LEGISLATIVE COUNCIL

Tuesday, 26 July 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:16 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 land and community. We pay our respects to them and their cultures, and to the elders both past and present.

Bills

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

MENTAL HEALTH (REVIEW) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Northern Areas Council Report, 2014-15—

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

Reports 2014-15—
- Stony Point Environmental Consultative Group

District Council By-laws—
- Coorong—
  - No. 1—Permits and Penalties
  - No. 2—Roads
  - No. 3—Local Government Land
  - No. 4—Dogs
  - No. 5—Moveable Signs

Regulations under the following Acts—
- Unauthorised Documents Act 1916—General

Motor Accident Commission Charter

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

Regulations under the following Acts—
- Aquaculture Act 2001—General
- Environment Protection Act 1993—Waste Depot Levy
- Primary Produce (Food Safety Schemes) Act 2004—Meat Food Safety Advisory Committee

Environment Protection (Air Quality) Notice and Policy 2016 under the Environment Protection Act 1993

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

South Australian Water Corporation Direction

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

Regulations under the following Acts—
Return to Work Act 2014—Volunteers
Victims of Crime Act 2001—Imposition of Levy

Ministerial Statement

ZEMA, MR MATT

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:20): I table a ministerial statement made in the other place by the Treasurer about Matt Zema.

INTEGRATION OF CARBON AND ENERGY POLICY

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:20): I also table a ministerial statement made in another place by the Treasurer on the integration of carbon and energy policy.

BABCOCK AUSTRALIA

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:20): I also table a ministerial statement made in the other place by minister Hamilton-Smith on his visit to England and France.

RIGNEY, MR R.G.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:20): I seek leave to make a ministerial statement on matters relating to Robert Gordon Rigney presenting at Yatala Labour Prison on Friday 15 July 2016.

Leave granted.

The Hon. P. MALINAUSKAS: The response to Mr Robert Gordon Rigney presenting himself to surrender at Yatala Labour Prison on 15 July was quite simply unacceptable. Both the Department for Correctional Services and South Australia Police have undertaken investigations in relation to the matter and have provided me with briefings detailing what happened and what is being done to ensure that a situation like this is never repeated. Before I continue, I would like to read you the relevant excerpt from Mr Rigney's bail agreement granted to him by the courts so that he could attend his sister's funeral:

> [Robert Gordon Rigney] will be released from custody from Yatala Labour Prison on Monday 11 July by 12 noon and return to Yatala Labour Prison by Friday 15 July 2016 at 4pm.

I am sure that many people will be aware that that is exactly what Mr Rigney did. Mr Rigney presented to Yatala Labour Prison as per the conditions of his bail agreement accompanied by a program manager from the Aboriginal Sobriety Group, who was supporting him throughout the process. Mr Rigney did what he was supposed to do.

Regrettably, it seems that, while Mr Rigney did what he was supposed to do, the Department for Correctional Services failed to do what it was supposed to do, which was readmit Mr Rigney at the conclusion of his temporary period on bail. I can tell you that, as soon as this regrettable incident was brought to my attention, I immediately sought to be kept advised of the situation and was given an assurance that the acting chief executive was conducting an investigation and review into the matter.

I also made it clear that I viewed this matter as serious and that there is a requirement for accountability. The investigation into this incident has revealed that relevant staff involved in Mr Rigney's temporary release on bail failed to properly communicate these unusual arrangements to the relevant senior managers. As such, the relevant senior managers did not put in place appropriate arrangements for this man's return to custody. I have made it very clear that this situation is totally unacceptable.

While the conditions of Mr Rigney's temporary release on bail home detention were unusual, similar arrangements have been put in place in the past for offenders. It is reasonable to expect that appropriate arrangements would have been in place to facilitate Mr Rigney's return to custody. Of course, it is easy to say what should have happened. My priority is to make sure that every possible step is taken to ensure that this never happens again.

I would like to return to the management of Mr Rigney when he reported to reception at Yatala Labour Prison. I am advised that the supervisor on duty informed Mr Rigney and his support person that he was not satisfied that lawful authority existed for Mr Rigney to be taken into DCS's custody. The supervisor then sought managerial guidance on Mr Rigney's legal status.

Access control to a high security prison goes both ways. Those entering the prison are subject to as much scrutiny as those exiting a prison, and rightfully so. It stands to reason that Mr Rigney was asked to wait while the supervisor verified that he had lawful authority to take Mr Rigney into custody. What does not stand to reason is why he was not taken to a secure place while any paperwork issues were resolved. Had this happened I would not be here today providing this statement.

Mr Rigney and his support person left Yatala at 3.29pm en route to the Holden Hill Police Station. Here he again tried to hand himself in. SAPOL made inquiries with Yatala Labour Prison that confirmed that they would not permit Mr Rigney's return to prison—

Members interjecting:

The Hon. P. MALINAUSKAS: —as they were not satisfied that there was a legal authority—

The Hon. K.L. VINCENT: Point of order, Mr President.

The PRESIDENT: There is a point of order.

The Hon. K.L. VINCENT: Due to the interjections of now several members I can barely hear the minister and I, for one, think this is very important.

The PRESIDENT: Minister, can you take note of that.

The Hon. P. MALINAUSKAS: Yes, Mr President. The police officer at the Holden Hill Police Station investigated alternative options to detain Mr Rigney which included checking for active warrants on the SAPOL systems. The police officer considered all the circumstances and available advice. The officer formed the view that he could not establish that Mr Rigney was unlawfully at large and the police officer allowed Mr Rigney to return to his bail address.

I would like to point out that it was not until Mr Rigney attended at Holden Hill, when Mr Rigney had departed Yatala, that the acting general manager was informed of the situation. The accommodation manager at Yatala formed the view that SAPOL would transport Mr Rigney to Yatala from Holden Hill. This was a serious misunderstanding on the part of the Department for Correctional Services. The misunderstanding that SAPOL would transfer Mr Rigney to Yatala from Holden Hill was communicated to the acting general manager at Yatala and no further action was taken to ensure Mr Rigney's return to prison. Eventually, the legal authority to imprison Mr Rigney was realised. SAPOL subsequently took action to locate Mr Rigney and these efforts continue.

To summarise, the investigation has raised four key issues: first, Corrections officers responsible for Mr Rigney's release and his subsequent supervision in the community did not take appropriate steps to plan for his return; secondly, when Mr Rigney did present to Yatala and then again at Holden Hill there was too much emphasis placed on paperwork and very little on the man standing in front of them trying to turn himself in; thirdly, there was a lack of command and control exercised at the prison, no follow-up, no actions taken—not good enough; fourthly, there was a lack

of documentation about the process and procedure for this type of readmission. As I said, it is unusual but it is not unheard of. However, that there is no documented operating procedure to manage this type of situation is unacceptable.

In light of this, an action plan has been prepared by the Department for Correctional Services that includes the following immediate action items: first, an instruction has been issued directing general managers and staff about how to manage a prisoner returning from bail or surrendering themselves when unlawfully at large; secondly, the instruction will direct managers working in Community Corrections to ensure that appropriate communication and planning takes place between the supervising Community Corrections office and the prisons for these complex cases; and, finally, the instruction requires communication between DCS and SAPOL to take place at general manager level and an officer of appropriate rank within SAPOL for any related incident.

The standing operating procedures will be strengthened and updated to include the full and complete process for readmission. Training is to be provided to appropriate DCS staff to ensure a clear understanding of warrants and court documentation, and escalation processes are to be mapped to ensure that unusual occurrences are escalated to senior management immediately. Finally, the chief executive has also advised that he will be initiating a separate process that holds to account the relevant senior managers and staff who were responsible for this regrettable incident. I can only hope that Mr Rigney turns himself in so that we can move on and take steps to ensure that this situation does not repeat itself.

SOUTH AUSTRALIA POLICE

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:28): I seek leave to make a ministerial statement about police budget measures.

Leave granted.

The Hon. P. MALINAUSKAS: The government has a strong track record when it comes to recruiting more police to protect and serve the public of South Australia. Today there are hundreds more police officers in our communities preventing crime and catching criminals compared to when we came to office. The recent state budget continues this work by providing an additional $16.1 million for front-line police. The funding will see the completion of the Recruit 313 initiative.

An honourable member: This century?

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: However, meeting the original commitment of employing the extra police before 2018 would require active recruitment from overseas. Right now our state needs to give South Australians the best chance to be selected for these high-quality jobs. The government has made a commitment to deliver these jobs to South Australians, meaning that we have stopped active recruitment of police from overseas and interstate. Our decision to back local jobs necessitates the time line for delivery being revised to 2020.

The state budget investment of $16.1 million in our police forums means we are able to put more officers on the front line than ever before. The additional funding in the budget also means SA Police can recruit 45 more civilians to the force, allowing existing sworn officers to be redeployed to front-line policing. We want to see more police officers doing more police work. This will see officers out from behind desks and onto the streets to protect our communities.

There is a lot of wisdom in the cliché that you don't catch criminals sitting behind a desk. By delivering the biggest police force in the state's history, the police commissioner will be able to respond to emerging threats such as domestic violence, cyber crime and counterterrorism. The latest state budget brings the police budget to its highest level in its history at $883 million and will see more front-line police in our communities than ever before. We want our police force to be diverse, modern and capable of responding to emerging crimes. Make no mistake, this budget has provided more funding for SAPOL than ever before, forecasts real growth through the forward estimates and will support the largest police force the state has ever seen.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

WILD DOG STRATEGIC PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): I seek leave to make a brief explanation before asking the Minister for Environment a question about wild dogs.

Leave granted.

The Hon. D.W. RIDGWAY: They're not the ones that savage him in caucus every Tuesday! Mr President, livestock is an integral part of our $18.2 billion agricultural sector. The overall livestock industry has a farm gate value of around $1.3 billion. Specifically, the sheep industry is a significant employer in South Australia and we have just under 7,000 sheep, lamb and wool producers employing some 20,000 people, farming around 11 million sheep, which is worth about half a billion dollars at the farm gate.

A significant threat facing the livestock industry generally is that of wild dogs. The Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) released a report in 2014 estimating that wild dogs would have a $34 million impact on industry over 20 years.

I note that in May this year the house passed the Dog Fence (Payment and Rebates) Amendment Bill which increased the levy from $1.20 per square kilometre to $2 per square kilometre. I understand the government will match this funding. However, Mr Geoff Power from Livestock SA is calling on the state government to provide $300,000 a year to fund two wild dog trappers to address this threat. Given that South Australia's portion of the dog fence is in desperate need of repair and the importance of livestock production to this state, it is unacceptable that Queensland has eight doggers, Western Australia has 13 doggers and South Australia has none. My question to the minister is will the state government commit to providing the additional $300,000 for funding two wild dog trappers? If not, why not?

Members interjecting:

The PRESIDENT: Order!

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 his most important question and the opportunity to put on the record the fact that the federal Liberal government withdrew funding for programs around wild dogs, but I will come to that in a minute.

Members interjecting:

The Hon. I.K. HUNTER: The number of wild dogs, dingoes and part dingoes has increased in rangeland areas south of the dog fence, I am advised, in recent years, threatening the state's sheep industry. The state government takes the matter of wild dog management incredibly seriously. Considerable investment is made in managing wild dog populations. The state government, and I am advised also the South Australian Arid Lands Natural Resources Management Board believes that the best solution for wild dogs in the region is a long-term strategic approach that requires long-term federal funding arrangements.

Members interjecting:

The Hon. I.K. HUNTER: Although short-term arrangements to wild dog management is effective, and we are always grateful when the federal government gives the NRM board some grants to control wild dogs or indeed employ a dogger, as they have done in the past, it is the short-term nature of that funding which really causes problems for those dealing with wild dogs, because it is a long-standing issue that requires a partnership with the federal government and requires a long-term funding arrangement.

As I said, short-term approaches to wild dog management can be effective. The SAAL NRM Board believes that the most successful arrangement for wild dog management comprises both service delivery and compliance and best practice activities. Inside the dog fence the SAAL NRM Board is leading initiatives to improve wild dog control through the Biteback Program. The SAAL NRM regions Biteback Program is jointly funded by the SAAL NRM Board and the South Australian Sheep Industry Fund. Commonwealth funding has also assisted, as I said, program delivery during 2014-15 and 2015-16. Drought assistance funding from the Australian government was used to employ a dog trapper and a second Biteback officer during the 2015-16 financial year. But this federal funding is not available in 2016-17.

Investment in wild dog management remains a very high profile issue for the SAAL NRM Board. In 2016-17 the board will fund the following wild dog management activities: the employment of Biteback officers who will provide wild dog bait injection services for landholders with properties to the south of the dog fence. The officers will also support the 22 established community action groups which have local plans that define the minimum levels of landholder participation in wild dog baiting and management.

There are aerial wild dog baiting activities in areas that are difficult to access by land, the provision of subsidised dog baits and Canid Pest Ejectors for landholders, and the provision of training via wild dog trapping workshops for landholders. As to Biteback targets, there is the control of wild dogs inside the dog fence by coordinating and supporting, as I said, 22 community-based local area planning groups which were established to undertake district scale control activities. This approach has resulted in a substantial increase in landholder participation rates in wild dog control across the landscape. The biannual bait injection service provided to landholders has been boosted by the installation of freezers to help ensure a continuous supply of baits outside of these times.

I am advised that the state government recognises, of course, the success of this very important program, and negotiations are currently underway with industry partners, including Australian Wool Innovation, to investigate the potential to engage a state-wide Biteback coordinator. These initiatives have arisen as a result of improved communication and coordination, following the establishment of the South Australian Wild Dog Advisory Group. The group has overseen the drafting of a state wild dog strategic plan as the mechanism by which South Australia delivers its contributions to the National Wild Dog Action Plan.

The draft state plan was circulated for consideration to 18 stakeholder groups in September 2015, including several NRM boards, the Dog Fence Board and Livestock SA. Some final matters regarding dog baiting outside the fence are currently being addressed, I am advised, before the plan will be presented to me for consideration. Under its terms of reference, the South Australian Wild Dog Advisory Group is charged with overseeing the development and implementation of this plan.

It is important to state again that the long-term management of wild dogs and dingoes really relies on the input of stakeholders, landholders in particular, all working together as a community, to control wild dogs on their property. If one landholder or a number of landholders change the practices on their property, that is, moving from sheep to cattle, and decide they know longer need to be involved in wild dog control, that has repercussions for other pastoralists and landholders who are working in the sheep industry.

The best thing that can be done is to get a jointly coordinated, cooperative relationship between landholders, and that is exactly what the government does. As I said, we were involved in a program that used the dogger, funded by the federal government, but the federal government saw fit to withdraw that funding.

WILD DOG STRATEGIC PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:40): Supplementary: if it is the federal government's—

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

The PRESIDENT: Order! The Leader of the Opposition has the floor.

The Hon. J.M.A. Lensink: You're so predictable! I could give your answers.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: But you would give a much better answer. If it is the federal government's fault, can the minister explain how Western Australia has 13 doggers, Queensland has eight and we don't have any?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): I did explain in my answer—and the honourable member obviously doesn't listen to the answers—the South Australian government and the SAAL NRM Board believe that the best solution for wild dogs in the region is a long-term strategic approach that requires all stakeholders to work together. That is the high-level response—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: That is what we are involved in as a government and as an NRM board to fund. When the funds were available through the federal government, they utilised them to employ a dogger. But, the SAAL board, the people who advise me, tell me that is a secondary importance; the most important thing is to have a coordinated, land-scale style strategy that lasts over a period of time and involves landowners working together. That is the most important approach.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Of course I act on the advice of the SAAL board, and my advisers, because they are the experts in the field and not the Hon. Mr Ridgway.

WILD DOG STRATEGIC PLAN

The Hon. R.L. BROKENSHIRE (14:41): Supplementary, resulting from the minister's answer: can the minister advise whether he has ruled out the policy of his predecessor, the Hon. Susan Lenehan, to spay the dingoes?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:42): I have no idea what the honourable member is talking about, but that is not unusual.

TRICHLOROETHYLENE EXPOSURE

The Hon. J.M.A. LENSINK (14:42): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions regarding TCE exposure.

Leave granted.

The Hon. J.M.A. LENSINK: The recent indoor air testing for TCE at Beverley revealed some results which were in the range and higher than those at Clovelly Park. Eight properties fell within the so-called investigation response range, with concentrations between two and 20 micrograms per square metre, and five within the intervention response range, with concentrations between 20 and 200 micrograms per square metre.

The five homes have recorded TCE air concentrations higher than those found at Clovelly Park. The 2014 SA Health TCE fact sheet reads as follows:

> TCE exposure may pose a potential human health hazard to the central nervous system, kidney, liver, immune system and male reproductive system. If pregnant women are exposed to TCE at high enough levels in indoor air through their pregnancy there is an increased risk of congenital heart defects in newborns.

This fact sheet has since been revised and downplays the health effects, particularly to unborn babies as follows:

> There are some reports in the scientific literature for an increased risk of heart malformations in newborns if pregnant women are exposed…during pregnancy. However, the evidence is weak and there is considerable uncertainty and no scientific consensus on this.

However, I note that the Department for Health in its own briefing note dated 3 July 2014, at the height of the Clovelly Park debacle, stated, as one of its points:

> TCE, the primary volatile contaminate of concern in this investigation, has been classified by international health and regulatory agencies as carcinogenic to humans and toxic to the central nervous system, multiple organs and the developing embryo/foetus.

My questions to the minister are:

1. Why has the government revised its TCE fact sheet, specifically the health effects to pregnant women and unborn children?

2. Does the minister believe this is appropriate?

3. What health services and testing will the government provide to those who are concerned about their exposure to TCE, particularly in the long term, and including pregnant women and mothers of small children?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:44): I thank the honourable member for her most important questions on TCE contamination around the Beverley area in particular, but of course it applies more generically across those implicated areas of Adelaide and around the state where we have had historical contamination from past use either, for example, in dry-cleaning or indeed in metal shop fabrication as a degreaser or even in crash repair sites. It was not uncommon in the bad old days, as members would appreciate, that the knowledge wasn't defined enough in terms of how you dispose of this product. Often, it was tipped out the back of a shed; hence, we now have contamination to deal with in some of our groundwater areas.

The EPA is conducting the environment assessment works at Beverley. Currently, it is being conducted as an orphan site because there is no identifiable responsible party at this point in time although, of course, further information might give us an answer to that. The EPA has commenced two additional stages of assessment works in the Beverley area in early 2016: a broader assessment program and the validation site-specific assessment program. This followed the receipt of the preliminary human health risk assessment in October 2015.

The broader assessment aim was to determine the extent of the groundwater and soil vapour contamination in the Beverley area to identify potential source locations of the contamination. A report for the broader assessment was received by the EPA on 18 April 2016, I am advised. The report indicated that the plumes had largely been delineated over a number of potential source locations in the assessment area.

I am also advised the community was informed of the results of the broader assessment report on 9 May, and the validation assessment focused on addressing the potential health risks at specific properties where TCE readings fell within the investigation and intervention ranges of the TC action level framework. These works involve testing of vapour adjacent to or underneath houses at 21 properties and the testing of indoor air at nine.

The EPA received a draft report on 25 May 2016 for these works and immediately commenced discussions with property owners and residents who had their homes tested to discuss the results. The final report was delivered to the EPA on 28 June 2016, and a letter and information sheets were distributed on 29 June 2016 to property owners, residents and key stakeholders in the assessment area. I am also advised that a community working group meeting was held on 5 July to provide a further update to the community.

In terms of the specific questions about the changes to the fact sheet, I can only imagine that they were made on the basis of advice from the Department for Health. I have given details in this place previously about the responsibilities of the EPA as a regulator. They are not responsible for giving health advice. That health advice is sought in the first instance from the Department for Health but, to ascertain whether that was in fact the case, I will take this question on notice and have my agency respond to the question about why the fact sheet was changed and, additionally, on the basis of what advice, presumably from Health.

RIGNEY, MR R.G.

The Hon. S.G. WADE (14:47): My questions are to the Minister for Correctional Services. I ask the minister:

1. When the minister says that he would not have needed to provide today's ministerial statement if the Department for Correctional Services had taken Mr Rigney to a secure place while any paperwork was issued, is he suggesting that Mr Rigney should have been restrained from leaving that secure place if he chose to do so and, if so, by what authority?

2. Why did the accommodation manager at Yatala prison form the view that SAPOL would transport Mr Rigney to Yatala Labour Prison, given that the Department for Correctional Services had made it clear that they did not believe they had the lawful authority to detain him?

3. When the minister stated that, and I quote, 'Eventually the legal authority to imprison Mr Rigney was realised,' when did that realisation dawn on the department?

4. Is Mr Rigney currently in breach of his bail conditions?

5. Is Mr Rigney currently unlawfully at large?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:49): I will try to deal with those in the order in which the honourable member has asked them. In regard to the first part of his question, I was simply making the point in my statement, which I will consistently refer back to in my remarks, that, had DCS put the gentleman in a secure facility while they were assessing his paperwork, then he wouldn't have been able to leave. It is just a statement of the obvious.

I think the second part of your question was regarding the communication between SAPOL and DCS. I have been advised that there was some form of miscommunication, and I understand the fault of that miscommunication was at the DCS end in regard to how they got the impression that Mr Rigney was being transported. Regarding the third question, help me out—

The Hon. S.G. Wade: When did they finally realise that he should have been in legal authority?

The Hon. P. MALINAUSKAS: My advice is that it was at some point in or around Mr Rigney being at Holden Hill, or just after he departed Holden Hill, that that conclusion was drawn. I am advised it was after Mr Rigney had departed Yatala Labour Prison. Regarding whether or not he was in breach of bail, that is a matter for the courts. In regard to your last question, yes; I am advised that he is unlawfully at large.

RIGNEY, MR R.G.

The Hon. S.G. WADE (14:51): A supplementary. Thank you, minister, for your answer, but I again repeat the question: if the Department for Correctional Services believed they had no legal authority to receive Mr Rigney into Yatala Labour Prison, by what lawful authority could they have stopped him from leaving a secure place? They either have the legal authority to detain the man or they do not.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:51): I was simply making the remark, in my ministerial statement, that had Mr Rigney been accompanied or secured in such a way that his departure from Yatala Labour Prison was prevented, he would not have been able to leave. It is just a simple statement of the obvious.

You are looking for a legal technicality. Had Mr Rigney been detained at Yatala Labour Prison it would have been done with the appropriate legal authority. The fact the DCS staff member who was making the assessment did not realise that lies at the heart of one of the mistakes. However, had he been detained it would have been done legally because it has been ascertained, subsequently of course, that the DCS did have the legal authority to detain him.

RIGNEY, MR R.G.

The Hon. S.G. WADE (14:52): A supplementary: can the minister assure the house that there will be no provision in the updated procedures for DCS that will give the Department for Correctional Services the opportunity to detain people just in case they might have the legal authority to detain them?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:52): The standard operating procedures put together by DCS are an operational matter for DCS. What I will say is that it would be my expectation that those standing operating procedures will comply with the law.

RIGNEY, MR R.G.

The Hon. K.L. VINCENT (14:53): A supplementary question: exactly how complex is the process to receive a returning prisoner back into prison, and on average how long should it take to complete that process? Given that the minister concedes that Mr Rigney is technically unlawfully out of prison, will he face any consequences for being unlawfully out of prison, even though he has tried to turn himself back in, when he does return?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): I thank the honourable member for her question; it is a reasonable one to ask but it is not one I can answer. What punishment is issued by the courts to Mr Rigney for being unlawfully at large is a matter for the courts. I am not in a position to make that decision nor influence it.

Regarding the first part of the question on the complexity of admission of people into prison, it is complex. That might not be a logical position or a logical answer, but there is a whole range of processes and procedures that need to be complied with to ensure that DCS is holding prisoners in custody legally. There quite appropriately are a range of checks and balances in place to ensure that that is the case, and, of course, where you have a lot of detail to be able to get things right, that does bring with it complexity, particularly in this particular instance where the nature of the order issued by the court, I am advised, is very unusual.

RIGNEY, MR R.G.

The Hon. K.L. VINCENT (14:54): Supplementary: can the minister just provide further clarification on that question? I understand that there are nuances as to what punishment is dealt out, if one is to be dealt out. To the best of the minister's knowledge, is Mr Rigney at risk of being punished for being unlawfully at large, despite having tried to return himself to prison—yes or no—and does the minister intend to use the discretion, which I understand he does have, to advise that Mr Rigney should not be charged or punished since it is his department that made the error?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): In regard to the first part of your question: is there a risk that someone will be punished if they break the law? Yes. Whether or not the court will take into account the extraordinary circumstances is truly a matter for the court, and I am not aware of my ability to be able to make decisions, or influence decisions, on behalf of the court.

RIGNEY, MR R.G.

The Hon. R.L. BROKENSHIRE (14:55): Supplementary relating to the minister's answers: given that the minister has confirmed that it is the department that stuffed up, can the minister assure the house that no prisoners will be punished when they make applications for compassionate leave for future funerals and other events, when they have in the past been managed properly, and allowed to appropriately go to a loved one's funeral? Can the minister guarantee to the house that there will be no punishment to future prisoners through the stuff-up of the department?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:56): The decision in this instance to release Mr Rigney to attend a funeral on compassionate grounds was a decision made by a court.

They are not decisions that are made by me. I would have thought that the courts feel very comfortable to be able to make decisions under their own authority, as they have in the past.

Regarding the mistakes that have been made in this instance by the Department for Correctional Services, it is incumbent upon me, as the responsible minister, to satisfy myself that Corrections are putting in place measures to ensure that (a) this doesn't happen again and also (b) hold people to account when they have made mistakes that aren't reasonable. I have been advised by the department that both those things are occurring.

RIGNEY, MR R.G.

The Hon. S.G. WADE (14:57): Supplementary question: I ask the minister under what statutes action will be taken against the Department for Correctional Services officers? Will that be the Correctional Services Act or the Public Service Act?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57): I refer back to my ministerial statement on this one. I made it very clear that a separate process be initiated by the chief executive of the Department for Correctional Services regarding ascertaining the mistakes that were made by individuals, the degree of human error that exists here, and indeed who should be held to account for that. I will wait to see the way that that process unfolds.

ABORIGINAL REGIONAL AUTHORITIES

The Hon. T.T. NGO (14:58): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister tell the chamber of the status of Aboriginal Regional Authorities?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:58): I thank the honourable member for his question and his interest in Aboriginal affairs. I am pleased to say that we have taken recently the next step in our Aboriginal Regional Authority's policy. The state government always has been working to develop programs and policies that enable Aboriginal people to have a greater say in the issues and decisions that affect them, particularly when it comes to using their resources for economic development.

I have spoken to the chamber previously about the Aboriginal Regional Authority's policy that displays its commitment to work more collaboratively with Aboriginal communities and to strengthen the relationship between the government and Aboriginal South Australians. This policy wasn't just a first for South Australia but a national first. Aboriginal Regional Authorities will represent and advocate for their communities. They will have the ability to drive regional priorities and economic growth while working in partnership with the government. In the last few weeks I had the great pleasure to announce the first three formal Aboriginal Regional Authorities in line with this policy. The first of the three is the Far West Coast Aboriginal Corporation.

The Far West Coast Aboriginal Corporation is a representative organisation of Far West Coast Aboriginal people, representing some 1,500 members. It represents the Wirangu, Mirning, Kokatha, Maralinga Tjarutja and Yalata people, as well as the descendants of Edward Roberts. It is an independent and self-sustaining Aboriginal corporation working to advance the cultural, social, political, economic and legal interests of Far West Coast Aboriginal people. It has also had successful business interests, including through mining operations on country, the ownership of local businesses in Ceduna and landholdings.

The second of the Aboriginal Regional Authorities is the Adnyamathanha Traditional Lands Association. The Adnyamathanha Traditional Lands Association (ATLA) is a representative organisation of the Adnyamathanha people who hold native title over the Flinders Ranges area and surrounding areas. It is made up of 20 different groups, representing some 2,500 members. The Adnyamathanha Traditional Lands Association is a self-sustaining organisation that has been working for Adnyamathanha people for almost 20 years. The scope of the organisation is very broad. It includes a particular focus on economic participation, caring for country and land management, and strengthening language and culture.

The third Aboriginal Regional Authority will be the Ngarrindjeri Regional Authority, the representative organisation of the Ngarrindjeri Nation of the Lower River Murray, Lakes and Coorong region. The Ngarrindjeri Regional Authority already has a strong relationship with government through the KNYA, which roughly translates to 'listen to what Ngarrindjeri people have to say'. In 2009, the Ngarrindjeri Regional Authority partnered with the state government to deliver critical water and land management programs along the Lower River Murray and the Coorong, and in 2015 was awarded the national Riverprize for its Caring for Country model.

These new Aboriginal Regional Authorities will participate in Aboriginal Nations Rebuilding curriculum, delivered by Flinders University. This training will support Aboriginal leaders to build robust governing bodies with strong economic potential. These three Aboriginal Regional Authorities signify the strengthening of relationships between government and Aboriginal South Australians, and I look forward to updating the council on the operation of these authorities.

AUSTRALIAN FOOTBALL LEAGUE ASSAULTS

The Hon. R.L. BROKENSHIRE (15:02): I seek leave to make an explanation before asking the police minister a question regarding police policy on assaults on Australian rules football ovals.

Leave granted.

The Hon. R.L. BROKENSHIRE: As far back as 1979, I have watched, with more than a passing interest, assaults on football fields across South Australia, including in 1979 when in my home team two footballers in a grand final were unconscious before the first bounce. Whilst there has been some improvement to the rules and policing since then, it is evident that, having been a strong observer of country football in particular, violence on the football fields is increasing. In fact, in the last few years I have been quite vocal when I have seen direct assault and, in some instances now, it is the norm, providing it is not the opposing team, for supporters to condone actual assault when it occurs. The Yorke Peninsula league has actually addressed this. The Great Southern Football League, in my opinion, is lacking when it comes to this.

I had constituents contact me last year when evidence was taken to the police and, to summarise, the police indicated that they would prefer to see the league sort it out than have to have police interference. We have recently seen the incident at Rosewater with an umpire. We have also seen last week a 14 year old who has been rubbed out for 14 weeks for assault in a junior game.

Assault is assault and a criminal offence, whether it is in the street, the home or on a sporting ground. My question therefore to the police minister is: as a matter of some urgency, will the minister consult with the police commissioner and advise this house what the policy of the police is when the evidence is clearly there for an assault? Will the police treat it as an assault and prosecute the same on a football oval as they would out on the street or in a home where there is domestic violence or any other place where there is assault?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:04): First things first, I think all are in agreement that all forms of physical violence—or, indeed, all violence—is unacceptable, regardless of where it takes place. I might anecdotally contest some of the remarks that have been made by the Hon. Mr Brokenshire regarding the prevalence of violence in amateur football competitions around our state. My experience, as an ongoing participant and a player within amateur football in South Australia, is that violence is treated harshly by the relevant football authorities.

In the time I have been playing footy, which has probably been too long—some 15 to 17 years—I have seen a reduction in the amount of on-field violence in amateur football. Anecdotally, when I speak to many of my friends and fellow players in other leagues and competitions and other teams, they share that experience. Notwithstanding that, there has been a number of high-profile incidents recently which make clear that, of course, even if I am right and the level of violence has been declining, there are still instances that will arise.

I think one of the reasons we are hearing about them in the media is that public attitudes towards violence on sporting fields are substantially different today than they were back in 1979 when you had the grand final incident you referred to. It is treated far more seriously, far more harshly. The suspensions are far larger. Indeed, recently, the Rosewater Football Club has been suspended as a

club from adult competition altogether. That is the harshest form of sanction that can be issued by a football league and I commend them for doing so and for taking such a hard stance when it comes to stamping out violence in amateur football.

In that respect, I contest some of the remarks in your question. Having said that, your question in regard to SAPOL's position and policy on this is something I am more than happy to make inquiries about. Of course, it is not the place of government or my place as minister to be trying to issue instructions to police about how they police certain things, but I am happy to take it on notice. I will try to ascertain if police do have an existing policy in place and, if it is appropriate to share that policy, I am more than happy to do so.

PUBLIC SECTOR EXECUTIVE OFFICERS

The Hon. R.I. LUCAS (15:07): My question is directed to the Leader of the Government. Does any chief executive officer or executive in any department or agency reporting to the minister have a bonus payment as part of their remuneration package?

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) (15:07): I thank the honourable member for his question. In terms of the contracts on which chief executives are employed in regard to every single person of that level within my department, I will have to take that on notice. I don't have the details of all contracts of all such people in front of me, but I am more than happy to take that on notice and bring back a quick response for the honourable member.

CLIMATE CHANGE

The Hon. J.M. GAZZOLA (15:08): My question is to the Minister for Climate Change. Could the minister update the chamber on South Australia's climate change policy, including recent public commentary?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:08): I thank the honourable member for his most important and very sensible question. Last month, we recorded another climate record. It was the warmest June in the 21st century, I am advised. This means that each month of this year has set a monthly record for global temperatures and I think it is important that we all acknowledge that climate change is now beyond controversy. It is real and we have an obligation to act.

South Australia is, of course, proudly leading the nation and the world in our action on climate change. The state has an ambition to make Adelaide the world's first carbon neutral city and a showcase for renewables and innovation. We have set a zero net emissions target for 2050, a target consistent with the expert scientific advice to limit global warning to at least 2° Celsius.

Each region of the state is preparing adaptation plans to deal with the changes that global warming may be bringing to us. Our efforts are recognised, of course, nationally and internationally, perhaps best captured by a senior IKEA executive standing up and telling the world's businesses gathered at Paris at climate negotiations last December that:

> …to build a low carbon growth and jobs we need common sense, long-term policy making, such as we see in South Australia…

Common sense and much of the expert economic opinion tells us that we need a national emissions trading scheme. A national ETS is something this government has long called for but we were not the first ones, of course, to propose a national ETS, neither was it a federal Labor government that did that. It was, of course, a Liberal who first announced the national ETS. I am advised that it was not Malcolm Turnbull. It is timely that we discuss in this place a national ETS and celebrate the foresight of this Liberal because on 17 July 2007 a very clever Liberal announced a national ETS. In making this announcement this person said—

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

The PRESIDENT: Order! The minister has the floor.

The Hon. I.K. HUNTER: In an address to the Melbourne Press Club at the Hyatt Hotel Melbourne this person said:

> Being among the first movers on carbon trading in this region will bring new opportunities and we intend to grasp them. The Government will examine how to ensure that Australia becomes a carbon trading hub in the Asia-Pacific region.

He also said in this speech:

> Now we must position Australia for a low carbon future. We face a major new reform challenge in designing an emissions trading scheme and setting a long-term goal for reducing our emissions in the absence of a global carbon scheme. These decisions will be amongst the most important Australia takes in the next decade.

He then went on to say:

> Today I announce key decision features and administrative arrangements for this crucial piece of national economic architecture.

Who was this Liberal, Mr President? Who was this very clever Liberal? It was none other than the prime minister John Howard. When you contrast the leadership shown by the prime minister John Howard at that time with how our own state Liberal leader has marked this anniversary, how did he do it: not by rising to those lofty leadership heights shown by prime minister Howard at the time, but more embarking on a Tony Abbott style scare campaign.

Rather than grapple with the failures of the national electricity market and the need for reform he decided to attack renewable energy and put on show the failure of his leadership. Instead of acknowledging the failures in federal gas policy and the impact this is having on manufacturing in this state, he went after wind and solar energy. He has joined forces with the Murdoch media to preach doom and gloom about renewables and, as I said, instead of aspiring to that lofty leadership shown by a former National Liberal prime minister, Mr Howard, he has slipped into that scaremongering mould that is all too easy for people like him and the ilk of Tony Abbott.

He even parrots the likes of Judith Sloan from *The Australian* and echoes the right wing conservative ideological tripe that comes out of the Menzies Research Centre and the IPA. Just to give you a taste of how outrageous this propaganda is let me just read to you a few quotes from around the country—they are coming from a certain style of media. This one is from *The Sunday Telegraph* Sydney dated 10 July:

> Power shock. New South Wales families pay highest electricity prices in the world.
>
> Australian families are being slugged more for power than any other developed nation.

Here we go again, the *Sunday Herald Sun* from Melbourne:

> Electric shocker.
>
> We pay world's top prices.
>
> Victorians are not just paying more for electricity than consumers across Australia—it's more than any developed nation in the world.

There you go: the *Sunday Herald Sun* from Melbourne. What do we have from *The Courier Mail* dated 9 July 2016? It states:

> Queensland electricity prices are rising faster than anywhere in the nation and now threaten to become more expensive than anywhere else in the developed world.

I guess in this modern day of communications and the internet they do not assume that people are going to go around reading different copies of papers from that stable from different parts of the state. I will spare you what they said about South Australia. I think the worst they could say about South Australia was that we are second to Victoria and, indeed, Western Australia had a similar sort of publication.

I just point this out because of the outrageous nature of this propaganda and the view that we will just swallow it and that we do not have any critical thinking capabilities whatsoever. Clearly, those members opposite certainly do not. In fact, and this really saddens me terribly, it has been reported that the Liberal Party made up figures for the Murdoch media. I can go to another article that I think I kept a clipping of because it was so much fun. It states: 'Coalition "fed" dodgy numbers

on wind energy to Murdoch media.' This was published by reneweconomy.com by Mr Giles Parkinson. The article states:

> It appears that South Australian conservative opposition may have been the original source for the dodgy numbers that form the basis of an erroneous front page story on *The Australian* this week about wind generation in the state. RenewEconomy understands from several sources—

because they leak like sieves over there—

> that the South Australia opposition Liberal Party, a big opponent of wind energy, obtained data from the Australian Energy Market Operator and then 'stuffed the numbers up' quite spectacularly, and passed its mistaken conclusions on to *The Australian*.

I think *The Australian* might even have published a retraction at some stage, or a clarification. They go on to say:

> RenewEconomy noted in its article that the errors were so bad that they might have been funny, were it not for the fact that so many in the conservative side of politics, and mainstream media too, accept them at face value. It's somewhat ironic, then, that the numbers could be sourced from the Coalition. In the frenzied attack on renewable energy, the Coalition and the Murdoch media across Australia appear to feed off each others myths and mistakes.

So that is a bit of mirth, Mr President. It just shows you, once again, the depths the opposition will plunge to when they are trying to use the mainstream media to get a false view to the community. It just shows you what the media will do around the country, in terms of the headlines, to scare people. They are saying the same thing to different populations and think that nobody will compare and contrast them.

I have to say it is indeed ironic to read that into *Hansard,* and I am very pleased. But who is this mysterious Liberal opposition member who could have got it so wrong? Who is the person who actually, I think, 'stuffed-up the figures'—was that the quote? I will be corrected by *Hansard* when they check the actual quote from the paper. Who was it who did that? I will quote again from Mr Richard Denniss, the Chief Economist for the Australia Institute, in an article that he headlined 'There's no fun in energy facts':

> The folk who predicted the carbon price would give us $100 legs of lamb, that China's demand for coal will keep rising and that NSW will run out of gas are at it again. Wind energy, we are now told, is ruining the economy. Run for the hills!

That is Mr Richard Denniss in the *Australian Financial Review*, not a paper well known for its support for people like the Labor Party. He goes on at great length and I could quote this and take up the rest of question time, but of course I will not be so insensitive. I will just quote another paragraph.

> In 2014 Tony Abbott commissioned climate sceptic Dick Warburton to lead an inquiry into the Renewable Energy Target (RET). Embarrassingly for all concerned, the report found that investment in wind and solar was pushing down electricity prices and that cutting the RET would drive up energy costs. Whoops.

That is in the *Australian Financial Review*. The bluster from the opposition is incredible, but what is even more incredible is that they can't even read the figures. They can't even get it right. Once that was exposed, the Leader of the Opposition in the other place had to walk back—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Minister, take a seat. We only have 17 minutes left. Order! Seventeen minutes. Order!

Members interjecting:

The PRESIDENT: There are a number of crossbenchers who actually want questions. Would the Leader of the Government please desist and set a reasonable example. The minister has the floor and there are a number of crossbenchers who want to ask questions and will not get a chance if you keep on interjecting. Minister.

The Hon. I.K. HUNTER: Without interjections, I could wrap this up pretty quickly. Once the Leader of the Opposition in the other place was made aware of this incredible stuff-up, he had to, of

course, walk back his attack. So let's have a quick look at some of the facts. A proper analysis of the data from the Australian Energy Regulator shows that large spikes in the national electricity market were commonplace, occurring nearly once every second day in summer, and that South Australia was the worst affected because of its reliance on just a few companies and on gas.

However, as analysts have shown in recent weeks, most of those daytime peaks in the South Australian market are no longer present because of rooftop solar and wind in the state. Another fact that the media will not tell you about is electricity retailers' profit margins. Bruce Mountain, Director of Carbon and Energy Markets, looked at the retail price offerings of Australia's three biggest electricity retailers—Origin, AGL and EnergyAustralia—in the New South Wales, Victorian and South Australian markets. He found that these three companies cover 90 per cent of the South Australian small customers and that our state is the most profitable market for those retailers. Another factor, as a media outlet has written:

> …the AER has repeatedly underlined, the principal causes of the high electricity prices over the last few weeks [in South Australia] has been record high gas prices and supply constraints to the main link to Victoria.

This of course was the cause of our immediate problems in the recent weeks. But we also need to address the failings in the national electricity market, something that many experts have called for but that the opposition just sadly does not get. For example, Mr Hugh Saddler, Senior Principal Consultant at Pitt&Sherry said in *The Guardian*

> It was designed in the 1990s—

that's the NEM—

> when the assumption was the energy supply would mostly be coal…[in the case of] a system with a large penetration of renewables [such as] South Australia—you need a completely different system.

These calls have been echoed by other analysts, community groups, environmental groups, as well as business groups. The reform of the NEM and greater interconnection is something that this government has been advocating—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Reform of the NEM and greater interconnection is something that this government has been advocating for some time. While those opposite sat silent—

Members interjecting:

The PRESIDENT: Order! Minister, please take your seat. Most of the interjection at the moment is happening from the two people who should be setting examples in this chamber. Please desist and show some respect not only to this chamber but also to the people of South Australia by allowing the minister to answer your question. Minister.

The Hon. I.K. HUNTER: Thank you for your protection, sir. Whilst those opposite sat silent during the election campaign, the Premier wrote to both the Prime Minister and the opposition calling for these issues to be addressed. Both the energy minister and I jointly wrote to our respective federal and state colleagues making similar calls, and in addition this government is providing funds towards the study on a new interconnector because we recognise that this is necessary under the current NEM before an interconnector can be built. We will continue with these programs. The need to decarbonise our electricity grid is clear and, as Mr Tony Wood and David Blowers have written recently:

> Refusal to tackle climate change is not an option. The weight of evidence that human behaviour is leading to catastrophic global warming is overwhelming.

And the Leader of the Opposition is laughing, Mr President. He does not get climate change. The question for policymakers—

Members interjecting:

The PRESIDENT: Order! Minster, take your seat. We have 13 minutes left. I am sure there are about four or five other questions that could be asked. There shall be no further interjections.

The Hon. I.K. HUNTER: The number of interjections from the Leader of the Opposition, he might be the secret Liberal mole—

The PRESIDENT: Just answer the question, minister.

The Hon. I.K. HUNTER: —who leaked those stuffed-up figures, Mr President.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Minster, take a seat. The Hon. Mr Maher, as Leader of the Government in this house, I think it is your obligation to set the example in this chamber. You are not doing that at this stage. So I ask you to set the example.

The Hon. D.W. RIDGWAY: Point of order. He referred to me as a mole and I would ask him to withdraw.

The PRESIDENT: Yes, minister, it is inappropriate language.

The Hon. I.K. HUNTER: I did not refer to him as a mole; I said he might be the mole. That is a different thing altogether. The person who leaked the figures.

The Hon. D.W. RIDGWAY: Point of order. This is a disgraceful contempt of the Legislative Council. I ask the minister withdraw whether I am a mole or the mole. I ask him to withdraw.

The PRESIDENT: Before you get up minister, I think what is detestable and contemptible in this place is the behaviour of the two leaders of the respective parties. Minister, whatever you said, I will have to check *Hansard,* but I do think it is appropriate that you withdraw the comment.

The Hon. I.K. HUNTER: Yes, Mr President, I do withdraw any reference to Mr Ridgway being a fluffy creature at all. Perhaps I will just say that he might be the person who leaked this dodgy information to the media instead, on the basis of this incredible red flush to his face and the surprise that we have this information before us. I will finish the quote:

> The question for the policymakers is not whether we act to reduce emissions but how we can do so in a way that will make the transition to zero emissions as smooth as possible.

It is time to call out this propaganda campaign. The misuse of statistics, hysterical headlines and distortion of facts to levels that would have done *Pravda* proud during the height of the cold war, that is the fact of the matter. That, of course, is a quote from another very clever person, the former climate change minister of a few years ago. It is still very relevant today to their current situation, but they still do not get it. There is no doubt that, when you refuse to acknowledge the facts, you end up misleading people. Let's face it: the Leader of the Opposition has form when it comes to misleading South Australians (that is the Leader of the Opposition in the other place). In the past few weeks he has been at it regarding waste policy, and now he is at it again with climate and energy policy.

He has no plans, no ideas, no solutions whatsoever. He is simply not fit to lead, particularly when you look at the rabble opposite: why would you even want to? He is not fit to lead them, he is not fit to lead the state. It is time those opposite found a real Liberal to lead them, a real Liberal who takes them back to their roots, a Liberal like John Howard, who understands the challenges of climate change.

The Hon. T.J. STEPHENS: Mr President, this is an obscene abuse of question time. How long has the minister been going on with this rubbish? For goodness sake, sit him down and let's get on with question time.

The PRESIDENT: Minister.

The Hon. I.K. HUNTER: It is this mob opposite who deny the facts, who deny the science, who go out there to mislead the media—that is all they are good for! They go out with dodgy figures and dodgy facts.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Parnell.

Members interjecting:

The PRESIDENT: The Hon. Mr Parnell has the floor.

ABORIGINAL HERITAGE ACT

The Hon. M.C. PARNELL (15:26): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Aboriginal heritage.

Leave granted.

The Hon. M.C. PARNELL: The area around Leigh Creek contains important Aboriginal sites in the stories of Yurlu, the kingfisher, and Akurra, the dreamtime serpents. Leigh Creek is the home of a now closed coalmine: however, it is also the location of a new project to exploit the gas resources contained within the coal deposits through a controversial process known as underground coal gasification, or in situ gasification. The company involved is Leigh Creek Energy Limited, which members will recall is the new incarnation of Marathon Resources Limited, the company that was thrown out of the Arkaroola Wilderness Sanctuary for its appalling environmental practices.

There is great concern amongst members of the Adnyamathanha community that these gas extraction activities are now disturbing an important Aboriginal site. Under section 23 of the Aboriginal Heritage Act, it is unlawful to damage, disturb or interfere with any Aboriginal site without the authority of the minister. Breaching section 23 can attract fines of up to $50,000 or imprisonment for up to six months. My questions of the minister are:

1. Has the minister approved the activities of Leigh Creek Energy or its contractors under section 23 of the Aboriginal Heritage Act?

2. If not, what is the minister doing to ensure the act is enforced?

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) (15:27): I thank the honourable member for his question in relation to Aboriginal heritage in the areas around Leigh Creek, the traditional land of the Adnyamathanha people. I, too, have had it expressed (and I have met a number of times with various representatives of the Adnyamathanha people, both from ATLA and other groups, about a whole range of issues over the last three or four months), and as I understand it one of the concerns that has been raised is about exploration around the area of the Leigh Creek coalfields.

My department has checked the register for Aboriginal sites and objects, and I am advised that in the general area there are three registered sites. I am further advised that the closest site is some 635 metres from the nearest activity, so there is no activity within sites that are registered, but my department has advised me that they have engaged with Leigh Creek Energy to remind them of the requirements under the Aboriginal Heritage Act and, if sites are to be disturbed, the processes under the Aboriginal Heritage Act.

ABORIGINAL HERITAGE ACT

The Hon. M.C. PARNELL (15:29): Supplementary: are only registered sites protected under section 23?

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) (15:29): It is not only registered sites—the honourable member is correct. Whether or not it is endorsed on a central register does not make it not a site, but they have been advised that there are three recorded sites. Certainly, if there is damage to any Aboriginal sites or objects under the Aboriginal Heritage Act, that will open up the processes under the act.

NORTHERN ECONOMIC PLAN

The Hon. A.L. McLACHLAN (15:29): I seek leave to make a brief explanation before asking the Minister for Employment a question.

Leave granted.

The Hon. A.L. McLACHLAN: On 9 February this year, the minister outlined to the chamber details of the government's Northern Economic Plan. Part of the minister's explanation stated that a new disability employment hub will create 6,300 jobs statewide, and approximately 1,700 of these will be in Adelaide's northern suburbs. Can the minister outline to the chamber the methodology that was applied to calculate these forecast figures?

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) (15:30): I thank the honourable member for his question. It is not directly in my area, but I am more than happy to go and ask the experts in this area who are looking at what will be needed to fully implement the NDIS, and bring back a reply about what methodology they use to come up with these figures.

ROAD SAFETY

The Hon. G.A. KANDELAARS (15:30): My question is to the Minister for Road Safety. Can the minister advise the chamber about what the government is doing to encourage communities to choose safer, greener and more active travel options?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:30): I would like to thank the Hon. Mr Kandelaars for this important question about an important subject. This week, it was my pleasure to announce that the Department of Planning, Transport and Infrastructure, with the support of the Motor Accident Commission, is offering $100,000 in grants under this year's community grants program. For members who are not aware, this fantastic initiative, which launched in 2011, has funded a total of 81 projects across the state with a combined value of more than $350,000 to help groups and organisations deliver small-scale projects that support safer, greener and more active travel choices.

These innovative projects can focus on improving road safety, getting people cycling, walking or catching public transport, replacing car journeys with technology, doing things locally or the smart use of cars. Applications are assessed on a number of criteria, including the potential for travel behaviour to be influenced beyond the life of the project, value for money, capability to measure the results of the project and the degree to which the project is likely to influence the travel behaviour of the target group.

One recent example of a successful project was $11,000 for Yorke Peninsula Community Transport Incorporated, who use their funds to provide videoconferencing equipment for staff, board members and volunteers to avoid travelling long distances for face-to-face meetings. By reducing the travel on country roads, they aim to make a positive impact on road safety with a reduction of risk of road crashes.

Another great example was almost $4,000 which went to the Friends of The Queen Elizabeth Hospital, who use their grant to help resolve issues of providing an alternative travel option for volunteers who are considering retiring from driving. It is also aimed to encourage greater attendance by volunteers during bad weather to save car parking spaces at The Queen Elizabeth Hospital. Having had my grandmother volunteer at the Friends of TQEH for many, many years, that was a project I was very impressed to learn about.

As a result, they established a carpooling project amongst their working volunteers and, in the first few months, achieved six fewer cars resulting in 678.4 fewer kilometres travelled and a contribution to road safety, six car spaces saved at TQEH per week and 39 less reimbursed bus trips per week—a cost saving for The Queen Elizabeth Hospital. Some of the volunteers involved also reported that carpooling helped them make stronger friendships within the friends group, which led

to a few people completing extra shifts per week. A small group of volunteers has also continued to carpool with each other.

As you can see, the community grants program is a fantastic initiative which encourages the community to consider alternatives to car journeys. It takes a whole of community approach to improve road safety, and this government is proud to offer its continuing support. The latest round opened on Monday and, importantly, applications close on 4 September 2016. Until then, I encourage all members to help spread the message of this great program to their constituents, as well as community groups and organisations. Further information can be found on the front page of the DPTI website right now, and I wish all our applicants the very best with their innovative ideas.

Importantly, only this afternoon I did a radio interview with ABC Riverland to talk about some successful projects that occurred in the Riverland under these community grants program. Some innovative ideas have come out of the Riverland, and I think this is a demonstration of the breadth of the geography towards which we are willing to commit these grants. This is in no way, shape or form a grant program that is specifically aimed at metropolitan South Australia; we are also very keen to make sure that a large number of applicants come from regional South Australia. Of course, we know all too well that a disproportionately large percentage of road accidents that result in death or serious injury in the state of South Australia do occur within our regions.

There is a whole range of innovative ideas that different community groups may be able to come up with that reduce the likelihood of accidents occurring on our roads. They may be innovations like the one I referred to in the Riverland, where a community group was able to invest in a teleconferencing facility which not only resulted in a more efficient means of communicating for short periods of time but also resulted in less travelling having to occur on our roads which, of course, reduces the likelihood of accidents.

I commend this program to the community and encourage interested applicants to apply as soon as possible.

Bills

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 July 2016.)

The Hon. T.J. STEPHENS (15:36): On behalf of the opposition I rise to speak to the Anangu Pitjantjatjara Yankunytjatjara Land Rights (Miscellaneous) Amendment Bill currently before the council. This bill seeks to make significant changes to the governance of the Anangu Pitjantjatjara Yankunytjatjara, known as the APY.

The freehold to lands in the north-west corner of the state have been invested in the Anangu body corporate, which is governed by the APY Executive Board. Many of us in this place, especially those who have been members of the Aboriginal Lands Parliamentary Standing Committee, would acknowledge that many problems have beset the APY Executive Board over recent years. Some of these problems have been personality related and some of them have been procedure related but most have an element of both, so I am not entirely convinced that the problems will be solved in their entirety by this bill.

We know that there are problems with APY governance; in fact, the Mullighan inquiry found that 'poor governance and corruption frequently inhibited the proper reporting of child sexual abuse.' As result, the report recommended that, 'any change to governance of communities on the lands be implemented promptly so as to reduce the extent of dysfunction and possible corruption in the communities'. Clearly this recommendation has been ignored by the government, and the urgency of the situation realised only recently, almost eight years later—hence our scepticism.

Throughout this contribution I will pose some questions to the minister that I would like answers to before we move any further in this debate. I expect that the minister will be able to adequately address these concerns in his summing up remarks.

A lot of changes being sought by this bill are variations to provisions which were introduced in 2004 under similar circumstances. The question I have—and I have made this point previously in this place—is that if the problems are so systemic as to warrant wholesale reform of the land rights act, then why has an administrator not been appointed, especially given that we rushed legislation through this parliament granting the minister the power to do so at the end of 2014?

These are big changes, yet the government wants them rushed through this place this week. The minister knows full well that it is in this place where the bill will face the most scrutiny; therefore, we should be allowed as much time as possible to give that appropriate scrutiny. We have seen the effect of rushing legislation through the parliament, and the December 2014 amendment was a classic example. In fact, my understanding is that the Hon. Ms Franks has amendments which address deficiencies in the 2014 legislation that I refer to.

One of the more fundamental questions I have is: why is there such urgency surrounding this bill, and why is the minister so desperate to see fresh elections conducted under the new rules, given that there are three years remaining on the term of the current executive board?

This bill is the result of a review commissioned in 2013, yet the minister has stated that the APY has made significant progress in improving its administration and financial accountability. My question to the minister is: if that progress is being made, then why are these changes needed so suddenly? Again, if the situation is so desperate, appoint an administrator. Bizarrely, the government listed this recommendation of the Mullighan inquiry as fully implemented on 27 November 2013, yet we are only seeing changes put before this place in 2016.

This review was conducted by the Hon. Dr Robyn Layton AO QC, and the recommendations were to create gender balance on the APY Executive Board, to change the electoral process to improve representation, and to change eligibility requirements for election to the board. This bill seeks to make 12 key changes, which I will endeavour to address now. The first one, as outlined by the minister, is to provide gender balance on the APY board. As this is one of the recommendations of the Layton review, it is hard to argue against, but I do want to know whether this is a reform that is broadly sought by Anangu and not just an ideological pursuit for the minister, his office and his department.

Ultimately, governance of the APY should be driven by the grassroots APY and it should not be imposed on Anangu by a government minister in Adelaide. I seek a detailed answer on the consultation the minister himself made and the conversations he had with Anangu on not only this particular recommendation but this current version of the bill. Ultimately, the governance structure should be reflecting Anangu cultural values rather than the values of the government of South Australia, or indeed the minister of the day. Furthermore, it is my understanding that the bill currently before the council is substantially different from the draft which was consulted upon. As a result, it is doubtful whether there is broad community support for all the changes proposed.

The proposed gender balanced board increases representation to 14 members, seven male and seven female. The bill establishes seven electorates which, according to the minister, will compose a more even population spread. No-one can doubt that the existing electorate boundaries are farcical in some cases, with Watarru only having a population of 42 according to ABS data, and the Amuruna/Railway Bore/Witjintitja/Wallatinna homelands electorate only having a resident population of 14, whilst Pukatja and Amata have populations of well over 400. I am not certain as to how many of these are eligible voters but it certainly gives an insight into the disproportionality of the electorate sizes.

If the government's intention is to create a more even population spread, why then is there almost a 4:1 differential on the value of a vote between Watarru and Pukatja. It may be an improvement but it is far from one vote, one value, which surely should be the aim here.

I acknowledge the remoteness of many of the homelands, and it is important that all Anangu are represented. It is also important to note that many elders live away from communities, on homelands, and their voices are very important when it comes to Anangu governance. So, in order to achieve one vote, one value as close as practicably possible, I ask the minister why it is that he is seeking to remove the requirement to review the electorate boundaries.

Further to the boundary changes, my understanding of the current act is that the minister can make changes to any provision of schedule 3 via regulation, which includes rules for elections conducted under section 9. If this is possible, then why not use the mechanism as outlined in schedule 3, paragraph 30 of the current act? The sad reality is that his department has failed to adequately address the problem of unequal representation since 2005, when the APY Land Rights Act was amended to empower the minister to review the electorate boundaries. It is curious that his department found no need to amend the existing boundaries in three subsequent reviews between 2005 and 2015, yet all of a sudden the minister is arguing that the electorates are unequal and require drastic change.

The difference this time is that the Electoral Commission of South Australia (ECSA) was consulted and it recommended the changes. Surely then it would make sense to keep the requirement of a review but empower the ECSA to conduct it. I would like the minister to address this point, otherwise I will be seeking to move amendments based around this oversight.

The establishment of minimum eligibility requirements to improve the respect and leadership of the board, whilst a noble pursuit, may actually exacerbate some existing problems. The introduction of a category of serious offences which preclude Anangu convicted of such offences from standing for election makes sense and is common with many elected public offices throughout the state; however, the broad nature of the offences drawn will preclude many on the lands from standing.

One offence in particular, that of gambling on the lands, affects many, as does the offence of drinking or supplying liquor on the lands. Problem gambling is chronic on the lands. I am certain that many who do gamble or drink have not yet been convicted and may not be, but if this is to be a precluded offence then the risk is there. I ask the minister to answer the following questions to alleviate our concerns. How many Anangu will this bill render ineligible to stand for the executive board? Will these new provisions prevent any current member of the executive board from standing for re-election? Does the minister have any concerns that these provisions may be used maliciously to prevent certain Anangu from being elected to the board?

The bill provides greater certainty for election dates, with an election to be held between 1 May and 31 August every three years. It will also establish a panel of conciliators to deal with disputes, a power formerly held by the executive board; however, the minister will have the power to refuse conciliation on the grounds that it is a frivolous or vexatious matter. This seems to defeat the entire purpose of an independent conciliator. How can the minister ensure that all disputes are adequately heard and dealt with in a procedurally fair manner? Is the minister satisfied that this provision will not lead to a conflict of interest in some cases? Has the minister considered allowing appeals of decisions made by APY or the minister to the South Australian Civil and Administrative Tribunal (the SACAT).

This bill seeks to provide consistency of eligibility criteria between statutory officers and executive board members and ensure board members live in their electorates for the majority of their terms in office. This later provision will have an effect on Anangu who require long-term medical treatment off the lands. How will the minister alleviate this concern? Residency requirements for voter eligibility are similarly affected by medical problems that many Anangu face, a classic example being dialysis treatment. Regular dialysis, in the vast majority of cases, requires Anangu to live off the lands and in large regional centres, such as Alice Springs, Port Augusta and Adelaide.

The recommendation of the Layton Review to enable absentee voting was largely to address this problem; however, the provisions in this bill establishing an electoral roll require current residency on the lands. There are many Anangu who have lived off the lands for months and years and will not therefore be put on the electoral roll, locking them out from lodging absentee votes. I ask the minister why the electoral roll provisions do not address this recommendation of the Layton Review? I will say that I live in eternal hope that dialysis treatment on the lands is certainly closer than it is further away.

The bill also removes the practice of voting by marbles. Staff at the ministerial briefing indicated that electronic voting may be used to enable illiterate Anangu the ability to vote under the new provisions. I would like the minister to confirm that this will be the case and provide specific

details on the proposed voting system. The bill will also provide transitional provisions to ensure a timely election following its assent.

There is no doubt the APY requires good governance, but the opposition's concerns and scepticism with this bill arise from whether these changes will actually provide good governance, as the flaw with any system of government lies not in its rules but in the humans being elected under them. As I indicated earlier, the opposition gives conditional support to this bill on the proviso that our questions are adequately addressed by the minister at his summing up. We look forward to receiving his comprehensive answers.

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

HOUSING IMPROVEMENT BILL

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. J.S. LEE: As I have highlighted in my second reading contribution, the Liberal opposition has serious concerns about duplications and red tape imposed by the government on owner-occupiers and believes that individuals should be given the freedom to live how they choose. There has already been much debate in the other place about this matter, centred around premises occupied by owners. In subsequent discussions, together with crossbenchers such as the Hon. John Darley and the Hon. Dennis Hood (Family First), the Liberal opposition has indicated its support for a set of amendments that was filed in the council on 13 April 2016.

Unfortunately, minister Zoe Bettison was clearly not happy with these amendments and threatened to pull the bill altogether. From the early days, we have said that we are keen to help the government modernise the bill and repeal the Housing Improvement Act 1940 because we recognise that it is out of date. It is more than 70 years old. However, I just want to put on the record that we do not like being bullied into accepting the bill in its current form without attempting to preserve the rights of individuals and protect the liberty of owner-occupiers.

The legitimate process for us here is to advocate for our constituents who may be disadvantaged by the bill, yet the government is so arrogant and adamant about their legislation that it will push to shut us down by pulling the bill altogether if it is not passed in its current form. After much discussion and subsequent meetings with the minister and her advisers and with crossbenchers as well—and I would particularly like to thank the Hon. John Darley and his office for working very closely with us—we have come to an agreement with Rachel Sanderson (member for Adelaide) in the other place.

Because many of the amendments she has tried to push through the House of Assembly have not been accepted by the minister and because it looks like there is not the appetite for them to be accepted here in this council, today I will withdraw all 26 amendments filed on 13 April 2016. I want to place on the record that we have attempted to protect owner-occupiers, but there is no appetite in this house today to push them through, so I withdraw those amendments.

The Hon. I.K. HUNTER: I rise to thank the Hon. Jing Lee on behalf of the Liberal opposition for their position and the agreement that has been reached. I would like to thank her for the constructive approach to working with the government on improving the bill; however, just as she put on the record her views on this matter I think I should also put on the record the government's position. We certainly have never wanted to appear to be bullying the opposition into this position but let me say this: the current legislation has a series of protections in it now which the government is not prepared to do away with. If that means that this current amendment bill will remove—if it had the support of the Legislative Council—those current existing protections, we would prefer to see this amendment bill go down rather than lose those protections that are already in the bill.

Let me just take you quickly through the thinking. The opposition has pointed out that individuals should have the freedom to live as they choose. However, we all recognise that freedoms

must be weighed against the impacts on other people. It is not a reasonable argument, we submit, and in fact it is contrary to logic, to say that an individual has the right to choose to live in an unhealthy or unsafe way when this has the potential to impact on the health and safety of other people.

The government says that property owners should not have the right to compromise the health and safety of others. Should parents or even grandparents have the right to compromise the health and safety of young children who come to visit, for example? Should owners have the right to place service providers who come onto their property or visitors to their home at risk of death or injury? Our position is no. The government firmly believes that they should not and the government expects that all serious property defects should be appropriately resolved so that the risks to residents and other people are removed. That is the basis of our thinking.

Again, I thank the Hon. Ms Jing Lee for her constructive approach but from our perspective there are existing protections in the current legislation that we are just not prepared to give up in this amendment bill process and that is why the minister in the other place said to the opposition that if they persist with these amendments and if they are successful we will forgo this amendment bill and keep the existing protections.

The Hon. M.C. PARNELL: I might just take this opportunity to quickly put the Greens' position on the record. I acknowledge the Hon. Jing Lee and her colleagues who have actually raised a very important issue of civil liberties. I guess the question, as it has been posed, is: should you have the right to live in a manner and in circumstances of your own choosing? A civil libertarian approach would be to say yes, you should be able to, and I accept that. However, I think very much for similar reasons as the minister has just offered, it was misguided to reconstruct this legislation so that it does not apply to owner-occupied premises because it is not just the right of compos, free-choosing adults, there is also potential collateral damage. It is their children, it is their elderly parents, it is visitors to their properties, it is their neighbours, all of whom could be impacted by substandard housing.

If there is not a legislative mechanism for dealing with that housing then there may well be victims other than the owners of the property who, for their own reasons, are choosing to live in squalor, if that is what they choose to do; however, potentially imposing that standard on to third parties made these amendments unacceptable to the Greens. I certainly acknowledge and appreciate that the Liberals have put on the agenda an important issue for us to address, so no criticism of the Hon. Jing Lee or her colleague in another place Rachel Sanderson. I think it was a debate worth having but I think the Liberals have done the right thing here by pulling these amendments because the alternative may well have been a 1940 act continuing in existence, and I think we can do better than that.

The CHAIR: The Hon. Ms Lee, you are withdrawing your first set of 26. You have a second set of 11 amendments. You are keeping them, are you?

The Hon. J.S. LEE: There are some I will. The second set of four amendments I would like to move, and that has been accepted by the minister. Then the other five or so I need to withdraw.

The CHAIR: You can indicate that as we get there.

Clause passed.

Clause 4 passed.

Clause 5.

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

Amendment No 1 [Parnell–1]—

Page 8, after line 8 [clause 5(2)]—After paragraph (c) insert:

(ca) environmental performance (including water and energy efficiency) of premises and any fixtures, fittings or facilities provided with premises;

I will not speak to this at great length because I did outline it in my second reading contribution but just in summary I am not proposing the addition of any more binding standards. What I do want to do is to keep the door open by inserting a head of power, effectively, into the regulations that relate

to the environmental performance of buildings. As members would perhaps know, over the decades standards have changed. Originally, this legislation did not require flushing toilets. It was good enough to have a dunny can out the back—that is the technical term, I think—on a laneway, but over time the expectations of the community, through legislation, have changed and now we do require a higher level of sanitation.

I guess I am inviting the parliament to take us to the next level, in terms of environmental performance, by simply adding the head of power into the act so that regulations, if the government sees fit, could be made to create standards around environmental performance, including water and energy efficiency. I am not expecting that this amendment is controversial but I will, unless I have something to respond to, leave it there for now.

The Hon. I.K. HUNTER: We warmly accept the Hon. Mark Parnell's invitation to join him at the next level and we will be supporting his amendment.

Amendment carried.

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

Amendment No 2 [Parnell–1]—

Page 8, after line 13 [clause 5(2)]—After paragraph (h) insert:

(ha) construction materials used in premises, and any fixtures, fittings or facilities provided with premises, that pose or may pose a risk to human health;

I may or may not be pushing my luck, but I am also expecting that this is a non-contentious amendment. In my second reading contribution I did refer to the disastrous case of Mr Fluffy in Queanbeyan and Canberra, whereby we are seeing houses being demolished because of the materials that they were constructed with. Again, like the earlier amendment, I am proposing to put a head of power into the act that enables regulations to be made, setting minimum standards for the construction materials used in premises, especially if those materials may pose a risk to human health. Asbestos is the example, but I am sure we could think of others as well. Again, it does not of itself create any new obligations on anyone: it simply gives the government the ability to regulate for additional building standards as the basic standard dwellings used for human habitation at some time in the future.

The Hon. I.K. HUNTER: Mr Parnell's luck is holding. The government will be accepting the amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 10 passed.

Clause 11.

The Hon. J.S. LEE: I move:

Amendment No 1 [Lee–2]—

Page 10, line 25 [clause 11(1)]—Delete 'An' and substitute 'Subject to this section, an'

This is very a minor amendment there, just sort of like a typo.

The CHAIR: You have both put the same amendment in, so I imagine the minister will—

The Hon. I.K. HUNTER: I might just seek some clarification from table staff. I think it might be easier—and I stand to be corrected—if the government moves the identical amendment because there are a number of other amendments that we need to speak to. If that is the case, then I can move that and speak to the other issues as well. Yes? So, I thus move:

Amendment No 1 [SusEnvCons–1]—

Page 10, line 25 [clause 11(1)]—Delete 'An' and substitute 'Subject to this section, an'

As outlined, this amendment is identical to the amendment of the Hon. Ms Jing Lee. It seems to be a technical amendment. This and subsequent amendments proposed to clause 11 by the

government provide further clarity on authorised officer powers. I thank the Hon. John Darley for his contribution to this section.

As the chamber is aware, under the Housing Improvement Act 1940 the government regulates the standard of housing to ensure it is safe and suitable. Currently, under the act, Housing SA officers have very wide powers, such that any member of the housing authority may enter any premises for the purposes of examining the premises and generally enforcing the act. This bill does not propose any new powers, I am advised.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 2 [SusEnvCons–1]—

Page 10, line 27 [clause 11(1)(a)]—Delete paragraph (a) and substitute:

(a) after giving reasonable notice to the owner or occupier of residential premises—enter the premises for the purposes of carrying out an inspection of the premises; and

This amendment makes the bill and then the act consistent with modern legislation to set out the powers of government officers and the bill is consistent, I am advised, with other legislation concerning health and safety such as the Work Health and Safety Act 2012 and the Public Health Act 2010.

The bill sets out explicitly what the officers' powers are. This is a positive change from the current act which includes a catchall phrase giving officers powers to enforce the provisions of the act. In administration of the current act, inspections are facilitated at a time that is convenient to the occupier or the tenant or owner-occupier. This amendment explicitly states that authorised officers are required to give reasonable notice before entering premises under the bill.

The Hon. M.C. PARNELL: Just by way of clarification, the only difference that I can see between the minister's amendment and the Hon. Jing Lee's amendment is that the minister requires 'reasonable notice' to be given. The Hon. Jing Lee's amendment requires a 'prescribed notice'. That appears to be the only difference. Could the minister elaborate why he believes that reasonable notice is the preferred model?

The Hon. I.K. HUNTER: My advice is that the circumstances have to dictate what is reasonable. The requirements for having to form a 'reasonable belief' and providing 'reasonable notice' give adequate protections to all occupants, ensuring the administration of the legislation is focused on health and safety risks. This and subsequent amendments by the opposition seek to establish a different threshold for owner-occupiers, which, as I have advised earlier, the government will not support. So my understanding is that the Hon. Jing Lee was not moving this amendment.

The Hon. J.S. LEE: I had a discussion around 2 o'clock today with the minister's adviser, and our discussion was that I will move the amendments, in agreement with the minister, and that you will pull all your amendments. We have spoken about the 'prescribed notice' of entry rather than 'reasonable', because in the first place we feel that for any authorised officer to be given so much power without a prescribed notice would mean that there is no notice given to anybody entering the house. We were giving too much authorised power, and talking to the Hon. John Darley, the minister's office, etc., we have agreed that my amendments would be acceptable. That was the case this afternoon around 2 o'clock.

The Hon. I.K. HUNTER: My advice, and this forms the basis of our difference, is that if the circumstances require it departmental officers will be required to act if there is an immediate threat that needs to be addressed. We cannot sit around and wait for 24 hours for a prescribed period to elapse before acting. Our position is that if there is a reasonable belief formed, then we can act on that, but if you insist on having a prescribed notice of entry, then our officers will be put in the untenable position of being required to act but not being legally able to because of the prescribed period.

The CHAIR: There is an issue here, though, that if there is a belief or a perception that there is agreement reached on amendments and the like, that needs to be sorted out, because I imagine if there is no agreement reached the opposition may have a different position on this. I just find it

hard to go further than this until you find out whether you have agreement or not. If there are any other views on that, please tell me.

The Hon. I.K. HUNTER: My advice is that this is only clause where there is not an agreed position. The opposition is maintaining its position on this. This is one on which we have not reached agreement, but in subsequent clauses, as the Hon. Jing Lee has laid out to the house, she will not be moving those amendments—she put the Liberal Party's position on the record at clause 3 I think it was—I think that is right.

The Hon. J.S. LEE: To provide further clarification, in our discussion the Hon. John Darley, the Hon. Dennis Hood and I agreed on a prescribed notice of entry, together with a discussion with the minister's office, that the prescribed notice of entry shall be—if we turn to the following page, clause 11, page 11, line 28, subclause(7), we have a prescribed notice of entry which is defined as:

(a) if the housing standards in the premises pose or may pose an imminent risk of death or serious injury or illness to occupiers of the premises, immediate access should be granted;

That is what we agreed on, not the 24 hours, but that immediate access should be granted by the owner or occupier, and:

(b) in any case—at least 5 working days notice before the entry or such shorter period as may be requested or consented to by the owner or occupier.

That was my discussion with my minister's adviser this afternoon around two o'clock. If it is not agreed to, we might report progress and come back.

The Hon. I.K. HUNTER: Those are not my instructions, and I am afraid the government does not support, at this point in time at least is my advice, the amendment moved by the Hon. Jing Lee. If it is her view that agreement has been reached, it certainly has not been conveyed to me, and therefore it is appropriate that we report progress and come back at a later stage.

Progress reported; committee to sit again.

STATUTES AMENDMENT (GENDER IDENTITY AND EQUITY) BILL

Committee Stage

In committee.

(Continued from 5 July 2016.)

Clause 1.

The Hon. R.I. LUCAS: The minister, I think, in the last sitting week, responded to some questions the Hon. Mr Wade put and some of the questions that I put during the second reading. I was not in the chamber at the time, but I thank the minister for the replies to the questions that he gave. There were one or two questions that I put in the second reading that have not been replied to, and I would like to pursue those issues with the minister at clause 1.

In relation to a partial answer I received, one of the issues that a number of people have raised with me, and I raised in the second reading, were the exact definitions of the terms that the government understood in terms of the purview of the legislation in relation to the LGBTIQ community. The response I got from the minister, in essence, referred me to various documents, without actually indicating what the definitions were in those documents, then indicated that, in part, there had been a briefing by the government where the government had explained to those members of parliament and staff who had attended the definitions of the terms that were used, and that a document had been circulated to people who had attended that particular meeting.

As I said, I did not attend that particular meeting, but I have now tracked down a member of staff who attended, and I want to place on the record what the government's view is, so I am advised now, as to the definition of the terms in the legislation that we have before us. The document that I have been given is a document entitled Statutes Amendment (Gender Identity and Equity) Bill 2016, Overview. There is a note from the staff member who attended stating, 'Provided at the briefing,' and the section that I intend to refer to is Statutes Amendment (Gender Identity and Equity) Bill 2016

FAQs (frequently asked questions, I assume). The government's position, therefore, in terms of their definitions that one should use or understand in terms of the coverage of the legislation is as follows:

> Gender identity: The term 'gender identity' refers to a person's deeply held internal and individual sense of gender.
>
> Intersex: The term 'intersex' refers to people who are born with genetic, hormonal or physical sex characteristics that are not typically 'male' or 'female'. Intersex people have a diversity of bodies and identities.
>
> LGBTIQ: An acronym that is used to describe lesbian, gay, bisexual, trans, queer and intersex people collectively. Many sub-groups form part of the broader LGBTIQ movement.
>
> Sex: The term 'sex' refers to a person's biological characteristics. A person's sex is usually described as being male or female. Some people may not be exclusively male or female (the term 'intersex' is explained above). Some people identify as neither male nor female.
>
> Sexual orientation: The term 'sexual orientation' refers to a person's emotional or sexual attraction to another person, including, amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted.
>
> Trans: The term 'trans' is a general term for a person whose gender identity is different to their sex at birth. A trans person may take steps to live permanently in their nominated sex with or without medical treatment.
>
> Queer: This term was adopted by the South Australian Government in the development of its LGBTIQ Inclusion Strategy and is generally accepted among the individuals and groups that the Law Reform Institute consulted as being an appropriate and often empowering term with which some individuals identify. In the Inclusion Strategy, the term 'queer' is used as an umbrella term that includes a range of alternative sexual and gender identities, including gay, lesbian, bisexual and transgender.

According to the minister they are the government's definitions, that are to be understood when we look at the legislation before us.

I think it is useful, for the small number of people who read the *Hansard,* to place those definitions on the public record. As I raised in the second reading, it probably would have made sense for that to have been outlined in the second reading or possibly even in the drafting of the legislation, because not everyone in the community is familiar with the definitions, or familiar with the government's understanding. For example, when an explanation of the term 'queer' is outlined, the government's response is that this was a term adopted by the South Australian government in the development of its strategy. It encompasses, as the definition outlines, a number of the other groups referred to in the LGBTIQ community.

The minister has responded to the other question I asked: how many people did the government believe had legally identified as intersex, according to the government's definition. The minister's response was that a survey conducted in recent years (I am not sure exactly what year it was) indicated that in 2012, I think, there had been two people in South Australia who identified as being intersex, but in the most recent survey—which is obviously since 2012—that number was now three.

That is consistent with the answer minister Close gave in the House of Assembly debate. I think she indicated the size of the community nationally was three, but it may be that she misspoke and was referring to the size of the community in South Australia. I assume if there are three people identifying as being intersex in South Australia there are more than three nationally; South Australia is not the only state in the nation with people who identify themselves as being intersex.

There are two issues that I raised in the second reading that have not been responded to. The first was a general policy question. Clearly, it does not have to be resolved in this particular piece of legislation, and it may or may not be resolved in subsequent pieces of legislation. It was really a question—given that the issues had been raised in the House of Assembly debate—about the state of the government's thinking on it.

That was an issue that I think the member for Newland, the Hon. Mr Kenyon, and one or two other members had raised: whether or not the government considered, as a policy issue, that there was to be, or could be, a process that validated someone who had been born male but who then, for their own reasons, wanted to identify as a female. In this legislation it would appear that is just a judgement the individual takes. Their birth certificate may still indicate they are male; that does not change even though they may identify as being female.

My question is: in a policy sense, has the government considered the issues raised in the House of Assembly debate in terms of whether or not there is a process that someone could or indeed should go through when they find themselves in that circumstance, where they can, having gone through some sort of legal process—and again, as I highlighted in the second reading, I am not talking about any medical procedures or anything like that—change their birth certificate, for example, or have some legal documentation which indicates that their birth certificate still says that they are male but they now have this legal document which indicates that they identify as being female?

I think one of the House of Assembly members raised the issue of whether or not the birth certificate might be amended. All these issues have legal issues, but that might be even more significant. Given the issues that were raised in the House of Assembly debate, has the government considered the questions that were raised and does the government believe there is any merit in further consideration by the government, and the parliament subsequently, of the issues that have been raised?

The Hon. I.K. HUNTER: I thank the Hon. Mr Lucas for his question. First of all, I need to say that, in regard to this legislation, as he hinted in his opening remarks, it is not particularly required to be addressed. But, having said that, my advice is also that, in further consideration, in further legislation to come forward on the recommendation of the South Australian Law Reform Institute, that will be an issue that the government will need to consider.

The Hon. R.I. LUCAS: Is the Law Reform Institute considering the particular issue that I have canvassed?

The Hon. I.K. HUNTER: Both the South Australian Law Reform Institute and the Legislative Review Committee of this parliament have provided some information about the process around how one would change their gender identity and the process that would be required. That is something that the government is currently considering, or will be considering shortly, as I understand it. I am not quite sure in what format those recommendations have come up from the Legislative Review Committee or indeed in what format they have come up from the South Australian Law Reform Institute but, as I have indicated, the government will need to consider that issue.

The Hon. S.G. WADE: In the minister's response to the Hon. Mr Lucas, in terms of the South Australian Law Reform Institute material, is he referring to report 5 of February 2016 titled 'Legal registration of sex and gender and laws relating to sex and gender reassignment'?

The Hon. I.K. HUNTER: I thank the Hon. Mr Wade for his very helpful question. I am advised that that is correct.

The Hon. S.G. WADE: Considering that the government has had five months to consider this matter, when does the government anticipate that legislation addressing those issues might be brought before the parliament?

The Hon. I.K. HUNTER: My advice is that the South Australian Law Reform Institute provided its report in February. The Legislative Review Committee provided its report in April. The government is currently considering those two reports and will come up with a position into the future. I have no information before me on the timing of that.

The Hon. S.G. WADE: I too would like to take the opportunity to thank the minister for his responses to my questions at clause 1. If I could provide some response to them, in my second reading speech on 21 June, I raised my concerns that the House of Assembly, in deleting a clause in relation to the medical termination of pregnancy, raised some ambiguity as to whether in fact the law would now apply to people who were capable of bearing children but who, as a matter of law, were not seen as women. In his clause 1 response, the minister confirmed that there is that ambiguity.

I should say that, whilst I support this legislation in principle, I am not going to support it when it would undermine what I believe is a very delicate community consensus to protect human life, or potential life, and also in the context of the fact that we have very imminent legislation that would, if you like, deal with these issues in a substantive way. In the answers the honourable minister has given to the Hon. Robert Lucas, he has indicated that legislation is not far away.

We had the law institute report in February. We had the Legislative Review Committee report in April. I believe that it is actually somewhat premature to deal with these issues in isolation of the broader issues. In that respect, as I have indicated, I broadly support this legislation and, in fact, I would suggest to the government that it would be better for this legislation to be put aside and for us to take an opportunity to consider other elements from the February 2016 report.

The 2016 report from the Law Reform Institute specifically uses Yogyakarta principle-type definitions of gender identity, which I think are to be preferred. They are less binary and show greater respect for a person's right to self-determine their own identity. I certainly think they should be preferred to the definitions in this legislation. If my vote matters, I will not be supporting the passage of the legislation in the hope that we might have better legislation soon.

The Hon. I.K. HUNTER: All I can say to that is thank you for that contribution. The definitions that are used at clause 4 you will see refer to gender identity and intersex status. My advice is that they are consistent with the commonwealth Sex Discrimination Act, and the government intends to proceed.

The Hon. R.I. LUCAS: The other issue that I raised in the second reading to which the minister did not provide a response was again an issue raised by the member for Newland, the Hon. Mr Kenyon. He outlined a set of circumstances which I repeated in the second reading where someone, not for genuinely held reasons but a male who dressed as a female, says that they were identifying as a female for the purpose of gaining access for reasons of perversion and otherwise to female toilets and female change rooms.

My question was: what will be the legal situation in relation to that? Would police still be able to charge the person in those circumstances with the same offences as they currently could? Could we be sure that the legislation will not be able to be used by a clever criminal lawyer—I say 'clever' criminal lawyer, but any criminal lawyer—to say that the male has self-identified prior to entering the toilets or change room as a female and was therefore entitled to access the change rooms and toilets?

The response I got back was a little disingenuous because it just said that there is nothing in the legislation that will require clubs and footy clubs, etc., to provide intersex toilets or whatever else. That was not my question. My question was the question the Hon. Mr Kenyon had put, and I am just seeking an affirmation from the government in terms of its legal advice that the police would be able to make charges in the circumstances the Hon. Mr Kenyon has outlined and I have repeated by way of question in this chamber.

The Hon. I.K. HUNTER: My advice in relation to that question is that nothing much changes really in the current situation. The police will be able to use their discretion as a matter of course, as you would expect that they would if the situation was to arise even now.

The Hon. R.I. LUCAS: The only difference is that we are now recognising that a person can say with gender identity that they had a deeply held view that they were a male, but they are now identifying as a female. There is no legal process, as the Hon. Mr Wade is talking about.

The government is contemplating recommendations evidently which I have not seen, but the Hon. Mr Wade clearly has, in terms of how you might go through a process to say that here is someone who has genuinely been born a male on the birth certificate, but now identifies as a female and they can demonstrate that through some sort of legal process. I am assuming this from what the Hon. Mr Wade has briefly outlined, but we are not in that set of circumstances at the moment. We do not have that position. A male can identify as a female and say that they have this genuine view. They do not have to have demonstrated that to anybody. They could just make that claim.

The concern the Hon. Mr Kenyon has raised is: in the absence of some sort of legal process or justification or verification or validation of a deeply held view, what is to stop a male dressing as a female and entering female toilets and female change rooms, for reasons of perversion or otherwise? Again, from my viewpoint, I think it is unsatisfactory just to say, 'Well, look, nothing much has changed. The police can do what the police can do.' There is something changing, I am assuming.

The government has introduced legislation which it believes does something. It is allowing people to indicate that they can be born and have a birth certificate as a male but say that they

identify to be female without going through any legal process to verify or validate that. The Hon. Mr Kenyon is raising, I think, a reasonable question. Again, I can only stress a personal view. I think it is unsatisfactory just to say, 'Well, nothing much has changed. The police can do in the future what they can do now.' I think the world is changing a bit as a result of the government's legislation.

The Hon. I.K. HUNTER: With all due respect, no. I appreciate the points the honourable member is trying to draw out, but, quite frankly, let us go back to the purpose of the bill. It is to change language that is used in legislation to remove discrimination. That is why it is there. It is not going to change in any way the operation of current provisions of legislation that is in effect right now. To say otherwise, I think is wrong and misleading.

If a person is trying to take advantage of this legislation in a fraudulent way, then they do not have a deeply held, genuine view about a different sexual orientation or a different gender and the police can act now as they would if this legislation is passed, because nothing in this legislation changes the operation of the current provisions. It is simply to change the language to remove discrimination. That is all it does, and to read anything further into it, I think, is disingenuous.

Clause passed.

Remaining clauses (2 to 39) and title passed.

Bill reported without amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:37): I move:

That this bill be now read a third time.

Bill read a third time and passed.

NOTARIES PUBLIC BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2016.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:39): I would like to thank all members for their contribution on this important legislation. I look forward to further discussion on the bill in depth during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Progress reported; committee to sit again.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 June 2016.)

The Hon. A.L. McLACHLAN (16:42): I rise to speak to the Residential Tenancies (Miscellaneous) Amendment Bill 2016. I indicate to the chamber that I am speaking on behalf of my Liberal colleagues and that the Liberal Party will be supporting the second reading of the bill. This bill amends the Residential Tenancies (Miscellaneous) Act 1995. In 2013 a range of reforms to the Residential Tenancies Act was introduced and passed by this chamber and, ultimately, the parliament as a whole.

These reforms had been developed over a number of years and addressed a wide range of legislative changes that were required to facilitate the real estate sector. Those reforms all commenced on 9 May 2015. The government has indicated that some of the provisions in the amended act have caused the practitioners in the real estate industry a degree of uncertainty and confusion around their practical application. The bill before the chamber is of a technical nature and it has been drafted in response to the request of the real estate industry.

The bill seeks to address their concerns by amending the small number of provisions that, it has been decided by the government, require clarification. The aim of the bill therefore is to provide greater clarity and comfort to the industry when it is dealing with the operation of the act on a practical day-to-day basis.

The 2013 act removed what was called the tenant consent provisions to ensure that landlords provide a minimum period of notice to a tenant before they attended at the premises. The purpose of this was to provide greater protections to tenants by ensuring that landlords could not intimidate them into granting access. This might occur, for example, if a landlord attended unexpectedly at a property and the tenant, despite what their rights are, feels obliged or pressured into granting access. Consequently, the act was amended to ensure a landlord provides at least 48 hours' notice for non-urgent maintenance and repairs and a minimum of seven days' notice for garden maintenance. The act does not, however, specify that a landlord is permitted to attend before the notice period, even if a tenant requests their attendance.

The government submits, in relation to the bill, that the new provisions have resulted in some difficulties for the real estate industry. For example, if a tenant makes a request for a landlord to fix a non-urgent maintenance problem at the property, there is no legislative provision specifically permitting the landlord to attend the premises. As a result, some landlords have been reluctant to attend to a tenant's request of this nature for fear of breaching the law. The bill seeks to address this anomaly by permitting landlords to attend prior to giving the required notice period, in the event the tenant has requested it. The act was previously amended to prohibit a landlord from showing the property to respective tenants prior to 28 days preceding termination of a tenancy.

The industry has indicated that this has also caused problems if a tenant breaks a lease and the termination day becomes contingent on the landlord finding another tenant. The bill seeks to resolve this by specifying that landlords are permitted to attend the premises prior to the 28 days preceding termination of the tenancy, if requested by the tenant. Other amendments include arrangements for termination of tenancy when a property is to be under contract for sale and arrangements for recovery of abandoned property when a tenant is vacating. All the changes contained in this bill seek to address certain anomalies that have been identified by the real estate industry.

The bill also seeks to retain continued protections to tenants, given that was a central focus or tenet of the 2013 amendments. It achieves this by specifying that landlords can only attend premises in these situations at the tenant's request, rather than with their permission. It is anticipated by the government that this threshold will prevent situations where landlords attend properties without the tenant's invitation. At a government briefing, the government indicated that the bill had the support of the following organisations: Real Estate Institute of South Australia, Landlords' Association (SA), Homelessness & Tenancy Support Services—AnglicareSA and SYC—and the Tenants' Information and Advisory Service.

I note that a minor amendment has been filed by the minister, and so I would ask that in the summing up of his second reading he sets out the effect of that amendment. I also inquire whether the government relied on any specific data regarding the situations which the real estate industry asserts have occurred; for example, the number of complaints by tenants against landlords or disputes between tenants and landlords. Also, how the government determined whether these amendments have proved effective; for example, will it be measured by a reduction in complaints regarding the tenant's objections? Who will be tasked with oversight of the effectiveness of these amendments; in other words, who will be monitoring the effect of these amendments, going forward? I commend the bill to the chamber.

Debate adjourned on motion of Hon. K.L. Vincent.

JUSTICES OF THE PEACE (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2016.)

The Hon. A.L. McLACHLAN (16:50): I rise to speak to the Justices of the Peace (Miscellaneous) Amendment Bill. I speak on behalf of my Liberal Party colleagues. I advise the chamber that the Liberal Party will be supporting the passage of the bill at the second reading. This bill amends the Justices of the Peace Act 2005. The aim of the bill is to provide a more efficient mechanism for the appointment, suspension or removal of justices of the peace.

There are currently 7,200 justices of the peace in South Australia. They provide a range of services on a voluntary basis. Their role is to act as an independent and objective witness to legal and official documents. Under the current process, all applications must be approved by cabinet. When introducing this bill, the Attorney-General indicated in the other place approximately 300 appointments are made each year. Given the high volume of applications made in a year, all requiring cabinet approval, we are advised that the approval process has become truncated.

In practical terms this bill will enable the Attorney-General to undertake various responsibilities that currently require cabinet approval. Those responsibilities include the appointment of a JP, appointment of a member of parliament to be a JP, appointing a principal member of a council to be a JP and removing or suspending a JP for disciplinary reasons. One of the additional ways in which the bill seeks to improve efficiency is by removing the requirement that all information supplied in support of an application to be a JP be verified by a statutory declaration. In lieu of this, the bill creates a new offence for knowingly and unknowingly making a false or misleading statement when providing information in support of an application.

I note that amendments were moved in the other place by the member for Bragg, the shadow attorney, and were subsequently passed with the support of the government. These amendments will ensure that the appointment and removal of special justices will continue to require cabinet approval. The bill, when it was first introduced in the other place, sought to also delegate this responsibility to the Attorney-General. The role of special justices was considerably expanded following the passing of the Justices of the Peace Act 2005 and the Justices of Peace Regulations 2006.

Special justices are appointed to the Magistrates Court and Youth Court to hear minor matters. They can also be appointed to form a visiting tribunal for judicial review of cases within the prison disciplinary system. Whilst limited to the Road Traffic Act and other matters in the petty sessions division of the Magistrates Court, in some certain circumstances special justices may sit in the criminal division and therefore could hear summary matters under the Motor Vehicles Act or Summary Offences Act.

I acknowledge the government's support for the opposition amendments which would sensibly recognise that the special justices are entrusted with a significantly higher level of responsibility than that of a justice of the peace. It is appropriate therefore that their appointment or removal should remain subject to a high level of scrutiny. I note that the government has filed amendments in this place in respect of the delegation of power and I indicate to the chamber that the Liberal opposition looks favourably on those amendments which, I understand, is an agreed position between the government and the opposition in relation to specifying the delegation to the Commissioner for Consumer Affairs. I commend the bill to the chamber.

SUMMARY PROCEDURE (ABOLITION OF COMPLAINTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2016.)

The Hon. A.L. McLACHLAN (16:55): I rise to speak to the Summary Procedure (Abolition of Complaints) Amendment Bill 2016. I speak on behalf of my Liberal Party colleagues. I indicate to the chamber that the Liberal Party will support the passage of the bill at the second reading.

This bill amends the Summary Procedure Act 1915 to streamline the administrative method by which people are charged with criminal offences. The aim of this bill is to eliminate double handling when charges are upgraded from a summary offence to an indictable offence, or vice versa. The current method for initiating criminal charges is either by a complaint or an information. For summary offences, a complaint form is filed in the Magistrates Court and accompanied by an affidavit.

For indictable offences, an information is filed and accompanied by written statements verified by declaration. Currently, if an offence, is upgraded or downgraded to a higher or lower category, a new form must be filed with the court in the appropriate format. In addition to this, the witness evidence filed in support of the charges also needs to be refiled in the appropriate format. The bill provides for a single method of initiating charges by filing what is titled 'an information', together with a supporting affidavit.

The bill also amends the act so that the supporting evidence will be in affidavit format for both summary and indictable offences. This will eliminate the need for witnesses and victims to restate their evidence in a different format when charges are amended by the prosecuting authorities. The government asserts that, by eliminating double handling, efficiencies will be achieved in the criminal justice procedure.

The government stated in its second reading that the use of the common information format avoids the additional workload, expense and delay that results from changing charges from a summary offence to an indictable offence, or vice versa. The proposal primarily benefits SAPOL, but the reduction of delay and double handling also benefits victims and witnesses and the criminal justice sector more broadly.

Pursuant to the Evidence Affidavits Act 1928, an affidavit can be sworn before a proclaimed police officer. South Australia Police proposes to now require that all officers undertake relevant training and seek appointment by the Governor as a proclaimed officer for this purpose. The government asserts this initiative will enable all police officers to administer oaths and ought to improve the quality of sworn affidavits filed by the South Australia Police.

In a letter from the Attorney-General to the shadow attorney-general, dated 30 June 2016, the Deputy Premier advised that currently there are approximately 4,235 sworn police officers who are already prescribed and are able to witness an affidavit. This is out of a total of 4,816 sworn police officers. Those remaining police officers who are not already proclaimed police officers will be required to undertake the existing online training module before they are appointed as proclaimed police officers by the Governor.

The letter goes on to say that currently about 1,922 of the 4,235 existing proclaimed police officers will need to refresh their training. I would ask whether the minister, in summing up the second reading, could set out the time frames that are anticipated to complete the refresher training and the training of new officers. I know that the proposal before the chamber is consistent with the current practice in New South Wales, Queensland and Western Australia. Consultation has been with the South Australia Police and the Courts Administration Authority. The government has advised that the Courts Administration Authority has expressed no objections. There has been no formal submission provided by the Law Society, but I understand that the society is supportive of the bill.

As I advised, the Liberal Party is supportive of the bill on the face of it, as it appears to endeavour to reduce the administrative burden associated with the management of criminal charges. The amendments will also eliminate the need for witnesses to provide evidence in duplicate formats when charges are upgraded or downgraded. This has the potential to reduce the stress for victims and witnesses of having to recount events which might be extremely traumatic for them, and I support this endeavour.

I would also ask that the minister, in his summing up of the second reading, provide the chamber with some advice on how the efficiencies claimed by the government will be measured. Will fewer staff be required, or how will the efficiency gains be applied if not in the reduction of staff? In

other words, where will the benefits of these efficiencies materialise? With those remarks, I commend the bill to the chamber.

Debate adjourned on motion of Hon. K.L. Vincent.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) (QUALIFICATION FOR APPOINTMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 July 2016.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:01): I thank those members who have contributed to the debate on this bill. As has been noted from time to time, the courts need to appoint auxiliary judges. This may be for reasons such as to cover leave of permanently appointed judges or to hear a particular case.

The Judicial Administration (Auxiliary Appointments and Powers) Act 1988 already makes provision for the Governor, with the concurrence of the Chief Justice, to appoint a person to act in a specified judicial office on an auxiliary basis. The categories of persons who may be appointed are set out in the act and have been referred to during the second reading debate. This bill seeks to expand that category by making provision for a person holding a prescribed office in a prescribed court of a jurisdiction outside of Australia to be appointed.

The Hon. Mr McLachlan stated during his second reading contribution that, if this bill is passed, the appointment of auxiliary judges from overseas could occur without further reference to this parliament, and that appointments would be by the Governor on advice with concurrence of the Chief Justice. This bill does not of itself enable an international appointment to be made. Before any person could be appointed from a non-Australian jurisdiction, the office held by that person, and the foreign court in which they hold it, would need to be prescribed by regulation.

This means that, before any international auxiliary could be appointed, the usual parliamentary oversight of the regulations would apply; that is, the regulation would be required to be laid before each house of parliament and be referred for consideration by the Legislative Review Committee. The regulation may be disallowed.

The bill only facilitates prescribing international judicial officers. The further requirement to pass regulations, and then for the Governor to only make an appointment with the concurrence of the Chief Justice, ensures appropriate checks and balances exist before any appointment can be made. There are currently no regulations being drafted, and there are none proposed.

The Hon. Mr McLachlan asked what circumstances are envisaged by the government for judicial exchanges and how the value of such exchanges will be measured or assessed. The bill itself does not specifically provide for judicial exchanges. It is, in effect, enabling legislation. It would be a matter for the courts, and specifically the judicial head of the relevant court, to assess the value of any proposed exchange for the courts before agreeing to participate.

Likewise, it would be a matter for the judicial head of the relevant court to determine those administrative issues raised by the honourable member, such as whether a travel report or other account of the exchange be provided. In short, the issues raised by the honourable member would be considered on a case-by-case basis by the relevant courts.

The Hon. Mr McLachlan also asked questions about some statements made by the Chief Justice during a radio interview given by him about this bill. He notes that the Chief Justice indicated a desire for the Supreme Court to deal with high-value commercial litigation. He asked what deficiencies exist in our current arrangements to prevent the Supreme Court from handling such cases today, what the definition of international judge would be, what the title and jurisdiction of well-known international courts (referred to by the Chief Justice) are, and whether they currently allow South Australian judges to sit on them. Finally, the Hon. Mr McLachlan asked the government to set

out what would be required to set up an international commercial court in this state and the projected cost of doing so.

I cannot say whether the Chief Justice was referring to any specific international courts during his interview. It is worth noting, though, that in his letter to the Attorney-General requesting that this piece of legislation be considered, the Chief Justice mentions that he was in Singapore speaking at a conference and met with members of Singapore's judiciary.

Each international court has different structures and rules, including different rules about who may sit as a judicial officer upon them. The Hon. Mr McLachlan may take some comfort to hear, for example, that a former New South Wales Supreme Court judge, Justice Roger Giles QC, is a current judge of the Dubai International Financial Centre Court and is also an international judge at the Singapore International Commercial Court.

Likewise, another former New South Wales Supreme Court judge, Justice Patricia Bergin, is an international judge at the Singapore International Commercial Court, as is the Hon. Justice Dyson Heydon, who was a judge of the New South Wales Court of Appeal before his appointment to the High Court of Australia. Article 95(4) of the constitution of the Republic of Singapore permits the appointment of a person who, in the opinion of the Chief Justice, is a person with the necessary qualification, experience and professional standing to be an international judge of the Supreme Court of Singapore.

The Chief Justice did not say during his interview on ABC radio that there was any deficiency in our current arrangements that prevents our courts from handling international disputes. He noted that contractual clauses usually provide for international disputes to be settled overseas, so he wants to make South Australia more attractive to parties to decide they would want any dispute to be settled here. He explained that one way to start that process was, 'to invite a judge from an international court to sit with us…in one of those matters.'

The government has not suggested that it has any plans to set up a specific international commercial court. The Chief Justice did not suggest that should be done in his interview, either. He stated:

> The idea is to build up the capacity and reputation of the Supreme Court of South Australia as a court that can deal with high-value commercial litigation which has an international aspect, and the idea is simply to allow the legislative facility, because there are no actual plans in place yet, for an international judge to sit on cases of that kind.

Again, I remind honourable members that this bill is effectively 'enabling' legislation. It does not of itself enable an international appointment to be made. Before any person could be appointed from a non-Australian jurisdiction, the office held by that person, and the foreign court in which they held it, would need to be prescribed by regulation, and the usual parliamentary oversight of the regulations would apply. I commend the bill to members.

Bill read a second time.

INTERVENTION ORDERS (PREVENTION OF ABUSE) (RECOGNITION OF NATIONAL DOMESTIC VIOLENCE ORDERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 July 2016.)

The Hon. A.L. McLACHLAN (17:10): I rise to speak to the Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Bill 2016. I speak on behalf of my Liberal colleagues. I indicate to the chamber that the Liberal opposition will be supporting the second reading of the bill.

The bill seeks to amend the Intervention Orders (Prevention of Abuse) Act 2009. Intervention orders are one method in which victims of domestic violence are able to seek protection. The orders made by police or by application to the court regulate an individual's behaviour towards the protected person. Intervention orders are commonly sought to prevent domestic violence. They can also be used to prevent non-domestic abuse. An intervention order might, for example, prohibit an individual

from communicating with a victim in any manner or from coming within a certain vicinity of a victim's place of residence or work.

All commonwealth jurisdictions have similar laws regarding domestic violence orders; however, before an order can be recognised in another jurisdiction, it first needs to be registered. This requires that the victim apply to the relevant court of another jurisdiction. While this is purely an administrative requirement, it has been generally recognised that for victims this is an additional process that can cause them further stress, especially as it involves further engagement with the court system.

The primary purpose of this bill is to give effect to the South Australian component of a national recognition scheme for domestic violence orders. This bill derives from South Australia's commitment to assist the development of a system for automatic recognition and enforcement of domestic and family violence orders in any jurisdiction across Australia. The bill incorporates model provisions which were developed in December 2015 by the Law, Crime and Community Safety Council and the Council of Australian Governments.

The bill, once passed, will enable the automatic recognition and enforcement of interstate domestic violence orders in South Australia. I note that automatic recognition will only relate to domestic violence, as opposed to personal violence. Some other provisions of the bill include providing safeguards against forum shopping by giving the court the power to decline to hear an application for variation or revocation of a recognised non-local DVO if satisfied that there has been no material change in the circumstances that give rise to the order; granting a court the power to refuse to hear an application of a defendant for variation or revocation if the defendant is not entitled to make such an application in the issuing jurisdiction; and provisions regarding the exchange of information between jurisdictions, recognising that the success of a national scheme relies on information sharing across borders.

The opposition has been advised that, to date, New South Wales is the only state to have passed their respective laws. Tasmania and the Australian Capital Territory have introduced bills. The government has advised the opposition that South Australia Police is the only stakeholder that has been consulted to date and that South Australia Police is the agency that will be responsible for uploading and updating the databases required. The Law Society has received the bill but has not made a submission.

We note that in late 2015 the government promised to conduct a review of domestic violence laws and policies, and we note that we are still awaiting the publication of its issues paper. Sadly, domestic violence is prevalent throughout all jurisdictions in Australia. This bill represents a measure that can be effective if used to address domestic violence. By recognising interstate domestic violence orders, I hope that we will be able to provide an increased level of protection to those who need it most. I commend the bill to the chamber.

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

At 17:17 the council adjourned until Wednesday 27 July 2016 at 12:00.

Answers to Questions

APY LANDS, BIKE SA PROGRAM

In reply to **the Hon. T.J. STEPHENS** (19 June 2014).

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

1. The Bike SA program on the APY Lands is known as 'Bikes Palya'. Bike SA was granted a Special Community Youth Grant of $300,000 through the Charitable and Social Welfare Fund (commonly known as Community Benefit SA) to deliver the Bikes Palya program to school students on the APY Lands over three calendar years (2014, 2015 and 2016). It provides lessons in bike riding, safety, maintenance and repair in a number of Anangu schools, using donated BMX and trail bicycles.

2. The funding has enabled Bike SA to offer the Bikes Palya program to every school on the APY Lands from 1 January 2014 to 31 December 2016, incorporating two or three week-long visits. It is available for students from five to 18 years of age and participation is strongly linked to school attendance.

The primary purpose of this program is to build a culture of cycling as a healthy activity, to improve the wellbeing and mental health of young people and promote life values such as resourcefulness, respect for property and being safe.

Senior students have participated by mentoring younger students, as well as learning how to maintain and repair bikes.

Recent data shows that 99 bikes have been gifted to communities; 286 students participated during school hours; 14 bike workshops were offered out of school; 191 participants engaged with the Bike Repair Program (73 adults, 118 children) and one BMX track has been established in a community with four under construction in other communities.

TARGETED VOLUNTARY SEPARATION PACKAGES

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 Minister for Sustainability, Environment and Conservation has received this advice:

Of the 172 staff accepting targeted voluntary separation packages payments in 2013-14, 13 of those were management positions. The breakdown of the positions by classification is as follows:

- ASO7 4
- ASO8 4
- MAS2 1
- MAS3 1
- PO5 2
- EXA 1

NUCLEAR WASTE

In reply to **the Hon. M.C. PARNELL** (17 May 2016).

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

1. Neither the minister nor the Department of Environment, Water and Natural Resources has had discussions with the federal government over a possible commonwealth radioactive waste storage facility at Barndioota in South Australia.

2. Neither the minister nor the Department of Environment, Water and Natural Resources has given any assurances to the federal government.

3. No contracts, memoranda of understanding or other documents have been prepared in relation to this proposed site for a radioactive waste storage facility.