LEGISLATIVE COUNCIL

Tuesday, 21 June 2016

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

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to the land and the community. We pay our respects to them and their cultures, and to the elders both past and present.

Condolence

COX, MS H.J. MP

The PRESIDENT (14:18): I would like you all to stay standing and join me for one minute's silence in memory of Jo Cox, the British MP who was murdered while fulfilling her functions as a member of parliament.

Members stood in their places in silence.

Bills

MAGISTRATES COURT (MONETARY LIMITS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Assent

His Excellency the Governor assented to the bill.

REAL PROPERTY (ELECTRONIC CONVEYANCING) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Employment (Hon. K.J. Maher)—

District Council By-laws—
  Copper Coast—
    No. 1—Permits and Penalties
    No. 2—Local Government Land
    No. 3—Roads
    No. 4—Moveable Signs
    No. 5—Dogs
    No. 6—Cats
Determination of the Remuneration Tribunal No. 7 of 2016—Salary for the Governor of South Australia
Determination of the Remuneration Tribunal No. 8 of 2016—Review of Salary for Presidential Members of the South Australian Civil and Administrative Tribunal
Education Adelaide Charter, 2015-16
Regulations under the following Acts—
  Public Corporations Act 1993—Southern Select Super Corporation
  Southern State Superannuation Act 2009—Miscellaneous Amendment

Superannuation Act 1988—Prescribed Authorities

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Regulations under the following Acts—
Cost of Living Concessions Act 1986—Rates and Land Tax Remission
Fisheries Management Act 2007—Fees—Variation
Primary Industry Funding Schemes Act 1998—Deer Industry Fund—Revocation
Teachers Registration and Standards Act 2004—General

By the Minister for Police (Hon. P.B. Malinauskas)—

Regulations under the following Acts—
Disability Services Act 1993—Assessment of Relevant History
Public Sector Act 2009—
Public Sector Employment
Special Leave With Pay
Notices under Acts—Various—Gambling Codes of Practice—Predictive Monitoring Amendment

Ministerial Statement

CHILD PROTECTION DEPARTMENT

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) (14:22): I seek leave to table a ministerial statement made in another place by the Premier entitled 'New department for child protection.'

WHYALLA STEELWORKS

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:23): I seek leave to table a ministerial statement made in another place by the Treasurer entitled 'The proposed assistance to secure steelmaking at Whyalla.'

POLLOCK, MR J.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:23): I seek leave to table a ministerial statement made in another place by the Hon. Geoff Brock entitled 'Mayor Jim Pollock.'

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

MOBILE BLACK SPOT PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:50): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about black spot phone towers.

Leave granted.

The Hon. D.W. RIDGWAY: As I have mentioned before in this place, every other state government contributed funds to round 1 of the federal government's mobile black spot program, with the exception of the South Australian government. As a result South Australia only received 11 out of a possible 499 phone towers, approximately 2 per cent of the towers that were on offer.

Last week the government announced it would commit $2 million to round 2 of this program: $1 million from the minister and $1 million from the Regional Development Fund. The South Australian government's contribution still remains grossly inadequate. In round 1, just to remind people, New South Wales contributed $24 million for 144 upgrades, Victoria $21 million for 110 towers, Queensland $10 million for 68 upgrades, Western Australia $32 million for 130 and Tasmania $350,000 for 31. So, just over $104 million has been contributed by all state governments, yet the South Australian government has only committed $2 million, just under 2 per cent of the government funding. Last week, when the minister made the announcement in his press release, he said:

> Given we are contributing almost six times as much as Tasmania, and they receive funding for 31 sites, we would expect the government to fund a proportionate number of new base stations reflecting our investment.

By that statement is the minister now admitting that, after 14 years of Labor, we are in a worse state than Tasmania and now deserve special treatment not afforded to any other mainland state? My question to the minister is: exactly how many towers do you expect to get with your $2 million?

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) (14:32): I thank the honourable member for his question and thank him and his party for completely and utterly vacating the field on this topic. They have not made a single announcement about what they would do if it was up to them—they do not understand the idea of an alternative government. They give no alternative whatsoever.

We have said quite fairly that we expect to be treated no worse than Tasmania was treated. The mobile black spot program is not up to us, it is up to the federal government to make the decision about what is funded. So, in terms of how many we get, well, that will be up to the federal government.

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. MAHER: You know what? I can just envisage now, should Malcolm Turnbull's government be re-elected (and it is up to them to decide where these mobile towers will go), do you think we will see the Liberal Party in South Australia advocating for this state? Not on past performance; they will not be advocating for South Australia, they will not be putting pressure on their federal colleagues to make sure South Australia is properly looked after. It is not unreasonable that we would expect to be treated just as well as the federal government treated Tasmania in the last round of mobile black spot funding.

As the temporary Leader of the Opposition, the Hon. David Ridgway, pointed out, Tasmania received 31 sites for a $350,000 contribution last time. We have contributed almost six times that amount—almost six times that amount—and we will see what the federal government does in relation to treating us at least as well as they treated Tasmania.

MOBILE BLACK SPOT PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): Supplementary question: given that flawed logic, why didn't New South Wales get some 480 phone towers? Why didn't Victoria get some 330 phone towers? Minister, your logic is flawed. How many towers do you realistically expect you are going to get for your $2 million?

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): These questions that the Leader of the Opposition asks are for the federal Liberal government. They are the ones who decide how many each state gets. Obviously there is a fundamental misunderstanding by the Leader of the Opposition about how this works. We are putting in nearly six times the amount. We have stumped up $2 million for this program. The opposition has not announced what they will do at all—

you would be forgiven for thinking they would do nothing: they have come up with nothing and they have announced nothing.

BROKEN HILL WATER SUPPLY

The Hon. J.M.A. LENSINK (14:34): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray on the subject of Broken Hill's water supply.

Leave granted.

The Hon. J.M.A. LENSINK: Last week an announcement was made by the New South Wales government regarding its decision in relation to how it will ensure Broken Hill's ongoing water security. One of the three short-listed options for this was a pipe from South Australia with treated water. My questions are:

1. How much is the South Australian government offering to contribute to its construction?

2. Was this government going to charge the same rate per kilolitre as for South Australian customers?

3. What would the impact on SA's SDL have been?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:35): I thank the honourable member for her most important question. The New South Wales government has announced its preferred option to deliver a long-term water supply solution for Broken Hill. The Broken Hill region has suffered three droughts since 2003, resulting in severe water restrictions and short-term measures to secure additional supply.

This is an issue, of course, for the New South Wales government, which has to guarantee water security for its citizens, as you would expect. At the same time, the New South Wales government has investigated an exhaustive list of long-term water supply options. I am advised that a proposal that was put forward by SA Water and its delivery partner, Leed Engineering and Construction, was one of the three final options under consideration.

SA Water/Leed provided information to the New South Wales government under a mutual confidentiality agreement that enabled the New South Wales government to assess the proposal against other shortlisted options. I am advised that the SA Water/Leed proposal involved constructing a new pipeline that linked with the existing Morgan and Whyalla pipeline. The new pipeline was proposed to be constructed from just outside of Booborowie through to Broken Hill.

Under this option SA Water proposed to establish a long-term water treatment and transportation agreement with New South Wales. This means that water allocated to Broken Hill, under a New South Wales allocation, would have been transported by SA Water through the new pipe after being treated at the Morgan Water Treatment Plant in compliance with Australian Drinking Water Guidelines. I am advised that, after close consideration, the New South Wales government has opted to proceed with the alternate Wentworth pipeline solution to transport untreated water to Broken Hill and utilise the treatment plant that exists at Broken Hill.

SA Water accepts this decision, of course, and acknowledges the detailed evaluation process that led to it. I am advised that this decision has absolutely no impact on South Australian water allocations. If New South Wales is to supply Broken Hill using a pipeline either from Wentworth or South Australia we would remind them—and of course they understand, obviously—of their obligation to ensure that the 10 gigalitres or so of water required for Broken Hill occurs within the relevant sustainable diversion limit established by the Murray-Darling Basin Plan. It would always be the responsibility of New South Wales to source that water, as it would be for any other delivery purposes.

The state and government remains committed to working with any states, particularly the basin states, to make sure the basin plan is delivered on time, in full, and as promised, and South Australia stands ready to assist other states in the delivery of the plan.

BROKEN HILL WATER SUPPLY

The Hon. J.M.A. LENSINK (14:38): A supplementary: can the minister confirm whether the Broken Hill water would have been charged at the same rate as is charged to South Australian customers?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:38): I do not have the details of the proposal. My understanding was that this would have been a commercial operation for SA Water and, as such, the heavily discounted prices that are charged to South Australians would not apply.

ENVIRONMENT PROTECTION BILATERAL AGREEMENT

The Hon. S.G. WADE (14:38): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions in relation to the Environment Protection Bilateral Agreement.

Leave granted.

The Hon. S.G. WADE: On 9 December 2013, the federal Minister for the Environment, the Hon. Greg Hunt, announced the federal government's intention to develop a bilateral agreement with South Australia under section 45 of the Commonwealth Environment Protection and Biodiversity Conservation Act 1991 to ensure an efficient, timely and effective process for environmental assessments. On 3 July 2014 in this place the minister stated:

> The South Australian government's consistent position…has been that it supports accreditation of South Australia's environmental assessment and approval processes, as the objectives are to reduce red tape and deliver a streamlined regulatory environment and to ensure a high standard of environmental outcomes are maintained.

The minister went on to state:

> …the Premier has recently written to key industry stakeholders committing this government to continuous improvement in this area of reform.

Last week the federal Labor Party announced its intention to unwind this important work if it were elected to government on 2 July. As part of Labor's announcement it is stated that it 'will not support handing approval powers under the EPBC Act to state and territory governments'. My questions to the minister are:

1. Does the government stand by its support for accreditation of South Australia's environmental assessment and approval processes under the commonwealth act?

2. Has the minister had any communication with his federal counterpart as to why federal Labor lacks confidence in the South Australian Labor government's capacity to provide a one-stop shop for environmental approvals?

3. Can South Australia afford to miss this opportunity to reduce red tape and deliver a streamlined regulatory environment?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): The commonwealth government has declared that it will reduce environmental red tape through the creation of a one-stop shop for state and federal environmental approvals via the state system. That is all well and great if they can deliver on their promises. To deliver this one-stop shop, of course, the commonwealth government has proposed a staged approach to accreditation, which includes the signing of the memorandum of understanding to map out the process and what part it is expected to achieve, an update or expansion of the current assessment bilateral agreement, and an agreement on an approval of bilateral agreement within 12 months.

That memorandum of understanding between the South Australian and the commonwealth governments was signed by the Premier at the Council of Australian Governments on 13 December 2013. I understand that MOU is up on the commonwealth Department of the Environment's website.

The assessment bilateral agreements, signed in 2008 and updated in 2014, will allow actions requiring assessment under the commonwealth's Environment Protection and Biodiversity Conservation Act 1999. For some development acts—the Development Act 1993 and the Mining Act 1971—the process says 'to be assessed through relevant accredited state assessment processes'. The commonwealth Minister for the Environment will use assessment information from the state assessment process to make a decision under the EPBC Act. The commonwealth government released a draft conditions policy for public consultation, which closed on 15 May 2015.

The final agreement, the agreement notice signed by the commonwealth Minister for the Environment and the report on comments and the statement of reasons are available, I am advised, on the commonwealth's Department of the Environment website. I do thank the honourable member for his question because it gives me some leeway to actually answer the question about who lacks confidence in whom. The South Australian government is committed to the protection of environment and making good environmental policy decisions based on sound and rigorous environmental science, in complete contrast to the federal government. This commitment has enabled the state to be a leader in the fight against climate change—again, in complete contrast to our federal government.

We have shown that it is possible to reduce emissions in the state and maintain growth in our economy; for example, emissions in South Australia are 8 per cent lower than 1990 levels, while the economy has grown by over 60 per cent over the same period. While the South Australian economy transitions to a low-carbon future, nothing can be said about the federal Liberal government's commitment—or even other Liberal state governments.

The Hon. J.M.A. Lensink: It's got nothing to do with the question.

The Hon. I.K. HUNTER: It has everything to do with the question, and if the honourable member would like to bide her time she will understand why it has everything to do with the question. The Liberals, whether federal or state, are not interested in the environment. The Liberals do not give a fig for the environment. They talk about valuing jobs and growth, change and stability, and a transitioning economy, but they don't want to talk about climate change because they are well and truly beholden to the global warming sceptics lobby. They are a signed-up partner—the Liberal Party—to the global warming sceptics lobby. It is in this kind of climate that federal Labor has announced its election policy to push environmental approvals back to the federal government.

It is not that the federal Labor Party has a lack of confidence in the state Labor government: it is that they have a lack of confidence in all the Liberal governments, federal and state, because their record is abysmal. They want to chip up the Great Barrier Reef and send it offshore, because that's their only trick.

Members interjecting:

The Hon. I.K. HUNTER: They want to convince the United Nations: 'There's nothing to see here; the Great Barrier Reef's in great shape.' That's the Liberal policy: don't look over here about our environmental disaster waiting to happen. And that is because of the federal government's lack of action on climate change. That's their problem, the Liberals are not committed to any action on global warming, and they are not committed to action on the environment. In fact, it has everything to do with the lack of trust the community has in Liberal Party in government be it state or federal. They have absolutely no commitment to environmental policies.

Millions of Australians fear the damage a Liberal federal government can do to our country's environment. The Australian Labor Party shares this concern. It is in response to the country's scepticism about the Liberals that federal Labor has made this policy decision. Let me run past some of the failures of the Abbott and Turnbull Liberal governments in relation to climate change, and I am not even starting to talk about the environmental degradation that has happened under their purview and their watch.

Under the federal Liberal government, Australia has moved from fourth to 10th in the Renewable Energy Country Attractiveness Index. Australia has moved from fourth to 37th in the Global Green Economy Index under the federal Liberal government. We have moved from third to 13th on the Yale Environmental Performance Index. By the way, as a point of information, this Yale Environmental Performance Index has been labelled by the Liberals as the 'most credible index'

there is. So Australia has moved from the third to 13th on the Yale Environmental Performance Index which the Liberals themselves label as the 'most credible index' there is, with a specific ranking of 150th in relation to climate change.

The Abbott and Turnbull government attacks on renewable energy have seen 2,500 jobs lost in the sector and investment down by 88 per cent. That is their commitment to tackling climate change. Emissions from the electricity sector have jumped by almost 10 million tonnes under the federal Liberal government. In 2014-15, emissions rose for the first time since 2006-07, the last time there was a Liberal government and when Malcolm Turnbull was environment minister.

Australia's largest energy and emissions market analyst, RepuTex, has confirmed that under the federal Liberal's direct action policy carbon pollution levels from Australia's biggest polluters will increase by 20 per cent by 2030. I could go on.

An honourable member interjecting:

The Hon. I.K. HUNTER: And the honourable member opposite asked me to, so I shall. The Abbott-Turnbull Liberal government has also dismantled the climate commission. They have attempted to scrap the independent Climate Authority. They have succeeded in having the Climate Authority's respected and well-regarded chair, Mr Bernie Fraser, step down. They have undermined the renewable energy target threatening South Australia's investments and jobs. They have desperately tried to abolish ARENA and the Clean Energy Financing Corporation, and they have cut the jobs of hundreds of scientists in the climate change research at the CSIRO.

As with climate change, the Liberals have caused significant damage to one of the country's greatest gems, the Great Barrier Reef. The Great Barrier Reef is the largest coral reef ecosystem on earth and one of the best-known marine areas in the world, and yet Malcolm Turnbull and the Liberals have absolutely no respect for that reef. Climate change is the greatest threat to the health of the Great Barrier Reef. I think we can all at least agree on that. We know what the Liberals think about climate change: they make claims that they have made the biggest ever investment in the Great Barrier Reef but this is all just spin and dodgy figures. All we see from the Liberals is them trying to hide the truth, avoiding the science, disrespecting Australians, and the 70,000 people who rely on the reef for their jobs and their livelihoods.

However, federal Labor has committed to working with the Queensland government and stakeholders to implement the recommendations of the Great Barrier Reef Water Science Task Force report. Federal Labor's plan to protect the reef has three pillars: research, investment and preservation, and ongoing management into the future. Federal Labor does not shy away from the science, unlike the federal Liberal Party. Instead, the reef will be protected based on the latest specialised science. Federal Labor will direct the CSIRO—because they will save the CSIRO—to conduct reef-specific science, including climate research supported by a $50 million targeted funding boost I am advised.

All this shows that the Australian people have a right to feel suspicious about Liberal governments, whether they are state Liberal governments or federal Liberal governments. As I said earlier, I am very grateful to the Hon. Mr Wade for giving me the opportunity to expose how much suspicion there is about Liberal governments and their handling of the environment. That is why federal Labor have taken this position, not because they do not have confidence in the state Labor government but because they have no faith in the Liberal Party being champions of the environment in this country.

ABORIGINAL ECONOMIC DEVELOPMENT

The Hon. T.T. NGO (14:49): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister tell the chamber how the government is supporting Aboriginal businesses?

Members interjecting:

The PRESIDENT: Order! We have moved on from that. We are now on another question. The honourable minister.

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) (14:49): I thank the honourable member for his important question and interest in Aboriginal affairs generally. It is undeniable that there has been a stark contrast between the opportunities available to Aboriginal Australians and non-Aboriginal Australians in many areas. We know that economic participation is one of the keys in helping to end many aspects of disadvantage that Aboriginal people face. I think we can all agree that we want Aboriginal people and companies to succeed, and as a government we have started changing what we do to help provide further prospects.

Just last week, I had the pleasure of attending a Meet the Buyer event for South Australian Aboriginal businesses. It was a great event, organised by the Office of the Industry Advocate, Ian Nightingale and his team. This event was an opportunity for Aboriginal businesses and business leaders to meet face to face with senior government buyers and project managers, allowing them to present their business capabilities directly to key people.

We are committed to supporting Aboriginal business enterprises and jobs as much as we possibly can. We know that there is a very strong relationship between Aboriginal business ownership and the employment of Aboriginal staff. Statistics show that Aboriginal-owned businesses are 10 times more likely to employ Aboriginal people. We also know that there are significant positive impacts to Aboriginal economic outcomes when Aboriginal businesses are prosperous and that this prosperity can grow through increasing opportunities for Aboriginal businesses to win procurement contracts.

At the Meet the Buyer event, I was proud to announce an exciting new South Australian government initiative, Aboriginal Business Connect, a state-based Aboriginal business register. Having your business listed on Aboriginal Business Connect will increase the procurement opportunities available and raise its business profile to government and to private sector buyers. For this reason, the primary goal of Aboriginal Business Connect is to increase the visibility and accessibility of our Aboriginal businesses.

Aboriginal Business Connect will also connect the Aboriginal business sector to state and national procurement and subcontracting opportunities. Aboriginal Business Connect will be linked to Supply Nation's national business list, Indigenous Business Direct, and provide a one-stop shop for South Australian Aboriginal businesses to be registered not only on the South Australian site but also with Supply Nation. This means that South Australian businesses will not only be searchable by people working in South Australian government agencies but also by the commonwealth government through its Indigenous procurement policy.

In order to register, a business must be at least 50 per cent Aboriginal owned, be trading in goods and services and have an office based in South Australia. These criteria mean that buyers and project managers can search for South Australian Aboriginal businesses and be confident that the benefits from that procurement will be delivered to Aboriginal South Australians.

At the event, I was impressed that 60 businesses were registered on Aboriginal Business Connect on its very first day, and I would like to thank the very hardworking staff within the department responsible for Aboriginal affairs and also the Industry Participation Advocate's office. Aboriginal Business Connect will increase the opportunity for more businesses to win contracts with government, which in turn will provide increased opportunities for Aboriginal people. I thank everyone involved and look forward to seeing this progress very well.

GOVERNMENT PROCUREMENT

The Hon. M.C. PARNELL (14:53): I seek leave to make a brief explanation before asking a question of the Minister for Manufacturing and Innovation on the subject of government procurement—

Leave granted.

The Hon. M.C. PARNELL: —which follows very nicely from his previous answer. The federal government is currently considering whether to sign or accede to the World Trade Organization's government procurement agreement (GPA). According to the DFAT website:

The GPA is a WTO plurilateral agreement which opens government procurement markets between its members. The Agreement's main principles are transparency and non-discrimination. It requires GPA members to offer other members' suppliers conditions 'no less favourable' than domestic suppliers. In addition, the GPA provides for domestic review procedures to enable aggrieved firms to seek a review of procurement decisions.

If Australia signs this agreement, then aggrieved overseas steel manufacturers who miss out on state government contracts, or perhaps even Aboriginal firms, as part of the Aboriginal connect scheme, who get contracts and overseas companies miss out—we could find ourselves being sued in court. So, it is no surprise therefore that trade unions and other community groups are urging Australia not to sign. They include the Australian Fair Trade and Investment Network, the Australian Manufacturing Workers' Union and the Textile Clothing and Footwear Union of Australia.

Australia presented its accession offer to the WTO Committee on Government Procurement on 16 September last year. This initial offer was discussed during a meeting of the WTO Committee on Government Procurement in Geneva in February this year. Australia is now considering feedback from GPA members, in consultation with state and territory governments, before signing the agreement. According to DFAT, state and territory governments have been fully consulted. So my questions to the minister are:

1. What feedback has the state government given to the federal government, or to put it more directly: have you told the federal government that this is unacceptable for South Australia for the federal government to sign this agreement?

2. Is the minister concerned that this new trade agreement could seriously undermine the state's policy of local procurement of Australian steel for use in government infrastructure projects?

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) (14:56): I thank the honourable member for his question and his interest in this matter. Matters to do with trade and international agreements—and I must admit that I'm not intimately familiar with all the nature, consequences and effects of plurilateral agreements that may or may not be entered into, however, they are serious questions that the member asks and I will refer them. I suspect it's the Treasurer, but I will check to see. I suspect also that the Minister for Investment and Trade has part responsibilities in this area. I will refer them to the appropriate minister in another place and bring back to the honourable member a reply.

RECREATIONAL FISHING

The Hon. J.S. LEE (14:57): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about habitat enhancement.

Leave granted.

The Hon. J.S. LEE: The state government committed $600,000 in 2014 for the implementation of a habitat enhancement or artificial reef development to support recreational fishing opportunities in South Australia. A public consultation meeting was held more than a year ago to discuss a potential location for the reef, with follow-up town hall meetings in December 2015. An options discussion paper was then released, with three potential areas put forward; namely, southern metropolitan Adelaide, the north-western Gulf St Vincent and the north-eastern Gulf St Vincent.

Concerns have been raised as to what format the artificial reef will now take on, and there has been no time frame set as to when a reef will be constructed. Recreational fishers are concerned that, after more than two years since the promise, there is still no reef to be seen. When this promise was announced, the minister said:

This is an opportunity to enhance habitat for recreationally-important fish species and provide new fishing experiences, as well as improve the health and [diversity] of our unique marine environment.

The Hon. J.S.L. DAWKINS: Point of order: the honourable member's ability to get her question over is being interrupted by the minister. Why doesn't he wait until she finishes?

The PRESIDENT: I must say, it wouldn't be any more difficult than the Hon. Mr Hunter trying to deliver his answer amongst the noise. It's really up to the members here to show a certain amount—

Members interjecting:

The PRESIDENT: Order! It is up to members to respect the rights of any person in this chamber to ask a question, or answer a question, and do it without any interjections. The Hon. Ms Lee, you may continue.

The Hon. J.M. Gazzola: Start again.

The Hon. J.S. LEE: That's okay. I will just finish with the last sentence. When the promise was announced by the minister in 2014, he said:

> This is an opportunity to enhance habitat for recreationally-important fish species and provide new fishing experiences, as well as improve the health and [diversity] of our unique marine environment.

My questions to the minister are:

1. When will the location for the artificial reef be announced, and when will construction on the reef begin?

2. Why has the state government not fulfilled its 2014 promises?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:59): I thank the honourable member for her most important and fantastic questions. As we know, fishing is a favourite pastime for many South Australians. This government has committed $3.25 million over three financial years from 2014-15 onwards to help increase opportunities for recreational fishing in our state, including $750,000 per year for three years for a recreational fishing grants program, $600,000 for an artificial reef trial, and $200,000 per year for two years to provide fishing access at up to five offline reservoirs across the state.

The government's Recreational Fishing Grants Program will directly benefit the recreational fishing experience in and around South Australia's 19 marine parks, increase the number of people fishing in South Australia, and improve sustainable recreational fishing practices. The South Australian recreational fishing community seems to have embraced the grants program, submitting 82 applications worth over $2 million in the first call in 2015, I am advised.

Following assessment, 48 projects worth nearly $750,000 received support, including recreational fishing infrastructure projects, fish stocking and habitat enhancement projects, as well as education projects including the 'Come and try fishing days' project. The second round of the grants program was open from 16 January 2016 to 14 March 2016. I am advised that 70 applications were submitted in the second round, seeking over $2 million for projects that will benefit recreational fishing in our state.

I am also advised that $600,000 has been allocated for the artificial reef project, with the aim of enhancing South Australia's recreational fisheries habitat and increasing our state's recreational fishing and tourism opportunities. Healthy fish habitats support South Australia's fisheries by providing environments where fish can feed, shelter, reproduce and grow. I am advised that two rounds of community consultation have helped inform the design and location of the artificial reef project. The feedback indicated there was community support for a project which would enhance fish habitats through a native oyster bed restoration program.

In response to this feedback, the project will incorporate the restoration of shellfish reefs to improve the health of the marine environment and to create a new fishing destination, which will benefit recreational fishing, as well as regional jobs. I am advised that shellfish reefs have declined significantly in South Australia over the past 150 years, but this project has the potential to increase shellfish numbers, resulting in an improved habitat, allowing fish to grow and reproduce.

I am advised similar projects in Western Australia and Victoria have had promising results and have improved our understanding of oyster survival and potential restoration methods. Primary Industries and Regions SA is leading this project, in partnership with DEWNR, through an

independently chaired working group including PIRSA, DEWNR, Department of Planning, Transport and Infrastructure, the Environmental Protection Authority, the South Australian Research and Development Institute, the South Australian Tourism Commission, RecFish SA, University of Adelaide, and The Nature Conservancy.

Indeed, it is a very exciting program. It is a decision that was taken by the advisory committee in terms of location. It is a decision taken on the basis of consultation with the local community. If the honourable member, in asking her question, does not understand, this government is not about us as ministers standing up and making decisions in an arbitrary fashion. It is about going out and consulting with our communities, and talking to those communities about what they want to see in terms of government service delivery and then delivering it. That, per force, takes time, but it is time we are prepared to spend because we think involving your local community gets you better outcomes.

The PRESIDENT: Supplementary, the Hon. Ms Lee.

RECREATIONAL FISHING

The Hon. J.S. LEE (15:03): When the reef project does happen and is established, can the minister guarantee fishing will be allowed on the artificial reefs and that they will not solely be used as habitat protection zones?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:03): Mr President, you can see where the honourable member is trying to go with this fear campaign and scare campaign, just like they did with marine parks. And how flat did that fall for them, with over 80 per cent of our South Australians supporting marine parks, because we don't trust the Liberal Party in this state with their hands on the environment. That is what South Australians are saying, and that is what they say consistently: you cannot trust the Liberal Party in this state or at a federal level with their hands on the environment.

In terms of the recreational fishing reef, of course it will be available for recreational fishing. That is what the grant program was set up to do. Because it is enhancing a shellfish reef which has been long absent in the gulf, that will also enhance seaweeds and grasses growing. This is the important habitat that recreational fish need in order to thrive and reproduce. It is not that hard; as the Hon. Michelle Lensink said, you just need to think a little bit.

FROGWATCH SA

The Hon. G.E. GAGO (15:04): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the most recent Citizen Science project, called FrogWatch SA, and how will this not only inspire many budding scientists but also provide environmental and biodiversity data?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): At last, a sensible question which goes to the heart of what we try to do as part of our government which is involve local communities in very important programs.

FrogWatch is a fantastic Citizen Science project designed to provide valuable knowledge about frog populations whilst getting children and the general public outside and more involved with nature. Collecting data about frogs is important because worldwide frog populations are in decline. In South Australia, I am advised we have 26 species of frogs, eight of which are either rare, vulnerable or endangered. Because frogs are well known for their sensitivity to pollution and changes to their natural habitat, any changes in the population provide us with important insights into the health of our environment.

FrogWatch SA builds on the highly successful frog census community monitoring program that was delivered by the EPA between 1994 and 2007. This census saw over 2,300 individuals and community groups monitoring frogs at more than 3,600 sites right across South Australia. Over the last few years, Zoos SA, along with financial support from Beach Energy, Natural Resources Adelaide and Mount Lofty Ranges, Natural Resources SA Murray-Darling Basin, Natural Resources

South East and the City of Onkaparinga, has developed a new program based on a mobile phone app and a complementary website.

The new technology has been designed to appeal especially to younger generations and I hope that many schools and families will get involved. The app is easy to download to all mobile devices, allegedly, and enables users to upload their frog audio recordings, their GPS data and images directly to the FrogWatch website. Once uploaded, a member of the panel of experts will identify the species of frog and the person receives a report identifying the frog.

Since I joined some students from West Beach Primary School on Thursday 5 May to launch FrogWatch SA, 195 people have registered with the website. Twenty-three surveys have already been submitted and four sites have indicated the presence of rare frog Bibron's Toadlet. This is a great achievement in such a short space of time. It means that hundreds of people have worked out how to use this app, this technology, and I am sure one of them might show me how to do it on my flat screen at some stage.

Citizen Science projects like this provide an excellent and interesting opportunity for the public to contribute to authentic scientific research. Data from Citizen Science initiatives can be used to better manage environmental issues and build community input and support for those decisions. Data from the FrogWatch program is expected to be of sufficient rigour to include it in the regional state of the environment report cards. FrogWatch will encourage people to get out into the fresh air, explore their local creek or wetland and connect people to their local environment. Encouraging this local involvement and ownership can lead to community-driven environmental improvements in that environment that ultimately make our cities and our towns and our suburbs much more livable.

FrogWatch surveys will help us discover new species and monitor known and threatened species populations. It will also provide valuable information regarding numbers of introduced pest species, like the South American cane toad, and species introduced from other states. I would like to commend everyone who has contributed to this great initiative. Anyone who would like more information can go to the website frogwatchsa.com.au and try their luck at downloading the app.

DISABILITY SA

The Hon. K.L. VINCENT (15:08): I seek leave to make a brief explanation prior to asking questions of the minister representing the Minister for Disabilities regarding contracts for disability support services for the coming financial year.

Leave granted.

The Hon. K.L. VINCENT: It has come to my attention that Disability SA has abruptly terminated two contracts with a major disability service provider here in Adelaide. One leaves 60 people with disabilities and their families without support with only two weeks to procure a replacement service provider and support workers. We understand the service provider has been told to make the transition 'as smooth as possible for clients', yet the clients impacted by this sudden decision have been given no support from Disability SA (DSA), as I understand it, to find alternatives other than a web page that provides, again as I understand it, incorrect links to service providers.

Whilst some of these providers remain on the DSA provider panel, they may not be approved providers for that specific type of service, which these clients need. We are in a time of great reform in the disability community, as many would know, for people with disabilities, our family carers, community supporters and disability service providers. In addition to the introduction of the National Disability Insurance Scheme, the last thing constituents in my office need right now is further uncertainty and no contracted support beyond 30 June this year. So, my questions to the minister are:

1. What processes does Disability SA have in place to ensure continuity of support services that are provided to people with disabilities where contracts are terminated or not renewed?

2. Does the minister agree that one fortnight is not an adequate time frame for individually funded clients to recontact agencies and support workers, and that Disability SA's decision has apparently left families in the lurch?

3. What does the minister intend to do to ensure that people with disabilities and their families have adequate supports and contracts in place by 1 July 2016?

4. Where contractual disputes occur and services are not renewed or are terminated, what comprehensive case management does the department put in place to support people with disabilities and our families?

5. Why is the Disability SA website apparently not up to date nor accurate in the service information it provides to the community?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:11): I thank the Hon. Ms Vincent for her important question and again acknowledge her strong advocacy for the area to which her question relates. I will have to refer the question to the responsible minister in the other place for a response. I am sure the responsible minister will get an answer back to those five questions as soon as possible.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (15:11): I seek leave to make a brief 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: As members will be aware, the government and the minister announced the Northern Economic Plan in January this year with the promise, a commitment, of 15,000 jobs. I understand the minister and the government are very excited as it is may well be they are in train to fulfilling the first job out of those 15,000. There was a recent advertisement for a senior executive position in the Department of State Development for the position of strategic coordinator for the Northern Economic Plan. The advertisement says, in part:

> The position of strategic co-ordinator for the Northern Economic Plan is a joint initiative of DSD and the Cities of Playford, Salisbury and Port Adelaide Enfield.

Further on in the advertisement it says that the strategic coordinator, this senior executive position, will report to the Northern Economic and Social Implementation Board which, up until last week, was still to be appointed. My questions to the Leader of the Government are:

1. Is this position of the strategic co-ordinator wholly funded by the state government and the Department of State Development, or is the jointly funded with the local government areas that are listed in the advertisement?

2. Given that the Department of State Development coordinates, handles or reports to five separate ministers, can the minister indicate which of the five ministers will have line responsibility for the Northern Economic and Social Implementation Board and the senior executive position of strategic coordinator?

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 thank the honourable member for his question and his very strong interest in the Northern Economic Plan. In relation to funding for such a position, I will have to check that. This is a position within the department. I do not get myself involved in every single position within every single department. I am happy to go away and find an answer in relation to that question.

I know that many areas of the Northern Economic Plan are being supported jointly by the councils and the state government. In relation to this one particular position, I will be very happy to go away and find out an answer about the exact nature of how that position is funded. I know there is much work going on within state government working very closely with the three councils involved in the Northern Economic Plan. In relation to this particular position, I am happy to take it on notice and find out an answer. In relation to the administrative arrangements for the Northern Economic Plan, I have ministerial responsibility for those.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (15:14): Can I just clarify for the second question then that the minister is confirming that the Northern Economic Social Implementation Board will report to him and the position of strategic coordinator will be part of that reporting arrangement as well?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:15): The position will not report directly to me. I think the honourable member would be aware that positions within departments report ultimately to the chief executive of that department, who then reports to a minister. I would expect that through the chief executive those things will be reported to me.

QUEEN'S BIRTHDAY HONOURS

The Hon. J.M. GAZZOLA (15:15): My question is to the Minister for Police. Can the minister update the council about medal recipients for the recent Queen's Birthday Honours?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:15): I would like to thank the honourable member for his important question. As members are no doubt aware, we recently had a public holiday for the Queen's Birthday.

An honourable member: Is that what it was for?

The Hon. P. MALINAUSKAS: Yes, indeed. That day is about much more than just an opportunity for many to enjoy a well-earned long weekend. It is also an occasion for us to acknowledge the many others who make a contribution, including many of the state's outstanding volunteers, as the state government has also proclaimed the long weekend, or that particular day, as Volunteers Day, in recognition of the enormous effort and service made by volunteers across our state.

I have been very grateful for the opportunity to meet many people, since becoming minister, who volunteer within our community. The spirit of community service in our state is so strong that I believe it is fitting that a number of South Australians in the field have been recognised for their outstanding service, with awards just recently on the Queen's Birthday weekend.

It gives me great pleasure to firstly speak about the Australian Police Medal winners for distinguished service. One such worthy winner was Senior Sergeant Kelly Clarke. Senior Sergeant Clarke was nominated for the Australian Police Medal, not only for her distinguished service to SAPOL but in particular as a major crash investigator and her dedication and commitment to the broader road safety portfolio.

Senior Sergeant Clarke's leadership was fundamental during a period of significant change to the major crash investigation section. This section, and the now outstanding reputation of the major crash investigation section, is testament to Senior Sergeant Clarke's guidance, mentoring and the outstanding manner in which she leads her people in a consistently complex and traumatic policing environment.

Superintendent Mark Fairney is another worthy winner of the Australian Police Medal. Superintendent Fairney joined SAPOL in 1980 and was promoted to the rank of inspector in 1999. A few years later he was posted to the Security Intelligence Section, where his leadership and management abilities were critical at a time of global threats. In 2005, he was promoted to superintendent and as the officer-in-charge of the Traffic Support Branch, where he was instrumental in introducing a raft of road safety initiatives aimed at reducing the road toll in South Australia.

When Superintendent Fairney moved to the police security services branch, he was faced with a number of challenges. His positive approach to those challenges resulted in a number of major components of the new protective security officer model finally being implemented, providing significant benefits to the state and national level policy regarding protective security.

Last, but certainly not least, Senior Sergeant Tom Liddy was awarded the Australian Police Medal for his exceptional communication aptitude, his ability to analyse complex legal and policy issues, and his reputation as a highly respected and sought after legal specialist. Senior Sergeant

Liddy resolves complex investigational and prosecutorial issues, and plays an important role in maintaining SAPOL's professionalism. He is also recognised for his legal acumen, his attention to detail and his meticulous work ethic. Senior Sergeant Liddy is consistently recognised for not only the quality and expertise of his legal advice but his ability to provide it expeditiously and within a policing context, enabling practical application and resolution for policing.

In addition to the police medal recipients within SAPOL, a South Australian Public Service Medal was also awarded to Dr Anne Rathjen. Dr Rathjen has been employed by South Australia Police for 16 years and is currently the manager of SAPOL's Chemical Diversion and Drug Desk situated in the State Intelligence Branch. In this role Dr Rathjen leads a multidisciplinary team responsible for providing strategic and operational service and advice to SAPOL, along with numerous agencies within the government of South Australia. Dr Rathjen is a highly valued employee of SAPOL and has clearly demonstrated service excellence, innovation in program and policy development, and leadership in a very demanding and challenging field. The South Australian Public Service Medal is recognition of her valuable contribution to the state.

In the emergency services sector one person received the Emergency Services Medal, while two were recognised for their service as recipients of the Australian Fire Service Medal. Mr Tony Sumner was one such recipient of the Emergency Services Medal with an impressive history of service to the Hallett State Emergency Service Unit, with almost 30 years as the unit manager. Mr Sumner has played an instrumental role as a founding member of the unit responding to significant road crash accidents as well as preparing residents for and responding to storms and flood events. He is also a highly skilled trainer who continues to mentor the next generation of emergency services volunteers in the region.

In addition, fire behaviour analyst Mr Ian Tanner from the Department of Environment, Water and Natural Resources CFS Brigade was a recipient of the Australian Fire Service Medal. Mr Tanner's distinguished service includes playing a critical part in senior incident management roles for numerous bushfire incidents including the Pinery, Bangor and Sampson Flat fires as well as international deployments to both Canada and the United States. His expertise as a fire behaviour analyst has helped to put South Australia at the cutting edge of bushfire spread modelling, and the knowledge he has shared through the development and delivery of training in this area has strengthened our response and resilience to bushfires.

Finally, another recipient of the Australian Fire Service Medal was captain of the SA Water CFS Brigade, Mr Richard Munn. His ongoing commitment to volunteering is thoroughly commendable with more than 20 years' service for a number of brigades across the state. In particular, Mr Munn has specialist experience in coaching other volunteers about forestry firefighting methods. He has organised regional field days, assisted with the construction and fit-out of the Gumeracha base and brigade station and was the main coordinator in the development of the Mount Crawford airstrip.

I congratulate these very worthy winners of the Australian Police Medal, the South Australian Public Service Medal, the Emergency Services Medal and Australian Fire Service Medal and thank them for their continued efforts and dedication to the South Australian community.

DRUG AND ALCOHOL TESTING

The Hon. D.G.E. HOOD (15:22): I seek leave to make a brief explanation before asking the Minister for Road Safety questions about drug driving in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: South Australia has the highest per capita rate of amphetamine use in Australia. In a recent report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation, it was noted by employers within the report that drug use was more widespread than alcohol use in the workplace and that those detected with illicit drugs in their system were typically not remorseful for their actions more so than those caught consuming alcohol—or less so is perhaps a better way of putting it.

SAPOL recently released figures relating to a recent drink and drug driving blitz over a weekend period where 11,556 drivers were subjected to alcohol testing over four nights, of which

49 recorded blood-alcohol readings over the prescribed amount, and some 682 drivers were tested for drug driving, returning 15 positive results. That is 0.5 of 1 per cent of drivers tested positive to driving under the influence of alcohol and 2 per cent of drivers tested positive to drug driving, so about one in 50 drug driving and about one in 200 exceeding the prescribed limit of alcohol. My questions are:

1. What is being done in terms of effective sentencing, rehabilitation and education to target the issue of drug driving in an aim to eliminate or at least reduce the very high rates in South Australia?

2. Will the government commit extra funding to SAPOL, as per its request, to ensure that drug testing on South Australian roads is more prevalent?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:24): I would like to thank the honourable member for his question. This is an issue to which I have been paying quite close attention since taking on responsibility as both the Minister for Police and the Minister for Road Safety. We have a problem with drug driving in our community. I think it is worthwhile, as a government and as a minister of the government, to be up-front about the challenge we face, as a community, on the issue of drug driving.

I have to say that I do draw enormous confidence from our experience with drink driving, and the substantial change we have seen in the community's attitude towards drink driving, that we can replicate those results in respect of drug driving. We have to acknowledge that this has to be a whole of community response. If we are going to reduce drug driving in the state of South Australia it has to be more than just a policing policy, it has to be more than just a drugs and alcohol policy on behalf the other departments such as Health. It also has to be about members of the community taking responsibility not just for looking at their own actions but also for encouraging good behaviour when it comes to the actions of others.

The honourable member has referred to a number of statistics in regard to a recent SAPOL effort, and I would like to develop on those statistics a little further to give the chamber a sense of the size of the problem we are grappling with. I am advised that in the last financial year—that is, the 2014-15 financial year—the number of detections of drug driving in this state was 4,945. I am also advised that statistics show that 20 per cent of drivers and motorcycle riders killed in fatal crashes in 2015 were reported as having alcohol in their system: in comparison, I am advised that for the same period it was 24 per cent for drug driving. This demonstrates that there is evidence that drug driving is, in some quarters, more prolific than drink driving, which I think most members of the community are surprised about when they first hear it.

In respect to what we want to do, I have already flagged publicly that we are currently going through an exercise of looking at the way legislation operates in respect of drug driving. DPTI, in conjunction with SAPOL, is currently looking at a number of options to potentially improve upon the legislation, but that is a work in progress. I am very keen to see that when we make any adjustments to policy we ensure that we look at it holistically. As I said, it is not just the policing strategy that matters, is not just the health strategy that matters: we need to make sure that we encourage good behaviour, that when people get caught they do not just to go through a period of penalty or suspension or pay a fine but that we utilise that opportunity to engage those people and try to correct their behaviour in regard to drug consumption in this state.

I look forward to working closely on this with the Hon. Mr Hood, and we have had a number of conversations about this already. I also look forward to working with any members who are interested in the issue of addressing drug driving in the state of South Australia.

SOUTH AUSTRALIA POLICE

The Hon. T.J. STEPHENS (15:28): I seek leave to make a brief explanation before asking the Minister for Police questions about gender-based recruitment.

Leave granted.

The Hon. T.J. STEPHENS: I remind the minister of the commissioner's commitment to a fifty-fifty recruitment target made in December of last year and implemented from 1 January this year.

This recruitment commitment is opposed by the Police Association and by an overwhelming majority of sworn officers. In the June edition of *Police Journal*, several female officers were quoted as being vehemently opposed to a rigid fifty-fifty recruitment target because of the very real concern that standards will be compromised in order to achieve it.

Furthermore, the adjustment of the physical standards to be more female-friendly is an affront to the sworn female officers who passed the original standards on their own merit. In addition to this, the officers implored SAPOL management to accommodate female officers currently serving in terms of maternity leave and flexible working arrangements before recruiting even more females, which would only compound the existing failures. My questions are:

1. Does the minister believe that a fifty-fifty gender recruitment is achievable only with a new female-friendly physical fitness standard?

2. Is the minister happy with the current level of support given to the working mothers employed by SAPOL?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:29): Make absolutely no mistake about it, this government wholeheartedly supports the police commissioner in his efforts to get more women into the South Australian police force. There is a lot of evidence around the world that there are severe consequences, appalling consequences, where we see police forces not representing the community they serve. We do not want to see the South Australian police force go down the same path.

There is a lot of evidence that makes it very clear that where a police force represents and reflects the community they seek to serve, then that police force does a far better job in keeping that community safe. This is something that the police commissioner knows; this is something that anyone who has done any research on the subject knows; and I think that as a community, but certainly as a government, we are wholeheartedly supportive of the efforts taken up by the police commissioner to improve female representation and participation within the police force.

What we also know is that the police commissioner understands that, in order to be able to achieve that objective, it takes a multipronged approach. The police commissioner and the police force are very keen to make sure that the police force is improving the flexible work arrangements and considerations that need to be taken into account to not only attract females to apply for a job within SAPOL but also to retain them. The police commissioner is very keen to make sure that SAPOL is an employer of choice amongst females within our community, and particularly those people who are working mothers.

I would like to draw the attention of the chamber and honourable members to a key statistic which came across my desk recently and that I think is worthy of recognition in the context of the question, and, as the honourable member described, has 'opposition in some quarters to the fifty-fifty recruitment target'. The first thing is that prior to the commissioner's fifty-fifty announcement, the percentage of female applicants who were applying for jobs within SAPOL was running at around about 30 per cent of the overall intake. Since the announcement made by the police commissioner for a fifty-fifty target, the percentage of female applicants has increased to 42 per cent.

What do we conclude from that? The point is that the very announcement of a target of pursuing fifty-fifty recruitment of South Australian police officers—the very announcement of that commitment on behalf of the South Australian police commissioner—in and of itself has given an enormous amount of confidence to the female population within South Australia to apply for a job within SAPOL. I think that speaks to the bold leadership on behalf the police commissioner to actually make sure that he does not just talk the talk when it comes to recruiting female police officers but actually walks the walk as well.

We have to acknowledge that the very fact that the police commissioner has announced a determined strategy to employ more female police officers has in and of itself resulted in more applicants coming through, which can only be a positive thing for anyone who genuinely believes that more female police officers within the South Australian police force is a good thing. I have to

say, as Minister for Police, I am very proud to be part of a government that does support more female police officers within the South Australian police force.

Bills

STATUTES AMENDMENT (GENDER IDENTITY AND EQUITY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 May 2016.)

The Hon. S.G. WADE (15:34): I rise on the second reading of this bill to indicate that, while I am inclined to support the bill, I do have two issues that I wish to raise in relation to it. I look forward to the minister's response, hopefully as the second reading stage concludes and before we progress into committee.

On 9 March, the House of Assembly deleted a clause in the other place that would have introduced gender neutral language into the Criminal Law Consolidation Act provisions relating to medical termination of pregnancy. Before the vote was taken, the honourable member for Newland sought clarification from the parliamentary secretary who had carriage of the bill:

> My understanding of the situation is that, for the purposes of the Criminal Law Consolidation Act (where these provisions are), if you are pregnant, in the eyes of the law you are a woman regardless of how you view yourself and how you identify and regardless of the gender that you assign yourself. In the eyes of the law for the purposes of the Criminal Law Consolidation Act you are in fact a woman; therefore we are not creating a loophole. I just want the parliamentary secretary to confirm whether or not that is correct.

The member for Reynell responded: 'Yes, I can confirm that is correct: we are not creating any sort of loophole through this clause.' My reading of the debate is that that interchange would have led honourable members to understand that leaving the Criminal Law Consolidation Act unamended, that is by deleting the amendment of the CLCA proposed by the bill, would mean that the act would apply to any person with the capacity to bear a child. I want clarification of the parliamentary secretary's advice and further advice as to whether the answer given was given on the basis of formal legal advice.

The issue is that the CLCA could be read narrowly as applying only to a person born as or identifying as a woman. If the law was to be so read, the law could be undermined, especially given the capacity for people to change gender. A relevant case might be a person who was born a woman and who goes on to identify as a man but is either in the process of, or is not intending to undergo, medical procedures to remove their childbearing capacity. I appreciate that this may not be a frequent occurrence, but nonetheless it is not insignificant.

Our laws on medical termination of pregnancy reflect a delicate community consensus to protect human life or potential life. In my view, we need to be careful not to undermine them. I ask the minister a series of four questions:

1. Will the CLCA provisions relating to the medical termination of a pregnancy apply in relation to any person, whether or not they are biologically a woman or identify as a woman?

2. To put the question in another way, will the provision apply in relation to any person with childbearing capacity, whatever their gender identity?

3. Does the government have formal legal advice on this issue?

4. Where did the government obtain that legal advice from?

The second issue I want to raise relates to the definition of gender diversity. I appreciate this is a dry matter of statutory drafting. This is not the first bill before the parliament that refers to gender diversity. In 2005, the Hon. Kate Reynolds MLC introduced a bill to amend the Equal Opportunity Act, which included a definition of gender identity which read as follows:

> …gender identity means the condition of being a person—

(a) who identifies on a genuine basis as a member of the opposite sex by assuming characteristics of the opposite sex (whether by means of medical intervention, style of dressing or otherwise) or by living, or seeking to live, as a member of the opposite sex; or

(b) who, as a person of indeterminate sex, identifies on a genuine basis as a member of a particular sex by assuming characteristics of the particular sex (whether by means of medical intervention, style of dressing or otherwise) or by living, or seeking to live, as a member of the particular sex.

Basically the same words were incorporated into the Equal Opportunity Act in 2009 by a government bill, not as a definition of gender identity but as a definition of 'chosen gender'. In the second reading speech, the Attorney-General on that bill said that 'the person's chosen gender is his or her self-identification as a member of one or the other sex.' On my reading, whilst self-identification was accepted as the key element, the definition basically retains a binary structure. In other words, the Attorney said 'self-identification as a member of one or the other sex'. A person of indeterminate sex is seen to be associating with one sex or the other.

In 2006, a group of international human rights experts produced the Yogyakarta Principles, non-legally binding international principles relating to sexual orientation and gender identity. In particular, principle 3 provides, in part:

Each person's self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom.

My concern is that the definition in the bill before us seems binary and, in my view, is less clear in the focus on self-identification than the current definition of 'chosen gender' in the equal opportunity bill. The definition proposed by this bill reads:

gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the persons designated sex at birth;

In the second reading of this bill, we were told:

The majority of the proposed amendments are aimed at removing binary notions of sex (eg, male and female) and gender (eg, man and woman) or provisions that fail to set out how the law applies to a person who is intersex or gender diverse.

As I said, I am concerned that the clause in this bill seems to have less of a focus on self-determined identity and seems quite binary. I appreciate that the bill is based on the 2013 amendments to the commonwealth Sex Discrimination Act, but I note that since then the Australian Government Guidelines on the Recognition of Sex and Gender defines 'gender' in a significantly less binary way. In those guidelines, it states:

Gender is part of a person's social and personal identity. It refers to each person's deeply felt internal and individual identity and the way a person presents and is recognised within the community. A person's gender refers to outward social markers, including their name, outward appearance, mannerisms and dress. A person's sex and gender may not necessarily be the same. An individual's gender may or may not correspond with their sex assigned at birth, and some people may identify as neither exclusively male nor female.

Shorter but similar definitions appear in the Yogyakarta Principles and indeed in the South Australian Law Reform Institute's February 2016 discussion paper on recognition of gender.

Basically, I asked the minister whether the bill before us offers the best definition of gender identity both in terms of making clear that gender identity is primarily self-defined and in terms of making clear that gender identity is not binary. I seek the government's view.

The Hon. T.T. NGO (15:42): I rise to very briefly discuss the Statutes Amendment (Gender Identity and Equity) Bill. In terms of the bill itself as presented to the council, even though it is a government endorsed bill, it has still been determined to be a conscience vote by our caucus. I want to take this opportunity to thank both the member for Newland and the member for Schubert for a series of amendments that they moved in the other house on this bill.

While it seems that many of the changes outlined in this bill are non-controversial, I think important amendments were made. Amendments which establish a clear delineation that, when considering certain matters, sexuality should be the highest consideration, as opposed to gender. The most obvious issue dealt with by the other place was the matter of pregnancy. The member for

Schubert, I think, expressed these concerns clearly. When referring to pregnancy, he stated, and I quote from *Hansard*:

> …what we are seeking to change here is not anything to do with gender identity: it is to do with sex. What we are talking about here is changing something that should otherwise be a statement of biological fact, in that a woman is the person who can get pregnant, and trying to turn it into a gender [equity] issue.

Given the amendments made by the other house, I would be satisfied enough to endorse this bill in the form it passed in the House of Assembly.

The Hon. R.I. LUCAS (15:44): I rise to speak to the second reading and indicate that I will support the second reading and look forward to the debate at the committee stage of the legislation. Indeed, as I think other members have commented, while it is not always the case in the House of Assembly, there was quite a detailed and sensible discussion on some aspects of the legislation of this bill. I also acknowledge, as has the Hon. Mr Ngo, the work that was done by the member for Newland, the member for Schubert and others in relation to making significant amendments to the legislation, which the Hon. Mr Ngo indicated that he supports.

My contribution will essentially involve putting a series of questions to the government, or the minister who is handling the bill on behalf of the government. I understand it is a conscience vote, but I think it is a government bill, so I will put a series of questions to the minister. The first question is relatively simple. In the second reading explanation by the Premier and by the minister introducing the bill in this house, who I think was minister Maher—is minister Maher handling the bill, or are you handling the bill?

The Hon. I.K. Hunter: No, I am handling it; he introduced it.

The Hon. R.I. LUCAS: The bill was actually introduced in this chamber by minister Maher, so I refer to the second reading contribution he made in this place, and that of the Premier in another place. According to the Premier and the minister, the government makes a number of wideranging comments in relation to the lesbian, gay, bisexual, transgendered, intersex and queer (LGBTIQ) community.

For the benefit of the many tens of people throughout South Australia who read the *Hansard* debates, I ask the minister if he, on behalf of the government, would provide definitions for lesbian, gay, bisexual, transgender, intersex and queer people to assist those who follow this particular debate, and to provide some guidance to members of parliament like myself who are not as well versed in the precise definitions as perhaps some other members of the chamber and the parliament might be.

It seems to be that minister Close in another place handled the committee stage and answered the questions on behalf of the government. At one stage in her contribution, in referring to the intersex community, she indicated that meant persons identifying as neither male nor female. Her advice was that there were only something like three persons within Australia who identified in that particular community.

My question to the minister representing the government is: given that minister Close has identified that the size of the community, at least to the minister and the government's knowledge at that stage, was three, are any of those three persons currently residents of South Australia? To the government's knowledge, does the legislation, insofar as it refers to the intersex community in South Australia, refer to anybody, or are those three persons minister Close has referred to actually residing in states other than South Australia?

Thirdly, I want to raise a question in relation to clause 6 of the legislation—Gender balance in nomination of persons for appointment to statutory bodies. It provides:

> (1) Section 36A(5)—before the definition of non-government entity insert:
>
> man includes a person who identifies himself as a man regardless of the 25 person's designated sex at birth;
>
> (2) Section 36A(5)—after the definition of non-government entity insert:
>
> woman includes a person who identifies herself as a woman regardless of the person's designated sex at birth.

The Hon. Mr Wade referred to this in part in his contribution and asked some questions in relation to self-identification. There was some significant debate in the second reading and the committee stage in the House of Assembly in relation to this issue. One particular member raised the prospect that they would be looking at the possibility of an amendment in relation to this area. As it turns out, looking at the debate, there was no amendment and it was left essentially as a question as to whether or not an amendment would be sought between the houses.

The question leads on to some of the other contributions in the final area of questions that I have for the minister in relation to this notion of, in essence, self-identification. Whilst different, there is at least some small similarity in relation to the current debate that is going on in relation to persons who, I do not think the word is used exactly, but in terms of persons who claim Aboriginality. In essence, they claim that they happen to be of Aboriginal origin and there are obviously significant issues that flow from that.

There has been some recent research at the national level, and this is not the point of my contribution in this particular debate, which is now raising questions about the authenticity of some of the claims of various people in Australia and the numbers of those people who are claiming, through self-identification, that they have Aboriginal heritage and whether or not they are entitled to some of the benefits that might accrue from that particular claim.

In this case, on the surface, and again I do not profess to be an expert, what it appears to be saying is that if you are born and your birth certificate indicates that you are female, but if you self-identify at some stage, you can self-identify as a man and vice versa. The issue for me is, what is the process for that? Is it simply that one day you have a situation where your birth certificate says that you are a male, you then self-proclaim and say you identify as a female and this legislation, and what flows from it, will flow on from that immediately?

There was some debate about this in the House of Assembly. It comes back to the issue of what is the current process and should there be some sort of a process. I acknowledge the tremendous conflict that an individual in this position might well feel and that in most cases, I am sure, will be a process of coming to a decision over a period of time where they self-identify, in the example that I have given, as a female. The issue is, and some options were raised in the House of Assembly, whether or not there should be some process where a person, having gone through that difficult deliberation, eventually goes through a process which in some ways validates it.

I am not saying it validates this in a medical sense or anything like that (that is, their male or female genitalia have to be altered in some way or whatever), but in some way the process comes to a conclusion, a recognition, or whatever it is, so that—and there are questions I am going to ask afterwards in relation to some of the legal implications—that person, who may well have been born and have the birth certificate which indicates they are male, has self-identified through some sort of a process and now identifies themselves as a female and that there is something which indicates that that has happened.

I am not proffering any concluded view on what that something is, but I am questioning whether it should be that something has to occur, some process has to be gone through, or some recognition that that process has been gone through and there is something by way of a registration (I think one of the members in the lower house talked about the fact that it appeared to be, although no detail was given, about an amendment to the birth certificate or whatever it might happen to be, but the idea was not explored in any great detail), or whether or not there should not be some capacity to have something that is recognised.

I raise that question because I wanted to then raise some questions in relation to what might ensue from this particular definitional change. The Hon. Tom Kenyon, in his contribution during the committee stage, referred to a set of circumstances where a person, a male, who perhaps did not genuinely have that particular view but nevertheless self-identified as a female for reasons of gaining access to a female toilet or a female change room. The Hon. Tom Kenyon was raising a set of circumstances not of someone who has genuinely gone through this process over a period of time and self-identified and that they identify as a female, even though their birth certificate says they are a male. He was asking: what is it that prevents a male from self-identifying and just saying, 'I'm a

female', putting on a dress, a skirt or whatever it might happen to be, and going into the female change rooms and the female toilet?

There did not appear to be any response to the issue that the Hon. Tom Kenyon raised in the House of Assembly. If that person has gone through this process, self-identified and there was some validation in some way of that, that is, they are able to demonstrate either to the gym owner or various other authority figures in relation to public toilets or change rooms, school change rooms or whatever it might happen to be, at least there is something that indicates that this person, having gone through whatever process it is, whilst their birth certificate might indicate they are male, they have self-identified as a female, and that is the justification for their being in the female toilet, the female change room or the female facility in some way.

My questions, which I leave to the minister at the end, are: I am assuming that the current law is that, if a male simply dresses as a female and goes into a female toilet or a female change room, they have committed an offence and would be charged under the Criminal Law Consolidation Act under some set of charges at the moment. I am not sure what are those charges, but I assume there is an offence and that the police would charge such people. I seek an answer from the minister in his response to confirm that that is the case.

With the passage of this legislation, does that situation change at all? I hasten to say that, if someone has been through what I have indicated is a period of time, a genuine process of no longer believing that their birth certificate is right, that they were male and they self-identified as a female (that is one set of circumstances), but how do we prevent the other set of circumstances where someone has not been through that process and is just using this as a device to gain access for reasons of perversion and otherwise to female toilets and female change rooms?

What will be the legal situation in relation to that? Will police still be able to charge a person in those circumstances with the same offences as they currently can, and can we be assured that the legislation will not be able to be used by a clever criminal lawyer to say that the male had self-identified the day before as a female and was therefore entitled to access to female change rooms and female or girls' toilets in that particular way?

They are really questions that I put to the minister. If he is responding at the second reading today he obviously will not be in a position to give a detailed response to those but when we get to the committee stage, as the Hon. Mr Wade has put a series of questions, hearing the minister's answers and, subject to those answers, I reserve a position as to whether or not I will be seeking to move amendments at the committee stage of the debate.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:00): I assume there are no more contributions so I rise to conclude the debate today. I would like to thank honourable members who have participated in the debate so far. The Statutes Amendment (Gender Identity and Equity) Bill 2015 seeks to ensure that our legislation is inclusive of all gender identities, including transgender and intersex. At its heart it amends the language used to interpret gender whilst removing outdated and archaic references. This is the first of many bills that this government will champion this year to ensure that all discrimination against LGBTIQ people is removed from our laws.

I would like to take this opportunity to address some of the issues that have been raised in the second reading contributions both here and in the other place. Questions were asked in the House of Assembly about eligibility for board membership. The gender balance on boards provision is an effective measure to ensure diversity is achieved in our statutory appointments. The amendment requires that where a person identifies as a particular gender, other than what is listed on their birth certificate, they will be eligible for nomination to a statutory body in a position aligned with the gender they identify as.

This amendment ensures that we are not discriminating against people who firmly identify as a certain gender but otherwise by reason of their biology or their DNA are not able to take up a position for the gender with which they identify themselves. Intersex people are not contemplated in this amendment, I am advised. They continue to remain eligible for board membership but it is for the individual body to determine how they manage the situation. I am advised, as the Hon. Mr Lucas

intimated, that there are extraordinarily few people in Australia who legally identify as intersex and therefore it is thought best to be dealt with on a case-by-case basis.

In terms of the introduction of the gender diversity and intersex status in legislation on matters including sporting clubs, toilets and correctional facilities, the premise of this statutes amendment bill is to ensure that language in our laws does not have the effect of discriminating against people on the grounds of their sexual orientation, gender, gender identity or intersex status. These amendments do not place an additional burden on clubs, associations and public authorities to introduce such facilities—for example, intersex toilets or change rooms. Individual associations and organisations will deal with this issue by the implementation of policy that is suitable for their respective organisation.

The Department for Correctional Services and SA Police, I am advised, have policies in place that contemplate the needs of transgender and intersex people and the Equal Opportunity Act 1984 provides specific exemptions to discrimination in sport. This amendment bill in no way changes the operation and scope of these exemptions.

In relation to amendments to remove references to terms associated with marriage, the South Australian Law Reform Institute's Initial Audit Report reviewed South Australian laws to identify instances of discrimination on the grounds of sexual orientation, gender, gender identity and intersex status. This mandate covered discrimination on the grounds of gender. The Law Reform Institute identified various provisions in our laws that discriminated against women based on their marital status. These provisions are outdated and are no longer required. These provisions have had historical importance as they serve to remove the legal disability faced by women whose legal status was not treated separately from their husbands. I am advised that no rights or responsibilities currently experienced by married persons in Australia are lost by these amendments.

In reference to a pregnant person, the South Australian Law Reform Institute recommended amending clauses relating to pregnancy to remove binary references to gender. The bill was amended to remove clauses that dealt with references to pregnancy and pregnant women in the other place. Had those acts been amended as proposed, it would have been clear that all circumstances of pregnancy were covered. Having removed these amendments, the application of the current legislation to pregnant men is arguably less clear and it would be a matter for the prosecuting authority and the courts to determine how that legislation is applied in those circumstances.

In relation to questions asked in this chamber by the Hon. Tammy Franks, she raised an issue on behalf of Mr Andrew Birtwistle-Smith, whose husband died in 2015 and who wishes to have the marriage recognised on his deceased husband's death certificate, as is, of course, the case of Mr David Bulmer-Rizzi. Births, Deaths and Marriages advise that upon receipt of a certified copy of his marriage certificate the Registrar can annotate the certificate to note that the registrar has sighted a Canadian marriage certificate, issued under the law of that country. Mr Birtwistle-Smith has been written to, to pass on the sincere condolences of the government and to advise him of this process. It is important that the recognition of valid same-sex marriages is dealt with systematically, as opposed to on an ad hoc basis, and accordingly the government looks forward to receiving the report of the SA Law Reform Institute on relationships recognition and implementing the recommendations of that report.

The Hon. Dennis Hood made some comments on gender dysphoria. In his second reading speech the Hon. Dennis Hood quoted at length from the American College of Paediatricians (ACP) noting their view that human sex is binary and that gender dysphoria is a mental disorder. Although the name, American College of Paediatricians, sounds like a credible professional organisation, in fact the recognised professional organisation for paediatricians in the United States is the American Academy of Paediatricians (AAP), which I am advised has over 60,000 members. By contrast, the ACP has a membership estimated at 60 to 200 people, and has been designated, I am advised, a hate group of the Southern Poverty Law Centre in the US, placing it in the same category as the Ku Klux Klan.

The 36,000-member American Psychiatric Association, which defines mental illnesses through its Diagnostics and Statistics Manual of Mental Disorders, says the exact opposite. They

says: 'It is important to note that gender nonconformity is not in itself a mental disorder.' I am advised that the Australian Medical Association has advised that the Royal Australian College of Physicians and the Royal Australian and New Zealand College of Psychiatry are both specialist colleges that have experience dealing with gender dysphoria. The RACP in their November 2015 paper Sexual and Reproductive Health Care for Young People: Position Statement directly referenced the DSM-5. Gender Dysphoria is used to capture the experience of children, adolescents and adults whose biological sex is different to that gender they identify with, a mismatch that causes clinically significant distress. The American Psychiatric Association fact sheet for Gender Dysphoria under DSM-5 states the following:

> DSM-5 aims to avoid stigma…It replaces the diagnostic name 'gender identity disorder' with 'gender dysphoria'…It is important to note that gender nonconformity is not in itself a mental disorder. The critical element of gender dysphoria is the presence of clinically significant distress associated with the condition.

Further, the fact sheet states:

> Replacing 'disorder' with 'dysphoria' in the diagnostic label is not only more appropriate and consistent with familiar clinical sexology terminology, it also removes the connotation that the patient is 'disordered'.

The RANZCP advises that gender dysphoria is not in or of itself a mental illness, and that it is a complicated issue that results in complex issues as a result for individuals. The Royal Australian College of General Practitioners in their November 2015 Australian Family Physician publication, includes a journal article on gender dysphoria. The article includes the following:

> Perceived inconsistencies between one's biological sex and gender identity are often accompanied by significant distress and the onset of gender dysphoria. In the fifth edition of the diagnostic and statistical manual of mental disorders (DSM-5), the term 'gender dysphoria' has replaced 'gender identity disorder'. This change in terminology removes the pathology from being transgender which is not a mental health condition.

The Hon. Mr Wade and the Hon. Mr Lucas put some more questions on the record, which I look forward to answering at the committee stage. I would again like to thank honourable members for their contribution and look forward to the speedy passing of this bill. I commend it to the house.

Bill read a second time.

MENTAL HEALTH (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 June 2016.)

The Hon. S.G. WADE (16:09): I rise to speak on the Mental Health (Review) Amendment Bill 2015. This bill is a result of a review undertaken by the Office of the Chief Psychiatrist during 2013 and 2014, as required by section 111 of the Mental Health Act 2009. The review made 72 recommendations. The government endorsed 65 of them, and another seven were deferred. The review found that the act required amendment and updating rather than a major overhaul.

This bill seeks to implement the recommendations through 63 legislative amendments to the Mental Health Act 2009: 26 of these are by way of clarification and 37 enhance and reinforce clinical best practice. The key changes include, firstly, increasing the maximum duration of level 1 community treatment orders from 28 days to 42 days, so that therapies may have more time to take effect and that orders may therefore be more useful.

Secondly, patient transport request provisions are to be amended to allow mental health services to request the assistance of ambulance or police officers to provide medication in the home of the person rather than needing to take the person to a hospital. Thirdly, the bill increases the facilities within the scope of the community visitor scheme to include community mental health centres, community rehabilitation centres and intermediate care centres. Fourthly, cross-border arrangements are proposed to be enhanced, including by increasing cross-border treatment options and administration of interstate orders. Fifthly, the bill seeks to improve the oversight and operation of ECT and prescribed psychiatric treatment.

There is broad sector support for this legislation. The bill is a product of a thorough consultation process. The quality of the briefings and supporting materials provided to

parliamentarians were unsurpassed in my experience in this place. I thank the minister and acknowledge the hard work of the Office of the Chief Psychiatrist and the chief psychiatrists themselves who undertook the review.

Nonetheless, the Aboriginal Health Council of South Australia has requested that references to Aboriginal health be included in the guiding principles. I have written to the minister highlighting the concerns of the Aboriginal Health Council and seeking the views of the government on the suggestion that we should amend this bill. The parliamentary Liberal Party is committed to ensuring that Aboriginal and Torres Strait Islander people are appropriately supported in addressing both the physical and mental health challenges they face.

Whilst this bill is supported, there is still a huge need to be better in the delivery of mental health services to those experiencing mental illness, those who live with and care for them, and the community generally. Even today, we see the consequences of the government's service delivery failures in our hospitals. This afternoon at 2.30, according to data published on SA Health's own dashboards, there were 11 people in the Royal Adelaide Hospital and The Queen Elizabeth Hospital emergency departments waiting for an inpatient bed. These are people who have been seen by an emergency department specialist and whom the specialist has decided need to be admitted to the hospital.

At least seven of those 11 people stuck in the RAH and TQEH EDs have been waiting for an inpatient bed for more than 24 hours. That is the situation today, more than five months after the government broke its promise that from 1 January 2016, no-one needing mental health care would have to wait in an emergency department for more than 24 hours. That is the situation today, but sadly it is not an anomaly; it has become the norm. Indeed, all too frequently the situation in our EDs is much worse.

In March this year, the InDaily journalist Mr Bension Siebert highlighted the government's poor performance in terms of the treatment of mental health patients when he reported that in the previous week three mental health patients had been languishing in the RAH emergency department for five days. Let me pause to remind members that the target is to have all South Australians receiving their emergency department care within four hours. These South Australians were waiting in the ED for five days. Another patient had been waiting for a bed for four days, and another five patients had been in the ED for three days.

The reality is that the mental health sector's greatest need is not legislation, it is services. This legislation will only be effective if the services that underpin it are properly funded. This government are reckless administrators who spend hundreds of millions of dollars on bloated bureaucracies and consultancies with overseas consultants, and overspend on projects.

Every dollar that is wasted in health is another missed opportunity to ensure that unwell people get the health care they need. This government is well overdue in delivering on its 2014 election commitment to establish an independent mental health commission. This government promised $9 million at the last election to set up an independent mental health commission; I need not remind the council that the election was March 2014, more than two years ago. Labor's costing documents at the last election indicated that the expenditure would start in the first financial year.

In October 2015, the government appointed Dr Stephen Christley as the interim Mental Health Commissioner. In March 2016, Dr Christley advised the National Mental Health Commission Leaders Forum that the appointment of a permanent commissioner was imminent, with a commission budget of around $2 million and a staff of six to 10 people.

I ask the government: what has happened to the other $7 million that it promised at the last election? We know from estimates that an appropriation of $2.5 million has already been spent—on what, is unclear. The former minister admitted during estimates that it was not spent on the Mental Health Commission and it is only possible that it was spent on mental health. The appointment of Mr Chris Burns as Mental Health Commissioner has been announced, and I understand that we will finally see the position filled in July this year.

The government said, at the last election, that it planned for the Mental Health Commission to drive the development of the state's mental health plan through to 2020: South Australia's Mental

Health and Wellbeing Policy 2010-15 has expired; further, South Australia's Suicide Prevention Strategy 2012-16 expires this year, and this lazy Labor government is only now establishing a commission, a little over a year and a half from the next election.

A Marshall Liberal government would be committed to ensuring that the state's Mental Health and Wellbeing Policy, as well as the Suicide Prevention Strategy, is up-to-date and consistent with world's best practice. A Marshall Liberal government would be committed to ensuring that mental health is adequately resourced, as we rebalance our health resources.

On 1 December 2014, the National Mental Health Commission provided the federal government with its report on mental health programs and services, entitled 'Contributing Lives, Thriving Communities—Report of the National Review of Mental Health Programs and Services'. Volume 4 of that report details mental health need and Australia's response, and the report makes it very clear that there is an enormous unmet need with respect to mental health care. I quote from that report:

> It is estimated that 45 per cent of Australians aged 16-85—that is, 7.3 million people—will experience some form of mental disorder in their lifetime. In the past year alone, one in five Australians have experienced symptoms of a mental health problem.

The report stated:

> The most recent available estimates show that in 2010 mental illness accounted for about 12.9 per cent of Australia's total burden of disease, which is a combination of premature mortality and years lived with disability. Mental and behavioural health problems are the second-highest cause of healthy years of life lost globally as well as in Australia, accounting for almost one quarter (22.3 per cent) of this total burden. It is estimated that about 327,000 years of healthy life are lost each year in Australia due to mental illness.

Further:

> Internationally, it has been found that the costs of lost productivity to the economy consistently dwarf the cost of direct service provision by a factor of two to one.

In the face of the Labor government's failure to deliver balanced, effective mental health services, a Marshall Liberal government will be committed to delivering quality and appropriately resourced services.

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

The Hon. K.J. MAHER: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

STATUTES AMENDMENT (YOUTH COURT) BILL

Final Stages

Consideration in committee of Message No. 78 from the House of Assembly.

(Continued from 8 December 2015.)

The Hon. P. MALINAUSKAS: I move:

> That the council does not insist on its amendments Nos 1 to 5, and agrees to the alternative amendments Nos 1 to 33 made by the House of Assembly.

The Hon. A.L. McLACHLAN: The Liberal Party submits to the chamber that it should insist on its amendments.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Hon. Mr McLachlan, do you want to proceed or do you just want me to put the question, after the Hon. Mr Parnell? So, it is up to you.

The Hon. A.L. McLACHLAN: The debate, Mr Acting Chair, has been in earnest and I think that all members of the chamber are well versed in the various positions members have in this chamber. It is our view that the last vote was largely proceeded with on the basis of Commissioner Nyland's letter, which strongly recommended that a District Court judge be in charge of the Youth Court.

The Hon. M.C. PARNELL: It is some time since we have debated this bill. In fact, the original vote was last year, and at that time the Greens supported the amendments that went off to the lower house. In the many months that have passed, we have had another look at the structure of the Youth Court and how it is best administered and we are now of the view that we do not need to insist on the amendments, so we are supporting the government.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I will put the question in the positive form, and that is that the Legislative Council's amendments Nos 1 to 5 be insisted on.

Question carried.

RETIREMENT VILLAGES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 May 2016.)

The Hon. R.L. BROKENSHIRE (16:29): I rise to speak to this bill. I find it interesting that the government seems to wallow around when it comes to orders at times and it becomes very confusing. Anyway, we are here to talk about an important bill and to actually advise the chamber that we will be supporting the government on this piece of legislation. I hope that the Leader of Government Business has heard what I have had to say and that he does not whinge and whine on the odd occasion when we cannot support him.

Nevertheless, this bill is long overdue. In fact, people have been contacting Family First for quite a period of time, asking firstly for a review of the bill, and secondly, an outcome from that review which would see improvements in the legislation regarding retirement villages. The bill is a result of the findings of the Select Committee on the Review of the Retirement Villages Act which occurred back in 2013. We have moved at a snail's pace. The government has not brought a mass of legislation before the houses in any case, but it has still taken three years from the time a select committee put its findings to the parliament for the government to come to this point.

In May 2014, the government did recommend the majority of the committee's recommendations be adopted. Then, of course, the Office for the Ageing undertook public consultation and that subsequently meant releasing the bill for public scrutiny in January 2015. So here we are in June 2016, some 18 months after the Office for the Ageing—a government department—released the bill for public scrutiny.

The objects of the bill are to clarify the rights and obligations of residents and operators. It imposes disclosure obligations on operators so that prospective retirement village residents are more informed before they enter into a contract. The bill regulates all residency contracts, including contractual terms relating to termination, with the goal of improving clarity and transparency. There are also provisions contained in the bill which increase financial and operational transparency in both documentation and operator practices.

Before I go to the other points that this bill addresses, I am pleased to see that whilst it has taken too long, the government has come up with a bill which, for most intents and purposes, Family First believes is a reasonable outcome for both those people who buy the licences (the licensees) and the organisations which provide the licences (the licensors) to retirement villages. In my experience as a member of parliament, working with constituents in retirement villages and retirement village developers for over 21 years, it is fair to say that you do have to consider both.

As an ageing population, there is growth in the demand for retirement villages. We have to be careful that we do not end up with a situation where we become so bureaucratic in the way retirement villages are managed that those people building them simply say that it is too difficult and that there is not enough margin in it for them, and they pull out. That would be a shame because there are a lot of good things that occur when people move into retirement villages.

For the most part, major developers such as Lifestyle SA, which is a section of the Fairmont Group, do a really good job with their retirement villages, as do some not-for-profit organisations. Some of the church groups which I have worked with also do a good job. Then you find others, often

single developers, that have a dream to develop a retirement village. I am sure they have the right intentions, but they also intend to make a profit on the retirement village industry, and sometimes promise more than they deliver.

Sometimes, they are not as transparent in the way they go about their general meetings or in showing the books to residents when it comes to the input costs (or what is often referred to as the outgoings) of that retirement village. We know that every resident and owner of a retirement village must contribute to the outgoings of that retirement village. There have always been debates about the amount of profit that a retirement village should make when it comes to the disbursement of the sale proceeds of a retirement village home when those residents decide to leave. There have been some really bad cases. There is one that I dealt with in the southern suburbs for many years.

I can remember having a meeting with the then attorney-general and minister for consumer and business affairs, the Hon. Rob Lawson, taking him down there to actually meet with the residents. That was probably the worst example of a poorly run retirement village that I have seen. When an operator can put advertisements in the paper and have displays that show they are going to have swimming pools, magnificent and grandiose meeting rooms and libraries, and the list goes on, and years and years later nothing has happened to actually meet their side of the bargain, when it comes to what I would call misrepresentation when they actually advertised and signed contracts, some things had to be tightened up. I do believe that the government has tried to do this.

Importantly, the bill includes a dispute resolution process to deal with grievances. I trust that these amendments will actually have teeth and will ensure that there is better dispute resolution than there is at the moment. The legislation seeks to strengthen the confidence of residents in the operation of retirement villages through better disclosure of key information and clarification of rights and responsibilities which will allow residents to make informed decisions. This is very important to Family First because that is where I have highlighted one of the weaknesses with some, albeit a minority, of the developers of these villages. One of my siblings has just recently retired into one of the Lifestyle retirement villages and has never been happier.

The Hon. D.W. Ridgway interjecting:

The Hon. R.L. BROKENSHIRE: She is somewhat older than me, yes. She deserves a long and enjoyable retirement. She has never been happier since she went into the Lifestyle SA retirement village and indeed the other residents who I have met there are also very happy. That is because when they go in there the contract and the advertising commitments are met, it is fully completed, and all they have to do is move their furniture in there, set up their residents' committee and start to enjoy a great social life as part of their retirement in that village and not have to worry about security, mowing lawns, planting gardens or any maintenance. They can go away for months if they want to and come back and know that it is all cared for.

Having said that, there are some who do not comply with that standard. The responsible agency, or the regulator, will have an increased capacity to monitor compliance with the legislation. I place this on the record so that, when the regulator does go back to have a look at the debate in the parliament and the intent of the bill, there will be no doubt that what certainly Family First as one party in the Legislative Council—and I am sure my colleagues would agree with this—wants to see is that regulator actually looking at their responsibilities with their capacity to monitor compliance with what is the intent of the parliament. That is, to actually exercise the strengths that they will have with these amendments to this bill and take that very seriously and solve problems, mediate through problems, and get results.

We have been advised in briefings that this bill is part of a trio of government reforms aimed to improve the retirement village sector. The other two measures were, firstly, the release of the better practice guidelines developed in consultation with stakeholders and industry and residents of retirement villages, and, secondly, the establishment of the retirement villages advocacy service which will provide support and representation to residents when dealing with operators or attending the tribunal.

The key justification behind the government's push for these reforms is that the current act is nearly 30 years old, hence reform is needed to address changes in the industry and increase protection for consumers. If memory serves me correctly, we have dealt with this act before and it

needs to be reviewed on a regular basis to keep pace with the ever-changing landscape of retirement villages and the opportunities that they offer South Australian retirees.

The major amendments are key definitions are clarified; contracts must include disclosure statements, and this is a measure that seeks to ensure potential residents better understand their contracts. This also seeks to improve transparency of all fees and charges up front. I believe when you talk about this we also should have the regulator having a look at evidence when complaints come forward from the committees of retirement villages about what I can only describe as inappropriate use of the funds at times.

I do not believe that funds that are for outgoings, maintenance and running costs of the village should be used as a bank for any developer to be able to do further capital investments. That should be totally separate; it should be absolutely kosher. I know at times there has been evidence put to me that, once the investment fund for the outgoings and the general running costs accumulates, it is being used as a form of bank by the proprietor. I do not believe that has ever been the intent of the legislation.

The particulars of the disclosure statement will be prescribed by regulations. I say to those licensees on the committees: if they have problems when they see those regulations, Family First would be keen to hear from the committees, and we would be prepared to look at whatever needs to be done to ensure that those regulations regarding disclosure statements are within the intent of the debate with the legislation and the parliament.

The disclosure statement must be provided to a prospective resident at least 10 business days prior to the signing of the contract, and the residents will then have a 10 business day cooling-off period. There are quite a lot of other requirements within the disclosure statement with which we sit comfortably, and importantly it does outline the circumstances in which residents must pay what is deemed to be a special levy. It must disclose interests an operator may have in services provided in the village so that there is full transparency, disclosure of any financial contractual relationship between an operator's villages and disclosure of the option for early repayment of an exit entitlement when entering aged care.

The third key component is that, regarding aged-care repayments (and this is a big one), residents can apply for the village operator to cover daily payments for an aged-care facility until the village unit is relicensed. These aged-care repayments would then be deducted from the final exit entitlement, and it provides more flexibility for residents to transition into aged care. This is an important aspect of the bill, because the intent and desire of people, when they move into a retirement village, is that that is where they will stay, but sadly the reality is that for some they do have to move on to aged care, and that becomes a very difficult financial burden for them. This will be an improvement for the benefit of those residents needing an aged-care home.

The fourth point is changes to premises conditions reporting, that is, that a new premises condition form must be completed within 10 business days of a resident being entitled to occupation of a residence, must be signed by both parties and the new report aims to accurately reflect the 'as is' condition of the residence when a resident takes up occupation. Really that is no different from what should happen when a tenant moves into a home to rent.

There are other amendments; new provisions that allow for a person to avoid giving information if the information will incriminate the person of an offence under the act. The costs of independent valuations are to be split evenly between parties, and adoption of surplus or deficit policies should be adopted by special resolution of the residents.

I now come to what I think is the absolute key point in this legislation, and that is what is known as the mandatory repayment of exit entitlement. Originally under the draft bill the exit entitlement was paid by an operator to the outgoing resident after 12 months of the resident choosing to leave the retirement village. That has been increased to 18 months, based on feedback given to the government. Apparently, I am advised, it was also a compromise with the Property Council, which actually wanted to abolish mandatory repayments of exit entitlements altogether.

The 12-month repayment would potentially have caused poorer capital gains returns for outgoing residents, as operators are under pressure to sell the unit before the 12 months, and hence

perhaps would be more likely to take a lower offer. There is a counterargument to that, because the way profit share, as I understand it, occurs with a retirement village, there is a definite incentive for the owner of the village to try to maximise the return on the sale of that property for the benefit of both the licensee and of course the owner of the property.

An exit entitlement is generally a sum of money that is paid to an outgoing resident, minus any fees and costs imposed by the operator. Exit entitlements vary according to the contract between the operator and the residents. Operators, however, are not able to contract out of mandatory repayment of exit entitlements, so effectively after 18 months if the unit is not sold the operator must buy it back from the resident in the form of an exit entitlement.

As a party we agonised over this and there is still an argument that the 12 months would have been more beneficial to the licensee, but as I said earlier in my second reading speech, it has to be a two-way street. We have to get people investing in these retirement villages as well as looking after the residents and, all things being equal, it appears that the acceptable compromise is 18 months. I add that if the retirement village is up to the standard that it should be then one would have thought that most times you would end up selling that property well within 12 months in any case. That has been a big issue for some time and I hope that this will be a better outcome for all those involved.

I note that the Property Council had concerns about the bill preventing any leasing of units that have not been sold. Some residents prefer leasing arrangements as they are able to move into a village at their own pace especially because of the significant lifestyle change. The Property Council went on with quite a lot of reasons why it was lobbying for more flexibility, I guess, in summary for the developers.

On the other hand, the South Australian Retirement Villages Residents Association (SARVRA) which I have worked with for a very long time and which has had great chairpersons, are very important in lobbying and supporting the residents of those villages. I understand they were not supportive of the government increasing the statutory payment of exit entitlements to 18 months and, as I have already said, I can understand why they were not. I think 12 months would have been a better period of time but this is a compromise between both sides and I think the government has tried to find a middle ground, if I can put it that way.

I understand that SARVRA understands that this is a compromise between the government and the Property Council and that it is supportive of the ability for residents to be able to remain in their village units during the relicensing period. SARVRA believes this will prevent hardship for those who wish to leave but would have to rent another residence for an indefinite period whilst waiting for their exit entitlement.

SARVRA did raise concerns about clause 26(7), the 18-month statutory payment deadline if special circumstances exist. They also raised concerns about clause 29(3), the operators must make daily payments to meet the cost of an outgoing resident taking up residence in an aged-care facility—they had strong arguments there—and also with disclosure statement clause 20, SARVRA made representation. In relation to premises condition reports in clause 22, SARVRA wanted premises condition reports to include an approximate period for the replacement of capital items—that is, buildings, equipment, fixtures and fittings and furnishings—to facilitate the pro rata payments by residents for refurbishment costs. To me that is not an unreasonable request.

Finally, I understand at clause 20(14) they recommended that where a resident disagrees with the operator's estimated market value of a unit they should be able to get an independent valuation from a list of recommended valuers provided by the Office for the Ageing. I understand that that will be the case. I am advised that the Liberal opposition in the House of Assembly has supported the bill and it has passed without amendment. It is never going to be perfect for both sides but I think this is a good improvement on the legislation that exists at the moment. I suggest and encourage the government of the day to have a thorough look at where this legislation is up to every five years.

As I said at the beginning, and I finish with, there does have to be a point where we can get people to make enough profit out of these villages to invest in them in the first instance, and we also need to ensure that we have proper protection to allow and facilitate enjoyable affordable living for those who are seeking this style of retirement. I believe at the end of the day, whilst it has taken a

long time—as I said, three years, pretty much—the government has achieved a good outcome. With those words, Family First supports the bill.

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

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS NO 2) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 June 2016.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:51): I rise on behalf of the opposition to speak, reasonably briefly, to the Rail Safety National Law (South Australia) (Miscellaneous No. 2) Amendment Bill 2016. Obviously, this bill has passed through the other place with support from the two major parties and of course the two Independents, I presume, who are lurking on government benches as ministers. My indication is that the opposition will of course be supporting the bill here, and I will be making some very brief comments.

It is my understanding that the genesis of the bill was in 2009 at the Council of Australian Governments meeting, at which COAG agreed to implement the national rail safety reform that created a single rail safety regulator and to develop a rail safety national law which a rail regulator would administer. I recall that I had carriage of that bill when it went through this place, probably eight years ago.

The Rail Safety National Law commenced operation on 20 January 2013. The Office of the National Rail Safety Regulator was established as a body corporate under the law, and its scope is now being enacted in all jurisdictions with the exception of Queensland, although it is my understanding that the Queensland government has recently committed to adopting the law.

I note that the amendment bill before the house was approved by the Transport and Infrastructure Council in November last year and that South Australia has a prominent role to play in the enactment of this bill. We are what they call the host jurisdiction. South Australia is responsible for passing any amendments, and once the law has commenced in South Australia, other jurisdictions will have the application act to automatically adopt the law and subsequent amendments to its own legislation. We are, if you like, the lead legislator.

I understand that the bill is primarily administrative and seeks to improve the operation of the Rail Safety National Law (South Australia) Act. This will be achieved in part by clarifying issues around infringement penalties and court imposed penalties so that they can be paid into the regulator's fund. In addition, it will maintain currency with relevant national systems for the delivery and assessment of competencies relevant to rail safety workers and provide flexibility to recognise those different systems if changes are made in the future. There are also a couple of amendments around safety regarding site visits for compliance and investigative purposes, requiring a third party to notify a rail infrastructure manager when conducting work that may threaten the safety or integrity of the railway.

I did note that when the bill passed the other chamber, my colleague the member for Chaffey made a few remarks around something we find interesting, that is the demise of rail in South Australia. As members would know, the opposition recently had a joint shadow cabinet meeting with our colleagues in Victoria. A little bit of time was spent in Renmark, and a little bit of time was spent in Mildura. Of course, Mildura has a daily train service into that part of Victoria, which is some five hours' drive—400 and something road kilometres. That is quite a lengthy distance, but it is interesting to note that the Victorian government chose fit to invest.

I know that it is always a difficult decision. It is freight and transport. We probably do not have the population centres to deal with it, and then of course we have the issue of the Adelaide Hills and the capacity, or the lack of capacity, to double stack containers through the tunnels, so that that part of our national rail network, if you like, almost compromises the rest of the national rail network. I think there are only one or two bridges or crossings in Victoria where they cannot double stack, and they are soon to be fixed.

It will put some pressure on this state to look at how we deal with the Adelaide Hills. Obviously there has always been a whole range of issues around noise for the residents, of wheel squealing. Also, when it comes to an efficient, modern rail network, I think everybody understands we could not have a railway line to every little country town, but we are on the national rail network, and that will present some challenges for whoever is to look at it, whether it is to make those tunnels higher, to take the double-stacked containers or whether it is, as has been proposed in the past, to have a bypass around the back of the Hills.

I know that has been looked upon as being very expensive and maybe it is one of those things that we might be able to look at in the future, but clearly I think the pressure will be put on South Australia once you can double stack containers all the way to Melbourne, and of course once we get through the Adelaide Hills, all the way to Western Australia, and all the way to Darwin. So it will put pressure on us in South Australia to work out how we are still going to be an important part of that national rail network.

Also, we have seen over the last few years rail lines—and I think the Mallee line is the most recent one—closed to grain traffic and all of that will go on road. Clearly in a modern sense, it is probably cheaper and more efficient to put it on road, but it does put more trucks on the road. I have had meetings with minister Mulligan about the actual wear and tear on the roads, and there is an increased safety risk to users of the road just by virtue of the fact there are probably in some years 200,000 to 400,000 extra tonnes of traffic coming down that particular highway. It will continue to present problems. We cannot afford to keep the rail open, we cannot afford to maintain it, we cannot afford to upgrade it, yet of course then the road network has to take the burden.

I am reminded too of the Eyre Peninsula rail network, where, I think it was in the time of minister Conlon, there was a combination of funding, but some of it was through a grower levy. It did seem a little short-sighted that at that time we did not use either gauge convertible sleepers or even convert the gauge to be the standard gauge so that we could actually link it into the rest of the rail network. So we have this little pocket, actually it is quite large because, in some years, Eyre Peninsula produces as much grain as the rest of the state, yet it has a rail system that is crumbling. In my time in parliament we have had money from state government and growers—I do not recall whether there was any federal government money, there may have been—and certainly a program to upgrade that, yet we still have speed restrictions and there are all sorts of discussions about its viability.

It does seem like an eternity, although I know I have not been here that long, but in the last decade of my 14 years in parliament we had a program to upgrade that, yet we constantly hear that that is the next part of the state network that will be under pressure. The Mallee has gone, all the other lines have gone, and that will be the next one that is under pressure. It will be interesting to see how we as a state address that. Eyre Peninsula grows a couple of million tonnes of grain in the good years, so to take all of that off rail and put it on road will present a number of challenges as well.

I close with the comments about my hometown of Wolseley, which of course was the branch line to Mount Gambier, down to the Hon. Kyam Maher's home, where his parents live, and that line was closed in the late 1990s, I think. There was money put aside to reopen it. I think there is $10 million in a fund somewhere that has been set aside to reopen it. That will never happen. I am not sure what will happen to the $10 million, but there are red gums about 40 feet high right in the middle of that railway line now, so it will take more than $10 million to bring that back to life, and again there probably is not the population density, and of course we have the issue with the Adelaide Hills.

I used to catch the Bluebird to Adelaide with my mother and my grandmother, as a very young boy, and it would whiz along at a 100 km/h until you got outside Mount Barker. You got there in just over a couple of hours and then you would have two hours to get through the Hills. That just made it unviable. I think there may be some opportunities, if we ever bypass the Hills, to look at whether we can get some of those services going again. It may never be viable. Certainly we would need way more than the $10 million that was set aside to bring that particular line back to life.

Maybe there is some other use for that rail corridor in the future, rather than just leaving it as an old deserted railway line, with trees growing out of it. Maybe we should, as a state, bite the bullet

and use that corridor for something else. Anyway, that is a debate for another day. With those few comments, I indicate that the opposition will be supporting the bill.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:00): I thank members for their contributions thus far, and look forward to dealing with the bill in the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:02): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CONSTITUTION (APPROPRIATION AND SUPPLY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 June 2016.)

The Hon. M.C. PARNELL (17:03): I will be very brief in my contribution to this bill. I recall that my mother once told me that if you did not have something nice to say perhaps you should not say anything at all. I will not take the advice literally, but I do not need to spend a lot of time on this bill. I think this bill is rubbish. The Greens are not going to vote for it: we are going to vote against it.

In fact, this bill is best described as a solution looking for a problem. The bill proposes a new process for securing the passage of the annual appropriation and supply bills, effectively ruling the Legislative Council out of the equation. The reason I say this is a solution looking for a problem is that—certainly in my understanding of the history of this chamber, and I am very familiar with the last 10 years, other members are familiar with periods that go beyond that, and history tells us that even before that—this is not a chamber that is wont to behave as we have seen, for example, in the United States where, for want of passing a budget, public servants risk not getting paid. It is just not a problem that has existed here in South Australia.

That is not to say that this chamber does not weigh into debates over budgets, budget measures bills and appropriation bills. I think it is appropriate that we do, because there is no greater statement of what a government in a democracy stands for than how it is proposing to spend taxpayers' money.

In my time in this chamber I have certainly seen various budget measures that have been objected to and voted against in this chamber, and I think that that is appropriate in a democracy. What we have not seen—and that is why I do not think this bill is necessary—is opposition or the crossbench or anyone else holding governments to ransom, threatening to shut down the business of government, threatening to not pass supply bills so that public servants cannot get paid. It is simply not part of our political culture.

Certainly, I know the opposition, who, as I understand, are also opposing this bill, have at various stages taken not necessarily consistent positions in relation to budget measures. If there is a budget measure they do not like, they will vote against it. Car park tax is a good example. If there is a budget measure that they are a bit ambivalent about, maybe they will just let it go through, because it is a budget measure. A good example of that would be the changes to the probate fees, where I moved disallowance a while ago. That was via the mechanism of regulation, rather than by legislation, but the principle is the same. It was a part of the government's budget.

With those brief words, I would invite the government to abandon this. If they want to come back to us with a real, live problem that needs a real, live legislative solution, then let them do that.

But simply imagining a worst-case scenario that has never happened and is unlikely to happen, and asking us to legislate to completely remove the Legislative Council from the process of appropriation and supply is ludicrous, and the Greens will not be supporting it.

The Hon. T.J. STEPHENS (17:06): I rise today to speak to the Constitution (Appropriation and Supply) Amendment Bill currently before the council. I acknowledge the detailed contribution of my colleague the Hon. Mr Lucas, as he outlined the history of the powers of this place in regard to money bills and clauses. In referring to Combe's volume on responsible government in South Australia, the Hon. Mr Lucas identified that there was originally no limit on the powers of this council to amend or reject money bills and clauses. In acknowledgement of its constitutional position as the upper house and the house to which the government is not responsible, the council resolved to merely suggest any amendments to a money clause or bill for the other place to then adopt or reject. In effect, this retained the power to consider money clauses and bills, whilst also acknowledging the constitutional supremacy of the other place in regard to money matters.

It has been by the grace of the membership of this place in times past that the Compact of 1857 was strictly adhered to until it became a substantive part of the Constitution Act by way of amendment in 1913. The codification of this long-held convention, whilst unnecessary, has nonetheless ensured that it has survived to this day. It is worth noting, also, the Hon. Mr Lucas's references to the negligible number of government bills negatived or laid aside by this place since 1993, at an average of one bill per year. These statistics alone undermine the government's argument for the need for this bill. The premise that this council may misuse the powers it has to reject or amend money bills or clauses—and I emphasise the subjunctivity here—is simply not reason enough to do away with 150 years of parliamentary precedent and, indeed, an amendment to the constitution of the state.

It is plainly obvious that the powers of this place are a frustration to the Attorney-General and also to the Treasurer. The Labor Party as a whole is ideologically bent towards abolition of this place, and as the Hon. Mr Lucas mentioned previously, this goes a long way to explaining their wanton desire to curtail the powers in question. In the introductory second reading contribution, the Minister for Police, as the Attorney's representative, opines that the current provisions of the Constitution Act, which relate to powers of this place in regard to money bills, 'have not operated as originally intended'.

The government has arrived at this opinion because of the council's ability to amend the Appropriation Bill as it sees fit, as opposed to only those specific clauses which relate to money appropriated for a previously authorised purpose. However, as the Hon. Mr Lucas touched on, criticism should be directed at the way the Appropriation Bill and budget process is structured, rather than at this place and its age-old constitutional power.

To clarify, if the government was more transparent in the budget papers as to the specifics of its expenditure and the appropriation of money for specific purposes, it would be much easier to identify which expenditure had been previously authorised and which had not. It is as if the government is projecting a problem of its own creation onto this council, something it does often. The proposed amendment the government offers to its budget obscurity is to completely strip this place of its powers in regard to the Appropriation and Supply Bills. This has no basis in logic for the reasons I have just spelt out, but also because there has been no previous example of this council misusing its power. There was, of course, the defeat of the infamous car park tax in 2014; however, honourable members, and indeed ministers, would be aware that this was effected by a suggested amendment in the other place to the Budget Measures Bill, not the Appropriation Bill.

As the Hon. Mr Lucas pointed out, this constitutional amendment bill, if assented to, would not prevent such an occurrence in the future. This, in my opinion, makes this bill all the more redundant. If this bill were to become law, an absurd situation would arise whereby an appropriation or supply bill would come before this place, yet any suggested amendment, or rejection of the said bills, would be taken as if the council had actually passed it in this place. What an affront to parliamentary practice and a complete legal fiction.

Crudely, I will remind honourable members holding office under the Crown that the Legislative Council existed even before there was a House of Assembly. Bicameralism and the Westminster system go hand in hand. This parliament, as any like it in the Westminster tradition, is

a sum of its parts, and any attempt to remove or weaken one of the parts weakens the whole. All honourable members should be mindful of this, as should those in the other place, ministers of the Crown and all constitutional scholars.

This brings me to the final point with regard to the related Referendum (Appropriation and Supply) Bill 2015. This package of bills, including those dealing with deadlocks, which I may speak to at a later hour, involve complex constitutional matters that appear to confuse even some academics, let alone the average South Australian voter. It seems utterly ridiculous and entirely unnecessary to put these gross changes to the South Australian electorate at a referendum, not to mention irresponsible.

I can see that this is necessary in law as the Constitution Act requires changes to the powers of this place to be approved at a referendum. However, my opinion is that this section exists to prevent the abolition of this place by a zealously ideological government. I do not think it was intended for this section to be used to alter the constitutional power, which this place has held for time immemorial, with which the vast majority of South Australians would not be familiar. Unsurprisingly, I do not support any further reading of this bill, and I implore all honourable members to emphatically reject it.

The Hon. A.L. McLACHLAN (17:12): I too rise to speak to the Constitution (Appropriation and Supply) Amendment Bill 2015. My words on this bill apply equally to the Constitution (Deadlocks) Amendment Bill 2015 and to the accompanying referendum bills. I will not be supporting the passage of any of these bills at the second reading. When contemplating the effect of these bills on the workings of our democracy, I could not but think of the witches' lines in the first act of *Macbeth*:

> Fair is foul, and foul is fair:
>
> Hover through the fog and filthy air.

These bills may appear, on a brisk reading, possibly benign and even reasonable; they are neither. They are insidious and they are a cowardly attack on the democratic structures of this state, an insult to its peoples.

These bills were given conceptual birth in the stygian realm of Labor's politburo, where moral confusion reigns. This is a less than subtle attempt to neuter the Legislative Council. Where are the constitutional crises that might generate community discussion for such bills? Where is the evidence that the council consistently frustrates governments? Where is the community engagement about the workings of their constitution and the need for change? Why is reform of the Legislative Council only being considered and not reform of the House of Assembly? So many questions like these roll off the tongue, but there are no answers to these questions, only silence.

These bills are presented to us by a government that has tired of the workings of a democracy and has become so affected by vanity that it believes that its actions should not be considered or challenged by others. These bills reflect a petulance that we have come to expect from this government. The intellectually bereft seed of thought that has germinated into these bills is that the Legislative Council has a subordinate or even an ancillary role to the House of Assembly. This view cannot be supported by the constitutional history of our nation state, nor by reasoned argument. US President Woodrow Wilson stated that:

> Liberty has never come from the government. Liberty has always come from the subjects of the government. The history of liberty is a history of resistance. The history of liberty is a history of the limitation of governmental power, not the increase of it.

In the early years of democracy in this state there was a compact of 1857 between this chamber and the other place, largely around the handling of money bills by the parliament. This was the product of the resolution of a dispute between the two houses regarding money bills. It is described by Mr E.G. Blackmore as a 'practical solution' and a compromise, 'the wisdom and moderation of which cannot be sufficiently praised.'

When considering the compact, it is clear that at all times the two houses were equal in every way and that there was no analogy between the council and the House of Lords. It affirmed that in any constitutional discussion in this state, we must always look to the express provision of the written law as it appears in the constitution, and not rely on the practices of the United Kingdom.

The Legislative Council and the House of Assembly are equal. This was and remains a foundation stone of our democracy and is critical to its resilience and success. The only concession by the council to the other place was that they can originate and amend money bills. This is because government is formed in the House of Assembly.

The article by Mr D. Clark entitled, 'The South Australian compact of 1857: the rise, fall and influence of a constitutional compromise' states:

> During its 57 year life the compact was testament to the parliamentary virtues of moderation, creativity and compromise, and the overwhelming recognition in both houses that public business had to be forwarded for the sake of the province and its people.

It seems such political goodwill and common purpose to advance the interests of the state is in limited supply these days. Lord Hailsham observed:

> Until recently the powers of government within Parliament were largely controlled either by the Opposition or by its own backbenchers. It is now largely in the hands of the government machine, so that the government controls the Parliament and not the Parliament the government. Until recently, debate and argument dominated the parliamentary scene. Now it is the whips and party caucus. More and more, debate is becoming a ritual dance, sometimes interspersed with cat calls.

He goes on to describe modern democracy as an 'elective dictatorship'. This is what these bills are designed to insidiously reinforce. Both the chamber and the other place each has a distinct franchise. Entrenched governments such as the one we have today have a habit of seeking to retain power rather than seeking to widen representation. This chamber is necessary because of the dominance of executive government assisted by an increasingly politicised bureaucracy.

Parliaments must be representative. This chamber offers an opportunity to provide South Australians with representation that goes beyond the simple single-member and single-party constituency. As the parliament stands today, it could be argued that the chamber has greater democratic legitimacy than the House of Assembly. Government was formed in the other place with less than 50 per cent of the vote.

The use of discrete electorates for the election of individual members has produced a majority on the floor of the parliament but it is in excess of the votes secured at the ballot of all electors. I would submit that the Legislative Council will always be more representative than the House of Assembly. Proportional representation more accurately awards seats to parties in proportion to the vote that they received, rather than a single-member electoral system. In other words, the franchise that supports the council will better reflect the principle of one vote, one value.

The consequence of this is that this chamber will enjoy the benefits of minor parties gracing its benches, whose participation in the life of our democracy I welcome. The presence of minor parties helps underpin the modern and important democratic principle of majority rule with minority consensus. The assembly can offer no substantial impediment to government action.

Without an empowered Legislative Council, the only protection for the citizens will be what is disclosed by the media. The media can only rely on their own diligence; they have no formal powers to scrutinise the actions of the executive. This chamber provides an important check and balance in the Westminster system and relies on the division of power. If there is to be an exploration of possible constitutional reform, I believe it should start with the workings of the other place and its election.

In the life of our democracy, the workings of government have rarely been disrupted by a blocking of supply. The right exists only to be exercised in extreme and unforeseeable situations that test the fabric of our democracy. If it is ever used, then the party exercising the power will have to explain their case to the electors. To seek to remove the power is a clear signal from this government that it continues to believe that it should not be subject to scrutiny and not be held to account for its decisions.

In the short time I have served in this place, I have not had the experience of being involved in a deadlock conference. I can only rely on the accounts of other honourable members as well as being informed by the writings on the same. The conference represents the final means for resolving the conflict that exists between the houses. The conference allows the free exchange of personal views to provide the best opportunity for the settlement of disputes, or, as Blackmore eloquently puts it, 'where the maximum of agreement and the limit of concession are ascertained'.

I am particularly drawn to the paper titled 'Why the conference procedure remains the preferred method for resolving disputes between the two houses of the South Australian parliament' written by the Clerk of the House of Assembly, Mr Rick Crump. Mr Crump suggests that:

> The private, flexible and informal procedures of the conference provide an ideal consensual forum where true negotiation and compromise can be employed by representative groups of both houses to effect agreement where the exchange of messages has failed.

It seems to me that the procedure will only work where those attending approach the conference in a spirit of goodwill keeping in mind their solemn duty is to advance the interest of the state and its peoples.

If the government is critical of the process then it is criticising itself. What it is implicitly arguing is that it should not have to subject itself to such a process, that its mandate in the other place is enough, that it cannot find within itself to seek compromise. This is arrogance, especially since we still live in the shadow of the last election where the majority of South Australians did not vote for this government. They rule only by virtue of their majority on the floor of the other place. Ironically, the government only has democratic legitimacy because of the very existence of the Legislative Council and its interaction with it, for the council is elected by proportional representation.

The government seeks to replace the deadlock conference procedure with a pathway for resolving disputes between the houses similar to what occurs in the commonwealth parliament. There is no correlation between our democratic structures and the federal ones. The Senate was created as a house of review and to protect the interests of the states. The Legislative Council was created as an equal partner to the House of Assembly.

The number of parliamentarians in this state is dramatically less than in the commonwealth parliament. We are dedicated to realising the ambitions of a relatively smaller number of peoples living on our lands. The federal parliament governs for many states, many peoples and many lands. Our deadlock provisions are fit for purpose having regard to the size of our state and its democratic institutions.

The real motive of the government in attempting to adopt the commonwealth model is to restrain debate and intimidate members of this place to be compliant with its will. The government believes that the threat of a double dissolution will bring the democratic traditions of this house to heel. I believe the debates in this chamber exert a positive impact on policy. They are superior because of the level of expertise required for legislative scrutiny. Mr J.S. Mill stated that:

> A majority in a single assembly…easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority.

We must reject these bills to ensure that the chamber can continue to work for the peoples of South Australia. As pointed out by the Hon. T. Griffin, a former member of this place, now passed, when referring to the possibility of watering down the powers of the Legislative Council, he said:

> It would change the balance of power and would tip the power in favour of a government with fewer protections for the wider community from the potential abuses of power by a ruling majority in the House of Assembly. It would make the government even less subject to scrutiny and less accountable.

The government hides behind the shallow pretext that a functioning democracy needs an effective and efficient government. These bills represent the government's express rejection of the democratic principle of majority rule with minority consent. The Jacobean argument of this government is that two equal representative chambers are not necessary when one is sufficient, an argument that found much favour in the ferment of the French Revolution and its aftermath.

In other words, the sovereignty of the people of South Australia must be expressed in a single institution. They adopt the reasoning of Abbe Sieyes: 'If the second chamber dissents from the first, it is mischievous; if it agrees it is superfluous.' In my view the will of the people cannot be reflected in one institution. Citizens cast their vote and decide their preferences on many issues impacting their lives. We do not live in an homogenous society. We are enriched by diversity.

This chamber and its unfettered future is critical to ensure a consensus model of democracy, one that embraces diversity, not one based on a single majority, on a single view, entrenching narrow and monochromatic vision for this state. Consensus and deliberation are important to ensuring our

democratic structures serve all our peoples, not just the plutocracy that is formed in the shadows, made up of intelligentsia and the elite, secure in their high-paid bureaucratic sinecures, free from public sight and challenge, bonded together by a collective hatred of the light in the form of transparency and accountability.

Our electoral system has not delivered a majority rule for some time. An empowered chamber ensures all voices are heard in this state. We must strenuously resist any attempts to diminish the power of this chamber and entrench an elected dictatorship. I do not support the passage of these bills.

Debate adjourned on motion of Hon. J.M. Gazzola.

ASER (RESTRUCTURE) (FACILITATION OF RIVERBANK DEVELOPMENT) AMENDMENT BILL

Introduction and First Reading

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 17:28 the council adjourned until Wednesday 22 June 2016 at 14:15.

Answers to Questions

ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT

In reply to **the Hon. J.S.L. DAWKINS** (17 November 2015).

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

The overall value of the nine transactions in question was $24,398.09 (GST inclusive).

WORLD AIDS DAY

In reply to **the Hon. K.L. VINCENT** (1 December 2015).

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

1.-3. On World AIDS Day, 1 December 2015, the Hon Jack Snelling MP, Minister for Health said this:

> "The main goal of Australia's Seventh National HIV Strategy 2014-17 is to work towards achieving the virtual elimination of HIV transmission in Australia by 2020. In order to make progress on this ambitious goal, the South Australian response will prioritise increased access to voluntary testing, linking people to care and support early and enabling newly diagnosed people to commence treatment as soon as possible to reduce the virus in their body to undetectable levels."

The South Australian response to achieving the goals of the National HIV Strategy 2014-17 involves a partnership approach and central to this is the meaningful involvement of people living with and affected by HIV.

The South Australia Mobilisation and Empowerment for Sexual Health program (SAMESH) is a program of SHine SA and the Victorian AIDS Council.

SAMESH is leading the community response to HIV prevention, in partnership with a range of services funded to provide care and support for people living with HIV, including the Royal District Nursing Service SA, Relationships Australia SA Blood Borne Virus Programs and Centacare Catholic Family Services.

People living with HIV are fully integrated at all levels of SAMESH, including, to date, four individuals living with HIV from diverse backgrounds (for example, Aboriginal or African) who have been invited to join the Community Advisory Committee and one member recommended by the National Association of People with HIV Australia. The inaugural meeting for the Community Advisory Committee is scheduled for early 2016.

Since its inception in July 2015, SAMESH has:

- recruited a workforce and volunteer pool of peers living with or affected by HIV;
- implemented peer-based services for people living with HIV, including the Phoenix program. Phoenix is a partnership with Clinic 275, the Royal Adelaide Hospital, Queen Elizabeth Hospital and the OBrien Street and Riverside GP Medical Practices. The service links newly diagnosed HIV people with a HIV positive peer from SAMESH to provide support at diagnosis. Phoenix will also provide a workshop series to support people living with HIV to adopt safe behaviours, build resilience and engage in chronic disease self-management;
- employed a qualified counsellor to provide professional, peer based counselling services;
- sponsored two people living with HIV to participate in national peer training at the Positive Leadership Development Institute;
- distributed safer sex supplies and HIV and STI prevention resources and campaigns, such as Drama Down Under throughout metropolitan Adelaide public spaces; and
- led a high profile World AIDS Day and AIDS Awareness Week campaign in South Australia with the support of partners and participated in several Feast Festival events to raise awareness of HIV and the continued stigma and discrimination of people living with HIV experience.

In November 2015 SA Health, in partnership with the National Association of People With HIV Australia, organised a series of workforce development sessions about Poz Action for South Australian service providers. Poz Action is a national, peer led coalition that aims to ensure the response to HIV in Australia continues to place HIV positive people at the forefront. All SAMESH staff participated in a day long workforce development session with the Poz Action group.

In 2016, SAMESH will:

- open a stand-alone community site in the CBD to provide a safe space for all people living with or at risk of HIV;
- expand its counselling service to include volunteer peer counsellors;
- continue to support people living with HIV to attend the Positive Leadership Development Institute; and

- participate in research projects related to people living with HIV.

The robust response from the SAMESH team in its first months of operation demonstrates a commitment to the meaningful involvement of people living with and affected by HIV in South Australia. South Australians can look forward to the continuing leadership of SAMESH over the coming months and years.

PARA WIRRA RECREATION PARK

In reply to **the Hon. J.S.L. DAWKINS** (24 February 2016).

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

The Para Wirra Recreation Park has been reclassified as a Conservation Park.

I congratulate the Friends of Para Wirra Recreation Park and the broader community for agitating for this change, and thank Hon John Dawkins MLC for the constructive way in which he has approached this issue.

EMERGENCY SERVICES VOLUNTEER RECRUITMENT

In reply to **the Hon. T.A. FRANKS** (24 March 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

There are two programs which allow for volunteers who move from rural and regional areas into metropolitan areas to continue volunteering and maintain their skills with the South Australian Country Fire Service (CFS).

The CFS State Operations Support Brigade is a metropolitan based brigade that assists with communications, logistics and support roles during major incidents and during busy operational times.

There are currently 23 members in this brigade. Members within this brigade are able to access training and are provided with personal protective clothing (PPC). Members of this brigade often reside in metropolitan locations, allowing volunteers who may have moved from rural or regional areas to maintain their skills and continue volunteering with the CFS.

In addition to the State Operations Support Brigade, the CFS received $1.11 million over four years in the 2015-16 state budget to develop a state response team. This funding includes support and management of the State Response Team, PPC for response team members and two fire appliances.

There are currently 43 members in the State Response Team. Members are trained and able to respond to operational incidents when required. The State Response Team also provides the CFS with a surge capacity during periods of high operational activity.

The State Response Team is based in Salisbury and members who reside across metropolitan Adelaide are able to join the team.

FIREARMS AMNESTY

In reply to **the Hon. T.J. STEPHENS** (14 April 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

1. South Australia Police's Firearms Control System (FCS) holds records related to the status of firearms as reported to and/or investigated by police. The records held are updated as the status of individual firearms changes and is therefore specific to the date of enquiry and the system code interrogated.

The number of firearms reported as '*lost*' and '*stolen*' for each of the previous four reporting years has been extracted from the FCS for the same period as the data related to firearms recorded as '*missing*' and released in relation to an FOI request and subsequently reported in The Advertiser article.

The information sought is:

Reported as '*lost*'

Class	2011-12	2012-13	2013-14	2014-15
A Class	9	8	14	20
B Class	5	2	3	6
C Class	0	1	0	0
D Class	0	0	0	0
H Class	0	1	0	0
Total	14	12	17	26

Reported as '*missing*'

Class	2011-12	2012-13	2013-14	2014-15
A Class	462	475	344	480
B Class	111	151	92	109
C Class	5	5	2	3
D Class	5	3	3	2
H Class	18	11	5	8
Total	601	645	446	602

Reported as '*stolen*'

Class	2011-12	2012-13	2013-14	2014-15
A Class	120	149	133	111
B Class	42	42	49	28
C Class	4	5	3	4
D Class	0	0	0	0
H Class	7	6	12	8
Total	173	202	197	151

2. As at the date of the system enquiry, the figure of 2,294 supplied and reported in the Advertiser is correct for firearms reported on the FCS as '*missing'.*

3. The current firearms amnesty allows for people to surrender unwanted, unregistered or illegal firearms to participating dealers or police. All firearms surrendered are checked against the FCS and their status updated from '*missing'* (if that was the status at that time). Where firearms are ultimately destroyed as a result of surrender, the status of the firearm record is updated to '*destroyed'* on the FCS. Some firearms surrendered during the amnesty have been identified as being recorded on the FCS as "*missing"* and ultimately updated to reflect they have been '*destroyed'*.