. The honourable Acting President is giving a knowing look. I am sure he has heard of Mr Fluffy. It was an insulation company that operated in Canberra in the 1960s and 1970s, and they basically pumped loose fibre asbestos fill into the roof cavities of hundreds and hundreds of houses in Canberra. Canberra has a colder climate than South Australia. They have been attuned to the need to insulate their houses for longer than we have. The result of that, now that we understand the consequences of loose fibrous asbestos in people's homes, has been one of the most expensive rehabilitation programs I think in the ACT's history.

They had an expensive program of clean-up, where they were trying to pump this dangerous material out of the roof cavities. Then they discovered, of course, that the material is so fine it gets its way into wall cavities, people were finding it coming out of their wardrobes, built-in robes, in the house. So now the ACT government has embarked on a purchase and demolition program. They are buying people's houses and demolishing them because this stuff is so deadly.

I hope to goodness that we do not discover anything like that in South Australia. But I figured that, out of an abundance of caution, we could list in clause 5 of the bill, which is the place where it lists things that can be taken into account in regulations, the issue of construction materials that may pose a risk to human health, then we have that covered.

I should just say that I do not have in mind that we should sort of ban people from living in houses with asbestos, all forms of asbestos. Most of us would be homeless. Most of us live in houses, unless they are brand new, which probably have some asbestos in them. I know my place certainly does. I think every place in the street does. It is sheet asbestos, it is fibro cement, as it was called; and provided it is not damaged, you do not cut it, you do not drill it and it is painted, it is probably not going to do you any harm.

The Hon. D.G.E. Hood: And tiles.

The Hon. M.C. PARNELL: Yes, as the Hon. Dennis Hood points out, tiles on the roof. I am not suggesting that this is some grand plan to stop people living in houses that have asbestos. I think that we are a long way from that, and I think we do need to be risk based, and a lot of the asbestos that is in homes is probably relatively safe.

I will just take this opportunity to actually put on the record, given that I went to the trouble of getting a freedom of information request on this topic, details of how many public houses in South Australia contain asbestos. The figure I got back from the Department of Planning, Transport and Infrastructure is that there are 757 homes that are tenanted, that are known to have asbestos in them. These are homes that are owned or managed by the department, by DPTI. There are 152 untenanted homes that have got asbestos, and then there are a number of homes, about 111, where the status is not known. I have every hope that most of those houses are safe to live in, that the asbestos is contained and we are not talking loose asbestos, like Mr Fluffy in the ceiling, but about fibro cement in the walls.

I just make the point that, over time, as standards change and as those building materials start to degrade, it may well be that in the future we do start to have a systematic program of making our housing stock safer to live in. My amendment does not go that far. My amendment just says that the issue of building materials and their safety is something that the government can, if it wishes to, make regulations about. In other words, I have an eye to the future. As I have said, we have gone from dunny cans out the back to flush toilets in the house, and I think standards will change over time.

The other amendments I have relate to some of the incidental amendments in this bill, and they are amendments to the Residential Tenancies Act and to the Residential Parks Act. My amendments seek to remove those sections that provide for no-cause eviction. It is an issue that I have raised here before. I think a landlord, under both those pieces of legislation, does have the power to evict tenants for certain reasons. Certainly non-payment of rent or damaging the property—there are reasons for which evictions are appropriate.

You also have situations where the owner wants to move back in themselves, or they want to sell the house, or one of their family members wants to move in, or they have serious renovations that they want to do. These are all valid reasons for a landlord to end a tenancy agreement. But what I cannot allow to go through without challenging is this idea that, provided you just give three months' notice, you can kick someone out of their home for no reason at all. I think you should have to have a reason to evict someone.

Of course, as we know, even though it is against the law to retaliate against tenants for simply exercising their rights, we know landlords do it. If a tenant makes life difficult by saying, 'Can you please fix the stove?' or, 'Can you please stop the roof from leaking?' for some landlords the easier option is to just give a three-month notice, get rid of the tenant and get someone in who is a bit more subservient and is not going to cause so much trouble and is not going to insist on their rights. They are the final two of my amendments. With those words, the Greens will be supporting this bill and we look forward to the committee stage.

The Hon. D.G.E. HOOD (16:47): I rise to speak on the Housing Improvement Bill. This bill repeals the Housing Improvement Act 1940 and imposes minimum housing standards through a broad range of enforcement provisions and orders. Under this bill, the minister has the power to

impose prescribed orders on any home owner to meet a minimum standard of housing. Such orders include housing assessment orders, housing improvement orders, demolition orders, notices to vacate and rent control notices. These orders allow the minister to impose very onerous responsibilities on home owners, where deemed appropriate, to improve the standard of their home, and with serious consequences for noncompliance.

As some members have already pointed out here and in the other place, the main issue is that these provisions apply to both rental and non-rental (that is, owner-occupied) homes. A home owner and occupier, despite being happily content with the condition of their home, causing no harm to anyone else, may find themselves subject to a housing improvement order. I think this is more acceptable in new housing (that is, housing yet to be built) rather than existing housing. The person subject to such an order would then be required to complete remedial works at their own expense.

The issue with this is that not all home owners will be in a position to afford the required remedial works. Under this bill, the minister has the power to enforce housing improvement orders, regardless of an owner's financial circumstances or objections, and then pass on the costs to the owner in the form of a debt owed to the government. The likelihood of this scenario occurring is possible. The minister indicates to me that it is something that is used very infrequently, but nonetheless can be used and called upon.

Notwithstanding the issue of remedial work affordability, there also appears to be an issue with the potential infringement of rights to property. When examining history, the criminal law has long regarded a person's property rights as fundamental. Indeed, William Blackstone, an 18th century English jurist, judge and politician, wrote in his commentaries of the law of England: 'So great moreover is the regard of the law for private property, that it will not authorise the least violation of it.' Additionally, right to property or the right of a person to enjoy their property without unlawful interference from the government has been canvassed by the High Court. Justice Brennan, speaking on the right to property in Halliday v Nevill states:

> The principal applies alike to officers of government and to private persons. A police officer who enters or remains on private property without the leave and licence of the person in possession or entitled to possession commits a trespass and acts outside the course of his duty unless his entering or remaining on the premises is authorised or excused by law.

Indeed, that is what we are debating here: whether or not we excuse by law an intrusion by an authority into a person's private property.

As noted, this bill has extensive powers. An illustration of this is the power of an authorised officer under the bill to use reasonable force to enter into the premises, if they believe on reasonable grounds that it is necessary to do so. In this case I am not sure that the community benefit of enforcing minimum housing standards on owner-occupied homes outweighs the home owners' fundamental right to property. However, I do believe it is a reasonable compromise to exclude owner occupiers from this bill, and there are amendments by the opposition to that effect.

To conclude my second reading contribution, there are certainly very serious and legitimate concerns about provisions contained in this bill, although I believe its intentions are genuinely positive. I do support the general object behind the bill, and that is to protect the vulnerable from substandard living standards. However, this bill as currently drafted, in some cases and some aspects of it, which we will be dealing with in the amendments, does go too far in my view.

Home occupiers who occupy their own homes should be able to live freely and without fear of the government infringing their right to property, so long as their existence is not harming anyone else or detrimentally affecting anyone else. Therefore, we support the second reading of this bill, but will very closely consider and scrutinise any subsequent amendments at the committee stage to determine our final position. Finally, I indicate that Family First does intend to support the amendments as proposed by the Hon. Jing Lee on behalf of the opposition.

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

MENTAL HEALTH (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 April 2016.)

The Hon. T.A. FRANKS (16:52): I rise on behalf of the Greens today to speak to the Mental Health (Review) Amendment Bill 2015. This important piece of legislation is most welcome in this place, and I thank minister Leesa Vlahos' adviser, Juan Legaspi, and Chief Psychiatrist, Dr Aaron Groves, for providing my office with briefings earlier this year.

The Greens believe that access to quality mental health care is a basic human right, and that it is vital that governments invest in better mental health care services. Mental illness, of course, is prevalent in our society. We know from the Australian Bureau of Statistics, National Survey of Mental Health and Wellbeing: Summary of Results Report, that approximately 20 per cent of Australians, some one in five, are affected by some form of mental illness every single year. Those one in five Australians are likely to have experienced a mental illness in the previous 12-month period.

We also know of someone who has been or is a mental health consumer. It affects our families, our networks, our workplaces, our communities and, of course, ourselves. This is why the Greens, at both a federal and state level, have called for better access to appropriate services to ensure that all Australians impacted by mental illness do have adequate supports, whether it is a direct impact or whether it is their loved ones, their colleagues or their families.

We also believe that support should be tailored. For instance, my office, certainly in collaboration with the office of the Hon. Kelly Vincent, has long campaigned for a specialised borderline disorder unit to be established here in South Australia. We have called for this unit based on the success of Victoria's Spectrum model because we know that that is what many in our state need. We know from the Victorian experience that that is something that will work. We have been campaigning for that adequate access for BPD consumers, carers and others with Dr Martha Kent, who is a well-known psychiatrist, and Janne McMahon from the Australian BPD Foundation.

Disappointingly, not only have we not seen movement towards such a centre here in South Australia but we even saw the government members of this place refuse to acknowledge the annual day that has been recognised by the Australian BPD Foundation and, indeed, is recognised in the federal health calendar. Let us hope that we see some leaps and bounds of progress in not only recognition of that BPD day of note but, of course, in progress and supports for those who struggle with BPD.

People who are affected by BPD experience distressing emotional states, difficulty relating to other people and, of course, self-harming behaviours. I have stated before in this place and in the community that when we are speaking about this issue, it is an issue where lives are being lost and families are being placed under enormous stress, and we are not doing our job in this place if we are not supporting those people with mental illness to provide those essential services, not only to keep them living well but to keep them living at all.

I note that minister Leesa Vlahos has attended briefing sessions and met with constituents affected by BPD, and I know that she has shown some interest in this area. I look forward to further collaboration between myself and other members in this place, including the Hon. Stephen Wade and the Hon. Kelly Vincent, and hopefully minister Vlahos, to take this further, particularly on the issue of BPD. I again take this opportunity to call on the Weatherill government to allocate funding for a specialised unit; a small investment now will see us save costs in the long run. The health economics there are quite clear.

Another area the Greens have campaigned for is access to quality mental health care for people living in our rural and remote areas in this state and across this nation. I note particularly the work of former Greens senator, Penny Wright, who was a champion in this area of work and visited many rural parts of our country and undertook quite an extensive consultation with front-line rural mental health workers, service providers, consumers, carers and their families.

She launched a report entitled 'Voices and experiences: Improving mental health services in Country Australia', and that report highlighted the concerns that were rife such as poor access to subacute services, the need for stronger community-based mechanisms, better support for carers who were needed, improved training and education for the rural mental health workforce and front-line workers and, importantly, to reduce the stigma relating to mental health and accessing mental health care. The Greens will continue to campaign on the area of access to mental health services

for rural, remote and regional areas in our state and we will continue to champion work done to reduce the stigma around mental illness and to promote positive mental health.

The bill before us was introduced by minister Snelling on 2 December 2015 in the other place. When consulting with the mental health sector I have been advised that this was one of the best consulted pieces of legislation relating to that minister's portfolio. By way of background, there was a review of the Mental Health Act which saw the Office of the Chief Psychiatrist receive 45 written submissions from a diverse range of individuals and stakeholders. There were 23 consultation sessions held with stakeholder groups.

A total of 301 matters were put up for consideration throughout the consultation process. The review considered these issues against current developments in mental health legislation, policy and best practice across Australian jurisdictions, and made 72 recommendations for legislative change. The government has endorsed the progression of 65 recommendations and has deferred seven to be reconsidered during a review which I am informed will be held in 2020.

The changes in the act relate to definitions and language, to rights, to obsolete or discriminatory provisions, administrative or service provision matters, and the proposed bill before us today clarifies the functions of the Chief Psychiatrist. Further areas of change relate to major reform to level I community treatment orders, to the Community Visitor Scheme, to cross-border arrangements, and to ECT and other prescribed psychiatric treatment and reform that relate to patient assistance requests. With regard to the level I community treatment orders, this will be amended to increase their maximum duration from the current 28 days up to 42 days. I have been advised that this would make the orders more effective because the current 28 days is proving too short for therapies to take effect.

The changes relating to the patient transport request provision will allow mental health service providers to request the assistance of the South Australian Ambulance Service and South Australia Police to provide medication to a patient who is subject to a community treatment order in their own home. This was one of the recommendations put by the sector to address the current pressure on mental health beds in our state. It addresses the issue currently where a patient needs to be taken to hospital for medication and then returned to their own residence. The review found that it is traumatic for the person and often for their family if the patient needs to be transferred to hospital in order to receive medication. It is also quite resource intensive, and needlessly so for mental health services, particularly the SAAS, SAPOL and hospital emergency departments.

The bill makes amendments to the Community Visitor Scheme. One of the recommendations in the review stated that community-based services and facilities should be included in the scope of the Community Visitor Scheme through the regulations. It is proposed that facilities and services should be increased to include community mental health centres, community rehabilitation centres and intermediate care centres.

The review also recommended that the term of appointment of the Principal Community Visitor position should be five years, as it was argued that the term currently in the act is shorter than most statutory positions, and the bill here today reflects that recommendation. I certainly welcome that and note that, as a policy officer for the Mental Health Coalition of South Australia prior to my election, the Community Visitor Scheme was one of the areas that I assisted in lobbying government and opposition in this place to introduce, and I certainly welcomed that.

We were the last state to have such a position. Again, where we used to lead on social reform, we now lag, but at least we got there on this occasion. One of my first private member's bills was around this particular act and ensuring that carers did not fall foul of the law if they took in a family member who was under the jurisdiction of an order.

This bill also makes changes to the cross-border arrangements. For example, the bill seeks to improve the rights of patients by ensuring that the patient receives a copy of the appropriate treatment order and a statement of rights when receiving treatment in South Australia. It also provides options for the treatment of people who are subject to a community treatment order in SA but are located in other jurisdictions. The bill seeks to make changes regarding electroconvulsive therapy (ECT). For example, it clarifies consent and makes changes to the notification required under the

bill. All ECT consent must be notified to the Chief Psychiatrist. The bill seeks to improve patient rights and enhance service delivery.

The Greens welcomed the review and we appreciate the enormous efforts of the Office of the Chief Psychiatrist in order to bring this piece of legislation before the parliament. We support this bill and look forward to both supporting the second reading and the debate at the committee stage. We also thank particularly the Mental Health Coalition of South Australia and other stakeholders who have aided our understanding and position on this bill and the development of this piece of legislation before us. I commend the bill to the council.

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

FAMILY RELATIONSHIPS (PARENTAGE PRESUMPTIONS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the additional amendment made by the Legislative Council with amendments; and has disagreed with the consequential amendment as indicated in the annexed schedule:

No 1—

Schedule A1—

Clause 2, inserted subsection (1a)—delete 'the biological parents of a child at the express request of the applicant for the search in relation to which the certificate is issued' and substitute:

a person as a biological parent of another person with the written consent of that other person or, if that other person is not an adult, of each legal parent or guardian of that person

Schedule A1—

Clause 2—after inserted subsection (1a) insert:

(1b) Subsection (1a) expires on the day on which the donor conception register is established under section 15 of the *Assisted Reproductive Treatment Act 1988*.

LOCAL NUISANCE AND LITTER CONTROL BILL

Final Stages

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

MAGISTRATES COURT (MONETARY LIMITS) AMENDMENT BILL

Introduction and First Reading

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

At 17:06 the council adjourned until Tuesday 24 May 2016 at 14:15.