LEGISLATIVE COUNCIL

Wednesday, 16 November 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:19 and read prayers.

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

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

Police Superannuation Board—Report, 2015-16

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.L. McLACHLAN (14:20): I bring up the 34th report of the committee.

Report received.

The Hon. A.L. McLACHLAN: I bring up the 35th report of the committee.

Report received and read.

The Hon. A.L. McLACHLAN: I bring up the 36th report of the committee.

Report received and read.

The Hon. A.L. McLACHLAN: I bring up the 37th report of the committee.

Report received and read.

The Hon. A.L. McLACHLAN: I bring up the 38th report of the committee.

Report received and read.

STATUTORY OFFICERS COMMITTEE

The Hon. J.A. DARLEY (14:28): I lay on the table the report of the committee on the appointment of the South Australian Electoral Commissioner.

Report received and ordered to be published.

Motions

ELECTORAL COMMISSIONER

The Hon. J.A. DARLEY (14:28): By leave, I move:

That a recommendation be made to His Excellency the Governor to appoint Mr Michael Sherry to the office of Electoral Commissioner, and that a message be sent to the House of Assembly transmitting this resolution and requesting its concurrence.

The Hon. R.I. LUCAS: Can anyone outline who Mr Sherry is?

The Hon. J.A. DARLEY: Mr Sherry is the Electoral Commissioner for the Northern Territory at the moment.

Motion carried.

Ministerial Statement

STATE ADMINISTRATION CENTRE

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:29): I table a copy of a ministerial statement, entitled State Administration Centre, made earlier today in another place by my colleague the Treasurer.

Question Time

NUCLEAR WASTE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): My question is to the Minister for Aboriginal Affairs and Reconciliation. Given the significant objections of Aboriginal communities across South Australia to the use of their sacred lands to store nuclear waste, does the minister support the establishment of a nuclear waste dump in South Australia, as being pursued by the Premier?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:30): I thank the honourable member for his question in relation to Aboriginal communities' views. I absolutely and completely support the Premier's statement that if ever this was to be pursued, local Aboriginal communities would have a right of veto over any such proposal. I think that is the correct and the right thing to do. Certainly, it is something that I think accords with the views of Aboriginal communities that I have visited.

Over the last week, I think I have travelled about 5,000 kilometres visiting Aboriginal communities, including Pipalyatjara, Kalka, Nyapari, Amata, Umuwa, Pukatja, Mimili, Kaltjiti, Iwantja, Kenmore Park, Shirley Well, Amuroona and Railway Bore, and that is something that is quite clear, that they want to be involved in the decisions that affect them. So, having a right of veto I think is absolutely the right thing to do.

The weekend before my recent trip to the APY lands, I spent on the Far West Coast, in Ceduna, Scotdesco and Yalata. The weekend before that, I was in Adnyamathanha country at Iga Warta, talking to the Nepabunna and Copley communities as well, and the week before that in the South-East, particularly Camp Coorong, with the Ngarrindjeri Regional Authority. The message I get is that Aboriginal communities and Aboriginal people want to be involved in the decisions that affect them, so I absolutely support the Premier's statement that if this ever progressed, which would require at first instance a bipartisan approach, local Aboriginal communities would have a right of veto.

NUCLEAR WASTE

The Hon. T.A. FRANKS (14:32): Supplementary: why does the minister put First Nations last? Why do they have a right of veto rather than the power to say no? Thirty-two communities have already said no. Why are they not being asked first?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:32): I thank the honourable member for her question. I think it is an interesting and, quite frankly, wrong way to represent what has been put forward. I absolutely support Aboriginal communities being able to say no and having their voices heard.

NUCLEAR WASTE

The Hon. S.G. WADE (14:32): I seek leave to make a brief explanation before asking a question of the Minister for Police in relation to the nuclear waste dump.

Leave granted.

The Hon. S.G. WADE: Yesterday, the minister claimed that there had been bipartisan support for a nuclear waste dump in South Australia. I note the fact that the recent state ALP convention failed to endorse a nuclear waste dump. On Monday of this week, the SA Unions secretary labelled the Premier's nuclear referendum as 'a crazy or brave move from a tone-deaf leader'. I ask the minister: can the minister name a single political party in South Australia which is committed to pursuing a nuclear waste dump?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:33): I will answer the last question first. I thank the honourable member for his questions. There isn't currently a political party in the South Australian parliament that is actively supporting the pursuit of a nuclear waste dump, simply because the Liberal Party—the opposition—killed it. They killed an opportunity in this state to have a decent, well thought through, thorough debate—a thorough debate. This party of government is committed to a decent, thorough, consultative debate with the South Australian public, provided it has bipartisan support.

The concept of having a decent discussion within the community is something that we relish. We like the idea of that, provided that it has bipartisan support. At the first test of political conviction, the opposition and the Leader of the Opposition have failed that test. They have failed to give the South Australian people an opportunity to have a decent discussion and thorough political debate about a potential opportunity for the state.

I have to say that the Leader of the Opposition and all of his backbench colleagues, who have abandoned principle and conviction at the first opportunity, have broken the hearts of so many South Australians who actually like the idea of having a leader who is open to having a public consultation and a debate. It is an appalling representation on a whole range of applicants who aspire to higher office. They can't and aren't willing to hear the South Australian public's views because they have killed it at the first opportunity. Shame on them.

NUCLEAR WASTE

The Hon. T.A. FRANKS (14:35): Supplementary: has the federal Labor Party also broken the hearts of these same South Australians, given that their policy is to oppose this high-level nuclear waste dump?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): The federal parliamentary Labor Party has supported the South Australian government's idea of having an open consultation with the South Australian public. That is what they support, along with the state convention of the Labor Party, which only a few weekends ago, when everyone else was still in bed, unambiguously and unanimously resolved to support further consultation with the South Australian public. We hoped that would be underpinned with bipartisan support, but at the first test of policy conviction, the opposition have gone running. They have gone running. The Leader of the Opposition, 'Mr No', abandoned—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: 'Mr No', the Leader of the Opposition, walked away from an opportunity for a public consultation, a public debate, about a significant opportunity. It is a disgrace. It is an absolute disgrace.

NUCLEAR WASTE

The Hon. T.A. FRANKS (14:36): Supplementary: was the Kool Aid that the minister drank this morning regular green or a slightly brighter colour than normal?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:37): That is, of course, a reflection upon the Greens, who want to lower themselves to rhetoric and silly pathetic arguments. We, on this side of the house, the Labor Party of government, are open to a public consultation about a significant opportunity. Those opposite, who are supposed to have some sort of economic virtue

on their side, have completely relinquished any opportunity to have a discussion like this. We expect that of the Greens, but, yet again, what we are seeing is the unholy alliance between the Greens and the Liberal Party.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: Greenie Hon. Mr Ridgway. Greenie Hon. Mr Lucas. Greenie Hon. Ms Lensink. They should all be absolutely ashamed of themselves for forgoing an opportunity to have a decent economic debate about a potential opportunity for this state.

NUCLEAR WASTE

The Hon. R.L. BROKENSHIRE (14:38): I have a supplementary question based on the minister's answer regarding the Leader of the Opposition, the member for Norwood, Mr Marshall—

The Hon. P. Malinauskas: The member for Dunstan.

The Hon. R.L. BROKENSHIRE: Does the minister agree that the former leader of the opposition for the Australian Labor Party and the former premier of the Australian Labor Party in government, the Hon. Mike Rann, would have done exactly the same thing as opposition leader Steven Marshall, and, in fact, is on the record as opposing any form of a repository?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38): This gives us an opportunity to contemplate what Family First actually stand for on this issue. That is a good question. I don't know, but what I do know is that the government, the Labor Party, a genuine party of government, is open to a legitimate debate, a legitimate public consultation, but bipartisanship has been lost on this issue.

Members interjecting:

The Hon. P. MALINAUSKAS: Forget about the Leader of the Opposition, let's ask the members opposite who are in the party room what their position on this issue is.

The Hon. T.J. Stephens interjecting:

The Hon. P. MALINAUSKAS: What is the Hon. Mr Stephens' position on this issue? He is—

Members interjecting:

The PRESIDENT: Minister, sit down.

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens, it would be good if you could try to contain yourself a little bit. The minister is answering a very important question and I imagine he thinks it a very important answer, so please, minister, on your feet and answer the question.

The Hon. P. MALINAUSKAS: Mr President—

The Hon. D.W. Ridgway: They are so arrogant over there. It just oozes out of them.

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: Mr President, in order to be a party of government, the party has to be elected first. The question is, why have the Liberal opposition continually failed to be elected at previous elections? I assert—

Members interjecting:

The PRESIDENT: Order! This is not a debate or a question about electoral boundaries. It is a question that has been directed to the minister on current issues. I would like the minister, without any interjecting across the chamber or from behind him, to be able to get up and give his answer.

The Hon. P. MALINAUSKAS: I assert that a fundamental key to electoral success is having policy that you believe in. We know that the Liberal Party have completely relented to any idea of policy rigour because they no longer know what they stand for. I do not know what they stand for. They are sitting with the Greens. This is the Liberal Party, the conservative party, in an unholy alliance with the Greens. I stand—

The Hon. T.J. Stephens: Worst unemployment rate in Australia. You're a disgrace.

The PRESIDENT: Order!

The Hon. T.J. Stephens: You have failed South Australians.

The PRESIDENT: Order! The Hon. Mr Stephens, allow the minister to answer the question without interjection. Minister.

The Hon. P. MALINAUSKAS: I stand with a leader, with a Premier of the state who stands up for what he believes in, and he believes in having an open, consultative dialogue with the South Australian public on an important economic opportunity. It is unfortunate that the Liberal Party have abandoned their own ideals, their own supposed policy conviction, for the sake of political expediency. I do not think it will reflect upon them well in due course when South Australians look to which party is open to a consultative dialogue on important economic opportunities.

GOVERNMENT RADIO NETWORK

The Hon. J.M.A. LENSINK (14:42): My question is to the Minister for Emergency Services. Can the minister assure the council that the backup batteries and backup generators, where relevant, for both the Government Radio Network and Telstra mobile phone towers have been checked since the September storms and are fully operational?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:42): Unfortunately, the party of the opposition, the conservatives, privatised Telstra as a corporation some time ago, so what happens with Telstra towers is not within the remit of—

The Hon. J.M.A. Lensink: So, you don't check?

The Hon. P. MALINAUSKAS: No; the government does not own or operate Telstra towers. In respect to the Government Radio Network, that is absolutely within the remit of government and I am really pleased to report that during the course of significant weather events throughout the course of this winter—including the major storm event that we now know is probably one of the most significant storm events that this state has seen for generations—during the course of that event, the South Australian Government Radio Network performed exceedingly well. The Government Radio Network does have redundancy and backups in respect to battery power in the event that there are power failures. Those backups worked incredibly well.

Clearly, if there is a sustained blackout for periods that go beyond 24 hours, that presents a problem for the Government Radio Network, but the redundancies that were in place worked effectively, and I really want to pay a lot of credit to Mark Hanson and his team within the Attorney-General's Department and all those who were involved in the operation of the Government Radio Network and the backup procedures during the course of that event.

They did an outstanding job and I really do want to pay them credit. We all know that the Government Radio Network is a really important piece of infrastructure in the event of emergencies, and on this occasion it performed well, and I think that those who were behind the scenes are names that do not really get a mention in this place. They are not uniformed staff so they do not get the kudos that many of our uniformed officials do, but they really did do a good job on this occasion and I just want to give them my honest praise and thanks.

POWER OUTAGES

The Hon. J.M.A. LENSINK (14:44): Supplementary: what measures have the minister and his government taken to check whether the battery storages would be adequate if there were to be another event and, in particular, what measures has he taken to ensure that the events on the Eyre Peninsula, where they were unable to use the 000 service, will not happen again?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:45): I thank the honourable member for her question and appreciate her asking it because it is a genuinely important one, particularly around that issue of the 000 service. I want to be very clear about this: the 000 service throughout the state, including the Eyre Peninsula, throughout that event was fully operational. Where there was an issue was whether or not people had access to outbound calling systems. Triple zero was fully operational; the only thing that would restrict someone from being able to get access to 000 is if they themselves didn't have a mechanism to call in.

So, if their mobile phone wasn't working, for instance, they wouldn't be able to call in to 000, but in terms of being able to receive the 000 calls, that was fully operational throughout the event. I understand that, during the course of the event, there was a message that went out regarding 000 that may not have best communicated that concern that existed. In respect to your question about what the government is doing about the Government Radio Network: the most significant thing is investing over $150 million—in fact, from memory I think it is $154 million—into upgrading the Government Radio Network. That is a really substantial investment on behalf of the government to make sure that the GRN remains a world leader.

The GRN in this state gets a lot of attention, and that is understandable, considering how important a piece of infrastructure it is. However, in many respects, we are the envy of other jurisdictions around the country, as we have all our emergency services able to simultaneously use a single government radio network. That is something that operates seamlessly between our professional emergency service workers, but also our voluntary emergency service workers, and it is something that is the envy of other jurisdictions around the country. We are continuing to upgrade it, hence the $150 million investment.

It is not perfect, there is always room for improvement, but that is what we have to strive for in emergency services: continuous improvement. We will never be perfect; we have to make sure we are continuously improving and making substantial investments like the one we are making into the GRN—that is very much part of that.

POWER OUTAGES

The Hon. S.G. WADE (14:47): Supplementary question: I ask the minister if he could update us on the progress of the state government inquiries on the blackout response, which, of course, would cover a part of the issues he has already addressed.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:47): I am not in a position to speak or pre-empt the outcome of the Burns review that is underway. I know that Mr Gary Burns, an esteemed South Australian with experience within emergency services, is undertaking that review as we speak. I know he is expeditiously going around talking to a range of people, including people within the EMC and otherwise. We will wait for the outcome of his report and, of course, the government will place significant weight on his findings in due course.

MASSCHALLENGE

The Hon. J.M. GAZZOLA (14:48): My question is to the Minister for Manufacturing and Innovation. Can the minister update the chamber on the outcomes of the Adelaide Bridge to MassChallenge program held recently?

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) (14:48): I thank the honourable member for his question and note his ongoing interest. I recently updated the chamber on the start of the Bridge to MassChallenge program. The Adelaide Bridge to MassChallenge program was held from 2 to 4 November across venues in Adelaide like the Microsoft Innovation Centre on Pirie Street and the Innovation and Collaboration Centre at the University of South Australia.

I understand that this program was a huge success for the participants, with a great line-up of speakers and mentors who participated in the three-day event. The event was split into three themes over the three days. Business models and pitching was the theme of the first day, with

speakers like Jon Soong from Makers Empire sharing his company story with participants and his own firsthand experience of the MassChallenge program, where, of course, as I have mentioned before, Maker Challenge participated a year ago in the full MassChallenge program in Boston.

Andrew Leunig, a business model innovation expert and strategy facilitator, talked about business models, and the day wound up with Stuart Hillston, a UK start-up and scale-up adviser, speaking on things like delivering a pitch and practice sessions to the 15 participants who participated in this initial Bridge to MassChallenge program in Adelaide.

Day two involved funding, marketing and growth, and started the morning session with Paul Priess, SA Director of the CEO Institute, talking about marketing strategy. Kathleen Healy from the US shared her knowledge on how to speak to investors, particularly global investors. She is a special adviser to the CEO Global Development organisation and an active Angel Investor and management consultant. Jenny Paradiso, the co-founder of Suntix and SA Telstra Business Woman of the Year, ran a funding panel session.

The final day was devoted to networks and the pitch competition, with Leanne Hobbes, a business strategist from Switzerland, starting the discussion on stakeholder mapping. Later in the day the participants moved to the Innovation and Collaboration Centre where the pitching competition with the 15 participants was held to select winners of the Adelaide program to win a place in the national competition held in Sydney on 14 and 15 November. Following this pitch competition in front of three local and three international judges, five teams from the Adelaide Bridge to MassChallenge program participated to progress to the national finals in Sydney.

I congratulate all five finalists from Adelaide: James Stewart from Kick.it, Ben Flink from Psybersafe, Selena and Matt Woodward from Edufolios, Bryn Nicholls from DriveLight, and Leila Henderson from Freddi. Fifteen teams in total—five from South Australia, five from Victoria and five from New South Wales—battled it out in the national competition in Sydney, and I am extremely proud to say that the five South Australian finalists excelled.

Of the 15 teams, 10 were selected to travel to Boston to participate in the Boston Boot Camp for the MassChallenge program and the South Australian finalists absolutely excelled. Four of the five teams that made it through to the final in Sydney were selected in the top 10 to attend the five-day boot camp in Boston in February 2017. This result is testament to the quality of start-ups emerging from South Australia and is a massive win for the South Australian tech and start-up ecosystem.

I pay tribute to and congratulate Freddi, Psybersafe, Kick.it and Edufolios for making it through what was an exceptionally hotly contested competition. I am confident that they will go on to do exceptional things at the MassChallenge Boot Camp in Boston in February and continue to do great things in the businesses which they have chosen.

DRUG DRIVING

The Hon. D.G.E. HOOD (14:52): I seek leave to make a brief explanation before asking the Minister for Police a question in relation to drug driving in heavy vehicle use in particular.

Leave granted.

The Hon. D.G.E. HOOD: Recent reports on the news have revealed that 20 truck drivers tested positive to illicit drugs in just an eight-hour period during a police operation which tested 300 heavy vehicle operators across the northern Adelaide area. In addition to the 20 drug driving detections and two arrests, 27 vehicles were issued with defect notices. My questions to the minister are:

1. Given truck drivers are operating vehicles which can potentially and obviously cause more damage than what you might call normal vehicles or cars when they are not operated with due care, are truck drivers found to be under the influence of illicit drugs whilst driving their vehicles subject to harsher penalties?

2. What are the measures that the government, the Motor Accident Commission and SAPOL are implementing to discourage drug driving, especially amongst heavy vehicle operators?

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 his question. As has been stated in this place on more than one occasion, the government is currently in the process of reviewing drug driving laws. That is work that is well and truly in train; in fact, it is progressing well, not as expeditiously as I would initially have liked, but nevertheless the government is undertaking an effort to have a look at our drug driving laws because reviewing whether or not they provide the deterrent effect that is necessary to dissuade people from partaking in this activity is something most certainly worth looking at.

In regard to the specific operation that the Hon. Mr Hood refers to, it is alarming. Every time we see SAPOL undertaking an operation regarding drug driving, whether it be targeted towards heavy vehicles or otherwise, we are consistently seeing results that I think all South Australians would be concerned about, particularly in light of the fact that where people are using drugs, we know that it substantially inhibits their capacity to drive.

A statistic that I have referred to repeatedly on this issue—and I have to say is rather frightening—is that in excess of 20 per cent of all people who were killed on South Australian roads last year, the drivers were found to have some form of prohibited substance in their system, outside of alcohol. Typically, that is either methamphetamine or cannabis. We are all very conscious of the fact that methamphetamine use (particularly ice) has continued to increase throughout South Australian communities, and I commend a lot of the efforts that SAPOL is undertaking to try to address this.

In respect to heavy vehicle drivers, we know that many of those people are attracted to the use of some form of methamphetamine not through recreational use but to act as a stimulant for the purpose of being able to stay awake for longer periods of time. That is incredibly concerning—

The Hon. R.L. Brokenshire: No excuse.

The Hon. P. MALINAUSKAS: —which is why there have been a number of discussions over a long period of time about other reforms that can be done around heavy vehicle movements across the country. But, as the Hon. Mr Brokenshire rightly interjects, of course the pressure that is being placed upon drivers in the industry, particularly owner-drivers, is never an excuse for partaking in an activity associated with drug driving. It is of grave concern and the government is committed to making sure we are implementing reforms to address this incredibly alarming issue.

DRUG DRIVING

The Hon. T.J. STEPHENS (14:56): Supplementary question: minister, I recently asked if you could tell the house the process by which police officers conduct drug driving tests and you said you would come back with an answer. Do you understand or do you know now how that process takes place and how many police vehicles can, in fact, drug test?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57): Yes, I think I articulated in that initial answer on my feet the basics of the process in terms of what happens roadside. I think, from recollection, the Hon. Mr Stephens, that I took on notice the question regarding the precise number of vehicles in terms of whether or not they have that equipment on board. I stand by that request to take it on notice. As soon as that information becomes available, I will endeavour to get back to the house as reasonably as I can, as I always do with such questions.

COMMISSIONER OF POLICE

The Hon. R.I. LUCAS (14:57): I seek leave to make an explanation prior to directing a question to the Minister for Police on the subject of gifts to the Commissioner of Police.

Leave granted.

The Hon. R.I. LUCAS: In July of this year I asked a series of questions to the minister in relation to a story which had been first revealed in *The Advertiser* in a story dated 21 May by Isabella Fowler, headed 'She was only having a lend'. That particular story said:

> Police Commissioner Grant Stevens' wife approached a celebrated local designer to borrow a gown for the Queen's 90th birthday in return for a positive mention on Facebook. Emma Stevens was glowing in her praise for

> fashion designer Jaimie Sortino on her profile, posting: 'WOW…What an amazing experience this has been, a very very very big thank you to Jaimie Sortino for this amazing gown I got to have the privilege of wearing and was so proud when asked if I had bought it in London and got to say NO it's from an amazing designer from Adelaide.'

Further on in the story, Mr Sortino confirmed that when he said:

> 'It was paid in publicity sort of thing, I just asked her to put something on Facebook,' he said. 'I joked that she could pass my card on to Kate Middleton.'

As a result of that story, I asked the minister some questions in relation to whether it was now acceptable for any police officer, other than the commissioner or their partner, to borrow and use expensive items of clothing. I also asked the minister a question as to whether or not there had been a previous occurrence in relation to the police commissioner himself.

The minister, yesterday, came back with a response and said that, no, there had been no other examples, according to the police commissioner. But, in relation to the question that I asked as to why it had not been revealed on the gift register for the police commissioner that there had been a gift to his wife, the minister's response was as follows:

> The register to which Mr Lucas refers is understood to be the SAPOL gift register pursuant to the Department of the Premier and Cabinet PC035—Proactive Disclosure of Regularly Requested Information, and the item referred to was not included as Ms Stevens is not an employee.

Clearly, it is self-evident that Ms Stevens is not an employee, but the minister's response is, in essence, that a gift can be given to the wife or partner of the police commissioner or a police officer and that does not have to be revealed in any way because the partner or wife of the police commissioner or a police officer is not an employee of the department.

My question to the minister, as Minister for Police, is: does the minister believe that in this situation there is a significant perception of possible conflict of interest if partners of police officers generally are able to receive significant gifts from businesses without even revealing those gifts from businesses on the SAPOL gift register?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:00): I recall, going back some months now, the Hon. Mr Lucas' question regarding the police commissioner's wife, and the story he referred to I think was in *The Advertiser* earlier this year. It is my firm expectation that all members of SAPOL, including the police commissioner, comply with the various policies and procedures that exist within SAPOL, but also, in the police commissioner's case, any policies that should apply to him in such a high office.

I have no reason to believe that he hasn't complied with those requirements. I have certainly passed on and taken those questions on notice in good faith. I think it is important to contemplate what the Hon. Mr Lucas' line of inquiry is relating to. I am not too sure if the Hon. Mr Lucas, who continues to pursue this line of questioning, is trying to call in the integrity of the police commissioner. I certainly hope he's not; I don't think there is any reason to believe that should take place.

Again, I am happy to restate the fact that it is my expectation, as I am sure it is the police commissioner's expectation, that all relevant policies and procedures regarding disclosure—of course, the government has already moved to increase levels of disclosure on a whole range of issues, including the proactive disclosure regime—it is my expectation that the police commissioner and other SAPOL officials comply accordingly.

COMMISSIONER OF POLICE

The Hon. R.I. LUCAS (15:02): I have a supplementary question arising out of the answer. The minister has cleverly avoided the question. I accept, as the minister has indicated, that he expects the police commissioner and police officers to comply with the department's policy. My question is: does he have a concern, as police minister, that this policy can raise perceptions of a conflict of interest? If businesses can give significant gifts to the partners and wives of police officers generally—let's put the police commissioner aside—and that does not have to be revealed in any way, does he as minister have any concerns about that as a policy issue? If he does, is he prepared to consider what, if anything, might be done about it?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:03): I would be concerned about any policy or procedure that does not seek to retain or maintain public confidence in the operation of the police. I am not aware, and I do not recall being advised, of any circumstances where any police officers' partners have been in receipt of substantial gifts and for what purpose that would occur. I am not aware or have been advised of any such circumstances.

Of course, all policies and procedures should be reviewed, and if there is reason to update them then that is something for consideration. I just want to reiterate: what is Mr Lucas' objective here? Is it to call into question the integrity of the police commissioner, who I think is a decent man doing a good job, or not? I hope it is not. Again, policies and procedures are expected to be complied with and I haven't been presented with any evidence as yet to suggest that this hasn't been the case.

ROYAL ADELAIDE HOSPITAL

The Hon. T.T. NGO (15:04): My question is to the Minister for Climate Change. Will the minister tell the house about the recent announcement that the Royal Adelaide Hospital will become a negative carbon emissions precinct and showcase for renewable energy initiatives?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): I thank the honourable member for his most important question. Last Tuesday the Premier announced that the proposed $1 billion old Royal Adelaide Hospital site will become a net negative carbon emissions precinct and a showcase for renewable initiatives. This is a fantastic opportunity for this site on the East End of North Terrace, and a fantastic opportunity for our state. This will enshrine Adelaide as a global leader in sustainable urban development.

The redevelopment will be the first in South Australia to be C40 climate positive, an international recognition of the project's net carbon negative status, and the precinct will bring together South Australian businesses to demonstrate energy, wastewater treatment, solar power systems and other clean technology. We expect to see significant global interest in one of the world's first large-scale zero carbon central energy plants located in the heart of the project.

On-site generation, with rooftop and building integrated PV systems and advanced battery storage into the development, will provide sustainable power to the precinct. Hot, chilled and recycled water will also be generated on site. Solar thermal energy will be used to preheat water supplies, and the plant will be connected directly into our statewide energy network, drawing power from solar farms built by local innovators.

Not only will the site be carbon neutral, it will also be exporting excess power to Adelaide University and beyond. This is a great initiative, and will continue to enhance Adelaide's status as one of the world's most vibrant cities. Hassell, the internationally renowned architectural firm and founding member of the Green Building Council of Australia, is responsible for the overall architectural vision of the project, I am advised. We are excited to be working with Hassell, who are responsible for SA Water House, Australia's first six-star, green rated commercial development, and the Bowden Urban Village master plan, South Australia's second six-star, green rated community. Landscape architects, Oxigen, another successful South Australian company, will also be heavily involved in the project, I am advised, and this builds on their work on the six-star, green rated Tonsley precinct.

The old Royal Adelaide (or the ORAH) project embodies so much of what makes South Australia one of the world's most liveable cities. We are bringing more people into our CBD, creating more opportunities for local businesses, we are generating jobs that help us transition into a low carbon future, and we are leading the world in action to address climate change.

This proposal promises to turn the precinct into a world-leading, carbon neutral, publicly accessible space. The project is especially beneficial for students based in and around the ORAH. They will be able to see firsthand the newest advances in clean technology and collaborate with professionals already working in this sector.

In conjunction with the launch of the Carbon Neutral Adelaide action plan and Adelaide University's commitment to carbon neutrality, this has been a great week for all South Australians,

and I urge the house to look at the plans and see the high-level degree of effort that has been put into carbon neutrality and emissions reductions in this fantastic development for the East End of the city.

NUCLEAR WASTE

The Hon. T.A. FRANKS (15:08): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs and Reconciliation on how many times Aboriginal communities will have to say no.

Leave granted.

The Hon. T.A. FRANKS: As members are well aware, the recent report of the South Australian citizens' jury, the second citizens' jury on nuclear waste, in its final report considered under what circumstances, if any, South Australia could pursue the opportunity to store and dispose of nuclear waste from other countries. I refer the minister to the note in regard to Aboriginal consent within that final citizens' jury report that said that 'the majority of Aboriginal communities have already said no and the government needs to respect that.'

That report notes that 32 communities have specifically said no. The minister, of course, also has the option to talk to the Co-Commissioners for Aboriginal Engagement, and I certainly would be interested to hear what they have had to say on the issue. I ask the minister:

1. Has he consulted with the Co-Commissioners for Aboriginal Engagement on the issue of a high-level nuclear waste dump, and what have they said?

2. Has he written and assured those 32 communities that have already said no, that they will not have their voice ignored and that their no will be heard loud and clear, or will they, like Warriena Wright to Gable Tostee, have to say it 33 times in this state?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:09): I thank the honourable member for her questions. I have spoken to many, many Aboriginal individuals and people representing various Aboriginal communities on many topics, including their views on the nuclear industry in South Australia.

I think it is a mistake if one takes an Aboriginal view as an homogenous statewide opinion, that there is an Aboriginal view on issues. I think that fundamentally misunderstands Aboriginal people and the nature of Aboriginal communities, that you could try to say this is the Aboriginal view, no more than you could say that this is the view of all South Australians. I just don't think it's fair and I think it completely misunderstands it to say that there is one single view.

Members interjecting:

The Hon. K.J. MAHER: I appreciate the interjections. I hope the interjections are coming from a place of ignorance, not mild racism in thinking that there is one particular view on this.

Members interjecting:

The PRESIDENT: Order! The interjections should come from nowhere.

The Hon. K.J. MAHER: Certainly I think it's the right thing to do, to give local Aboriginal communities a right of veto, to say no, and that's what has happened.

NUCLEAR WASTE

The Hon. T.A. FRANKS (15:11): Supplementary: will the minister assure those 32 communities that have already said no that their voice will be heard?

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) (15:11): Absolutely. If a local Aboriginal community says no, it won't happen there, even if the debate went any further, which it's not at the moment.

The PRESIDENT: The Hon. Mr McLachlan.

Members interjecting:

The PRESIDENT: Order! Let's have a little respect for the Hon. Mr McLachlan who is on his feet.

The Hon. D.W. Ridgway: Galant, I might add.

The PRESIDENT: And debonair.

The Hon. K.J. Maher: Nice haircut.

OUR JOBS PLAN

The Hon. A.L. McLACHLAN (15:12): Thank you, Leader of the Government. Mr President, I seek leave to make a brief explanation before asking the Minister for Employment a question regarding the government's Our Jobs Plan.

Leave granted.

The Hon. A.L. McLACHLAN: In January 2017—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. A.L. McLACHLAN: I seek your protection, Mr President. In January 2017—

Members interjecting:

The PRESIDENT: Order! Hon. Mr McLachlan, please take your seat. The Hon. Mr Dawkins, I think what you just said was a little bit outrageous.

The Hon. J.S.L. Dawkins: Was it?

The PRESIDENT: Yes.

The Hon. J.S.L. Dawkins: I withdraw it.

The Hon. D.W. Ridgway: I didn't hear it. Can he repeat it, so I can hear it?

The PRESIDENT: Thank God; you would be offended. The Hon. Mr McLachlan, on your feet.

The Hon. J.S.L. DAWKINS: Point of order, sir: the Minister for Police continues to interject over the top of his ministerial colleagues. He interjects while a member of parliament is on his feet—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: —that you have given the call to, and he has defied you on many occasions since he has been in this parliament, which is just on 12 months. The place existed before he came in—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: —and I ask you to actually show some control over all the ministers, but particularly that one, when other people are on their feet.

The PRESIDENT: When I see little halos over all the Opposition's heads and they are all as innocent as what you would like the honourable minister to be, I will do that. But until then, the Hon. Mr McLachlan can ask his question.

Members interjecting:

The Hon. A.L. McLACHLAN: I protest my innocence. Perhaps the government could follow my example, Mr President, being demure in the chamber. Just to recap for the minister: January 2017 will mark the third anniversary of the Premier's release of the Our Jobs Plan. Minister, is the government on track to achieve its target of supporting 8,000 workers, and their families, gain new skills, as traditional jobs disappear, by the end of January 2017, a target that is set out in page 10 of the government's plan?

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) (15:14): I thank the honourable member for his question, and, as we know, we have had a number of major things happen over the last recent years that have affected South Australia disproportionately to nearly everywhere else in Australia. The slowdown in manufacturing was caused by their friends opposite. There is no getting away from the fact that they chased the car industry out of this state. We have talked about this again.

I admire the Hon. Andrew McLachlan. I admire how bravely he asks these questions, knowing what he is walking into. They give him the questions, and unquestioningly—he doesn't think about it. He just asks these questions, knowing what he is walking into, knowing that it's their fault that the slowdown in manufacturing has happened. He is a good soldier for the opposition. That's why he is soon to be leader of the opposition in this place. Everyone knows it and we talk about it very often.

In relation to jobs created, the slowdown in mining as a result of world commodity prices has massively affected this state.

Members interjecting:

The PRESIDENT: Order! Minister, sit down. Will the minister not antagonise the other side because it just makes it so much more difficult to control.

Members interjecting:

The PRESIDENT: I have heard a lot worse. The honourable minister, back on your feet.

The Hon. K.J. MAHER: Thank you, Mr President. We know that we are heading in the right direction now in South Australia. We have done some very hard work in this state. We know from the latest monthly employment figures that there are over 8,000 more people employed in South Australia compared to the 12 months before that, so we can see that the trend is heading in the right direction, but there is still much work to be done.

Members interjecting:

The PRESIDENT: Order!

POLICE RECRUITMENT

The Hon. J.M. GAZZOLA (15:16): My question is to the Minister for Police. Can the minister outline how the South Australian police are trying to attract our state's best and brightest to join the police force?

Members interjecting:

The PRESIDENT: Order! The minister is on his feet. Will the Leader of the Government please desist.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:16): I would like to thank the honourable member for his question. I know the Hon. Mr Gazzola desperately believes in growing our police force, and this provides an opportunity to talk about the important work the government is undertaking to ensure that we honour our pledge to create the largest police force in the state's history.

This is a government that genuinely believes in a larger police force, which is why we are going to honour our Recruit 313 commitment by the middle of 2018. That, of course, will result in the

largest police force in the state's history. During the life of this government, we have in excess of doubled the size of the police budget in South Australia. That doesn't just represent growth in terms of inflation; that is genuine, real growth in terms of our very substantial investment in police, and we know that it is paying dividends, with lower crime rates.

It was with great pride that I was able to attend another SAPOL graduation earlier today, witnessing in the order of 20 new police officers enter the South Australian police force. The graduating class ranged from 44 years of age to 20 years of age, which demonstrates what an attractive career policing is to South Australians, to a whole range of different people at different stages during the course of their lives.

Just prior to the graduation, the police commissioner and I had the opportunity to do a media conference. We were able to articulate SAPOL's streamlining of the process for young applicants to apply to come into SAPOL, with the view of making sure that it is a legitimate consideration of our best and brightest young South Australians.

That streamlining of the process essentially looks like this: what they have done is decided to allow those school leavers who have an ATAR score of 70 or higher, or university graduates, to circumvent the academic test that occurs at the beginning of the recruitment process. That way, they can have a more expeditious entry into the remainder of the process in terms of fitness, psychological capacity and other attributes that are a requirement to be able to even apply to go into the cadet force of the South Australian police.

This is a really good initiative. It means that a lot of young people might actively contemplate an application to serve in the South Australian police force where they otherwise might not have. We want young people to apply. Working in SAPOL is an incredible opportunity. I mean that sincerely, for a number of reasons. The first one, of course, is that it's a good, quality, stable job. It is a well remunerated job—we pay our police officers well—and that's principally because they perform incredibly important and difficult work on the front line, keeping our community safe.

The other reason we want lots of people to apply for such a great job is because working to serve the community is incredibly virtuous. It provides a sense of satisfaction that you might not otherwise get in other jobs that exist within the workforce. I am a great believer that all work provides dignity, regardless of whether it is low paid or high paid, low skilled or high skilled. There is something special about having the privilege to serve—something that I hope everyone in this place feels; I am sure that everyone does. That opportunity is also bestowed upon all of those men and women who work in our police force.

It is an incredible opportunity. I would encourage as many young people as possible to think about taking it up. It's an opportunity to have a great job. You can have a number of different careers while working for the same employer. Working within SAPOL has a whole range of different jobs and functions attached to it. Apply now. There has never been a better time than now for a young person who is bright, articulate and committed to apply for a great job where there are more opportunities than ever before with an expanding police force.

POLICE RECRUITMENT

The Hon. A.L. McLACHLAN (15:21): Supplementary: minister, how many of the graduates from the academy this year had university degrees?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:21): Unfortunately, I didn't have the opportunity—like I always like to do—to talk to individual graduates at the conclusion of the ceremony because I had to rush here for question time, so unfortunately did not get an opportunity to get a litmus test of how many people in the room. I am happy to take that question on notice though and get a specific number for the year. I am happy to take on notice how many people this year are university graduates.

What I can say though, is that SAPOL are doing a really good job to make sure they attract people from a range of diverse backgrounds. I think it's healthy that we have people who have more life experience coming to the police force, married up with some people who are school leavers or university graduates. I think it's healthy that the police commissioner has deliberately decided to

make SAPOL an attractive place to work for both men and women. I saw a number of people there today who are clearly of a range of different ethnicities.

It's really healthy to make sure that the police force reflects the community they serve. We have seen in other parts of the world where police forces haven't been a reflection upon the community they serve, and that has been to the detriment of community safety and, of course, the police force themselves. I am proud of the fact that SAPOL leadership, in particular the police commissioner, are determined to make sure that we have a diverse mix of people working in South Australian police, keeping our community safe.

WEED CONTROL

The Hon. J.A. DARLEY (15:23): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions regarding weed control.

Leave granted.

The Hon. J.A. DARLEY: The 2015-16 Adelaide Mount Lofty Ranges Natural Resource Management Board Achievement Report outlined a strategy to tackle bridal veil, which is a weed of national significance. Can the minister provide details on the pest plant and weed management programs in each of the NRM regions and can the minister advise what action the NRM can take against landowners who refuse to control their weeds, and advise what action has been taken in the 2015-16 financial year against offending landowners?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:24): I thank the honourable member for his most important questions. As the Hon. John Darley understands, the highest return on investment in biosecurity is often in prevention. The state government is looking to be much more proactive and declare plants as we review the declared plant schedule. We really want to focus on preventing entry and preventing sale and movement of new weeds which are not widely established already in South Australia.

In the last 10 years, there has been a shift towards landowners, local and regional communities and government working together in partnership around natural resources management. It has been proven that this is a much more effective approach than the previous one, which relied upon enforcement and compliance alone. Bringing communities along with you is always a better way forward.

In 2006-07, the Bureau of Statistics estimated that the annual control cost of weeds to South Australian agriculture was roughly $209 million per annum. Biosecurity SA, in collaboration with the Department of Environment, Water and Natural Resources, is leading a review of state policies on plants declared under the Natural Resources Management Act 2004. This has been the first review, I am advised, of these policies since the early 1990s. The first three phases of the review have been adopted and the final phase of the review has completed public consultation.

Gazetted declarations are required so that natural resources management boards can implement their management plan for each declared plant. Plants must be declared for control under the NRM Act if they pose a threat to primary industry, the natural environment or public safety. A declaration places a legal obligation on landowners to control certain weeds at their own expense. This cost to individuals is justified by the significant benefits flowing to the wider community, with a strong strategic rationale for the imposition of such costs.

The review has been an opportunity to increase the effectiveness of weed management by NRM boards to maximise benefits from investment and weed control by landowners and government agencies and improve consistency in plant declarations at national, state and regional levels. The review has produced recommendations on variations to the declaration of plants, including the addition and removal of some weeds. Consultation processes have given the public an opportunity to comment on removing some currently declared weeds that no longer pose significant risks or are already widespread and adding some that have significant potential impacts and are more feasible to contain in our state.

All the policy documents, I am advised, have been rewritten to incorporate the current strategic actions of each NRM region and the scientific rationale for the policy. The 145 revised policies in phases 1, 2 and 3 of the review were adopted following public consultation and approval by the eight NRM boards and endorsement by the state NRM council at the time. This included 32 new weeds added, 10 removed and 103 previously declared plants remaining on the schedule with rewritten policies.

Declaration of new weeds provides legislative support for current and future regional strategic weed management plans. NRM regions requested the declaration of gazania, bluebell creeper, arum lily, desert ash and other garden escapees that are recognised as invaders of native vegetation.

Public consultation on the fourth and final phase of the review ran from 6 April to 17 June of this year. This phase addressed declared weeds that posed special interest issues, such as feral olives, willows and branched broomrape, as well as five additional weeds proposed for declaration by NRM boards.

Weeds of national significance are 32 established weeds subject to national strategic plans due to their major economic, environmental and/or social impacts. Targeted strategic investment in managing these weeds will deliver long-term benefits throughout South Australia and the nation. Weeds of national significance species present in South Australia include the spiny opuntioid cacti that invade rangelands, asparagus weeds of bushland, and silverleaf nightshade that impacts on agriculture. All 32 weeds of national significance are now declared under the NRM Act.

Biological control of weeds of national significance has received Australian government funding to support a Meat and Livestock Australia national project spanning three years. The project comprises eight subprojects, five of which address the control of South Australian weeds of national significance, including silverleaf nightshade, cylindropuntia cacti, gorse, blackberry and parkinsonia. PIRSA's NRM biosecurity is leading the silverleaf nightshade subproject, which has been long awaited, I am advised, by many SA farmers. It is partly funded by the South Australian Grains Industry Trust.

Field trials for the management of weeds of national significance species, silverleaf nightshade, are at Keith in the South-East, Crystal Brook in the Mid North, and Cavan and Edinburgh near Adelaide. They are funded by the SA Grains Industry Trust and delivered by Biosecurity SA, in partnership with NRM.

Wheel cactus (*Opuntia robusta*) became a weed of national significance after nomination by South Australia. The State Opuntioid Cacti Management Plan, which has provided direction for the management of wheel cactus and other opuntioid cacti in South Australia, is now reinforced by a national strategic plan for opuntioid cacti.

In relation to the specific question about penalties, I don't have that information with me but I will take that on notice and bring it back for the honourable member's benefit.

SOUTH AUSTRALIA POLICE

The Hon. J.S.L. DAWKINS (15:29): I seek leave to make a brief explanation before asking the Minister for Police a question regarding SAPOL officer participation in community groups.

Leave granted.

The Hon. J.S.L. DAWKINS: In September this year, the officer in charge of the SAPOL Reform Project, Superintendent Bob Fauser, during an interview with Ali Clarke on ABC 891, responded to a question regarding officers continuing involvement in community groups by saying:

> …these organisations respect the police and they ask that they [being police] be involved on boards and on committees and things like that...sometimes individual police officers choose to engage in those types of programs.

The minister, in response to questions on this subject in this place, also stated:

> Of course police officers in their own time are more than able to take up whatever causes they see fit, and many do. Many police officers go above and beyond their specific call of duty in their own time, but others are able to do it through the course of ordinary events, where it is appropriate to do so.

This is a matter of continuing community concern around South Australia. Nothing that the minister or SAPOL have publicly stated has come close to allaying concerns from community groups that they are about to be abandoned. My question is: will the minister guarantee that, where appropriate, SAPOL officers will be able to commit paid work time towards participation in and contributions to vital community and leadership development organisations?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:31): I thank the honourable member for his question. I think it is really quite a tribute to the men and women within the South Australian police force that they are keen to be actively engaged with respective community groups. I think there are a number of police officers who do that with enormous pride and virtue, and I think again it speaks to the calibre of the type of men and women who are attracted to serve in such roles. I can think of a number of community organisations which SAPOL officers get involved in.

Many of them volunteer in sporting groups, some of them may even volunteer in other emergency services, but SAPOL police officers do regularly partake in a whole range of different community groups, and that is healthy, drawing links between community groups and police officers themselves. When it comes to what police officers do while they are on paid time, that of course is not a decision for myself; that is a decision that is operational. What police officers do on their paid time is principally a call for the police commissioner. I have confidence in the police commissioner making the best possible decisions about how to use the very substantial resources that are at his disposal to ensure that police fulfil their mandate of keeping the community safe.

Matters of Interest

AUSTRALIAN CHRISTIAN CHURCHES WELFARE PROGRAMS

The Hon. D.G.E. HOOD (15:33): I take a moment today to speak about the Australian Christian Churches movement, which is a group of churches within Australia working together, and they have done since 1937 when they were formed under a different name. Australian Christian Churches now consists of over 1,000 churches across Australia and over 315,000 constituents across this land. Notably, the Australian Christian Churches encourages all churches to actively engage with their local communities, and it is not surprising that many of the Adelaide-based Australian Christian Churches' churches have wholeheartedly taken up this assignment.

Churches have made and are continuing to make significant contributions to the community through devoting considerable amounts of time in assisting the less fortunate, and it is that that I would like to focus on today. One such church is Hope Church located in Mile End, not far from here, and led by pastors Josh and Sharon Brett. Hope Church is one of many South Australian churches making outstanding contributions to their local community. Recently, Hope Church held a so-called 'Big Sunday' event. The event involved ordinary, everyday people coming together to give back to the community and to assist those who are marginalised through isolation, poverty, disability or sickness.

Overall, the program provides hope to hopeless situations, as they say, through practical service. The event attracted people of many different ages, talents and skills, who, together with others in the church community, assisted with community projects scheduled throughout the weekend, lasting anywhere between one hour to a full day in some cases.

These community projects included handyman jobs at local not-for-profits, yard clean ups, visiting the elderly in nursing homes, assisting local animal shelters and providing social inclusion opportunities for various people groups, just to name a few. The event was equally successful last year, with hundreds of volunteers participating in activities and projects, including free haircuts for the homeless; a complete renovation on a drug and alcohol facility for Aboriginal women (a first of its kind in South Australia, we understand); fundraising for kids at TeamKids, formerly known as the Women's and Children's Hospital Foundation; and a house and garden makeover on a property that runs a community-focused feeding program.

Hope Church and the Australian Christian Churches, as evidenced by their strong focus on community welfare, believe that wherever there is a need, there is an opportunity to lend a helping hand. Their mission is to build community through community service. Oasis Christian Church,

situated in Ceduna, is another example of an Australian Christian Churches part of that movement having a positive impact on community. Established in 1990, Oasis Christian Church provides welfare, counselling and emergency food relief to locals and the Aboriginal people of the region. Oasis Church also holds services in the local Aboriginal language.

In recent years, the church was granted a small government grant to provide emergency food relief to around 1,200 families in the remote region. Over the decades, the church has created many positive relationships with the locals, who originally began attending the church because they were hungry. According to the pastor of the church, locals now often come in not for food, but for prayer and guidance. These are only two examples of the outstanding contribution the Australian Christian Churches have made to community welfare in South Australia.

I commend the many churches that have made, and are continuing to make, outstanding contributions to their local communities, including Influencers Church, Salt Church, Rise Church and, as I have mentioned, Hope Church. They have all made significant contributions with respect to community welfare. There are, of course, many others. The work of Australian Christian Churches may often go unnoticed by the wider community, but, to the disadvantaged and marginalised in our community, the work of the Australian Christian Churches can mean the world. I congratulate these churches on their community service and encourage everyone to be involved and support them in the very good work that they do.

BLACK, DR Q.

The Hon. R.I. LUCAS (15:37): I rise to refer to a story in today's *Advertiser*, headed 'Fears for gambling addicts as lauded program dumped. $1m health deal for Labor man's firm'. The story by Richard Evans starts with:

> A business run by a former Labor candidate has been awarded a $1 million-a-year government contract to treat gambling addicts, despite experts claiming he lacks the qualifications to offer effective treatment.

The person to whom they refer is Dr Quentin Black, a former Labor Party candidate, and the service is Statewide Gambling Therapy Services. Members will be aware that the AMA and a number of senior medical practitioners and clinicians who practise in the area had expressed concerns at the loss of this particular service and have asked questions publicly of government minister Bettison and the government as to the reasons behind the change in service direction.

In addressing this issue, it is interesting to look at exactly who Quentin Black is. He is clearly a creature of the Australian Labor Party in South Australia. In political terms, I would refer to him as a wholly owned subsidiary of the Labor Party and, more recently, the Labor right, the controlling faction. He was an unsuccessful candidate in the state seat of Hartley against the Lion of Hartley, Joe Scalzi, and at that stage I believe he was an unaligned faction member. In 2002, he jumped into the ruling right faction and has remained a member of the right faction since.

The importance of that, of course, is that minister Zoe Bettison, the minister responsible for this particular area, is too a creature of the Labor right and owes both her position in parliament and position in cabinet to the patronage and support of the heavyweights within the Labor right. Michael Brown, who is the chief of staff to minister Bettison, is also a creature of the Labor right. Not only was Dr Black a candidate in 1997 and 2002, he was also interested in the vacancy subsequently filled by the Hon. Mr Malinauskas recently, replacing the Hon. Mr Finnigan for the vacancy here. Clearly, Mr Brown and Dr Black are potential contenders for upcoming Labor right vacancies in the Legislative Council, which adds an additional area of interest in relation to this particular contract and the possible ramifications of it.

In his LinkedIn summary, Dr Quentin Black describes himself as Senior Lecturer in Psychiatry at the University of Adelaide, although he has no formal qualifications in psychiatry. It documents almost 30 years of what he says is market research and strategic consultancies, also crossing over clearly into lobbying. Amongst his former clients he lists the ALP National Leadership Group, the ACTU, Graham Richardson, Paul Keating, Kim Beasley, Simon Crean, Bob Carr, Steve Bracks, Wayne Goss, Paul Beattie, Mike Rann, and various others. He indicates that he was a former chief of staff to the South Australian premier and an adviser to the shadow finance minister at a federal level.

The questions that minister Bettison must answer now in terms of transparency and accountability are: how often over the last 10 years or so has the statewide gambling service been put out to tender? Who recommended on this occasion that it should go to tender? Was there any lobbying by Dr Black? Was the idea initiated initially by the minister or her office, or was it raised initially by the department? Were there any discussions between Dr Black and Mr Brown in the minister's office or any other ministerial staffer prior to the tender being finalised? Did minister Bettison have any discussions at all with Dr Black prior to the tender being announced? Who did the supposed review of the appeal that was lodged? Who was appointed? Who was interviewed in the conduct of that particular review? Was that review conducted by someone independent of the department?

On behalf of the Liberal Party I have lodged freedom of information documents to the department and the minister because it is clearly in the public interest that there be some transparency and public accountability on an issue which is of great concern not only to the AMA but many other senior clinicians and practitioners in this important field.

LEGAL ASSISTANCE SECTOR

The Hon. T.T. NGO (15:42): I rise to express my disappointment about the impending federal funding cuts to the legal assistance sector. This significantly impacts organisations that provide free legal help in South Australia, such as the Southern Community Justice Centre, which primarily services people in the state's southern regions.

There is a great deal at stake for the entire community. Community legal centres, known as CLCs, are not-for-profit organisations that play a distinct role in assisting those who cannot afford a private lawyer but who are unable to obtain legal aid. As community-based organisations, they strive to embed their services within the community, drawing on the generosity of volunteers and pro bono services.

CLCs primarily focus on civil and family law matters and fill the justice gap by assisting people who would not otherwise have access to much-needed legal advice or representation. Indeed, there is a substantial unmet need for legal assistance in Australia. The Productivity Commission's report, 'Access to justice arrangements', recommended an immediate injection of $120 million into the sector by the federal government. Sadly, these needs will continue to go unmet because the federal government wilfully disregarded this key recommendation.

My understanding is that commonwealth funding for SA community legal centres was cut by 24 per cent in July 2015. Furthermore, with the latest five-year National Partnership Agreement on Legal Assistance Services, they face a steeper cut in commonwealth funding as of July 2017. That is a 44 per cent cut in just over two years, or an equivalent loss of $2.18 million. CLCs are expected to receive a paltry sum of $2.78 million from the commonwealth.

The unfortunate reality is that significant disparities exist between individuals and their access to justice. Perhaps a narrow perception is that this only affects low income earners. However, people across a range of ages, socioeconomic status and cultural backgrounds lack access to justice. Over the years, I have been disheartened to hear many people's stories about their difficult and frustrating experiences as unrepresented litigants in the legal system. I noticed that a common thread through the stories was their fundamental struggle to understand the process and to be active participants.

Community centres, such as Southern Community Justice Centre, bridge this gap by not only providing legal advice but also community education and a range of services, including child support and mediation. Access to and participation in the justice system is a social issue that is very much in the public interest. Vulnerable members of our community face greater challenges due to these cuts. What the federal government fails to realise is that access to justice should be a right, not a service.

I am told that, between 2014 and 2015, the federal government spent $728.15 million on its own legal services, an increase of nearly $40 million in expenditure from the previous year. This is a disgraceful show of hypocrisy. If only a tiny part of this money could go to CLCs. Meanwhile, 160,000 people are being turned away by CLCs nationally each year due to the shortage in

commonwealth funding. Cutting commonwealth funding from community legal services will not do any good in our democratic society where every individual deserves justice.

The federal government has clearly passed the buck in terms of funding. The real test of leadership comes when governments are asked to protect the rights of the vulnerable, and the Turnbull government needs to rise to this challenge. I join with legal bodies and community groups nationwide in calling on the federal government to restore its share of legal assistance funding and give meaning to the principle of equality before the law for all Australians.

BOLSTER, MS M.C.

The Hon. M.C. PARNELL (15:47): I rise today to pay tribute to the memory of Margaret Camilla Bolster, a prominent conservationist and art lover who died recently, aged 83. Margaret had a long and distinguished life in South Australia and New South Wales. She helped popularise the art of the Asia-Pacific region in Australia and had a significant second career as a leading environmental activist. It was in that role that I got to know her well over many years.

Margaret Bolster was born in Auckland, New Zealand, in 1932. She graduated from Auckland Teachers Training College in 1950. She subsequently moved to Sydney with her second husband, Mr Tom Bolster, an American writer who had lived in China during the Second Sino-Japanese War. Having settled in California, after reporting on the rape of Nanjing for the *South China Morning Post* in the 1930s, he left the United States permanently after being denounced as a communist. The couple married in 1978 and had one daughter, Camilla, together. Margaret also had two children from her first marriage to Bruce Eady: Brent and Frances.

Although she remained proud of her roots in New Zealand, taking on Australian citizenship only later in life, Margaret Bolster found the laid back and welcoming atmosphere of Sydney a revelation. The city became her base as she travelled widely throughout Asia and the Pacific acquiring art, including an impressive collection of Khmer ceramics. She left Sydney in the late seventies in order to allow her husband to write the book that was to be his magnum opus, an account of the history of Asian art.

At the urging of Don Dunstan, former premier of South Australia, Margaret Bolster and her husband moved to the Adelaide Hills in 1982. Their home, Samarra, was designed by renowned German architect Gerhard Schurer. It was intended to serve as the hub of an institution modelled on the Japanese folk craft museums of Tokyo and Osaka. Unfortunately, these plans were foiled when Tom Bolster contracted Parkinson's disease, which also prevented him from completing his manuscript. He died in 1998.

Margaret, motivated by the devastation of the Ash Wednesday bushfires she had witnessed shortly after arriving in South Australia, had by then been elected as president of the Mount Lofty Ranges Conservation Association and a member of the board of the Conservation Council of South Australia. She served as the organisation's president between 1999 and 2001. In a statement following her death, the Conservation Council praised her as a 'fiercely devoted conservationist' and a 'relentlessly passionate', 'dedicated' and 'highly articulate' leader.

In 1993, Margaret helped found the *Environment SA* magazine, which she edited between 1995 and 2003. Her sometimes controversial writings for the magazine touched upon her many interests and drew from her varied experiences. In September 2001, for example, she called upon Australians to 'empathise with the ordinary Afghani people' amid the preparations for war, and expressed quiet scepticism as to whether foreign military intervention would succeed. She certainly knew about the subject, having travelled in Afghanistan as a guest of King Mohammad Zahir Shah's niece, who was a good friend.

A passionate advocate for the interests of Indigenous Australians, Margaret Bolster was a founding member of the Environmentalist and Aboriginal Reconciliation Action Group in 1994. She was an outspoken opponent of development on Hindmarsh Island and was named as a defendant in a defamation case related to the controversy. She was appointed a Member of the Order of Australia for service to conservation and the environment in 2003.

In 2013, thieves broke into Samarra and stole two 9th century statues of the Buddha crafted during the Srivijaya empire. After enduring this home invasion, Margret Bolster moved to Sydney in

order to live with family. She died on Thursday 20 October in Armidale, where her elder daughter lives. In addition to her three children, she is survived by eight grandchildren.

Margaret Bolster was a fine South Australian who was a great inspiration to me, especially in my early days as a young conservation campaigner. She was a person I looked up to with admiration and respect. I know I speak on behalf of Margaret's many friends and colleagues when I offer my sincere condolences to her family.

LEGACY

The Hon. A.L. McLACHLAN (15:52): I rise today to speak about Legacy. All in this chamber would be aware of my strong support for the Australian Defence Force (ADF) personnel and veterans. I have previously spoken on post-traumatic stress disorder and the high unemployment and homelessness rates that can arise among veterans.

Legacy is an organisation that aims to assist families and dependants affected by the death of an ADF member. Australia-wide, Legacy currently provides assistance to approximately 80,000 families and 1,800 children and dependants of veterans. In South Australia, Legacy currently cares for 6,643 widows, 68 children, and 70 people with disabilities.

Legacy, or as it was originally called, the Remembrance Club, was established in Hobart by General Sir John Gellibrand in 1922. The intention of the Remembrance Club was to ensure that returned servicemen were cared for when they returned to Australia. This was an important principle because, of the 300,000 Australians who served in World War I, 152,000 were wounded and 4,000 had been prisoners of war. In 1925, Legacy also expanded to ensure that the children of servicemen were cared for. This was a vital transition for the organisation, as approximately 60,000 Australians died in World War I, leaving behind wives and children that had relied upon their husbands and fathers for financial security.

Since its inception in 1922, Legacy has evolved into a vital organisation that has a variety of programs and financial aid to assist not only widows but also widowers, children and returned ADF personnel referred by the Department of Veterans' Affairs. Those that volunteer for Legacy and provide assistance for the families and dependants that Legacy support are known as legatees. Australia wide, there are currently 6,000. I am one myself. Children especially find the services that Legacy provides useful to their development. Ben Cox, who lost both parents at a young age, says:

> I could always call my legatee and talk about how much I missed my mum. I could call him about how much I missed my dad.

The children also benefit from holiday camps Legacy organises, with the organisation taking 450 children on camps annually. Debra was a junior legatee and describes the great influence Legacy had on her childhood:

> Some of the greatest times of my childhood were spent attending Legacy weekend and summer camps. I got to experience things I may never have had the chance, including skiing and white water rafting.

Legacy also assists families with children in need of financial assistance, in areas such as uniforms, school fees, textbooks, scholarships and medical fees. Pensioners and the elderly also get much-needed assistance from Legacy, with 5,000 widows joining Legacy annually. A majority of these pensioners are aged 85 years and over, and require a special level of care and services.

Annually, Legacy assists with 3,000 pension entitlement assistance inquiries, installs 3,500 emergency medical alarms, conducts 8,000 home maintenance visits, runs 3,000 care programs and makes 40,000 home visits and calls. Legacy is not only able to assist those families that have a deceased relative; Legacy is also able to assist those families with ADF members who have served but have experienced life-altering injuries while in the ADF.

An example of Legacy's work with returned ADF personnel is seen with Ed Bennett. Mr Bennett was deployed in Kandahar with the Australian Army where he suffered a major brain injury due to a fall. Legacy helped his family by providing food, travel and assisting his children. Legacy relies on private donations to raise 95 per cent of its annual funding. Between 28 August and 3 September this year, many of you in this chamber would have seen around 2,000 legatees, volunteers and members of the ADF raising money for Legacy Week.

Legacy Week was established in 1942 and is Legacy's annual fundraising campaign to generate enough revenue to support the services it provides. Last year Legacy South Australia and Broken Hill managed to raise approximately $360,000 during the campaign. The continual funding for Legacy is required due to the increased assistance needed for widows, widowers and their families. It is predicted that the expenditure for these groups will not decrease until approximately 2020.

Legacy is an important Australian organisation. It exists to provide programs and financial assistance to families of ADF personnel who have died, and in some cases those who have served and returned with life-altering injuries. It is important that the broader South Australian public continues to be reminded of Legacy's important work and support Legacy with their generous donations. This in turn will enable Legacy to continue to provide its important services to the community.

SOUTH AUSTRALIAN MUSIC AWARDS

The Hon. J.M. GAZZOLA (15:57): Norwood Town Hall was abuzz with feelgood vibes and creative camaraderie as the cream of local contemporary music talent gathered for the 2016 South Australian Music Awards. Outside the Norwood Town Hall were groups of young artists, looking hip and ready for a night of fun and frivolity, but what was brewing inside was the night of nights for South Australian music.

The concert hall provided a magical backdrop for the evening, where hosts Maggie Collins of Triple J and local acclaimed musician Adam Page, welcomed winners on stage to receive their awards. Chair of Music SA Anne Wiberg's welcome was heartening as she told of envisaging a night such as this, and how it felt having that dream realised. Anne acknowledged industry practitioners, artists and Music SA for taking the reins from Peter Darwin of Fowlers Live four years ago and for continuing to grow the awards and the industry.

Gary Burrows was honoured with a Lifetime Achievement award for his continuous contribution to the industry, and he acknowledged South Australia as 'leading the way nationally in terms of commitment and support'. The Premier acknowledged the member for Newland (Mr Tom Kenyon MP), the Hon. Tammy Franks, and the member for Morialta (John Gardner MP) before presenting an award for Best International Collaboration to Tkay Maidza for her *Do It Right* collaboration with Martin Solveig. This is just another feather in Tkay's cap as she continues to gain recognition internationally.

From there, awards went to Bad//Dreems, Jesse Davidson, Mane, A.B. Original, Tkay Maidza, Motez, Aaron Shuppan and Mount Gambier's Recreator, to name but a few. Those working behind the scenes to promote the work of artists also saw recognition, with Tom Barnes taking out the title of Best Engineer, and Mixmasters Productions the Best Studio. The Grace Emily Hotel received a nod for Best Music Venue, with WOMAD backing up last year's win for Best Festival.

Sian Walden of Little Acorn Music was awarded for her efforts in Artist Management. Electric Fields and Mane performed on the night, leaving crowds raptured by their extraordinary stage presence. The Derringers Adelaide All-Star Band featuring Bad//Dreems, Taasha Coates, Jesse Davidson and more saw the night out.

This event was not only a testament to the artists' commitment, drive and passion, but to all those who work every day to make careers in music and these awards possible. Music SA and the Music Development Office's commitment to the industry has paid off. The sold-out event was a huge success and the mood in the room was electric. It is important to recognise the role of the MDO as a connector in the local, national and international music industry. Through actively connecting people, businesses, industry segments and government agencies, good ideas have become realities through collaborative efforts getting noticed by our national counterparts.

International composer and company director, Tom Hajdu, reached out to the Music Development Office which swiftly connected him to government agencies, ministers, Adelaide Film Festival and Events South Australia, which looks to result in some very exciting new initiatives in the coming year. Internationally renowned live music engineer, Jon Lemon, was introduced to the Director of the Adelaide Conservatory of Music by the Music Development Office, which led to Jon becoming the first expert-in-residence for the new Sia Furler Institute.

I would like to acknowledge and congratulate not only the winners, but all the nominees, the volunteers, and especially Music SA and the MDO for their commitment to music in South Australia. Thanks also go to the event's major sponsors Music SA, Moshtix, The Music, Derringers, the AHA, NXTGIG and Duografik, and all other sponsors and event partners, too numerous to mention. This industry is going from strength to strength and I am confident that 2017 will see the South Australian music industry build on the successes of 2016.

WORLD TOILET DAY

The Hon. K.L. VINCENT (16:01): Saturday 19 November is World Toilet Day. The United Nations established World Toilet Day to highlight that access to improved sanitation is fundamental to ensuring the dignity, safety and equality of everyone in our communities. Changing Places are public toilets with full-size, height-adjustable change tables suitable for adults, and lifting hoists to meet the basic daily toileting needs of a wider range of people. It gives space for a person with a disability to be assisted by one or two people, and also has a nonslip floor.

The campaign for Changing Places is well underway in other parts of Australia. Victoria already has six Changing Places facilities up and running, and is now investing more than $1.5 million to fund the construction of 15 new Changing Places. South Australia has toilet facilities with features of Changing Places, including at the Adelaide Aquatic Centre and Elizabeth Shopping Centre. These have been well received by the people who need to use them.

We need more fully accessible facilities because, without them, people who require larger change tables and a hoist for toileting are likely to have to lie on the floor of either a regular or accessible toilet to get changed. The participation, dignity and safety of people with disabilities, health conditions and ageing people are enabled by Changing Places.

Naturally, if you have to change a continence pad on a toilet floor—the floor of a public toilet—you will avoid having to do so. This means avoiding going out or severely limiting your outings, resulting in social isolation. Without decent facilities, many people stay in soiled clothing, which is, of course, embarrassing, unnecessary and can lead to infection. It is clear that we must ensure that everyone in our community is comfortable in going out and about. This is what inclusion looks like and this is what diversity looks like.

I have had, on behalf of Dignity for Disability, positive discussions with the Local Government Association, as well as the City of Adelaide and the City of Charles Sturt on this topic. The Adelaide City Council, in particular, I know is working with me very hard to get Changing Places into the city. Establishing more Changing Places will improve our reputation as an accessible tourism destination for everyone, including people with disabilities, families and friends. People with disabilities already spend $8 billion every year on Australian tourism. It is estimated that an additional $3.5 billion to $4 billion could be attracted simply by improving our toileting facilities, including Changing Places.

Given that about four million Australians aged 15 and over experience urinary incontinence and that we know this number will only increase as our community gets older—and it will; it already is getting older—Changing Places is a hugely meaningful and necessary investment in making sure that all people, everyone in our community, can continue to enjoy life in our beautiful state and community and continue contributing to our economy, now and far into the future. It is a pleasure to continue working on this vital project.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: WORK RELATED MENTAL DISORDERS AND SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (16:06): I move:

That the 26th report of the committee on its Inquiry into Work Related Mental Disorders and Suicide Prevention be noted.

As all members of this chamber would know, suicide prevention is a passion of mine and a portfolio responsibility that I hold. I must say that I have had great support within my party over a large number of years in regard to that. In particular, the other members of my party who have had mental health responsibilities, including previously the Hon. Mr Lucas and more recently the Hon. Mr Wade, have

been of great support to me in that work. There are many others in the parliament, across all political lines, who have been supportive of that work, none more so than the Hon. Steph Key, who, of course, is the chair of the Occupational Safety, Rehabilitation and Compensation Committee.

In the early days of my time on the committee, when members of the committee were discussing the potential inquiries that we would pursue during this electoral period, a four-year cycle, the Hon. Ms Key was very strong in her suggestion that we make an inquiry into work related mental disorders and suicide prevention. I thank her for that, and the committee for the way in which the inquiry has been conducted.

The committee's in-depth inquiry into these matters is important, because the prevention of psychological injuries arising from work activities falls within the scope of the Work Health and Safety Act. A person conducting a business or undertaking (otherwise known as a PCBU) has a primary duty of care, insofar as it is reasonably practicable, to ensure that workers are not exposed to health and safety risks, and this, of course, includes psychological risks.

Work provides a feeling of self-worth and identity. It provides opportunities to develop skills, to form social relationships and to plan for the future. Work is good for mental health and wellbeing. Depression and anxiety are the most common work-related mental disorders and they are easily treatable. It is estimated that 80 per cent of unproductive time and absenteeism is due to depression, which is a significant cost to employers and the economy and costs over $17 billion annually.

Alarmingly, the World Health Organisation warns that by 2030 depression is likely to be the number one cause of disability in developed countries. The inquiry considered legal and policy issues and examined data and the impact of mental disorders and suicide on workers, businesses and others. Prevention initiatives, including training, information and availability of support, were of considerable interest to the committee because prolonged mental stress can contribute to serious physical and mental disorders.

Mental disorders account for about 4 per cent of all accepted work-related injuries, but are responsible for five times more in cost and absence from work. Workers in their mid-career, being between the ages of 40 and 59, account for 46 per cent of all mental disorder claims, the most common causes of which are work pressure, harassment and bullying, occupational violence and exposure to traumatic incidents. Females report more than half of all mental disorder claims, while males are more likely to report post-traumatic stress.

In the private sector, a higher number of community service workers, personal carers and truck drivers report mental disorders. There is a high level of stress reported by teachers, nurses and police officers in the public sector due to inherent risks of human service work.

The committee recommends that there is a need to explore ways to reduce psychological harm in the public sector. Police, emergency services and other first responders are at high risk of suffering post-traumatic stress disorder. The committee recommends that the Minister for Industrial Relations investigate the call for presumptive provisions for this group.

The Ambulance Service is justly proud of its peer support program, which has been in operation for more than 20 years. The program provides staff with wellness and assistance services, which help protect them from post-traumatic stress disorder (PTSD) risk factors. The program helps to keep mental disorders low, even though paramedics respond to traumatic events and deal with traumatised people on a daily basis.

Over the last decade, significant improvements have been made in the frequency of work-related physical injuries and fatalities by analysing data, undertaking research, improving the design of equipment and facilities, and monitoring performance. It is possible to reduce the frequency of mental disorders by taking the same approach in relation to psychological hazards.

For those who suffer a significant work-related mental disorder, a medical impairment evaluation can be undertaken by psychiatrists approved under the Return to Work Act. The Guide to Evaluation of Psychiatric Impairment for Clinicians, otherwise known as the GEPIC, is the mandated evaluation tool for this purpose. Several witnesses raised concerns about the subjective nature of the GEPIC, which they said is not a reliable and valid measure of psychiatric impairment. Few workers with a psychiatric injury are likely to be assessed at 30 per cent or above. Those with lower

levels of psychiatric impairment are likely to have difficulty functioning, managing self-care and working. For this reason, the committee recommends that the GEPIC be independently reviewed.

Suicide is the leading cause of death in men and women of working age. There was a 17.5 per cent increase in the number of suicides in 2014 compared to the previous year. Australian Bureau of Statistics figures show that twice as many people die nationally from suicide than are fatally injured on our roads. There has been little research into the connection between work and suicide; however, the committee heard some devastating stories and shocking statistics about suicides in certain industries.

Men in the construction industry are more likely to die from suicide than from a work-related injury, the cost of which is estimated to be in excess of $57 million to the South Australian economy. Police and emergency services are also high-risk industries for suicide. Statistics show that there is a higher frequency of self-harm by females, which may indicate that many male occupations provide the means to complete suicide attempts.

The committee recommends that the Minister for Police commission research into suicidal behaviour of police officers and identify a mitigation strategy. A number of police psychological health programs should be evaluated for effectiveness. It did shock members of the committee to hear that the South Australian public sector had experienced five suicides in the last five years as a result of work pressure.

The committee acknowledges the great work of the Office of the Chief Psychiatrist in leading the suicide prevention strategy in the state, but notes that the resources provided to that office are limited. Our recommendations reflect the need for adequate resources to enable the Chief Psychiatrist to effectively consult, promote and develop suicide prevention strategies that meet the needs of all sectors of the community.

I note that it is only in recent weeks that the date lines for the next strategy have been extended. It just sneaked through the back door, really. The current strategy is a 2012-2016 strategy and we all expected that the next strategy would be released some time this year for 2017-2020. There is nothing clearer to me than that the strategy will not be ready for the start of 2017, so just recently government sources have added a 1 to it, so it is now 2017-2021.

Some people would say, perhaps I should not nitpick, but the reality is I have been pushing throughout this year, and in fact, from late last year, for the development of the next strategy. This is no criticism of the Office of the Chief Psychiatrist, in fact, we had an expert witness that admitted to the committee that the office—

Members interjecting:

The PRESIDENT: I do not want to interrupt your discussion, but the honourable member has a very important speech he is giving so let's pay him the respect—

The Hon. J.S.L. DAWKINS: Thank you for your protection, sir. The expert witness gave us his thoughts that the Office of the Chief Psychiatrist does fantastic work, but the principal role of that office should not be the development of a strategy, it should be more in a clinical field. The government has placed the responsibility for suicide prevention strategy on the Office of the Chief Psychiatrist, who do fabulous work, with very limited numbers of people and limited resources; they do a terrific job. The government needs to take that into account and I look forward to seeing that strategy (2017-2021) when it comes out. The committee's recommendations reflect the need to develop and implement strategies to help workplaces become mentally healthy and to encourage and support workers to improve resilience and seek help when times are tough.

In conclusion, I would like to add that one of the things we have experienced in the rather lengthy time we have taken to do this report—and I make no apologies for the length of time we have taken, and I do not think any other member of the committee would because it is a serious topic—and the feedback we have received while we have been doing the report, from both within the public sector and from unions or workers associations associated with those areas, is that some of the cogs that were moving very slowly have started to move a little bit faster as a result of our inquiry.

I think that often happens with parliamentary committees. It is not necessarily what happens after the report comes out, as much as we always want those recommendations to be taken into account, but sometimes during the course of an inquiry some of those things start to change, and I am pleased to hear that that has happened. I would also like to give additional credence to organisations such as MATES in Construction, which have been leading the way in dealing with attitudes about mental health and suicide in the construction industry and also the mining industry.

The development of community suicide prevention networks around South Australia is a terrific initiative that I have supported greatly. I would urge all members, but particularly members of the government, to attend some of those from time to time because those people would get a great boost from having a member of the government turn up, but also the quality of the people and the broad spectrum of the community from which they come is something that I think is commendable, and it is a great credit to the work that the Office of the Chief Psychiatrist has done in that area.

I have also raised in the committee hearings that I think there is a case for some of these networks to be developed within various areas of the public and private sectors, not so much in a geographical area but in a work-related area. I think some of those could follow the MATES in Construction model or they could be done in other matters, but personally I urge that that be considered. I would like to take the opportunity to thank all those who have contributed to this important inquiry by making submissions and giving evidence. All the individuals and not-for-profit organisations who work with limited resources to make a difference in the lives of those struggling with mental health issues are to be commended.

I extend my sincere thanks to the member for Ashford in another place who, as I said, is an excellent chair of the committee, but also one who thinks outside of the square in relation to what the committee can inquire into and achieve, as I have just noted. I also thank my other colleagues in this place, the Hon. Mr Darley and the Hon. Gerry Kandelaars, and the member for Schubert and the member for Fisher in the House of Assembly. Once again, I indicate my thanks to the committee's only existing staff member, Ms Sue Sedivy. As recently as this week, the name of her new additional staffer in that team has been announced. With those remarks, I commend the report to the council.

The Hon. J.A. DARLEY (16:23): First of all, I would like to thank the Hon. John Dawkins for his excellent summary of the Occupational Safety, Rehabilitation and Compensation Committee's report on its Inquiry into Work Related Mental Disorders and Suicide Prevention. I reiterate what my colleague said with regard to work-related mental illness. There is now a greater awareness of these matters and the committee identified trends that indicated certain sectors were more susceptible to mental illness than others. Support should certainly be given to those sectors especially in the form of education so that early intervention can be utilised. This is especially the case for those in public sector jobs that are likely to suffer psychological harm.

Whilst some sectors have already recognised the importance of this matter, there is still work that needs to be done, and I would encourage the government and all agencies to explore this further. It is clear that this is an issue that requires further investigation. We are losing too many people to suicide, especially when these are matters that may be able to be prevented and addressed if people knew they could get support from their workplace. I thank everyone who took the time to give evidence to the committee, other committee members and the committee's executive officer, Ms Sue Sedivy, for their contributions to this inquiry.

Motion carried.

Motions

ADELAIDE PARKLANDS

The Hon. M.C. PARNELL (16:25): I move:

That the Adelaide Park Lands Lease Agreement between the Corporation of the City of Adelaide and the South Australian Cricket Association laid on the table of this council on 27 September 2016 pursuant to section 21 of the Adelaide Park Lands Act 2005, be disallowed.

This is an unusual motion because we do not often see these leases presented to parliament. I thought I would, at the outset, explain for members' benefit why it is that we have this issue before us and what the role of parliament is in relation to these matters. Under section 21 of the Adelaide

Park Lands Act, it basically says that the Adelaide City Council can grant leases and licences to organisations or individuals in relation to areas of the parkland, but there are some limits on what can be done. Section 21(1) of the act provides:

> (1) The maximum term for which the Adelaide City Council may grant or renew a lease or licence over land in the Adelaide Park Lands is 42 years…

The lease that has been tabled is precisely that: it is a 42-year lease—a term of 21 years with a further extension of 21 years. Section 21(2) of the act provides:

> (2) However, before the Council grants (or renews) a lease or licence over land in the Park Lands for a term of 10 years or more (taking into account any right of renewal), the Council must submit copies of the lease or licence to the Presiding Members of both Houses of Parliament.

Mr President, that happened. The Adelaide City Council presented to you, as President, a copy of the lease. Section 21(3) provides:

> (3) The Presiding Members of the Houses of Parliament must, within 6 sitting days after receiving a copy of a lease or licence under subsection (2), lay the copy before their respective Houses.

Subsection (4) provides:

> (4) A House of Parliament may resolve to disallow the grant or renewal of a lease or licence pursuant to a notice of motion given in the House within 14 sitting days after a copy of the lease or licence is laid before the House under subsection (3).

This section concludes with subsection (5) providing:

> (5) The Council may only grant or renew a lease or licence within the ambit of subsection (2) if the time for disallowance has passed and neither House of Parliament has passed a resolution disallowing its granting or renewal.

I know that is a lot of technical information to put on the record, but the nuts and bolts of it is this: until the Legislative Council, in this case, resolves whether or not it is happy with the lease that is proposed to be granted to the South Australian Cricket Association, the lease cannot be entered into. That is what the act says. It does not say, as with other disallowable instruments such as regulations, that the lease comes into existence, operates lawfully and is only ended when a disallowance motion is passed. It actually says that they cannot sign a lease until this house has dealt with it.

My reason for putting this on the record now is to enable what I hope are some fairly rapid negotiations between some of the key stakeholders. First of all, those key stakeholders are the South Australian Cricket Association; secondly, the Adelaide City Council; and thirdly, and importantly, the Adelaide Park Lands Preservation Association, because it is at their request that I have moved this disallowance motion today.

I could have waited, if I had wanted to, until the last sitting week, and that would effectively have guaranteed that nothing could happen in relation to this lease for three months. It is not my desire to unreasonably and unnecessarily delay some of the things that the South Australian Cricket Association say they want to do, but my position is that until some serious questions have been answered and we explore whether there are any amendments that might be possible to the lease, I am not prepared to just let this go through to the wicketkeeper, as it were.

What is unclear from the Adelaide Park Lands Act is whether any changes to the lease or licence would require a re-notification to both houses of parliament or whether it would be possible to simply deal with the matter in relation to the one disallowance motion. I will take some advice from the Clerk and maybe elsewhere to see what the situation is, but my hope would be that we could amend some parts of the lease by negotiation. Whether that is possible, I do not know; I have not discussed this with the South Australian Cricket Association. I have put this on the agenda now because I have only just become aware that the document was in fact tabled in parliament. It was tabled at a time when I was not here, otherwise I am sure I would have picked it up.

So, let's go to the merits of the issue. The Adelaide Park Lands Preservation Association made an extensive submission to the Adelaide City Council in relation to this lease. The land that we are talking about is Park 25, known as Narnungga. That park is probably best known to members as the one on the left-hand side as you go along North Terrace, where North Terrace and West Terrace merge, then—

An honourable member interjecting:

The Hon. M.C. PARNELL: I hear a member interjecting that the railway workers used to play cricket there. I think Old Ignatians Football Club plays there, and I think SACA have used that land for some time as well. So, that is the land we are talking about. The concerns of the Adelaide Park Lands Preservation Association are sixfold, and I want to briefly run through what they are. Their first concern is that it is an excessively long lease, and the submission of the Adelaide Park Lands Preservation Association states:

> This proposal 'locks up' a very significant acreage of Park Lands for use by SACA for 42 years, beyond 2050. Effectively, the general community will be excluded from the whole of Park 25, so that SACA can take it over for cricket, with some limited use of one oval for football during winter. There will be extremely limited public access. The lease provisions for public access are so loose as to be almost worthless. The truth is that all of Park 25 is proposed to be exclusively controlled and managed by SACA, there is no effective provisions in the draft lease that gives any assurance of public access nor 'community sports experience'. There is no public benefit to this proposal. This is an extraordinary proposal which must be modified if it is to go ahead at all. At the same time as consideration of this proposal, in contrast, the Management Strategy provides that: the 'West Park Lands Precinct shall primarily be devoted to accessible informal open space including community recreation and open woodlands.'

That is the first of the Park Lands Preservation Association's concerns—an excessively long lease. Their second concern is that this lease is contrary to the Park Lands Management Strategy which is a document, as members would know, that is prepared under the act. The strategy basically says that the priority for Park 25 is as follows:

> Deliver a high quality formal park in Park 25 that is comfortable, aesthetically pleasing and provides amenity and attractions to appeal to residents and workers from the City's west, and the broader community and that integrates with a community sporting hub providing a place of tranquillity and contemplation for staff, patients and visitors to the hospital and staff, students and visitors to the University's City West campus. Additional recreational opportunities will be created to serve the anticipated growth in residents in the north-west of the CBD.

That is the quote from the Park Lands Management Strategy. It refers to the fact that very close to this site is going to be the new Royal Adelaide Hospital, and this is the park to which people—presumably, visitors and patients—will retire when they are out from the hospital enjoying some open space and getting some air. The question that the Park Lands Preservation Association raises is: why is this lease being entered into contrary to the Park Lands Management Strategy? As they say, the lease provides for 'exclusive use' and the Park Lands Management Strategy provides for 'community use'.

The third consideration is inadequate provision for cycle linkages connecting park 25 to adjoining parks. Again, according to the submission from the Adelaide Park Lands Preservation Association:

> This proposal neglects to make proper provision for cycle connections. The consultation documents do not show any at all.

Again, the association refers to the management strategy, which calls for:

> …re-orienting and improving the existing path network, with lighting and pleasant areas in which to sit, reflect and relax…provide pedestrians and cyclists with safe, convenient linkages to the park from the new RAH and Hindley Street in the east and from Thebarton and Mile End to the west.

According to the Park Lands Preservation Association, the requirements of the management strategy are neglected in this lease and they want to see that rectified. The fourth concern is in relation to car parking on the Parklands. Again, the APPA submission says:

> This proposal includes permanent parking space for 136 cars. This is by far the largest car park in the Park Lands, excepting only temporary parking for the Royal Agricultural & Horticultural Society of SA. In the documentation, the only justification given is that there are already parking spaces in the vicinity on Park Lands. However it must be recognised that the existing spaces do not appear to have approval. They have been allowed to occur informally: 'ad hoc and unsightly.'

The fifth concern of the Park Lands Preservation Association is the inadequacy of the documentation that is provided, firstly, within the consultation documents and, secondly, within the lease itself. For example, as part of this lease there is proposed to be a new three-storey building. However, according to the association, there is no floor plan provided of the proposed building included in the documents, just some generalised perspectives and a complicated section drawing.

There appear to be no public accessible toilets, and I note the contribution we heard earlier from the Hon. Kelly Vincent. I would have thought that there can be no excuse whatsoever for allowing a new facility, being built in the Parklands in the year 2017, which is designed for the benefit of the community, including people coming from the hospital, to not have accessible toilets. I would have thought that is a no-brainer. It may be that certain assurances can be given, but certainly it does not appear to be within the documents provided in relation to the building that is proposed to be put there.

The sixth objection raised by the association is that the proposed new building is contrary to the development plan. As members know, that is the document that basically sets out the criteria for development in all parts of South Australia. There are at least four provisions in the development plan that speak against the type of development that is proposed. At least, that is the claim of the Adelaide Park Lands Preservation Association: that this SACA building is inconsistent with at least four provisions of the development plan. For example, principle of development control No. 280 states:

> Development should ensure that the desired character and environment of the Park Lands Zone is enhanced and reinforced by…
>
> (f) a reduction in building floor areas, fenced and hard paved areas;

If this proposal actually is for an increase in building floor area, an increase in exclusive area—whether or not it is fenced, we do not yet know—and certainly an increase in hard paved areas, it would certainly seem to infringe that principle of development control.

Principle No. 286 says, 'Development should not further restrict public access to land within the Parklands, including access for people with disabilities.' So, again, the case being pursued by the Adelaide Parklands Preservation Association is that more work is needed to make sure that whatever SACA does build on that site complies with these provisions, which we have to remember are provisions that apply to all development in the Parklands, whether it is by government, a sporting association or, heaven help us, private developers. They mention a number of other provisions where they say that the proposal is contrary to those provisions: that includes principle of development control No. 287 and 289.

As I have said, my interest is to try to resolve this matter quickly. I have tried to be as responsible as I can by putting it on the agenda at the first opportunity after I became aware of it. I will now be making contact with the South Australian Cricket Association, I will be talking to the Adelaide Parklands Preservation Association and to the city council. We only have a small amount of time to see whether we can resolve this before the next week of sitting, but I note that this is one of those remarkable provisions where this is my motion, it is on private member's day and it is not open to the government to step in and say, 'We're just going to kill this.'

It is on the agenda and I am seeking to resolve it as quickly as I can. If it cannot be resolved before Christmas, the lease cannot be signed before Christmas and no work can be undertaken on Park 25 until parliament resumes in February, or March, or whenever we finally deal with this. So, effectively, I want to make clear to members that, if we cannot resolve this quickly, then nothing will happen over summer.

I do not yet know what time frame SACA has for building this new building. They might just say that it's their way or the highway. If so, that will be disappointing. But, I am hoping we can get some sort of round table, get all the stakeholders together and see whether there are any changes that might be able to be made to the lease and to the proposal for the new building in Park 25.

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

Bills

PETROLEUM AND GEOTHERMAL ENERGY (UNDERGROUND COAL GASIFICATION) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:42): Obtained leave and introduced a bill for an act to amend the Petroleum and Geothermal Energy Act 2000. Read a first time.

NATURAL RESOURCES MANAGEMENT (REGIONAL NRM LEVY) AMENDMENT BILL

Introduction and First Reading

The Hon. R.L. BROKENSHIRE (16:43): Obtained leave and introduced a bill for an act to amend the Natural Resources Management Act 2004. Read a first time.

Second Reading

The Hon. R.L. BROKENSHIRE (16:43): I move:

That this bill be now read a second time.

The Natural Resources Management (Regional NRM Levy) Amendment Bill 2016: under the NRM Act of 2004, local councils in South Australia are required under the law to collect the NRM levy on behalf of the NRM boards. NRM fees are set at different rates by eight local NRM boards across the state, and NRM fees are then charged on council bills. The act requires that councils pay the NRM board the quantum identified by the Minister for Sustainability, Environment and Conservation and gazetted on an annual basis. Local councils are then reimbursed and the regional NRM board is liable to pay councils an amount based on the costs of the council in complying with the requirements of the act.

Recent reports have indicated that residents in the South-East and the Murray-Darling Basin, could be hit with a 150 per cent, or more, increase under a proposal from regional boards. In fact, I believe that is close to happening. Those in the agricultural sector have also complained of the increased costs, which can be in the thousands, due to the high value of farming land.

Evidently, increases to the NRM levy does hurt communities, particularly in rural areas, but also in the metropolitan area. Unfortunately, this government has it set up so that councils get the blame for these massive and exorbitant increases caused by the government, with millions of dollars being ripped out of the fund to Treasury and millions of dollars being ripped out of the fund to go back into the running of DEWNR.

What this bill does is propose to remove the requirement on councils to collect the regional NRM levy, and reimburse themselves, based on associated costs. Collection of the regional NRM levy will instead be the responsibility of the minister. I look forward to a nice picture of the minister on the face of the bill that he sends on behalf of his government, if this bill is successful. The most substantial change is in regard to chapter 5, part 1, division 1 of the act, which is replaced with a new division entitled Regional NRM Levy, establishing a new NRM levy collection scheme. This new division is found at clause 7 of the bill.

The new division is a mixture of provisions from the regulations and provisions under the current act relating to the collection process for outside council areas, currently under section 97 of the act. A new regulation-making power has been included for the division which enables remissions to be prescribed by regulation and enables any gaps in the new scheme to be padded out by applying the scheme under the Emergency Services Funding Act 1998. The other amendments contained in the bill are largely consequential, as a result of introducing a new NRM levy collection scheme.

The reasons for this, first of all, are that similar levies for water management and the emergency services levy are already collected directly by the government. Bold and brave governments, historically, have collected their own levies, not put it to the responsibility of the councils. The government has capacity to accommodate collection of the NRM levy through the resources of RevenueSA, and I would suggest they would have most of the database required already.

Secondly, the LGA, and the large majority of councils, support this bill. I have consulted with the LGA, which has consulted with its members. The NRM levy collection was considered at the LGA ordinary general meeting on 15 April 2016, where the LGA resolved to oppose the current collection method of the NRM levy. The LGA consulted with member councils, and 83 per cent of councils surveyed considered the reimbursement paid to councils by NRM boards does not adequately meet the costs of collecting the NRM levy. Therefore, councils are left out of pocket, and you have even higher rates or less services to ratepayers/property owners.

Based on advice provided by councils, there is over $690,000 in unpaid NRM levies across the local government sector in South Australia. Under the current scheme, councils are unfairly absorbing the costs as a result of collecting the NRM levy. These costs include, and are associated with, losses as a result of valuation objections, inquiries and complaint handling, cost of forecasting and modelling, accounting and reporting, debt-recovery costs, costs of applying rebates and costs to configure financial systems.

Further reasons why the LGA does not support the current NRM levy collection scheme include:

- councils not supporting the exponential increases to the regional NRM levy and the NRM water levy;
- many community members mistake the state government levy for increased council revenue;
- there are hidden administrative costs to councils in collecting the levy on behalf of the state, particularly in relation to non-payment and rebates;
- many councils consider that they are in fact subsidising the state government tax collection operation;
- introducing the direct collection of the emergency services levy has created an alternative to collection via councils; and
- councils object to local service delivery being reduced while cost recovery payments to DEWNR increase. Local communities are paying the price for the deep cuts to the state's environment budget in recent years.

In contrast to the NRM water levy, which is collected by the minister on behalf of the NRM boards and the minister provides to the boards only the amount collected, councils are required to provide the full amount gazetted to the NRM board, whether collected or not.

Implications of the current approaches include councils being required to use council rates to subsidise the NRM levy, potentially requiring reductions to council services, and NRM boards not receiving the expected NRM water levy and being required to make reductions or changes to their programs to accommodate shortfalls in funding received. In conclusion on my second reading on this bill, I quote directly from the LGA:

> It has become untenable for councils to continue to act as the NRM levy collection agent. The LGA has called on the state government to introduce legislative change prior to the 2017/18 budget to completely remove this obligation from the Natural Resources Management Act 2004.
>
> The LGA maintains its position based on feedback from its membership that the state government should establish a different mechanism for collecting the NRM levy.

Family First agrees with the LGA and the councils on this, and I trust colleagues will look at this as a sensible amendment to the legislation. I advise the house that, given that it is important timewise that this proceed with expediency, it is my intention to bring this to a vote very early in the sitting year of 2017. I commend the bill to the house.

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

Motions

PORT PIRIE REGIONAL COUNCIL

Order of the Day, Private Business, No. 1: Hon. A.L. McLachlan to move:

> That By-law No. 3 of the Port Pirie Regional Council concerning local government land, made on 22 June 2016 and laid on the table of this council on 5 July 2016, be disallowed.

The Hon. A.L. McLACHLAN (16:52): I move:

> That this order of the day be discharged.

Motion carried; order of the day discharged.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

Adjourned debate on motion of Hon. J.A. Darley:

That the 25th report of the committee on the Referral of the Work, Health and Safety (Industrial Manslaughter) Amendment Bill be noted.

(Continued from 2 November 2016.)

The Hon. T.A. FRANKS (16:54): I rise to make a short contribution to the parliamentary occupational safety, rehabilitation and compensation report into the Greens' Work Health and Safety (Industrial Manslaughter) Amendment Bill. I note that this is the fourth attempt to introduce such laws into this state parliament. I acknowledge the work of the Hon. Nick Xenophon (now Senator Nick Xenophon) who introduced a private member's bill in 2004 to this council. Unfortunately, that particular bill lapsed due to prorogation.

In 2010, when I was newly in this place, I became aware, and certainly very saddened, by the news of Mr Brett Fritsch, a 35-year-old man who died in July that year when a 1.8 tonne steel beam fell onto him from a soft sling during the building work at the Adelaide Desalination Plant. The Greens raised industrial manslaughter in this place in 2010, not just because of this case, but because that case embodies why this issue is so important: there are so many lives lost in our workplaces in this state. I note that the current workplace fatality toll for 2016 in South Australia is 19—that is 19 people who never came home from work. This is already an increase from last year's toll of 14 and this figure is not acceptable.

It is incredibly difficult to contact the families and the loved ones of those who have died because of a workplace incident. We have heard cases and stories of workers dying because of negligence, faulty equipment and a lack of safety standards, to mention just a few. It is because of these families and these lives lost in our workplace that the Greens and the union movement have pushed for industrial manslaughter laws in this state and, again, I acknowledge the work of the Nick Xenophon Team.

We are disappointed by the committee's recommendation to not support the introduction of industrial manslaughter laws, and we understand that at this point we have exhausted our current options to push for this particular legislative reform under a Weatherill government. We are disappointed in Labor for opposing industrial manslaughter laws, in particular, due to the fact that they declared they opposed it before the inquiry had even commenced.

I acknowledge and thank the following stakeholders for taking the time to make submissions to the inquiry or to appear as witnesses: the Motor Trade Association, the Self Insurers of South Australia, New Zealand Ministry of Justice, the National Electrical and Communications Association, the South Australian Wine Industry Association, the Housing Industry Association, Business SA, the Master Builders Association of South Australia, Civil Contractors Federation, SA Unions, SafeWork SA, Australian Constructors Association, Safe Work Australia, Ministry of Justice UK, Australian Industry Group, Flinders University's Centre for Crime Policy and Research, the South Australian Small Business Commissioner and the Law Society of South Australia.

We appreciate the effort and time that they have provided and, in particular, I thank the legal and policy interest groups, including the Law Society of South Australia, the Director of Public Prosecutions and Flinders University's Centre for Crime Policy and Research. I also acknowledge SA Unions' submission to the inquiry, in particular, stating that the proposed Work Health and Safety (Industrial Manslaughter) Amendment Bill has a deterrent value because it conveys the seriousness that parliament places upon the protection of people going to work and going about their daily lives.

One of the intentions behind introducing this particular bill was to set that deterrence, and it was introduced because of the failure of prosecutions and inadequate penalties in individual cases of workplace death in our state. The Greens respect the views of the stakeholders and understand that, based on the submissions received by the committee, the members of the standing committee do not support the proposed amendment to the Work Health and Safety Act, but I hope that the work

of this particular committee will not be lost in future debates. I note that the committee has made key recommendations, including:

> Recommendation 1…
>
> The committee recommends that:
>
> - the Director of Public Prosecutions and the Crown Solicitor establish a protocol for ensuring that due consideration be given to prosecuting under the Criminal Law Consolidation Act, where it is appropriate to do so.
> - Any such protocol should not result in prosecution delays for breaches of the Work Health and Safety Act.
>
> Recommendation 2…
>
> The Committee recommends that if an individual is charged under the Criminal Law Consolidation Act following an industrial fatality, the Crown Solicitor should still give due consideration to charging the PCBU under the provisions of the Work Health and Safety Act.

The Greens will write to the Minister for Industrial Relations and ask his office to act on these particular recommendations. I understand that the minister has four months to respond to the committee's report and I certainly look forward to that response. I put on the record also the Greens thanks for the efforts of the union movement in calling for industrial manslaughter laws and assure them that we will continue to work with them to this goal. I particularly thank the tireless efforts of my staff member, Yesha Joshi, on this matter.

Motion carried.

Motions

POWER OUTAGES

Adjourned debate on motion of the Hon. D.W. Ridgway:

1. That a select committee of the Legislative Council be established to inquire into the statewide electricity blackout of Wednesday 28 September 2016 and subsequent power outages with particular reference to—
   (a) causes of the blackout;
   (b) delays in recovering electricity supply to all parts of the state;
   (c) credible warnings of the potential for such an event;
   (d) costs to households, businesses and the South Australian economy as a whole due to the blackout;
   (e) lessons learnt from the blackout; and
   (f) any other relevant matters.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 19 October 2016.)

The Hon. R.L. BROKENSHIRE (17:00): I will be brief as I have a pair from the whips to attend a very important function. I want to speak on behalf of Family First and advise the house that straight after looking at this and talking to constituents across many parts of the state and the metropolitan area, there is no doubt in my mind that we need to support this particular select committee, albeit that select committees have been very busy in the Legislative Council. I understand a number of them are coming to completion so there should be some time to free up to look at this very important issue.

I would not want to be too presumptuous, but I suggest that I would expect that there would be support for this select committee by the government as well, because it is important that we restore faith and confidence to the South Australian community. I say that after listening to a man for whom I have a lot of respect, former police commissioner Gary Burns. The role that the government has him doing is a different role to that which the Hon. David Ridgway, for most intents and purposes anyway, has proposed with this particular select committee.

There are lots of different figures floating around that as much as $100 million has been lost, and there are figures bigger than that. It is important that we get to the bottom of that. We have had warnings before that there was a lack of focus by this state government on base load power and interconnectors that they were advised to start work on soon after coming into government some 14 years ago. We also know that electricity costs in this state are the highest of any state in Australia and arguably one of the highest in the world. This is having an enormous impact on doing business in South Australia.

I declare my own interest and my family's interest as irrigators in the cost of electricity and how food producers, farmers and households are going to afford that. I invite the Hon. David Ridgway to confirm this when he summarises at the end, but I would assume that 'Any other relevant matters' would give us the flexibility to have a look at the reliability of electricity, the sustainability of electricity and also the exorbitant cost of electricity as it is all integrated with this specific point of the causes of the blackout, the delays in recovering electricity supply, warnings for the potential of such an event and the cost to households and businesses. I trust that there is flexibility in there for any other relevant matters. With those remarks, I believe that it can only be healthy to come out with an investigation into the problems that we have around electricity.

An honourable member: Healthy!

The Hon. R.L. BROKENSHIRE: When I say 'healthy' I mean healthy from the point of view of the state's future, the interests of the state, learning from this mistake and seeing where we need to go as we move forward to get sustainable, reliable and affordable electricity so that we do not have this happen again. With those few words I support the Hon. David Ridgway's proposal.

The Hon. J.M. GAZZOLA (17:04): After listening to the Hon. Mr Brokenshire, I was very tempted to change the government's position, but I won't be. The government supports the establishment of the Legislative Council's select committee—you won us over, Brokey—into the system blackout event of the 28 September 2016. The government is resolutely committed to transparency in investigating the event and acknowledges that the select committee has the potential to address areas and possibly uncover findings that might not be made by the other inquiries into the event.

In addition to the select committee, the government also has confidence in the suite of independent inquiries that are now underway at a state and national level. I advise the council that there are seven separate inquiries operating independently of government into the system black event. As the operator of the National Electricity Market, the Australian Energy Market Operator is required to publish an incident report pursuant to clauses 4.8.15 and 3.14 of the National Electricity Rules. Their report will cover what happened, how it happened and what we should do about. it.

Members would likely already be aware that AEMO published a preliminary report into the system black event on 5 October 2016 and an update on 19 October 2016, which addresses the causes the event, restoration of the electricity supply and pre-event conditions and actions. AEMO advises that a detailed incident report could be expected to take up to six months, considering the complexities of the matters involved. However, AEMO indicates it will publish preliminary recommendations in December of this year. AEMO has significant experience and knowledge with respect to the electricity system and the government is of the view that a Legislative Council select committee will not find itself better placed than the market operator to determine a cause of the event.

The government has also ordered an independent inquiry, led by former South Australian police commissioner Mr Gary Burns, to review and investigate the circumstances surrounding the incident and consider the adequacy of the state's prevention, preparedness, response and recovery plans. The government is confident that this will capture the lessons learnt from the event. The independent electricity regulator, the Essential Services Commission of South Australia, will

investigate all generators and network businesses they licensed to determine whether there were any compliance issues on 28 September 2016.

In accordance with state legislation, the technical regulator is also required to investigate into the interruptions. At a national level, the Australian Energy Regulator will be inquiring into whether regulated entities have complied with the rules during the system black event. An extraordinary meeting of the COAG Energy Council, held on 7 October 2016, discussed the event and energy ministers agreed to a wider independent review to take stock of the current state of the security and reliability of the NEM and provide advice to governments on a coordinated national reform blueprint.

The review will be led by Chief Scientist, Dr Alan Finkel AO. The COAG Energy Council also agreed to direct the Australian Energy Market Commission to review the 28 September event in South Australia, building on the technical work currently being conducted by AEMO and the Australian Energy Regulator.

The government considers that these reviews will provide members with significant information on the cause of the event, lessons learned and any necessary actions. With the extensive body of investigative work already underway, the government views the select committee as potentially having an important complementary role that will further enhance public confidence into the processes inquiring into the event. The government supports the motion.

The Hon. M.C. PARNELL (17:08): The Greens, too, will be supporting this motion and we do so in a spirit of cooperation to try to make sure that important questions that flowed from the blackout on 28 September are answered, but also that the broader question of what the future of South Australia's energy mix should be is also addressed. Whilst I have some nervousness that the terms of reference might appear a little narrow, they do contain two terms of reference that give me some comfort.

One of them is that the committee is to look at lessons to be learned from the blackout and, finally, any other relevant matters. I think the inclusion of those two provisions does give this committee scope to look at broader issues than the simple finger-pointing that occurred in the immediate aftermath of the statewide blackout. On that basis, on the understanding that the terms of reference can be read to include some of the broader questions rather than the narrow ones, the Greens will be supporting it.

We had intended to seek the creation of an alternative select committee with slightly different terms of reference but, if this committee can do that work, that might not be necessary. We will always reserve the right to come back and look at whether another committee with different terms of reference might be better, but for now I am prepared to trust in the intelligence of those members who will be appointed to this committee to make sure that it is not too narrowly construed. However, I cannot let the moment pass without referring to some of the political reactions that took place immediately after the blackout. The two people that I would like to single out for special achievement awards are Prime Minister Malcolm Turnbull and the Hon. Barnaby Joyce.

An honourable member interjecting:

The Hon. M.C. PARNELL: An unnamed honourable member interjects: 'I knew it.' I guess that Deputy Prime Minister Barnaby Joyce is a legend in certain circles. He is known for speaking his mind but, in this case, I have to say he was dead wrong. I will start with what the Prime Minister said on the day after the blackout. He said on Triple M radio (there were some quotes that were broadcast on other radio outlets as well):

> I regret to say that a number of…state Labor governments have over the years set priorities and renewable targets that are extremely aggressive, extremely unrealistic and have paid little or no attention to energy security.

I will say that that is just rubbish. The idea of an extremely aggressive renewable energy target—as if it is something to be ashamed of, that people who have recognised the plight that the world's climate is in and have called for as rapid a shift as possible towards renewable energy—being somehow aggressive and therefore unreasonable is, I think, looking at this the wrong way. It also belies the fact that all of the evidence indicates that the primary cause of the blackout was meteorological events, including tornadoes.

The Deputy Prime Minister, just to give him his moment in the sun, criticised the state government as well. He criticised the state government for blaming the storm for the prolonged nature of the blackout. I will come to what the Bureau of Meteorology said in a minute, but Mr Joyce was reported as follows:

'It wasn't a hurricane. It was a severe thunderstorm. They've had severe thunderstorms before,' he said.

'But this idea that a storm caused the blackout. No rubbish, Sherlock, we got that part. But why couldn't you get the system up and running again?'

I think it was shameful that in the aftermath of the difficulties that all South Australians faced with their power going out, the first reaction of our Prime Minister and Deputy Prime Minister was to blame renewable energy. That was unfair, it was unreasonable, it was opportunistic. Let's have a look at what the Bureau of Meteorology said. They are the people who I trust when it comes to matters of weather. The Bureau of Meteorology said that it was 260 km/h winds that knocked down the network that led to the South Australian blackout. Referring to an article online, written by Giles Parkinson on 14 November, he says:

The Bureau of Meteorology says wind gusts up to 260km/h from a "supercell" thunderstorm and multiple tornadoes were recorded on September 28, destroying transmission towers and causing the state-wide blackout in South Australia.

The report from the BoM—which mapped the passage of storm and 7 tornadoes over critical network infrastructure—makes it clear that a freak weather event was responsible for the grid blackout, but it also raises questions about the actions of the Australian Energy Market Operator.

That is AEMO. It continues:

AEMO has attempted to shift the blame to wind energy for the blackout, but has conceded that it took no action to protect energy security as the storms rolled across the state.

In its report, BoM says it issued clear warnings of 'destructive winds' as well as heavy rainfall and large hailstones three times before the blackout, the first at 12.26pm in South Australia, the second at 2.10pm, and the third at 3.26pm. The blackout occurred at 3.38 pm.

Indeed, it had forecast a severe weather event two days earlier, given the extraordinary conditions that were developing. [The words used by the bureau were] 'Escalating confidence in the historical significance of the approaching weather system on Monday 26 September provided the SES a firm platform for pre-emptive activation strategies.'

But according to Mr Parkinson's article, AEMO did nothing and continued to run the interconnector at near full capacity and called for no contingency backup. There are other reports that refer to the weather conditions as being similar to Cyclone Tracy that destroyed Darwin, and they were nearly as high as Cyclone Yasi. They were the winds of 260 km/h.

I will not go any further into what the Bureau of Meteorology said because this committee has some work to do and, as I said, the Greens will support its establishment. I have offered to the mover to serve on the committee and I look forward to it being a genuine inquiry into how we can make sure that South Australia's electricity network is as robust as possible and as relevant as possible to a carbon-constrained future where, as a rich country, we need to play our part to reduce our carbon emissions.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:16): I rise to sum up this motion to establish a select committee. I thank the members for their contributions: the Hon. Robert Brokenshire, the Hon. John Gazzola and the Hon. Mark Parnell. The committee will deliberate on a whole range of issues around this blackout, but it is interesting to hear the Hon. Mark Parnell raise some comments about the Bureau of Meteorology. We talk about apportioning blame. I see the Treasurer, the Hon. Tom Koutsantonis, was very quick to put out a press release saying that of course it was the storm. The Bureau of Meteorology has found that super cell wind gusts of 260 km/h were the cause of the blackout.

Yet, I think there were previous reports to say that the wind farms shut down prior to those towers being blown down. Of course, we then know that the interconnector overloaded, it tripped and the rest is history. The Treasurer was very quick to try to jump in and say that the Bureau of Meteorology had established beyond doubt that it was the storm that blew the towers down, and that

caused the blackout. Clearly, that is not the case, so there is still politicking from all sides about what was to blame.

The Hon. I.K. Hunter interjecting:

The Hon. D.W. RIDGWAY: The minister has started to interject. He thinks that these people on this side of the chamber are climate change sceptics and that we are not interested in renewable energy.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: The only way my mother could put food on the table when she was first married was to use renewable energy. The only way we could generate electricity to the house was through our little 32-volt wind turbine; we had a windmill to pump water so that she could cook. So, when you think you have just arrived at the table on renewable energy, you are decades late to the table when it comes to renewable energy.

We can have those debates about what was to blame. I was interested to know that the Hon. Mark Parnell talked about the wind gusts being as high as Cyclone Yasi, or maybe not quite as high, but when Cyclone Yasi went through Queensland, Brisbane did not lose its electricity. I think they are some of the issues I want to explore. How have we let our network get to the point where we have a very strong storm event, a super cell—whatever you like to call it, a mini tornado or cyclone—and yet our network has failed because of it.

I think that is the key. We have 41 per cent of our energy needs now from renewable energy. I do not think there is anybody who does not think that renewable energy is a good thing to aspire to, but has that led to a network that is vulnerable when we have storm events and therefore leaves the rest of the country or the rest of the state exposed?

The Port Augusta power station has closed; it no longer operates. Had that still been operating, I would be very keen to look at whether the system would have still worked. We have four transmission lines to Port Augusta: three blew down and one was still standing. If we had a base load generator in the north of the state, would that have kept the lights on?

The Hon. Robert Brokenshire talks about losses. As a state, I think we generate around $400 million worth of products and services a day. Statewide, we probably did not lose a whole day, but certain parts of the state were off for significant periods of time, such as Whyalla, Nyrstar at Port Pirie, Olympic Dam and Eyre Peninsula. There are a whole range of things that happened and I think the role of this committee is to get a bit of an understanding and to make sure that these sorts of things do not happen again.

Clearly, the Chief Scientist, Dr Finkel, is doing a study into the future and what the network should look like. We will all be interested in that because we cannot afford to just say, 'Oh well, this was a freak bit of nature and it won't happen again.' We have no base load generation in South Australia and we have a large proportion of renewable energy. There is discussion around the interconnectors, and two or three have been floated worth billions of dollars, which is a possible solution. I think that is where the Chief Scientist's report will come in. However, as members of parliament, we have a responsibility not to—

The Hon. I.K. Hunter: To put out cheap press releases.

The Hon. D.W. RIDGWAY: I haven't put out any—

The Hon. I.K. Hunter: All of your press releases are cheap.

The Hon. D.W. RIDGWAY: The minister wants to interject; it's been a bit cheap, some of his interjections. At the end of the day, the government of the day, the citizens of South Australia and businesses need to have confidence that we have a network that is affordable, reliable and, of course, everybody wants it to be as green and free of pollution as possible. However, at the end of the day, if you want investment in this state, we need to have a network that is reliable, above all else, and that is also as affordable as possible.

This probably is not part of the select committee's remit, although I know both the Hon. Robert Brokenshire and the Hon. Mark Parnell want to delve off into the 'any other relevant matters', but if we are in a national space, we do have to be competitive with the other states. If we are in a national electricity market—okay, WA is not in the market, but the rest are—at some point this nation has to grapple with how it is that we can have players in the market where one is significantly more expensive than the others.

This select committee maybe presents an opportunity to address that so that we can have a better look at what we need to do going forward about planning. As much as the Hon. Mark Parnell loves wind power, he thought it was a poor approach when we had the ministerial DPA for wind farms. There was no evidence that we needed to take away appeal rights, but the government of the day decided they did need to. There has been a whole range of activities that have gone on. I am hopeful that the select committee will look at all those issues. With those few words, I thank all members for supporting the select committee.

Motion carried.

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

That the select committee consist of the Hon. G.E. Gago, the Hon. M.C. Parnell, the Hon. T.J. Stephens, the Hon. R.L. Brokenshire and the mover.

Motion carried.

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

That the select committee have the power to send for persons, papers and records, to adjourn from place to place and to report on 30 November 2016.

Motion carried.

Members interjecting:

The PRESIDENT: Order!

Bills

NATURAL RESOURCES MANAGEMENT (REGIONAL NRM LEVY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The PRESIDENT (17:24): The Natural Resources Management (Regional NRM Levy) Amendment Bill 2016, introduced this day by the Hon. R.L. Brokenshire, is deemed a money bill as it deals with taxation and can only originate from the House of Assembly, as per division 5 of the Constitution Act 1934. I therefore rule the bill out of order and that it must be withdrawn from the order of proceedings. I would like to have talked to the Hon. Mr Brokenshire, but he is not here.

Members interjecting:

The PRESIDENT: Order!

Bill withdrawn.

STEEL INDUSTRY PROTECTION BILL

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Amendment No 1 [Lucas–1]—

Page 3, lines 27 to 29—Delete the clause

I indicated at the second reading a week or so ago (I cannot remember how long ago it was) that the Liberal party room had taken the decision, which I outlined at the second reading, to support a general scheme that allowed transparency in terms of what steel was being used in South Australian government-funded projects, but not to mandate the use of Australian steel.

At that time, I quoted the South Australian government's policy, which was to support Australian standard steel—that is, steel from anywhere in the world that met Australian standards. That was the South Australian government's position. I outlined the Australian government's position and what they had done to support Arrium, the people of Whyalla, and South Australia generally. I think some recent statements in terms of additional staff being employed at Arrium—

Members interjecting:

The CHAIR: Mr Lucas, you can now continue.

The Hon. R.I. LUCAS: I have great respect for the Government Whip and, if he comes across the chamber to conduct business, I will give him his due. To continue: I have outlined the position of the Liberal parliamentary party room at the second reading, and this amendment is consistent with that, as indeed are the remainder of the amendments. Essentially, it is a package of amendments.

The Hon. M.C. PARNELL: I am looking for a government response, if they have one, to the amendment before I make a few remarks.

The CHAIR: Minister, any government response to this? Let's hear from you, anyway.

The Hon. M.C. PARNELL: If there is not going to be a government response, then I will put my position on the record. It does make divisions more likely when we don't know what are people's views on the topic. I will say that from the Greens' perspective we are very disappointed that these amendments (and I will treat this amendment as a test for all of the others) effectively gut the main provision of the bill.

As members would appreciate, there are two main themes in this legislation. The first one is an obligation for public projects to use Australian-made steel, and the second is an obligation on government agencies to report how much Australian steel they use. The effect of the Liberal Party amendments is to remove all references to the obligation to use Australian steel.

As the Hon. Rob Lucas said in his contribution, the approach that has been taken by the government requiring the use of Australian standard steel is good enough, and so the question then is: is that a proxy for Australian-made steel? My view is that it is not. It is entirely possible for other countries to meet the Australian standard, make that steel, and thereby satisfy the government's requirement.

Now, I think where this approach comes from is that a lot of the cheap Chinese steel that has been dumped onto the Australian market has not been of Australian standard. At some small level, it has historically been a proxy for Australian-made steel, but that situation cannot be guaranteed into the future. If the only protection that is offered is a government requirement that Australian standard steel be used, I think we will find that the proportion of Australian steel declines as other countries meet that standard and send their products to the Australian market.

My position is that the Greens oppose these amendments. We want the bill to be passed in its entirety, unamended. However, I am at a slight disadvantage as to whether we should divide on this amendment until I hear the government's position. I appreciate that the government is opposing the whole bill, but we have not tested the idea about whether they are going to accept the bill as amended by the Liberal Party. They might choose to do that. I have a few more remarks. I think there are frantic conversations occurring outside the chamber, but I will not let that distract me. I did go to Whyalla last week—

The Hon. R.I. Lucas: Has the government confirmed to you that they are going to vote against the whole bill?

The Hon. M.C. PARNELL: I am pretty sure they said that in the second reading speech. I went to Whyalla last week and I took the opportunity to catch up with the union. Without putting words into their mouths, I think they were pleased that there was a glimmer of hope on the horizon, with the 44 extra jobs, the extra shift on the rolling mill, that is as a result of some railway projects. The union appreciates that that particular project will not last for ever. What the workers of Whyalla need is an assurance that their jobs are secure into the long term.

What they really need is a long-term commitment by the government of the day to use locally produced steel in public projects. The importance of putting this measure into legislation is that it will bind the government of the day, unless the parliament repeals or amends the bill. The Greens' position is to not accept the amendment. I would urge all honourable members to vote against it. I am interested to hear whether the government has a position on this amendment now.

The Hon. J.A. DARLEY: I indicate that I will not be supporting any of the Liberal amendments but I will be supporting the bill.

The Hon. M.C. PARNELL: I am looking for a sign. I am going to very quickly call 'Divide' if by chance it does not get through on the voices. I am giving the government one more opportunity. If they have something to say, they can say it, otherwise we will test the will of the house in the time-honoured fashion of counting heads.

The CHAIR: Any further contributions?

The committee divided on the question that clause 4 stand as printed:

Ayes 9
Noes 5
Majority............ 4

AYES

Darley, J.A.	Franks, T.A.	Gazzola, J.M.
Hood, D.G.E.	Hunter, I.K.	Maher, K.J.
Malinauskas, P.	Ngo, T.T.	Parnell, M.C. (teller)

NOES

Dawkins, J.S.L.	Lucas, R.I. (teller)	McLachlan, A.L.
Stephens, T.J.	Wade, S.G.	

PAIRS

Brokenshire, R.L.	Lensink, J.M.A.	Gago, G.E.
Lee, J.S.	Kandelaars, G.A.	Ridgway, D.W.

Clause thus passed.

Remaining clauses (5 to 9) and title passed.

Bill reported without amendment.

Third Reading

The Hon. M.C. PARNELL (17:41): I move:

That this bill be now read a third time.

The Hon. R.I. LUCAS (17:41): As I outlined at the second reading explanation, the Liberal parliamentary party room's position on this was that we would support an amended bill, but that the party room's position is not to support the bill as was originally introduced. The Hon. Mr Parnell understands that, so we will be opposing the third reading of the bill.

The council divided on the third reading:

While the division was in progress:

Members interjecting:

The Hon. T.A. FRANKS: There is a certain female member who cannot be in the vote right now because she has a small child and we do not have family friendly practices in this place that allow strangers of breast feeding age to be in this place for all counts. Other parliaments across this country do. What is South Australia doing?

The PRESIDENT: There are no restrictions for someone to breastfeed a child; it is her choice to be outside.

The Hon. T.A. FRANKS: No, it is not her choice when we have unfriendly family practices in this parliament that other—

The PRESIDENT: No, you made a comment that someone is outside breastfeeding because they could not come in here.

The Hon. T.A. FRANKS: No, I didn't say that.

The PRESIDENT: You did. That is what I heard.

The Hon. T.A. FRANKS: I said parliaments across the country have family friendly policies so that they can come into a chamber during—

The PRESIDENT: Let's deal with the issue at hand.

Ayes................5
Noes 12
Majority 7

AYES

Darley, J.A.	Franks, T.A.	Hood, D.G.E.
Parnell, M.C. (teller)	Vincent, K.L.	

NOES

Dawkins, J.S.L.	Gazzola, J.M.	Hunter, I.K.
Lee, J.S.	Lucas, R.I. (teller)	Maher, K.J.
Malinauskas, P.	McLachlan, A.L.	Ngo, T.T.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.

Third reading thus negatived.

Motions

INDIAN AUSTRALIAN ASSOCIATION OF SOUTH AUSTRALIA

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

That this council—

1. Congratulates the Indian Australian Association of South Australia for celebrating its 50th anniversary;
2. Acknowledges the commitment of the association's committee and volunteers, past and present, for continuously showcasing the vibrant Indian culture in South Australia;
3. Recognises the importance of its establishment and achievements over the last 50 years in the promotion and preservation of Indian heritage and for enriching the multicultural landscape of South Australia; and
4. Acknowledges the economic, social and cultural contributions by the Indian community in South Australia.

(Continued from 19 October 2016.)

The Hon. T.T. NGO (17:48): I rise to support this motion. I would like to acknowledge the Hon. Jing Lee for moving this motion to congratulate the Indian Australian Association of South Australia (also known as IAASA) on its 50th anniversary. May I point out to other honourable members that IAASA will turn 50 next year, as the Dr Joshua, the Dr Mazumdar and the Dr Nayak families established the India Club of South Australia in 1967, which was renamed IAASA in 1974.

The association began as an informal Indian club and has grown substantially over the years from a few families to around 1,600 members. Its membership is varied, with doctors, engineers, bus drivers, taxi drivers, social workers, and students, just to name a few. They all bring their diverse cultural values, talents and experiences to the association. India is a vast country with diverse religions, languages and customs. IAASA aims to bring the South Australian Indian community together with the broader South Australian community, as well as assisting new migrants.

The association has a committee and I am told that a new committee was recently elected in October. The new team comes from various states of India, speaks regional languages and follows different religions. This diversity will be beneficial as the association continuously works to bring all regional groups and Indian associations together as one. The committee works tirelessly to organise exhibitions, get-togethers, cultural activities, barbecues, annual dinner dances, the annual Indian Mela and Independence Day celebrations and regular sports activities.

My understanding is that this Friday 18 November, the committee is reintroducing the three Fs program, which stands for friends, family and fun. This program will bring together the community, including new arrivals, and also aims to encourage them to get involved in various activities. The program is running every third Friday of the month. The association will use the program to provide information sessions for new migrants and students, as well as games, cultural activities and community dinners. In recent years, the wider South Australian Indian community has shown great interest in IAASA. A number of members and non-members have been involved in various activities throughout the year.

As a result, the association has organised many successful events and the association's profile has grown, not only within the local Indian community, but also in the wider South Australian community. I recently had the pleasure of attending the IAASA Diwali Gala Dinner, which was at the Intercontinental Hotel. The ballroom was at capacity and I am told the event was sold out pretty much within a week. The colourful dinner displayed the diverse traditions of India. I enjoyed the traditional dance performances, songs, prayers and food. I congratulate IAASA and its new committee for a job well done in organising this great event.

The association is in the process of organising next year's Mela Festival, which celebrates Indian food and culture. The Mela Festival has grown since it was first held in 1992 at the Fullarton Park Community Centre grounds. Over the years it has been held at several different locations across Adelaide, and last year it relocated to the Adelaide Showground. The festival is a great opportunity for the local Indian community and businesses to showcase their talents, share their culinary delights and the richness of their culture with the wider community. It is certainly a colourful and vibrant festival, and I very much look forward to receiving an invitation from the association.

On another matter, I would like to put on the record that I congratulate the Indian community in Australia for the leadership they have shown so far on the terrible death of a bus driver in Queensland. His name was Manmeet Alisher. He was recently killed in a shocking circumstance. I cannot imagine what would happen if this incident was reversed. The Indian community is a very diverse religious community and they have so far shown what a wonderful community they are. Through this experience, they have demonstrated their love of Australia, and they have shown that they are here to contribute and to build this nation.

For the action the community has shown so far, I would like to thank them on behalf of all the members in this chamber. They have been very reserved, and they have held back a lot of their anger, so I thank them for that. Once again, I would like to congratulate the Indian Australian Association of South Australia on turning 50 soon. I look forward to the association reaching further anniversaries and seeing what the recently elected committee does for their community and the wider community.

The Hon. T.A. FRANKS (17:59): It is an absolute honour to stand here on behalf of the Greens to support the Hon. Jing Lee's motion acknowledging 50 years of the Indian Australian Association of South Australia. It is impossible to highlight this organisation's commitment to peace and harmony in such a short contribution, but I shall do my best. The Indian Australian Association of South Australia (IAASA) was formed by three Indian families—the Joshua family, the Mazumdar family and the Nayak family—who initially set up IAASA as an informal social club to interact with the Indian community 50 years ago. At the time, there were only a few handfuls of Indian families residing in our state.

The social club was set up as a formal association at their AGM held in April 1974 and the executive committee was democratically elected. The association met regularly at the North Adelaide Primary School. These meetings were an opportunity for members to get together on a Sunday afternoon, read Indian newspapers and magazines, and converse over chai. If you have not tried traditionally made Indian chai yet, Mr President, I highly recommend it.

The association currently comprises over 250 families and is the peak Indian body of South Australia, representing the diverse culture of India. The association has organised many cultural events since its commencement with Indian cultural evenings, cooking classes, Indian food fairs, and Indian dance and drama during the Adelaide Festival of the Arts. Some of their most successful events include the Indian Mela, an annual food and cultural festival which occurs every year in the month of March at Elder Park and is celebrated by roughly 6,000 people. It is a privilege to be able to celebrate a vibrant colourful culture right here in our own backyard.

The Indian community of South Australia contributes both economically and culturally to our state, making it a diverse and multicultural place to live. The community promotes peace and harmony and has always sought to be an inclusive, welcoming community by inviting people from all walks of life and backgrounds to attend their events and festivals. I know many in this place have attended Indian festivals and events, in particular the Diwali festival, or as it is also known, the light festival.

It is vital then that we recognise some of the challenges facing our migrant communities. It was incredibly disheartening to read about the Campbelltown City Council's decision to reject the Punjabi Association of South Australia's application to host the Diwali festival at Thorndon Park. Councillors John Kennedy and Neville Grigg did not support the festival, with Mr Grigg saying, 'was no way known that they will be speaking English all day,' and Mr Kennedy said, 'We will probably get them turning around, shrugging their shoulders and saying 'me know nothing'.' The quotes continue:

> I am not against multiculturalism, but ethnic groups do have a habit of hiding behind their language as we have seen over the years with certain groups in Campbelltown.

This is a classic 'I'm not a racist but' comment, 'I'm not a racist but I will make a racially discriminatory comment directed specifically at a migrant community,' as occurred in this particular case. It is perceived as acceptable that comments like this, the normalised language of racism, are often used to describe people of diverse and ethnic backgrounds. It is unacceptable.

I am still perplexed as to what the 'hiding behind their language' even means, but I will say that these sorts of racist and derogatory comments have no place in our community, society or our places of decision-making whether local councils, state parliaments or federal parliaments. I note that according to the 2011 Census data there are some 788 people who identify with the Hindu religion in the city of Campbelltown. This figure may well be up to 1,000 by now, so how disappointing and disheartening it is to know that we still have racism in that community.

I believe we need to encourage members of the migrant community to speak up against racism and support those who wish to make formal complaints to bodies like the Equal Opportunity Commission. If we, as parliamentarians, engage and celebrate the cultural diversity and the festivals, we should also be standing alongside them and empowering them to stand up together to eradicate racism.

The Greens were pleased to know that the state government and the Adelaide City Council offered the Punjabi Association public parklands for the Diwali festival and that in the end it was a very successful event. It is due to the contribution of organisations like IAASA that we celebrate

diversity, and I wish them another prosperous 50 years in advancing and promoting the Indian culture of our state.

The Hon. J.S. LEE (18:04): I thank the Hon. Tung Ngo and the Hon. Tammy Franks for supporting this motion to congratulate IAASA on their 50th anniversary and to recognise the rich dimension the Indian community adds to the landscape of multicultural South Australia. Their contribution has enriched all of us in the way we have demonstrated ourselves and our heritage as a very multicultural state. I thank members for their support.

Motion carried.

Bills

RELATIONSHIPS REGISTER (NO 1) BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:05): I move:

That this bill be now read a second time.

I seek leave to have inserted into *Hansard* the second reading speech and explanation of clauses without having to read them.

Leave granted.

South Australia has a strong record of ensuring that relationships of all kinds are given the respect and acceptance they deserve through its laws. We have been a state that has rightly responded to the generations of brave activists who have spoken up for equality. Throughout our recent history, we have made a number of changes to our legislation and policy in relation to lesbian, gay, bisexual, transgender, intersex and queer ('LGBTIQ') people. Changes that are focussed on including all South Australians in all aspects of South Australian community life. Whilst we have achieved much, more needs to be done. What we are doing through this bill is part of that great tradition of striving to achieve equality and inclusivity and it represents a significant step on the road to ending discrimination.

In January 2015, our Attorney-General gave the South Australian Law Reform Institute ('SALRI') reference to inquire and report on South Australian laws that discriminated on the grounds of sexual orientation, gender, gender identity and intersex status. Following their review, SALRI released a number of reports. On 2 June 2016, SALRI released a report entitled *Rainbow Families: Equal Recognition of Relationships and Access to Existing Laws Relating to Parentage, Assisted Reproductive Treatment and Surrogacy.* The report encapsulated SALRI's review of equal recognition of relationships and parenting rights and surrogacy in South Australia, and recommended a number of changes which are well overdue.

On 30 June 2016, SALRI released a report entitled *Lawful Discrimination: Exceptions under the* Equal Opportunity Act 1984 *(SA) to unlawful discrimination on the grounds of gender identity, sexual orientation and intersex status*. Some recommendations made by that report are complex and consultation will occur to consider those recommendations. However, there are a number of recommendations in that report included in this Bill to expedite the removal of discrimination in our legislation.

On 26 July 2016, I was proud that this Parliament passed the Statutes Amendment (Gender Identity and Equity) Bill 2016. That Bill removed binary notions of sex and gender and amended provisions of South Australia's legislation which previously failed to set out how the law would apply to a person who is intersex or gender diverse. The Bill also removed interpretive language in South Australia's legislation that had the potential to discriminate against people based on their relationship status.

This Bill, when passed, will create an option for couples in any relationship to more easily demonstrate their status when dealing with various bodies, including government agencies and service providers, in order to have their relationship respected and access their rights and entitlements.

The Bill will achieve this through the implementation of the recommendations set out in the SALRI *Equal Recognition of Relationships* report as they relate to the establishment of a relationship register, amendment of access and eligibility provisions and the amendment of the *Wills Act 1936*.

The relationship register, once established, will also ensure that South Australia is in line with the federal government's moves to remove discrimination of unmarried people whether in heterosexual or non-heterosexual relationships. The Commonwealth has amended its *Acts Interpretation Act 1901* to define a 'de facto partner' in its legislation to include partners in registered relationships under a prescribed law of a State or Territory. The Government will work with the Commonwealth to have this Bill added as a prescribed law once passed by the South Australian Parliament. This Bill, once passed, will also bring South Australia into line with other jurisdictions that have relationship registers, including the Australian Capital Territory, New South Wales, Victoria and Tasmania.

This Bill recognises that people in South Australia choose to enter diverse types of relationships. Unmarried couples, whether in heterosexual or non-heterosexual relationships, will be able to register their relationships, receive a certificate of registration and know that their relationship is respected and recognised here in South Australia. The register provides an important avenue for all couples to express their commitment to each other in a dignified and legally recognised way.

This reform respects the dignity of unmarried couples. It does this by creating a mechanism through which couples can register with ease their relationship and through this mechanism, it will be easier for couples to prove that they are in a genuinely committed relationship. This will make simpler the process of seeking access to entitlements and to asserting their rights as a couple, including in situations of a medical nature.

Couples who choose not to register their relationships will not be disadvantaged as the provisions regarding de facto relationships will not be altered by this Bill. A registered relationship is not, of course, a marriage. Sadly, our South Australian Parliament has no constitutional power to legislate in relation to marriage. However, this Bill does recognise the freedom of individuals to choose to enter relationships in diverse forms and provides legal recognition and support for that choice.

I turn now to the key features of the Bill. The object of the Bill is to provide for the legal recognition of persons in a relationship as a couple, regardless of their sex or gender identity, by registration of the relationship. The Registrar of Births, Deaths and Marriages will administer the register. Registration will be voluntary. A couple must apply to the Registry of Births, Deaths and Marriages to have their relationship registered. This recognises individual autonomy, with partners voluntarily choosing to register their relationship and to be bound by the legislation.

Clause 5 of the Bill provides that a relationship will be eligible for registration where the two parties are in a relationship as a couple, are adults, where at least one resides in South Australia, where neither party is married, in another registered relationship or in a relationship as a couple with another person and where the parties are not related to each other. As with the Australian Capital Territory, New South Wales, Victorian and Tasmanian schemes, it will not be a requirement for registration that couples live together. The Government considers that people may genuinely be in a committed relationship even though they do not live together. This may be for reasons relating to employment, arrangements for medical treatment, convenience or personal choice.

The registration of a relationship will be void under clause 14 of the Bill if registration was prohibited when it was registered – that is, where the person or persons did not meet the eligibility requirements. The registration will also be void if the agreement to registration was obtained by fraud, duress or other improper means or if, at the time of registration, either party was mentally incapable of understanding the nature and effect of registration. Clause 14 also empowers a court to declare a registration void.

Clause 6 deals with applications for registration. To apply, both parties will need to sign a statutory declaration stating that they meet the eligibility requirements and that they wish to register the relationship. They will also need to provide evidence of their identity and age. A fee will be payable with the application to register and the amount will be set by regulation.

The effect of clause 8 and clause 9 is that, on receipt of a valid application and after a 28-day cooling-off period, the Registrar must register the relationship. The cooling-off period is designed to ensure that the decision to register a relationship is a considered one. Either party may withdraw his or her application during the cooling-off period. This has similarities with the *Marriage Act 1961* (Cth) whereby at least one month's notice must be served before a marriage can be lawfully solemnised.

Clause 13 provides for automatic revocation of registration if one of the parties dies or marries. There is also provision in clause 10 to revoke registration of a relationship in cases where a relationship has broken down. The Registrar can revoke the registration of a relationship on the application of one or both of the parties. If only one partner wishes to have the registration revoked, he or she will have to demonstrate that notice has been served on the other party. The Registrar can dispense with that notice requirement if satisfied that it is not reasonably practicable to give notice as required. This ensures that no person should have to remain in a registered relationship if they do not wish to, while recognising the right of the other person to be duly informed.

To ensure that registrations are not revoked lightly and to encourage people to think carefully before entering into registered relationships, clause 11 creates a 90-day cooling-off period before a registration can be revoked. This is consistent with the New South Wales relationships register framework.

The Bill also provides for the potential recognition of interstate registered relationships. Clause 26 provides that regulations may declare that a class of relationships registered or recognised under a corresponding law of another State or Territory, or of another country, are 'registered relationships' for the purposes of the Act. This will ensure couples that register their relationship in another jurisdiction and then move to South Australia do not have to re-register their relationship in this State. This will also provide for the automatic recognition of recognised overseas non-heterosexual marriages under South Australia law. This provision is vital to ensuring that circumstances such as those experienced by the family of Mr David Bulmer-Rizzi, upon his tragic death in South Australia, can be avoided in the future.

The Bill also makes a number of consequential amendments to other legislation to ensure that all of the recommendations of the SALRI report are captured. The Bill will amend:

- the *Births, Deaths and Marriages Registration Act 1996* to amend the general functions of the Registrar to include the functions to be conferred on the Register by this Bill, when passed;
- the *Domestic Partners Property Act 1996* to amend the definition of 'domestic partner' to include a person in a registered relationship;
- the *Equal Opportunity Act 1984* to:
  - amend the definition of 'domestic partner' to include a person in a registered relationship;
  - remove the current exemption excluding particular fertilisation procedures from the definition of 'service' for the purposes of the *Equal Opportunity Act 1984*;
  - extend the protections offered under Part 3 of the *Equal Opportunity Act 1984* to people who identify as intersex; and
  - ensure that the Equal Opportunity Commission has sufficient powers to issue practice guidelines with respect to the protections and exemptions set out in the *Equal Opportunity Act 1984*; and
- the *Wills Act 1936* to include references to 'registered relationships' wherever required.

The Bill, as introduced in the other place, also proposed the following consequential amendments:

- the amendment of the *Assisted Reproductive Treatment Act 1988* to clarify that a person can access assisted reproductive treatment if, in the person's circumstances, they are unlikely to become pregnant other than by an assisted reproductive treatment procedure and include the guiding principle that people seeking to undergo assisted reproductive treatment procedures must not be discriminated against on the basis of their sexual orientation, marital status or religion; and
- the amendment of the *Family Relationships Act 1975* to:
  - amend the definition of 'qualifying relationship' to include a relationship between two people who are partners irrespective of their sex or gender identity;
  - with respect to assisted reproductive treatment, introduce transitional provisions to ensure that couples who have had a child as a result of assisted reproductive treatment since the enactment of the *Family Relationships (Parentage) Amendment Act 2011*, but prior to the introduction of the relationships register as proposed in this Bill, and who subsequently meet the amended definition of 'qualifying relationship', are presumed to be the parents of the child born of the assisted reproductive treatment; and
  - with respect to surrogacy, permit access to surrogacy for domestic partners (including parties to a registered relationship) or sole commissioning parents, regardless of sex, gender identity or marital status ; and

The Bill has been split and those amendments will now be dealt with by way of a separate Bill.

Following the passage of this Bill, a consequential amendments bill will also be introduced to address references to marriage-like relationships throughout South Australia's legislation and ensure that, where relevant, those references are amended to take into account persons in registered relationships. It is also intended that, in due course, the remaining recommendations set out in the SALRI's report of 30 June 2016 will be fully considered.

This Bill is a crucial and strong step towards removing discrimination against unmarried couples, whether they are in heterosexual or non-heterosexual relationships. It provides a mechanism for demonstrating their love and shared commitment and facilitates the recognition of such relationships for practical purposes. It also demonstrates a respect for the many diverse relationships in our community and, rightly, promotes a more inclusive South Australia. I commend the step that this bill takes towards equality and I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Object

The object of this measure is to provide for the legal recognition of persons in a relationship as a couple, irrespective of their sex or gender identity, by registration of the relationship.

4—Interpretation

This clause sets out the definitions of words and phrases for the purposes of this measure, including the following:

the *Registrar* is the Registrar of Births, Deaths and Marriages within the meaning of the *Births, Deaths and Marriages Registration Act 1996* (the *BDMR Act*);

a *registered relationship* is a relationship that is registered under this measure.

Part 2—Registered relationships

Division 1—Registration

5—Eligibility for registration

This clause sets out the eligibility requirements for registration of a relationship under this measure and provides that 2 adults who are in a relationship as a couple, irrespective of their sex or gender identity, may apply to the Registrar for registration of their relationship.

A relationship cannot be registered—

- unless at least 1 of the adults resides in South Australia; or
- if—
    - either adult is married; or
    - either adult is already registered under this Act or a corresponding law as being in a registered relationship or a corresponding law registered relationship; or
    - either adult is in a relationship as a couple with another person; or
    - the adults are related by family.

6—Applications for registration

This clause provides for the application procedure for registration. An application for registration of a relationship is to be made in the form approved by the Registrar and must be accompanied by—

- a statutory declaration by each person in the relationship stating the following:
    - that the person wishes to register the relationship;
    - that the person is in a relationship as a couple with the other person;
    - that the person is not married;
    - that the person is not registered under this measure or a corresponding law as being in a relationship or a corresponding law registered relationship;
    - that the person is not in a relationship as a couple with a person other than the other applicant;
    - that the person does or does not reside in South Australia;
    - that the person is not related to the other applicant by family; and
- evidence of the identity and age of each person in the relationship; and
- the fee prescribed by the regulations; and
- any other documents and information prescribed by the regulations.

7—Cooling-off period for registration

This clause provides that the Registrar must not register a relationship before the end of the cooling-off period (being a period ending 28 days after the application is made) for the registration application (which application may be withdrawn at any time during the cooling-off period).

8—Registration of relationships

This clause provides that the Registrar must register a relationship in the Register as soon as practicable after the end of the cooling-off period if—

- the Registrar is satisfied that the relationship may be registered under this Act; and
- the application has not been withdrawn.

9—Commencement of registered relationships

This clause provides that a registered relationship will be taken to commence when the Registrar makes an entry relating to the relationship in the Register, including any particulars required by regulation.

Division 2—End of registered relationships

10—Applications for revocation of registration by parties

This clause provides for an application to be made by 1 or both persons in a registered relationship to the Registrar to revoke the registration of the relationship. The clause sets out the requirements for making such an application.

11—Cooling-off period for revocation applications

This clause provides that the cooling-off period for a revocation application is the period ending 90 days after the application for revocation is made. An application may be withdrawn during this period.

12—Revocation on application by 1 or both persons

This clause provides that the Registrar must revoke the registration of a registered relationship as soon as practicable after the end of the cooling-off period if an application is made under this Division and the Registrar is satisfied that the application has not been withdrawn.

13—End of registered relationships

This clause provides that the registration of a registered relationship is revoked—

- on the death of a person in the relationship;
- on the marriage of a person in the relationship;
- if an application for the revocation of the registration of a relationship has been made under the Division—when the Registrar makes an entry relating to the revocation of the relationship in the Registrar, including any particulars required by regulation.

14—Void registrations

This clause provides that registration of a relationship is void if—

- when the relationship was registered, registration under this measure was prohibited; or
- the agreement of 1 or both of the persons in the relationship to the registration was obtained by fraud, duress or other improper means; or
- when the relationship was registered, either party was mentally incapable of understanding the nature and effect of the registration.

Part 3—Relationships register

Division 1—Keeping the Register

15—Relationships register

This clause provides that the Registrar must maintain a register of registered relationships (the *Relationships Register*) which—

- must contain the particulars of each registered relationship required under this Act to be included in the Register in a form determined by the Registrar; and
- may contain further information if its inclusion is authorised under the regulations.

The Register may be wholly or partly in the form of a computer data base, in documentary form, or in another form the Registrar considers appropriate.

Division 2—Registrar's powers of inquiry

16—Registrar's powers of inquiry

This clause gives the Registrar power to conduct an inquiry to find out—

- particulars to verify information given for, or in connection with, an application for registration of a relationship or revocation of registration; or
- whether particulars of a registered relationship have been correctly recorded in the Register.

This clause is similar to section 41 of the BDMR Act.

Division 3—Correction of Register

17—Registrar's power to correct Register

This clause allows the Registrar to correct the Register—

- to reflect a finding made on inquiry under the previous Division; or
- to bring the particulars contained in an entry about a registered relationship into conformity with the most reliable information available to the Registrar of the registered relationship.

This clause is similar to section 42 of the BDMR Act.

Division 4—Access to, and certification of, Register entries

18—Access to Register

19—Search of Register

20—Protection of privacy

21—Issue of certificates

Clauses 18 to 21 mirror sections 43 to 46 of the BDMR Act.

22—Falsification of certificate etc

This clause mirrors section 53 of the BDMR Act.

23—Access policies

This clause mirrors section 47 of the BDMR Act.

24—Fees

25—Power to remit fees

Clauses 24 and 25 mirror sections 48 and 49 of the BDMR Act.

Part 4—Recognition of corresponding law registered relationships

26—General requirements for corresponding laws

This clause provides that the regulations may declare that a class of relationships registered or recognised under a corresponding law are *corresponding law registered relationships* for the purposes of this measure.

Without limiting the generality of that statement, the general requirements for a relationship to be registered or formally recognised under a corresponding law are that the relationship—

- must be between 2 adult persons; and
- must have been entered into consensually; and
- must not be between persons who are related by family; and
- must not be entered into by a person who is already married; and
- must not be entered into by a person who is already in a relationship that is registered or formally recognised under that law.

27—Corresponding law registered relationships taken to be registered relationships under this Act

This clause provides that a corresponding law registered relationship, that is not a marriage within the meaning of the *Marriage Act 1961* of the Commonwealth, will be taken to be a registered relationship under this measure, and a person who is in a corresponding law registered relationship may apply to the Registrar for a certificate to that effect.

Part 5—General power of review

28—Review

This clause allows a person who is dissatisfied with a decision of the Registrar made in the performance or purported performance of functions under this measure to apply to the Magistrates Court for a review of the decision. On such a review, the Court may—

- confirm, vary or reverse the Registrar's decision; and
- make consequential and ancillary orders and directions.

Part 6—Miscellaneous

29—False representation

This clause makes it an offence to make a false or misleading representation in an application or document under this Act, knowing it to be false or misleading. The penalty for the offence is a fine of $1,250.

30—Unauthorised access to or interference with Register

This clause makes it an offence (the penalty for which is a fine of $10,000 or imprisonment for 2 years) if a person, without lawful authority—

- obtains access to the Register or information contained in the Register; or
- makes, alters or deletes an entry in the Register; or
- interferes with the Register in any other way.

31—Regulations

This clause makes provision for the making of regulations for the purposes of the measure.

Schedule 1—Consequential, related and other amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

2—Amendment of section 6—Registrar's functions

The proposed amendments to section 6 are consequential on the enactment of this measure.

Part 3—Amendment of *Domestic Partners Property Act 1996*

3—Amendment of section 3—Interpretation

The amendments proposed to section 3 of the principal Act are consequential on the enactment of this measure and make provision for domestic partners to include persons in a registered relationship.

Part 4—Amendment of *Equal Opportunity Act 1984*

4—Amendment of section 5—Interpretation

The amendments proposed to section 5 of the principal Act are consequential on the enactment of this measure and make provision for domestic partners to include persons in a registered relationship.

5—Amendment of section 29—Criteria for discrimination on ground of sex, gender identity, sexual orientation or intersex status

It is proposed to amend section 29 to prohibit discrimination on the ground of a person's intersex status and substitute binary language for gender neutral language.

6—Amendment of section 30—Discrimination against applicants and employees

7—Amendment of section 31—Discrimination against agents and independent contractors

8—Amendment of section 32—Discrimination against contract workers

9—Amendment of section 33—Discrimination within partnerships

10—Amendment of section 34—Exemptions

11—Amendment of section 35—Discrimination by associations

12—Amendment of section 36—Discrimination by qualifying bodies

13—Amendment of section 37—Discrimination by educational authorities

14—Amendment of section 38—Discrimination by person disposing of an interest in land

15—Amendment of section 39—Discrimination in provision of goods and services

16—Amendment of section 40—Discrimination in relation to accommodation

17—Amendment of section 45—Charities

18—Amendment of section 47—Measures intended to achieve equality

The amendments proposed in clauses 6 to 18 are consequential on the proposed inclusion in section 29 of the protection against discrimination based on a person's intersex status.

19—Insertion of Part 6A

It is proposed to insert a new Part after section 91 of the principal Act.

Part 6A—Practice guidelines

91A—Commissioner may issue practice guidelines

New section 91A makes it clear that the Commissioner may issue practice guidelines (to be published on the Commissioner's website) on any matter relating to the principal Act. In preparing practice guidelines, the Commissioner should consult with persons or bodies that the Commissioner considers represent the areas or persons to whom the practice guidelines will relate.

91B—Effect of practice guidelines

New section 91B clarifies that practice guidelines are not legally binding but a court or the Tribunal may consider evidence of compliance with practice guidelines if relevant to any matter before the court or Tribunal under the principal Act.

Part 5—Amendment of *Wills Act 1936*

20—Insertion of section 19A

It is proposed to insert a new section 19A at the beginning of Division 4 of Part 2 of the principal Act dealing with the revocation of wills. It is intended that the action of entering into a registered relationship or revoking a registered relationship will have the effect of revoking a will just as getting married or terminating a marriage has that effect.

19A—Interpretation

New section 19A inserts definitions of *partner* and *registered relationship* for the purposes of the Division.

21—Amendment of section 20—Will to be revoked by certain events

The amendments proposed to section 20 of the principal Act use gender neutral language and provide that the entering into a registered relationship by a person will revoke any will previously made by the person in the same way that getting married revokes a previously made will. However, a will made in contemplation of the registration of a relationship will not be revoked by the commencement of the registered relationship contemplated.

22—Amendment of section 20A—Effect on will of termination of a marriage or registered relationship

23—Amendment of section 22—In what cases wills may be revoked

These proposed amendments are consistent with the amendments proposed to sections 19, 20 and 20A of the principal Act.

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

ADOPTION (REVIEW) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:06): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech and explanation of clauses inserted into *Hansard* without having to read them.

Leave granted.

The *Adoption Act 1988* was a landmark piece of legislation that introduced 'open adoption'.

This meant that parties to adoptions completed after the Act came into force could have access to identifying information about each other once the adopted child turned 18 years of age.

It also meant that parties to a past adoption, which as we know were conducted in a climate of secrecy, could in certain circumstances, obtain access to identifying information about the other parties. Vetoes were also provided for to enable people concerned about their privacy to restrict the release of their identifying details.

Another significant reform at that time was a change in the definition of marriage in the Act to include de facto relationships, extending the right to apply to adopt a child to established couples not legally married.

Of particular importance was the introduction of a definition of Aboriginality and the inclusion of provision for the placement of Aboriginal children. By introducing these provisions, the Act recognised the importance of Indigenous children growing up in their own communities, connected to their identity, culture and heritage.

In 1994, after five years of operation, selected provisions in the Act were reviewed through a public consultation process. As a result, amendments were enacted in 1997 mainly around the provisions relating to past adoption matters and access to adoption information. The amendments also abolished the provision for the adoption of people between the ages of 18 and 21 and a new clause was inserted into the Act to ensure greater flexibility for community consultation on the operation of the legislation.

While this last provision has underpinned regular community and intergovernmental consultations carried out through the Department administering the Act, now the Department for Child Protection, aside from some minor amendments, there has been no further review of the Act since 1997.

In February 2012, the report on the national inquiry into the *Commonwealth Contribution to Former Forced Adoption Policies and Practices* was tabled in the Senate. This landmark report laid bare for the nation the abhorrent adoption practices of the past which forcibly separated thousands of Australian children from their mothers.

One of the recommendations of that inquiry was that state and territory governments issue formal statements of apology for the harm suffered by so many parents and children who were forcibly separated from each other.

Accordingly, on July 18, 2012, in this House, the South Australian Government was the first Australian jurisdiction after the tabling of the report, to issue an apology on behalf of the people of South Australia. In delivering the Apology, Premier Jay Weatherill expressed 'our determination to ensure that such things never happen again'.

On March 21, 2013, fulfilling another recommendation of the Senate inquiry, then Prime Minister Julia Gillard apologised on behalf of the nation for these past forced practices, and set in motion several national initiatives to provide specialist professional services for people haunted by the experience of forced adoption.

Against this backdrop, the changing landscape in modern adoption practices and community attitudes about how families are constituted, in 2014, the South Australian Government commissioned Associate Professor Lorna Hallahan of Flinders University to undertake an independent review of the Adoption Act.

I sincerely thank Associate Professor Hallahan for her thorough Review and for her excellent report, which has provided a clear framework for examining this sensitive topic through the lens of what is best for the child. Her rigorous approach, her profound understanding of child development and protection and the importance of family relationships, as well as her long experience in developing public policy, have been invaluable in delivering this Bill to modernise the South Australian Adoption Act.

I also would like to thank all those who contributed to the Review. Many people wrote to the Review or met with Associate Professor Hallahan personally to share their experiences, research and insights into this extremely complex and sensitive area.

Terms of Reference

First and foremost, the terms of reference required that the Review ensure the rights and best interests of the child remain paramount. Taking into account the impact in South Australia of the broad changes in the field of adoption in the years since the last review of the Act, the Review was to include:

- consideration of national reforms in intercountry adoption;
- recent inquiries, current research, activities and attitudes in Australia in relation to past adoption practices;
- the interface between adoption and children in the child protection system requiring permanent care; and
- any other relevant matters, including concerns relating to the administration of the Act and Regulations.

Specific issues were to be considered:

- adoption information vetoes;
- adoption of a person over the age of 18 years;
- retention of the child's birth name;
- same-sex couple adoption;

- single person adoption;
- discharge of adoption orders in certain circumstances.

The Review commenced in November 2014,with a public consultation phase spanning early January to 30 June 2015, followed by consultations with specialists in the field.

The Review's report was delivered by Associate Professor Hallahan in November 2015 and published on the Department's website and the Government's *YourSAy* website on March 5, 2016.

Around 500 submissions were received from the public during the consultation period, many of these submitted on the *YourSAY* website. Approximately 60 private interviews were conducted at the request of individual people, 15 specialist consultations were held and an extensive literature review was also conducted.

The Review also attracted an electronic petition containing more than 15,000 signatures requesting same sex couples be eligible to adopt. The Minister for Education and Child Development was proud to accept this petition at a reception in Parliament House earlier this year.

Associate Professor Hallahan also held discussions with Ministers of the South Australian Government, other parliamentarians and with Executive Officers and staff of the Department.

She also held discussions with Commissioner Margaret Nyland of the Child Protection Systems Royal Commission. I note the Final Report of the Royal Commission considered the question of adoption from care and its findings on that question generally aligned with those of the Review. The Bill reflects the findings of the Royal Commission in respect of adoption and specifically aligns with Recommendation 157.

The Review considered the legacy of the closed adoption practices of the past before the *Adoption Act 1988 established* open adoption in South Australia.

It also considered the need for the Act to establish optimal conditions for adoption in this era to ensure past injustices are not carelessly repeated and that children's rights, including their relationship rights, and their life-long welfare and best interests are at the forefront of all adoption proceedings.

In Associate Professor Hallahan's words, the recommendations of the Review focus on both the 'restorative' and 'constructive' functions of the Act, and make a number of specific recommendations for legislative change and improved practice.

Since the publication of the Review report, community feedback has been received and taken into account in the drafting of the Bill, as have some additional administrative matters that have arisen in the process.

The *Adoption (Review) Amendment Bill 2016* is the culmination of this important work and the key amendments to the Act are as follows:

- Expansion of the objects and guiding principles, replacing current section 7, which sets out a general statement of the principle that the child's interests are paramount in all proceedings under the Act. The amendments provide for more specificity, including matters for consideration that the Department and the Court must take into account when contemplating adoption for a child.
- Elevation of the Aboriginal and Torres Strait Islander Child Placement Principle into the objects and guiding principles, updating relevant definitions and enhancing the matters which the court must consider in section 11 when making an adoption order for an Aboriginal or Torres Strait Islander child. The amendments also make explicit that the Court must apply the Principle in making an adoption order in relation to an Aboriginal or Torres Strait Islander child. This change aligns with the findings of the Child Protection System Royal Commission, which included that there is currently no requirement to consult with an Aboriginal organisation in relation to the adoption of Aboriginal children. The Royal Commission considered it appropriate that such a provision be included.
- Replacement of the definition of *marriage relationship* with *qualifying relationship*, throughout the Act. *Qualifying relationship* means 'the relationship between 2 persons who are living together in a marriage or marriage-like relationship (irrespective of their sex or gender identity)'. This supports the adoption of children by same-sex couples, which will be subject to a conscience vote by Government members. This fulfils the Review recommendation that same-sex couples be able to adopt a child, and is in line with the Government's commitment to remove discrimination in South Australian legislation on the grounds of sexual orientation, gender, gender identity and intersex status.
- Inclusion of a requirement that the Court will not make an adoption order in relation to a child unless satisfied that adoption is in the best interests of the child and clearly preferable to any alternative order that may be made under the laws of the State or the Commonwealth.

This amendment aligns with Recommendation 157 of the Child Protection Systems Royal Commission, which provided that the Government consider the question of adoption where it is in the best interests of the child and an Other Person Guardianship order would not be appropriate.

- Reinstatement of powers for the Court to make orders for the adoption of an adult where there has been a significant parent to child relationship between the person and the prospective adoptive parents, and where the person to be adopted understands the consequences on their interests, rights and welfare. Provision for adult adoption was previously removed from the Act by amendments made in 1997. This change brings South Australia into step with most other Australian jurisdictions.

  This reflects the Review's findings that under certain circumstances adults should be able to be adopted, with no restrictions as to the age of the person to be adopted. The Review found that this is an important provision for adults who have previously been in care or who have been brought up by a step parent. The amendments also address situations where an adult, who as a child was under the Minister's guardianship pursuant to the *Children's Protection Act 1993*, and their carers are seeking an adoption order.

  This new provision is welcomed by the Government because it assists people who have been in foster care as children to formalise their relationship with their carers into adulthood if they wish to. In seeking an adoption order, they are able to make their own decision about what they believe is best for them.

- Introduction of a new provision for adoption orders to be discharged by the Court on the grounds that it is in the best interests of the adopted person, taking into account their rights and welfare. This provision may be used by parties to an adoption, particularly adopted people, who feel aggrieved by the adoption and seek to have it undone.

  During the Review, Associate Professor Hallahan was persuaded by the argument that 'where the state has blundered in effecting an adoption that placed a child in grave risk, the state should have the power to undo such arrangements'.

  While the Review report focussed on neglect and abuse within the adoptive family as grounds for discharge of adoption orders, Associate Professor Hallahan also identified that 'bewilderment about identity and belonging is among a range of harms that adoptees may experience'. She therefore suggested 'that the Act incorporate a wide typology of harm including but not confined to certain forms of childhood abuse.'

  While a number of Australian jurisdictions provide for discharge of adoption orders in certain circumstances, the Review suggested the Tasmanian model be followed which the Bill has largely done. The key factor here is the case management approach and that the person seeking the discharge of their order does not have to attend the Court hearing as the Department may make the application on their behalf.

- Inclusion of arrangements for consent by parents or guardians under 16 years of age. The amendments provide that in such cases, at least two psychologists will need to state that the parent or guardian has been counselled by the psychologist at least three days before giving consent to ensure they are able to properly do so.

- Provision for retention of a child's original first name, except in specific circumstances. The amendments provide that should a child's name be changed, their second name may become their first name, or they may be given another name of significance to the child themselves.

  Throughout the Review, Associate Professor Hallahan examined the issue of identity formation for adoptees. Although there were few submissions addressing name retention, we know how important a child's original name is to their identity formation. Associate Professor Hallahan recommended an adopted child's original first name always be retained except in exceptional circumstances.

- Inclusion of new arrangements for temporary care of a child whose parents are in the process of considering adoption for them. This provides for short term voluntary care, where a parent is able to enter into an agreement with the Chief Executive in respect of a child prior to giving final consent to the adoption. An agreement may be in place for a maximum of one year before an alternative arrangement is made by the family to care for the child or the child is adopted. If the child is in need of care and protection, the necessary orders are sought under the *Children's Protection Act 1993*.

- Insertion of new provisions to address access by an adopted person to information about their grandparents, currently not possible in circumstances where the birth parent who relinquished them was also an adopted person. This creates consistency with current arrangements where grandparents of an adopted person can obtain information about the adopted person once they are over the age of 18.

- Provision of additional discretion for the Chief Executive to withhold adoption information from a party to an adoption where it poses a serious risk to the life or safety of a person and, in the case of the information of an adopted person that was adopted before 17 August 1989, discretion to withhold information from another party to the adoption where it is in the best interests of the adopted person.

- Repeal of section 27B which provides for the issuing of vetoes. Under current arrangements, vetoes are available to each party to the adoption: the adoptee; the birth parents; and the adoptive parents, who may place a veto that can be renewed every five years. The Bill provides transitional arrangements,

including that all existing vetoes will continue for five years from the commencement of the amendments. After the five year transition period all vetoes will expire and will not be able to be renewed.

The Bill provides that a person whose veto expires after at the end of the transition period may make a *statement of wishes* about contact with the other parties to the adoption. This statement will be held into the future by the Department and the Registrar of Births, Deaths and Marriages and is to accompany the release of any associated adoption information to another party to the adoption.

Adoption information vetos are a sensitive matter and were introduced into the current Act as a way of trying to bridge the gap between past closed secret practices and the new openness in adoption emerging in the 1980s.

Currently, South Australia is the only jurisdiction that provides for adoption information vetoes. The Northern Territory is the only other jurisdiction that retains adoption information vetoes and only one veto was in place there as at 30 June 2015.

An adoption information veto prevents other parties accessing identifying information about the person who placed the veto. When an adoptee has a veto in place, mothers and fathers cannot find out information about their child who was adopted into another family. Where a birth parent has a veto in place, adoptees cannot know about their origins or reconnect with the family into which they were born.

South Australia's first adoption Act was introduced in 1926. Between then and 1989 when the current Act was introduced, approximately 24,000 adoptions were completed in this State, affecting more than 100,000 people as primary parties to the adoption—adopted people, birth mothers and fathers, and adoptive mothers and fathers.

Since 1989, the Department has processed approximately 13,000 applications for identifying adoption information, indicating the overwhelming trend towards openness in past adoption. At 30 June 2016, South Australia had 375 vetoes in place, with 53 being renewed in the 2015-16 financial year. Although this is a relatively small number compared to earlier years, these current vetoes impact on the lives of many South Australians, including the five primary parties to adoption and their extended family members.

The Government recognises that some people seek to preserve their veto and there is a genuine dilemma between the right to knowledge and the previously upheld commitment to privacy. However, the Review found that vetoes 'impinge the principle of open adoption and can preserve life-long identity impairing impacts for adopted persons'. The Government supports this contention. Therefore, the Bill provides that section 27B is repealed with information vetoes to expire after the five year transition period with no introduction of contact vetoes, as recommended by the Review.

However, as negotiated through amendments in the other place the Bill provides additional discretion for the Chief Executive to withhold the information of an adopted person who was adopted before 17 August 1989 where it is in the best interests of the adopted person. This additional discretion addresses concerns raised by some Members in the other place that for some adopted persons that have previously held information vetoes the release of identifying information would not be in their best interests.

During the five year transition period, the Department will provide services to support people affected by the expiry of a veto.

- Inclusion of new arrangements for the Department to take reasonable steps to inform birth parents and adopted people if one or the other dies. The Registrar will provide monthly reports to the Department about deceased individuals it has identified as a party to an adoption in South Australia. The Department will ensure the other party is notified, including birth siblings of an adopted person if they are known to the Department.

  This will potentially prevent some of the distress caused when people search for parents or children they have been separated from by adoption, but find it is too late.

  It was also clarified in the other place that the fact the deceased person held a current veto will not prevent the release of relevant adoption information about deceased person.

- Insertion of new arrangements which will enable the Registrar of Births, Deaths and Marriages to register an adopted child's birth to reflect the 'truest possible' account of their biological parentage and at the same time ensure any certificates produced make clear who is the child's legal parent. The changes to the legislation will introduce retrospectivity, so people adopted in the past can have, on application, an integrated birth certificate showing both sets of parents. This is in line with the relevant recommendation of the 2012 Senate inquiry into the *Commonwealth Contribution to Former Forced Adoption Policies and Practices*.

  The Review found that a birth certificate is a foundational document that establishes a person's biological and familial beginnings. For adopted people, Associate Professor Hallahan found that 'this foundational story is disrupted' contributing to a distortion of identity formation.

- Modernisation of penalties within the legislation is also achieved by the Bill.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Adoption Act 1988*

4—Insertion of section 3

The objects of the Act and guiding principles for administration of the Act are set out.

5—Amendment of section 4—Interpretation

Definitions are inserted for the purposes of the measure, including—

- a definition of the Aboriginal and Torres Strait Islander Child Placement Principle; and
- a definition of *child* that now includes a person who is aged 18 years or more in respect of whom an order for adoption under this Act is sought or has been made; and
- a definition of a *qualifying relationship* for the purposes of adoption, which means the relationship between 2 persons who are living together in a marriage or marriage-like relationship (irrespective of their sex or gender identity).

6—Repeal of section 7

The repeal of section 7 is consequential on the insertion of section 3.

7—Amendment of section 8—General power of Court

This amendment relates to the expansion of the definition of *child* to include persons aged 18 years or more.

8—Amendment of section 9—Effect of adoption order

This amendment is consequential, substituting the term qualifying relationship for marriage relationship.

9—Amendment of section 10—No adoption order in certain circumstances

The amendment provides for a general rule relating to adoption orders for children less than 18 years of age. The Court will not make an order unless satisfied that adoption is in the best interests of the child and, taking into account the rights and welfare of the child, clearly preferable to any alternative order that may be made under the laws of the State or the Commonwealth.

The other amendments are consequential.

10—Insertion of section 10A

This amendment proposes to substitute a new section 10A to provide for requirements relating to the adoption of children who have turned 18:

10A—Adoption of child who has turned 18

The requirement provided for are—

- that a significant parent to child relationship existed between the prospective adoptive parent or parents and the child before the child attained the age of 18 years; and
- that the child appears to understand the consequences of adoption on the child's interests, rights and welfare.

Certain relevant considerations are provided for, such as whether the child was cared for by the prospective adoptive parents prior to reaching the age of 18 years (including, for example, if the child was placed in their care under the *Children's Protection Act 1993*.

11—Amendment of section 11—Adoption of Aboriginal or Torres Strait Islander child

The amendment provides for a general rule relating to adoption orders for Aboriginal or Torres Strait Islander children. The Court will not make an order in relation to an Aboriginal or Torres Strait Islander child unless satisfied

that adoption is in the best interests of the child and, taking into account the rights and welfare of the child, clearly preferable to any alternative order that may be made under the laws of the State or the Commonwealth.

Certain other requirements are provided for, including that the Aboriginal and Torres Strait Islander Child Placement Principle be applied.

12—Amendment of section 12—Criteria affecting prospective adoptive parents

Currently, an adoption order may only be made in favour of 2 persons if they are cohabiting together in a marriage relationship for a continuous period of at least 5 years (or less than 5 years in special circumstances). The substitution of existing section 12(1) and (2) with proposed section 12(1) would allow an adoption order to be made in favour of 2 persons if—

- they are in a qualifying relationship and have been living together continuously for at least the prescribed period (irrespective, in the case of married persons, of the date on which the marriage occurred) before the making of the order; or
- they are in a qualifying relationship and the Court is satisfied that there are special circumstances justifying the making of the order.

Currently, an adoption order may only be made in favour of 1 person where the person has cohabited with a birth or adoptive parent of the child in a marriage relationship for a continuous period of at least 5 years or if the Court is satisfied that there are special circumstances that justify the making of an order in favour of 1 person. Proposed section 12(3)(a) would allow an adoption order to be made in favour of 1 person if—

- the person is in a qualifying relationship with a birth or adoptive parent of the child and—
    - has been living together with that parent continuously for at least the prescribed period (irrespective, in the case of married persons, of the date on which the marriage occurred) before the making of the order; or
    - the Court is satisfied that there are special circumstances justifying the making of the order.

In addition, proposed section 12(3)(b) would allow an adoption order to be made in favour of 1 person if the person is not in a qualifying relationship and the Court is satisfied that there are special circumstances justifying the making of the order.

The *prescribed period* is a period prescribed by the regulations, or, if no period is prescribed, 5 years.

13—Substitution of section 14

A scheme for the discharge of adoption orders is provided for:

14—Discharge of adoption orders

The grounds for applying for a discharge order are provided for. The scheme then requires that an investigation into the circumstances relating to the application for the discharge order be undertaken and authorises the Court to make a discharge order following an investigation if it thinks an order should be made (unless it appears to the Court that to do so would be prejudicial to the rights, welfare and interests of the adopted person).

The persons who can apply for a discharge order are provided for, as well as procedural matters such as consequential and ancillary orders that the Court may make.

14—Amendment of section 15—Consent of parent or guardian

Certain amendments are consequential.

Another amendment requires the consent of a parent or guardian less than 16 years of age to be endorsed by at least 2 psychologists authorised by the Chief Executive with a statement from each psychologist to the effect that the parent or guardian has been counselled by the psychologist at least 3 days before the giving of consent and the psychologist is of the opinion that the parent or guardian appears to have a sufficient understanding of the consequences of adoption such that the parent or guardian is able to make a responsible decision in relation to the consent.

15—Amendment of section 18—Court may dispense with consents

The ground for dispensing with consent in section 18(1)(d) is proposed to be deleted.

16—Amendment of section 23—Name of child

The substitution of section 23(3) requires that the Court not change a first name of a child on adoption (in addition to the existing requirements in that subsection, which continue to be included in subsection (3)) unless—

- the first name is offensive or unsuitable; or

- another child of the adoptive parents has the same first name.

In addition, if the Court changes the first name of a child, seek to change the first name—

- so that the child's second name becomes the first name of the child; or
- to another name brought to the attention of the Court that is of significance to the child, taking into account the child's identity, language and cultural and (if relevant) religious ties.

17—Insertion of section 24A

A scheme for the making of voluntary custody agreements during consideration of whether to have a child adopted is provided for.

18—Amendment of section 25—Guardianship of child awaiting adoption

This amendment is consequential on the expansion of the Court's power to make adoption orders to include adoption of a child who has turned 18.

19—Amendment of section 27—Right to obtain information once adopted person turns 18

Proposed section 27(3a) provides for an additional circumstance in which the Chief Executive can provide information about an adopted person's birth parents.

The amendment to section 27(5) provides that a person is not entitled to obtain information under the section if the Chief Executive considers—

- it would give rise to a serious risk to the life or safety of a person; or
- (in the case of information relating to a person adopted before 17 August 1989, it would not be in the best interests of the adopted person, taking into account the rights and welfare of the adopted person and any other prescribed matter.

20—Substitution of section 27B

Currently, section 27B allows adopted persons, birth parents and adoptive parents to direct the Chief Executive that information that would enable them to be traced not be disclosed (an 'old section 27B direction', also known as an 'information veto'). The amendment proposes to substitute a new section 27B:

27B—Limitation of right to obtain information relating to adoption prior to commencement of Act in certain cases

Proposed section 27B continues any old section 27B direction in effect at the time of commencement of the provision for another 5 years, at which time it ceases to have effect. The Chief Executive must not disclose information in contravention of an old section 27B direction.

In addition, proposed section 27B also allows a person whose information veto is in effect at the time of commencement of the provision to provide the Chief Executive with a statement of wishes relating to contact, which, once the person's veto expires, is to be sent to any person who obtains information from the Chief Executive about the person who gave the statement.

21—Amendment of section 27C—Interviews

This amendment is consequential.

22—Amendment of section 28—Certain agreements illegal

The penalty is increased.

23—Amendment of section 29—Negotiation for adoption

The penalty is increased. Other amendments are consequential.

24—Amendment of section 30—Enticing child away

The penalty is increased.

25—Amendment of section 31—Publication of names etc of persons involved in proceedings

The concept of 'publication in the news media' is amended with a definition of 'publish' inserted into the interpretation section.

The penalty is increased.

Other amendments are consequential.

26—Amendment of section 32—Publication of certain material related to adoption

This amendment is also related to the change in section 31 relating to 'publication in the news media'.

The penalty is increased.

27—Amendment of section 33—False or misleading statements

The penalty is increased.

28—Amendment of section 34—Impersonation

The penalty is increased.

29—Amendment of section 35—Presenting forged consent

The penalty is increased.

30—Insertion of section 40A

This amendment proposes to substitute a new section 40A:

40A—Notification of death of party to adoption

A requirement is imposed on the Chief Executive to take reasonable steps (if appropriate) to inform certain persons of the death of an adopted person (when the Chief Executive is informed of the death by the Registrar of Births, Deaths and Marriages). In addition, if the Chief Executive receives information about the death of a birth parent of an adopted person the Chief Executive must take reasonable steps (if appropriate) to inform the adopted person of the death.

Provision is also made to allow the Chief Executive to give birth parents or an adopted person information about a deceased adopted person or birth parent (as the case requires) despite the deceased having a direction under section 27B (a 'veto') in effect at the time of death.

31—Substitution of section 41

Currently, section 41 provides that, on adoption of a child, the Registrar of Births, Deaths and Marriages must cancel any former entry in the Register relating to the child and make a fresh entry containing a statement of the date and place of birth of the child and the names of the adoptive parents. However, currently, the Court can direct the Registrar not to cancel an entry (under a scheme set out in existing section 41(2) and (3)).

This amendment proposes to substitute a new section 41 and 41A:

41—Registration

Proposed section 41 sets out a scheme relating to the making of entries and access to information in the Register (under the *Births, Deaths and Marriages Registration Act 1996*) with respect to adopted persons.

The Registrar is no longer required to cancel entries on adoption of children. Instead, on adoption, the Registrar must add a note to the entry in the Register of births relating to the child containing the names of the adoptive parents (if the child's birth is registered in this State). For children born outside the State, the Registrar must make an entry containing a statement of the date and place of birth of the child and the birth parents of the child (if known) as well as the adoptive parents.

In relation to an adopted person who is less than 18 years of age, subject to some exceptions, the Registrar must not allow any person access to information contained in an entry in the Register of births with respect to the adopted person. Proposed subsection (4) sets out the exceptions. Basically, the exceptions are—

- a party to an adoption may access information in the Register about the adopted person if a *consent notice* has been given by the parties to the adoption; and
- certain parties are allowed access to certain information (as set out in the subsection).

Where access is given under subsection (4), it includes access to a *cancelled entry*, which is defined to mean any entry formerly made in the Register relating to an adopted person that was cancelled by the Registrar before the day on which proposed section 41 comes into operation.

In relation to an adopted person who is aged 18 years or more, subject to proposed section 41A, the Registrar may allow access to information contained in an entry in the Register of births with respect to the adopted person (see proposed subsection (6)).

Where access is given under subsection (6), it includes access to a *cancelled entry* as follows:

- the adopted person or a birth parent may have access to the cancelled entry; or
- any other person may have access to the cancelled entry if the Chief Executive authorises the Registrar to give access to the cancelled entry.

Such authorisation cannot be given if the Chief Executive is of the opinion that to do so would give rise to a serious risk to the life or safety of a person.

Provision is made for a statement of wishes (about contact) given under section 27B to be provided by the Registrar when giving access to the Register.

41A—Limitation of right to access information on register relating to person adopted prior to commencement of Act in certain cases

The purpose of proposed section 41A is to continue old section 41 directions in effect for 5 years after the commencement of the measure and retain the current rules about access to information on the Register where an old section 41 direction remains in place.

Currently, the Registrar must not, except on the authorisation of the Chief Executive, allow any person access to information contained in—

- an entry cancelled under subsection (1) of old section 41 (being entries cancelled from 17 August 1989 until the commencement of new sections 41 and 41A); or
- an entry in the Register of births relating to a person who was adopted before the 17 August 1989 (the day on which the *Adoption Act 1988* commenced).

Moreover, currently, the Chief Executive cannot give the Registrar an authorisation to allow access to such information relating to a person adopted before the 17 August 1989 if a birth parent of the adopted person has directed the Chief Executive not to do so (an 'old section 41 direction').

Proposed section 41A continues any old section 41 direction in effect at the time of commencement of the provision for another 5 years, at which time it ceases to have effect. The Chief Executive must not, in contravention of an old section 41 direction, authorise the Registrar to allow access to—

- information contained in an entry cancelled under subsection (1) of old section 41 (being entries cancelled from 17 August 1989 until the commencement of new sections 41 and 41A);
- information in an entry relating to a person who was adopted before 17 August 1989.

In connection with the continuation of old section 41 directions, proposed section 41A(3) provides that the Registrar must not, except on the authorisation of the Chief Executive, allow any person access to the information referred to in the above 2 dot points.

However, even while old section 41 directions continue, adopted persons who have turned 18 and birth parents may be given access to information contained in an entry cancelled under subsection (1) of old section 41 without the authorisation of the Chief Executive.

32—Amendment of section 42—Regulations

One amendment relates to ensuring that the terminology in the regulations (which currently refer to 'fit and proper' persons) matches the terminology in the Act ('suitable' persons).

Another amendment allows the maximum penalty for a breach of a regulation to be fixed at $10,000.

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

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Final Stages

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

At 18:08 the council adjourned until Thursday 17 November 2016 at 14:15.