LEGISLATIVE COUNCIL

Tuesday, 29 November 2016

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

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

Bills

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliament House Matters

BREASTFEEDING

The PRESIDENT (14:20): I have had no representations nor has anyone requested this but there is an issue I would like to advise the chamber about. Any person who needs to bring a child into this chamber and who needs to breastfeed that child will have the full support of the President and, I imagine, the council.

Honourable members: Hear, hear!

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General—Reports—
Examination of the Brown Hill and Keswick Creeks Storm Water Management Project, November 2016
Health Information Technology Systems, 2015-16

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

Report, 2015-16 Anzac Day Commemoration Council

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

Reports, 2015-16—
Balaklava Riverton Health Advisory Council Inc.
Berri Barmera District Health Advisory Council Inc.
Breakaways Conservation Park Co-Management Board
Construction Industry Training Board
Coorong Health Service Health Advisory Council Inc.
Dame Roma Mitchell Trust Fund Boards of Advice
Eudunda Kapunda Health Advisory Council Inc.
Hawker District Memorial Health Advisory Council
Mid North Health Advisory Council Inc.
Mount Gambier and Districts Health Advisory Council Inc.
Murray Bridge Soldiers' Memorial Hospital Health Advisory Council Inc.
Northern and Yorke Peninsula Health Advisory Council Inc.

Renmark Paringa District Health Advisory Council Inc.
Southern Flinders Health Advisory Council Inc.
Veterinary Surgeons Board of South Australia
Regulations under the following Acts—
Children's Protection Act 1993—Miscellaneous
Health Care Act 2008—Private Hospitals
SACE Board of South Australia Act 1983—Fees

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

Reports, 2015-16—
Department of Planning, Transport and Infrastructure
Review of the Operations of the Independent Commissioner Against Corruption and the Office for Public Integrity
Review under section 74A of the Police Act 1998
Regulations under the following Acts—
Serious and Organised Crime (Control) Act 2008—Prescribed Forms of Association
South Australian Civil and Administrative Tribunal Act 2013—Enforcement of Monetary Orders
Rules of Court—
Magistrates Court—Magistrates Court Act 1991—Amendment No. 59
Supreme Court—Supreme Court Act 1935—Special Applications Supplementary—Amendment No. 4

Parliamentary Committees

SELECT COMMITTEE ON EMERGENCY SERVICES REFORM

The Hon. R.L. BROKENSHIRE (14:22): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. J.S.L. DAWKINS (14:23): I lay upon the table the report of the committee on the Inquiry into Unconventional Gas Fracking in the South-East of South Australia.

Report received.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:23): I bring up the report of the committee, 2015-16.

Report received and ordered to be published.

Ministerial Statement

CHILD PROTECTION SYSTEMS ROYAL COMMISSION

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) (14:24): I table a ministerial statement made by the Premier in the other place entitled, 'A fresh start. Government of South Australia's Response to the Child Protection System's Royal Commission Report.'

MURRAY-DARLING BASIN PLAN

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:24): I seek leave to make a ministerial statement on the subject of the Murray-Darling Basin Plan.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: The River Murray is critical to our state's future. We rely on it for our drinking water and it is the backbone of our agricultural and industrial sectors. What we have learned from the millennium drought is that we need to develop a comprehensive plan to ensure the River Murray has a healthy and sustainable future.

We need a plan for the River Murray because we know that from 2001 to 2009 South Australia, Queensland, Victoria and New South Wales faced the most severe drought ever recorded. As record low inflows into the Murray piled up year after year, we saw our dam capacity in capital cities plummet. Across the Murray-Darling Basin, reservoirs were down to an extremely dangerous 8 per cent of active capacity by April 2007.

For farmers, the drought was an unimaginable disaster. Despite more than $4.5 billion in drought relief funding, plus additional loans, we saw almost 6,000 jobs lost to the Murray region and a huge reduction in agricultural output right across the basin. During the peak of the drought in South Australia we saw water flow down the river reduce from an average of 5,400 gigalitres in a good year to just 960 gigalitres by 2007-08.

I know, with the current conditions we are experiencing following severe rains and storms, that it can be difficult to remember how dire the circumstances were just a few years ago. At the time, Adelaide residents were placed on level 3 water restrictions, which included banning the use of sprinklers and concerns that we might be forced to use bottled water for drinking purposes.

The Murray Mouth faced the very real prospect of drying up, even with significant dredging efforts—dredging efforts that continue to this day. The Coorong struggled for survival due to the extreme level of salinity, and we saw Lake Alexandrina and Lake Albert reach their lowest points in a thousand years, with Lake Alexandrina falling to an incredible 1.1 metres below sea level. South Australian irrigators started 2007-08 and 2008-09 with just 2 per cent of their normal water allocation, the lowest on record.

That is the backdrop on why the South Australian community, led by the state government, fought every step of the way for the Murray-Darling Basin Plan to ensure the health of the river was restored. We knew what the science said. The science told us it was essential to return 3,200 gigalitres to the Murray, that we needed this water to prevent the River Murray from drying from the mouth up. While the Liberal Party was telling us we could not achieve it, we managed to strike a national agreement to deliver all 3,200 gigalitres.

That is why we were worried when the Prime Minister appointed Barnaby Joyce as the federal Minister for Water, someone who has consistently ignored South Australia and the lower regions of the Murray. We sought, and received, assurances from the Prime Minister that the Murray-Darling Basin Plan agreement would not be destabilised by Mr Joyce. Now we know the truth: Mr Joyce wants to raid $1.77 billion that was allocated to enable recovery of a vital 450 gigalitres for the River Murray's long-term health.

This would be a disaster for South Australia. Communities in the Riverland will be put at risk so that cotton and rice growers upstream can take more than their fair share of water. Our irrigators and communities need the plan delivered as promised, on time and in full. That means 3,200 gigalitres of water, as outlined in the Water Act 2007, Basin Plan 2012. We cannot have a federal government, that should be leading delivery of this plan, joining with upstream Eastern States to dud us on our agreement.

I recently wrote to the Deputy Prime Minister and Senator Anne Ruston to make clear my apologies for the strong language I used at the ministerial dinner and any offence that may have been caused to them or their staff in attendance.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: However, in my letter I also made it incredibly clear that I, and indeed South Australians, will not accept any reduction in water flows to the Murray. After 100 years of our state being dudded by the Eastern States, we are not going to let the MDBP fall apart because of Barnaby Joyce.

South Australia is doing its fair share of the hard work to identify what needs to be done to return the 3,200 gigalitres of water to the river system. South Australia takes just 7 per cent of the surface water from the Murray, while upstream states take 93 per cent. At the same time, we lead the country, and are on track to meet our basin plan targets to return around 180 gigalitres of water to the river—as we promised—on time and in full.

We want the other states to also keep to their commitment, and we want the commonwealth to keep its promises. It is not good enough that the other states want to renege on a plan they all agreed on just because they say that returning water to the system is too hard. The plan can only be implemented if we have a prime minister who is prepared to take responsibility for his government's implementation of this critically important plan for our state's future. We can no longer trust minister Barnaby Joyce to be in control of water in this country.

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

DENTAL SERVICES

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:29): I seek leave to table a copy of a ministerial statement relating to federal funding for dental services made by the Minister for Health in the other place.

Leave granted.

JOBS AND EXPORT PROGRAM

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 seek leave to table a ministerial statement that has been made in the other place by the Minister for Investment and Trade on the subject of 2016 Jobs and Export Program.

Leave granted.

CHILD PROTECTION SYSTEMS ROYAL COMMISSION

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:29): I seek leave to table a ministerial statement from the Deputy Premier made in the other place relating to the draft Children and Young People Safety Bill 2016.

Leave granted.

HINDLEY STREET INCIDENT

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:30): I seek leave to make a ministerial statement regarding the police shooting in Hindley Street yesterday evening.

Leave granted.

The Hon. P. MALINAUSKAS: At 8.54pm yesterday evening, police were advised of a domestic related incident at Cumberland Park. The complainant stated that a male was seriously assaulting a female at the Cumberland Park location. Further information provided by the witness was that the alleged offender had threatened a neighbour and forced the female and two young children into a vehicle. SAPOL immediately commenced an investigation to locate that vehicle. The vehicle was subsequently located by police and pursued. At the intersection of Grand Junction Road and South Road road spikes were deployed. The vehicle was tracked through the city, including

along Rundle Mall, before STAR patrols stopped the car in Hindley Street at 11.30pm yesterday evening.

Whilst being directed by police to get out of the car, the driver threatened one of the children with a firearm. At this point the driver was shot by a police officer. A 26-year-old male was arrested at the scene of the incident, before being taken to hospital for treatment of non-life-threatening injuries, where he remains under police guard. The female and the two children were safely removed from the vehicle and are being supported by SAPOL.

SAPOL has declared the incident to be significant. Consequently, a significant incident investigation will occur and will be overseen by the Major Crime Investigation Branch. SAPOL advises that the 26-year-old male has now been charged with a number of offences, including aggravated kidnapping, unlawful threats, acts to endanger life, use of a firearm to commit an offence and driving dangerously to escape police pursuit. SAPOL requests that anyone who witnessed the incident, or any of the events leading up to the incident in Hindley Street, to contact Crime Stoppers on 1800 333 000.

Finally, I would like to take this opportunity to acknowledge the extraordinary efforts of our men and women in uniform, who regularly put their lives at risk in the pursuit of our community safety.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

MINISTERIAL CODE OF CONDUCT

The Hon. J.M.A. LENSINK (14:33): I seek leave to make a brief explanation before directing a question to the Leader of the Government regarding the Weatherill government's Ministerial Code of Conduct.

Leave granted.

The Hon. J.M.A. LENSINK: Over a year ago your colleague the Minister for Sustainability, Environment and Conservation stormed out of a meeting with BusinessSA. Complaints were subsequently made about his behaviour. In August this year the Law Society made a complaint about the minister's inappropriate behaviour. Then on 17 November this year the minister went on a foul-mouthed tirade towards state and federal ministers, including profanities at his female Victorian Labor counterpart. Has the Minister for Sustainability, Environment and Conservation breached the Ministerial Code of Conduct?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:34): I thank the honourable member for her question. As has been widely reported, the minister did use robust language, for which he has apologised. For the acting leader of the Liberal party, in this chamber, to come here and raise an issue—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —about what the federal government—

Members interjecting:

The PRESIDENT: Order! Minister, sit down.

Members interjecting:

The PRESIDENT: Order! The minister has been asked a question and he has every right to give an answer without interjection.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. Wade interjecting:

The PRESIDENT: Order! Will the Hon. Mr Wade please refrain from interjecting while the minister is trying to answer the question. Minister.

The Hon. K.J. MAHER: Thank you, Mr President—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: It really is extraordinary that the acting leader of the Liberal Party in this chamber, the shadow minister for water, would seek to highlight an issue for which they have a shameful, shameful record. Everyone will remember that the deputy leader in another place at the time wanted us to settle for second best way back then. He said we should 'not go for a great result, just accept a Mazda'. 'Ordinary enough will be good enough for South Australia' was their view, and continues to be their view when it looks like we are being dudded again—dudded again. What have they actually said about the issue? Not a thing. They've made a habit of not standing up for South Australia—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —not standing up at all.

The Hon. R.I. Lucas: You're excusing his behaviour?

The PRESIDENT: Are you finished, minister?

The Hon. K.J. MAHER: Sure.

MINISTERIAL CODE OF CONDUCT

The Hon. J.M.A. LENSINK (14:36): Supplementary: did he or did he not breach the Ministerial Code of Conduct?

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) (14:36): I'll repeat what I said: the minister used inappropriate language, for which he has apologised.

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. J.M.A. LENSINK (14:36): Under standing order 107, I direct a question to the Hon. Ms Gago regarding her matter of interest in this place on 19 October regarding sexism and rape culture. Given the member's comments, has the honourable member raised concerns with her colleague the Minister for Sustainability, Environment and Conservation regarding his appalling behaviour and language used at Rigoni's restaurant on 17 November?

The Hon. G.E. GAGO (14:37): I thank the honourable member for her question. Indeed, the Hon. Ian Hunter has apologised for his overzealous language—

Members interjecting:

The Hon. G.E. GAGO: —overzealous and inappropriate language. He has apologised. He has acknowledged and recognised that it was inappropriate language, which he has apologised for, and I think it was sound of him to do that.

Members interjecting:

The PRESIDENT: Order!

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. J.M.A. LENSINK (14:37): Supplementary: does the honourable member find that language offensive, and has she raised concerns with her colleague?

The Hon. G.E. GAGO (14:37): I've answered that question. I have always said in this place that there is no place for inappropriate language of any form, directed at either male or female. I have always indicated in this place that there is no place for inappropriate language. The Hon. Ian Hunter has acknowledged that his language on this particular occasion was inappropriate. He has apologised to the appropriate people involved, and I admire him for that.

Members interjecting:

The PRESIDENT: Order!

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. J.M.A. LENSINK (14:38): Further supplementary question: can we expect the honourable member to be doing a matter of interest on this, or not, given that he is from the left of the political spectrum, rather than someone from another political party?

Members interjecting:

The PRESIDENT: The Hon. Ms Gago.

Members interjecting:

The PRESIDENT: Order! The member is on her feet.

The Hon. G.E. GAGO (14:38): I am, as always, happy to take questions in this place and answer them in full. I will continue to be a strong advocate and feminist, as the records show over many, many years, and I will continue to highlight where there is inappropriate behaviour or language and continue to acknowledge those that do the right thing and support women and equality.

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. J.M.A. LENSINK (14:39): Question No. 3: I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions regarding his behaviour at Rigoni's.

Leave granted.

The Hon. P. Malinauskas interjecting:

The Hon. J.M.A. LENSINK: Was that a groan? I'm sorry.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It's such an unimportant matter, isn't it? The Minister for Police—

Members interjecting:

The PRESIDENT: Order! Will the honourable Leader of the Government please desist, and will the honourable whip of the opposition please desist. The Hon. Ms Lensink has the floor.

The Hon. J.M.A. LENSINK: Thank you, and may it be noted for the record, for the information of White Ribbon, that the Minister for Police just guffawed at my opening remarks. I will continue. One prominent journalist has described the minister's behaviour, and I quote:

> I mean he's not even at the table because he flipped the table and walked out and then you have other examples with Business SA and the Law Society…just not engaging on getting solutions. That is not in any way standing up for South Australia, it is standing up for your ego and emotion, but not in any way it's going to get outcomes.

My questions for the minister are:

1. Will he concede that he has breached the Ministerial Code of Conduct?

2. Does he maintain that he would still behave the same way if he had his time again?

3. How sincere is your apology considering you stated you would behave that way again?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:41): I thank the honourable member for her most important questions and the opportunity to address some of the substantive issues that arose and gave rise to my inappropriate language, because that's the thing the Liberals are running away from at a million miles an hour. They are not interested in the issues that are important to this state in terms of the River Murray—not interested in those issues.

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. I.K. HUNTER: The Liberals wouldn't recognise a spine if they fell over one. These guys over here have not stepped up any activity whatsoever against the federal government and the Nationals' Barnaby Joyce's desire to strip South Australia of the aspects of the Murray-Darling Basin Plan which were integral to our accepting to sign up to that plan.

South Australians, on the other hand, know how important the River Murray is. It's not just for our economic future, it's also a tourism drawcard and holiday favourite for South Australian families and interstate families. We understand as South Australians how precious water is, and that's why we rallied together in 2012 to fight for the River Murray. We were so successful that we secured the 3,200 gigalitre commitment for our state.

You can imagine then my disappointment when I received the Deputy Prime Minister Barnaby Joyce's letter before the dinner scheduled on the evening ahead of the Ministerial Council of water ministers. Mr Joyce's letter indicated that he was not committed to the plan in full. Mr Joyce's letter was a fundamental breach of faith on a basin plan that South Australia has signed up to that ensured the health and sustainability of the River Murray. Mr President—

Members interjecting:

The PRESIDENT: Order! This is not a general discussion. The honourable minister will answer the question.

The Hon. I.K. HUNTER: —so that members of the chamber not familiar with this issue might understand my wrath, I seek leave to table the letter that the Hon. Barnaby Joyce sent to me, dated 17 November 2016.

Leave granted.

The Hon. I.K. HUNTER: He was indeed the acting prime minister, I think, as of about 11pm of that day. As has been widely reported, I attended that pre-meeting dinner and indicated in the strongest terms that this government would be holding the commonwealth government to account and it must deliver the Murray-Darling Basin Plan on time and in full. That was after trying to spend two hours with the Hon. Mr Joyce, patiently and diplomatically trying to make the point to him about how important the plan, in full, was to South Australia—a commitment that, I understand, has now been secured thanks to South Australia's intervention on Barnaby Joyce's intention to tear up that basin plan.

The South Australian government had raised its concern when Mr Barnaby Joyce was appointed to the water portfolio. We held concerns that Mr Joyce would seek to represent his cotton and rice growing mates upstream, and those concerns were realised in his letter to me on 17 November 2016. I have tabled that letter, so there can be no calls from those members opposite on what Mr Joyce's intentions might or might not have been—it is as plain as the nose on their face.

I welcome Mr Marshall's support for the basin plan, Mr Marshall, the Leader of the Opposition, the member for Dunstan, albeit some days after receiving Mr Joyce's letter indicating that he had no intention of delivering the plan—better late than never for Mr Marshall's support of the state government's commitment to the River Murray. I was concerned, in the initial commentary coming from the Liberal Party on this issue—

Members interjecting:

The PRESIDENT: Order! The Hon. Minister for Police, please desist. The Hon. Mr Lucas, please desist—

Members interjecting:

The PRESIDENT: —and everyone else desist. Order! Leader of the Government, we are trying to get some order during question time. If you persist, I will have no alternative but to name you. Understand?

The Hon. I.K. HUNTER: So, I was somewhat concerned at the initial commentary coming from the Liberal Party on this issue. The state Liberals and the federal Liberals seem to be scrambling every which way, unaware of Barnaby Joyce's intention to walk away from the basin plan. The shadow minister, Tim Whetstone, didn't even seem to understand that there was a basin plan with a commitment to 3,200 gigalitres of water to the river. His interview on 18 November on ABC Riverland, called the 450 gigalitre commitment a 'side deal' and he went on further to suggest that the 450 is something separate from the basin plan. That is the level of understanding that we have in the state Liberals. Just to be clear—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Just to be clear, page 214 of the basin plan—and I might seek leave to table that, Mr President—clearly identifies at schedule 5, clause 1:

(1) The outcomes listed below are ones that will be pursued under the Commonwealth's program to increase the volume of water resources available for environmental use by 450 GL per year.

That is page 214 of the plan, the plan that the honourable Mr Tim Whetstone doesn't seem to have read past the executive summary.

The Hon. J.M.A. Lensink: Did you breach the code? You wouldn't have read the whole thing yourself; we know you're too lazy.

The Hon. I.K. HUNTER: Hopefully his colleague, the Hon. Michelle Lensink, has understood the plan a little bit better because she told 891 on the same day that the basin plan is 'an act of law and there's 3,200 gigalitres.' So, at least the Hon. Michelle Lensink understands, if the honourable Mr Tim Whetstone has no clue. Clearly, the Hon. Michelle Lensink has read past the executive summary and knows a little bit more than her mate.

Then, we have Mr Tony Pasin, member for Barker, who was reported in *The Sydney Morning Herald* as suggesting that Mr Joyce had mishandled the issue and needed to do better by South Australia. Do better indeed. That's what this South Australian government is deeply committed to: ensuring the commonwealth government does do better for South Australians. We will not waver from our commitment to the river and to the people who rely on it for their livelihoods, to ensure they still get the water that they need to support their businesses and industries, but also to ensure the river's health is not compromised and is sustained long into the future.

I will continue to stand up for that outcome, I will continue to fight for the full delivery of the basin plan, and that means 3,200 gigalitres in full—not bits and pieces of it; in full.

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. J.M.A. LENSINK (14:48): Supplementary: did the minister or did he not breach the code of conduct?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:48): The Liberal's constant negativity and their lack of ideas—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —are bad enough for this state. They are so out of touch with South Australians, it is embarrassing. They are so out of touch with the people of this state, it is amazing. They are skirting around the issue that is most important to this state, which is about: will the Liberal government stand up and deliver what they have promised to do as a federal government? Will they do it? Will they haul in Barnaby Joyce?

Members interjecting:

The PRESIDENT: Order! Minister.

The Hon. I.K. HUNTER: Will they haul in Barnaby Joyce, who had his own little plan when he ascended to the acting prime minister status to think, 'Well, I'm going to give this a go. I'm coming to Adelaide, I'm the acting prime minister, I'm going to blow this plan up and see if the states cave in.' Then he would have gone back to his Liberal National Party cabinet and said, 'Well, everybody's caved in. There's not an issue. Let's take that water out of the plan and then give it to rice farmers and cotton farmers in the north of the basin.' That's what he wanted to do. You can see his thinking as plain as day.

Unfortunately for Barnaby Joyce there was a South Australian at the table. There was a South Australian at the table who was prepared to say, 'We will not take it.' I have to contrast that with the spineless behaviour of the member for Dunstan, the Leader of the Opposition, who, lickety-split, ran off to Canberra for a photo opportunity with the Prime Minister. What did he come back with?

Members interjecting:

The Hon. I.K. HUNTER: What did he come back with? Nothing at all, but a photo. He came back with a JPEG. That's all he had, a JPEG for his social media and—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Mr President, I have to say it is offensive that the Liberal Party in this state will never stand up to the federal Liberal government—they will never stand up to a federal Liberal government, even in the interests of South Australians. Just to give you a little bit of background: on 22 September 2015, I sent a letter to the Hon. Barnaby Joyce, the federal Minister for Agriculture and Water Resources, outlining South Australia's ambition to work constructively with the government to implement the Murray-Darling Basin Plan.

I sent the letter because the Premier and I were worried when the Prime Minister appointed Barnaby Joyce as the federal minister for water. I was worried because Barnaby is someone who has consistently ignored South Australia and the lower regions of the Murray. He seems to have the attitude that any water that goes past his front gate is wasted water. This is the same Barnaby Joyce who said that South Australian irrigators should just get up and move to where the water is. That was his plan. That was his solution: don't make the river work for everybody on the river, just move north where the water is, because they weren't going to let any water come over the border. I seek leave to table his response, dated 20 October 2015.

Leave granted.

The Hon. I.K. HUNTER: He, at the time, in 2015, recommitted to the water recovery volumes required under the basin plan. He states in that letter:

> The Australian Government is committed to achieving healthy rivers, strong communities and sustainable food and fibre production in the Murray-Darling Basin by implementing the Murray-Darling Basin Plan in full and on time.

That was 2015—that was before the federal election, of course. Fast forward a year, and we see how quickly things have changed in Barnaby Joyce's thinking. His 17 November 2016 letter to me revealed his true intentions: to walk away from those commitments and protect the interests of his cotton and rice farmer mates.

He states in his letter that the return of the 450 gigalitres, which is critical environmental water, is 'unsolvable'. That is his view: it's unsolvable. The Murray-Darling Basin Plan was agreed to

by all four basin states and the federal government. It is clear that South Australia is not the only state that is concerned by lack of progress on the Murray-Darling Basin Plan, thankfully. I have been advised that the Minister for Environment and Heritage in the ACT has written, sharing this view:

> I share your concern about the lack of progress on the integrated package of measures related to the sustainable diversion limit and the constraints measures since the April Ministerial Council meeting, and indeed the apparent lack of commitment from New South Wales and Victoria especially in pilot efficiency measures.

This legislation that delivered the plan was voted for and passed by federal parliament in 2012, supported by both sides of politics. Four years later, we have a federal government, led by a water minister, trashing that agreement. Instead of leadership, we have a federal water minister eyeing that $1.77 billion allocated to providing 450 gigalitres of critical environmental water, wanting to hand it out to his mates upstream.

We expect this kind of treatment from the National Party. We even expect it from the federal Liberal Party, but I don't expect from the South Australian Liberal Party, but that's what we have got. For once, I thought the opposition would join with the government and the entire state and stand up, united, fighting for our fair share of water. I couldn't believe it when the member for Chaffey, Mr Tim Whetstone, as I said, on 19 November told regional radio listeners in the Riverland that the 450 gigalitres of water allocated to the Murray was 'something separate from the basin plan.'

South Australians deserve better than that from the state Liberals. Being in government is about delivering and defending policies that benefit our community. I make absolutely no apology that I will stand up for the Murray River and for South Australia's interests, and ensure that the federal government demonstrates that they will deliver this plan on time and in full. No longer will we accept promises of action: we want to see action.

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. T.A. FRANKS (14:54): Supplementary: the minister has now tabled two letters from Barnaby Joyce. Will the minister now table his letter to Barnaby Joyce, so that all South Australians who weren't at the table that night might see the words he has offered in apology?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:54): I will certainly bring back that letter and table it.

Members interjecting:

The PRESIDENT: Order! Minister, I didn't hear that. Could you please repeat it.

The Hon. I.K. HUNTER: Sir, I will certainly bring that letter back and table it for the honourable member.

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. J.M.A. LENSINK (14:55): Did the minister or did he not breach the Ministerial Code of Conduct?

The Hon. R.I. Lucas: He doesn't want to answer that question.

The PRESIDENT: Do you want to answer that question?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:55): I have, Mr President, but I think I can take another 20 minutes of the chamber's time to reinforce—

Members interjecting:

The PRESIDENT: Order! Allow the minister to answer the question.

The Hon. I.K. HUNTER: I say again that I have certainly apologised to those people to whom I spoke in a very inappropriate way. Absolutely, I have, but standing up for South Australia is what is expected of us in this place. I would think that members opposite should be asking why their federal government has plans to tear up the Murray-Darling Basin Plan. Why has Barnaby Joyce swaggered into Adelaide and tried it on by saying, 'That 450 gigs that South Australia required'—

Members interjecting:

The PRESIDENT: Order! Let the minister answer the question.

The Hon. I.K. HUNTER: —'to sign up to the Murray-Darling Basin Plan, we're going to take that away from you. We're going to go hell for leather on that bit of the plan that South Australia doesn't like, the down water, which New South Wales and Victoria insisted be part of the plan for them to sign up, but that component of the plan that South Australia insisted be in there'—so that we would sign up to that compromise plan—'we're going to take that away from you.' That was Barnaby Joyce's line to us in Adelaide: 'The bits that you don't like, we're going for that, full steam ahead, but those bits that took you, South Australia, over the line'—

The PRESIDENT: Point of order, the Hon. Ms Lensink.

The Hon. J.M.A. LENSINK: Mr President, I draw honourable members' attention to standing order 186 in regard to a member who persists in continued irrelevance, prolixity or tedious repetition.

The PRESIDENT: Minister, can you quickly finish your answer.

Members interjecting:

The PRESIDENT: Order! I have asked you to finish answering the question.

The Hon. I.K. HUNTER: Of course, I respect your ruling, Mr President, but I remind you that when a minister might be a little bit prolix or repetitive, it is probably due to the question being asked of him time and time and time again, which I answer time and time and time again in a consistent manner. The important thing here is: who is going to stand up for South Australia? Is it the Liberal Party of South Australia? No, not in a million years.

Members interjecting:

The Hon. I.K. HUNTER: That's right.

Members interjecting:

The PRESIDENT: Order! If you don't want to hear his answer, I will ask the minister to sit down and I will go to the next question. The fact is, though, that the standing order as mentioned by the Hon. Ms Lensink is during debate, not questions without notice.

The Hon. I.K. HUNTER: Thank you, Mr President, for your erudite ruling on that matter. I will bear that in mind as well for future points of order. The only thing the Liberal Party brought back was a selfie. That is all they brought back from Canberra—a selfie, a JPEG, a meme for the Leader of the Opposition's, the member for Dunstan's, Facebook page. That is all he had.

It wasn't even Chamberlain's bit of paper with a signature on it. It wasn't even that. He did not come back with a signed statement. He did not come back with a signed promise. He came back with a selfie. We need more than that from the Liberal Party in South Australia: we need some leadership. The only leadership that is coming in parliament is from the Labor Party and Jay Weatherill's government.

AUTOMOTIVE INDUSTRY

The Hon. G.E. GAGO (14:58): My question is to the Minister for Automotive Transformation. Can the minister inform the chamber how companies in northern Adelaide are working together to create jobs for automotive workers in Adelaide's north?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:59): I thank the honourable member for her question and her interest in northern Adelaide and making sure that there is continuing industry and jobs in that area. I recently had the opportunity to visit and see firsthand the great work that is happening at ZF Lemforder where we are not just helping automotive workers diversify into other sectors in our economy but we are also working with automotive supply chain companies to keep their businesses trading. At the end of next year some automotive companies

will be closing; some will remain open and still produce automotive products, either for cars assembled overseas or for after-market use.

Other companies are looking to change what they do. We have companies looking to move into the health sector, medical devices and, in this case, we have a group of companies working together to move into the manufacture of buses. When Holden's closure was first announced, a majority of automotive companies at the time did not have plans to diversify. When our automotive task force first spoke to about 74 tier 1 and tier 2 companies, just under three years ago, four in five tier 1 companies thought that they would close their doors and had not considered diversifying.

Since that time we have been working hard to support these companies to look at their assets, both people and their skills and the equipment they have, and other paths that they could take instead of closing. I am now advised that about three in five tier 1 companies expect that they will continue to operate in one form or another. We have now supported 15 companies through the Automotive Supplier Diversification Program to begin this journey. I am told that we have supported almost half (35 out of the 74 of the supply chain companies) to access funds to help them through this diversification process.

One great example of this diversification is the collaboration between automotive supply chain company ZF Lemforder, part of the global ZF Group that provide Driveline and chassis technologies, and Precision Components, a component supplier in the body and chassis area here in South Australia. Also involved in this new enterprise is Transit Australia Group, the largest privately operated public transport operator in Queensland. It is also the only operator in Australia that has both bus design and bus manufacturing capabilities.

The state government has provided $2 million of financial assistance to an alliance between these three companies to manufacture four prototype buses in northern Adelaide for a trial within metropolitan Adelaide. The project proposes an integrated solution that offers the next generation electric as well as low-emission diesel vehicles. Once built, these buses will be seen on the roads of Adelaide and will provide the transport department with valuable information about how electric and low-carbon emission buses might be used in the future.

Early signs for this venture are very positive, with work already underway to fill an order from Queensland for 12 more of these buses. If the coming trials prove successful there is no reason that this project will not continue to grow, not only creating high-quality manufacturing jobs in Adelaide's north but also reducing carbon emissions at the same time. Many different components go into a bus and there is potential work for other (current) local automotive suppliers who are looking to diversify their production with this project.

The combined work of ZF Lemforder, Precision Components and the Transit Australia Group is a great display of an example in northern Adelaide showing the need to diversify and the innovation and collaboration needed to retain jobs in this sector. Projects like this show that there is a future for manufacturing in this state, and I look forward to seeing these new buses on the streets of Adelaide in the coming months and this project continuing to grow.

O-BAHN

The Hon. D.G.E. HOOD (15:03): I seek leave to make a brief explanation before asking the Minister for Employment a question relating to business closures due to the O-Bahn extension works.

Leave granted.

The Hon. D.G.E. HOOD: The recent closure of the Royal Hotel at Kent Town, a somewhat iconic hotel in South Australia, has resulted in the unemployment of the 20 employees there. There are estimates that the hotel's trade has decreased by approximately 80 per cent since the beginning of the O-Bahn construction in March. Issues including severely restricted parking for patrons, increased noise and dust and major disruptions to traffic flow outside the hotel resulted in the hotel entering into voluntary administration. There have been suggestions that the hotel was not provided with enough support from the South Australian government. My questions are:

1. How much financial support has the government offered the Royal Hotel, if any?

2. What support will the government offer to existing businesses that are still operating there and affected by the infrastructure works, such as the Hackney Hotel? I understand it has experienced a 25 per cent decrease in trade due to the extension works.

3. Will the government consider providing compensation or other financial support such as grants or loans or other assistance in other forms, in kind perhaps, to businesses affected by this infrastructure work?

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) (15:04): I thank the honourable member for his questions. The O-Bahn project and any flow-on effects of the O-Bahn project are, of course, matters for the transport minister, so the substance of those questions I am very happy to pass on and bring back the honourable member a reply.

I don't think it was one of the three direct questions—I will take the three direct questions to the transport minister—but generally, workers, who for whatever reason the company that they have been working for is no longer trading, have access to our general retrenched worker services in South Australia through the Department of State Development, to include career planning, skills recognition and help with accessing training. For workers who, for whatever reason, have lost their job, there are state government services in place. In terms of the matters dealing with support due to a transport infrastructure project, I am happy to bring back an answer from the minister responsible.

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. J.S. LEE (15:05): My question is directed to the Minister for Sustainability, Environment and Conservation. What counselling has the minister received since his abusive tirade towards his female Victorian Labor colleague at an Adelaide restaurant, and will the minister be receiving ongoing counselling regarding his uncontrollable and abusive behaviour?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:06): I thank the honourable member for her most intriguing question. Once again, I put on the record at the outset that I have apologised to those concerned for the inappropriate language I used whilst I was still making a very firm point about the interests of South Australia that Barnaby Joyce simply did not want to hear.

I spent the best part of two hours in a private meeting with those ministers, where I was politely and diplomatically trying to encourage them to pursue delivery of the Murray-Darling Basin Plan and was getting absolutely nowhere, because, in my view, the Hon. Barnaby Joyce had already made up his mind that he had no intention—no intention at all—of delivering the water that South Australia was promised. In fact, he had every intention of taking that water away—plus the $1.77 billion attached to delivery of that water—and utilising it on his own favoured projects, for his own mates up in the north of the basin.

I made it very clear, and it is unfortunate that the only way of actually getting through to the federal government and Barnaby Joyce was to raise my voice. As I said, standing up for South Australia is something that I won't resile from. Using appropriate language in the future is what I will endeavour to do, but I will again stand up to Barnaby Joyce and the federal Liberal-National Coalition government if they ever come into South Australia again and try to take away the water that we have been promised as a state for our irrigators. That is what I am here for. I don't resile from that; I don't resile from that for one moment, but of course, having firmly made my point, I will keep a civil tongue in my head.

PASTORALISTS STEWARDSHIP PROGRAM

The Hon. J.M. GAZZOLA (15:07): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about how the government is supporting South Australia's regions through the Pastoralists Stewardship Program?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:08): At a recent

meeting of the country cabinet in Whyalla, Coober Pedy and Roxby Downs, ministers had a fantastic opportunity to speak and engage with local residents in areas that are very important to those people. Having cabinet meetings in the regions forms an important part of the government's focus on fostering an open and collaborative approach to public policy and fighting for the interests of all South Australians.

We know that the best decisions are made when the community which is affected by it has a real say in the outcome. This is especially true in terms of our regions, where decisions by government can have a very big and real impact on towns and communities. Take, for example, our significant investment in renewable energy, which has seen $7.1 billion worth of investment in South Australia, of which 40 per cent, I am advised, occurs in our regions.

The highlight of my time in Coober Pedy, Whyalla and Roxby Downs—in fact I went to Coober Pedy, not Roxby Downs this time—was being able to announce that the South Australian outback will soon accommodate two new conservation areas on pastoral properties. This initiative is thanks to a novel stewardship incentive program trialled in the region in 2014. The initial expression of interest for that trial saw significant interest from pastoral leaseholders running beef and sheep enterprises across the SA arid lands region.

Areas were then assessed according to their biodiversity conservation values and the uniqueness of their land type, before being shortlisted. Infrastructure water requirements, grazing history and ongoing management needs were also taken into consideration.

This Australia-first trial selected pastoralists in the Wirraminna and Billa Kalina stations and gave them an opportunity to conserve and preserve important habitat areas on their properties in return for a stewardship payment. The Billa Kalina Station near Roxby Downs covers a unique shrub land that is not conserved in any parks or reserves across Australia, I am advised, and the Wirraminna Station's stewardship area will conserve an area of quite rare land types, consisting of low sandhills covered with intact western myall, quandong and mulga trees.

The trial demonstrated what we already know: those living in South Australia's rural and regional areas are some of our most dedicated conservationists. Many farmers, irrigators and local residents devote considerable time and resources to conservation projects in and around their communities and, with a little bit of government support, these efforts can be significantly expanded.

I am advised that the areas total 194 square kilometres, and provide long-term protection for significant plants, animals and their habitat. It will provide further conservation refuges to protect high conservation value landscapes, and support adaptation in the face of a changing outback climate and environment. There are also significant economic opportunities for those involved.

Pastoralists will be able to diversify their income sources, with a steady stream of income enabling them to focus on conservation. This could, in turn, provide some new opportunities for local residents, including younger South Australians, to develop their passion for conservation work right around the state whilst also gaining meaningful employment. A quote from one of the pastoralists involved, Mr Colin Greenfield, the lessee of the Billa Kalina Station, really encapsulates the worth of this program. He said:

> We have always believed good pastoral management is about looking after the land to benefit stock production and the country; however, this program was the first to provide a reasonable financial incentive for us to take an extra step in dedicating this unique land type as an actual area for conservation.

Importantly for the pastoralists, we have made sure that the agreements are fixed to the property's lease for the remaining term of their current lease. This gives leaseholders the certainty they need to invest in their conservation projects without having to worry about ongoing resourcing.

Whether it is investment in our renewable energy sector, opening up regional dams—where suitable—for recreational fishing, or backing the conservation stewardship program, I can say that this government has always been there to support our regions. With our economy in transition from the traditional bases of manufacturing and mining, it is more important than ever that we back new and innovative ideas in regional South Australia.

We look forward to running a second, extended round of the program in the near future. It is fantastic to see such a great program that not only backs our pastoralists but gives us great

environmental outcomes as well. I want to put on the record my thanks to Natural Resources SA Arid Lands and the Native Vegetation Council for their great work in making this program happen, in conjunction with our great pastoralists in South Australia.

Whilst I am on my feet, and as requested of me by the Hon. Tammy Franks, I seek leave to table the letter written to the Hon. Barnaby Joyce dated 9 November 2016.

Leave granted.

MARTINDALE HALL

The Hon. M.C. PARNELL (15:12): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about Martindale Hall.

Leave granted.

The Hon. M.C. PARNELL: On 12 April this year, I asked the minister about the status of an unsolicited proposal, in March 2015, from the Martindale Hall Partnership for the purchase or long-term lease of the Martindale Hall property for the purpose of creating a wellness retreat and five-star resort. Since asking this question, the National Trust of South Australia has also launched an unsolicited bid at the end of April. I have been advised that the government had put on hold its assessment of the bids while it reviewed the terms of the original bequest. My questions are:

1. What is the status of each of these two bids, how are the assessments progressing, and when might we expect a decision?

2. Can the minister provide me with a copy of the assessment conducted by his department of the feedback from the community consultation regarding the first unsolicited bid, which concluded on 26 October 2015?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:14): I thank the honourable member for his most important questions. As we all know, Martindale Hall is a significant example of South Australia's heritage, and the state government is committed to ensuring its heritage and tourism values are preserved into the future.

Martindale Hall, the coach-house and other structures are listed on the state Heritage Register, and are managed by the Department of Environment, Water and Natural Resources as the Martindale Hall Conservation Park. Martindale Hall is a grand Georgian mansion built in 1879, located in Mintaro in the Clare Valley. The hall and the surrounding property was originally bequeathed to the University of Adelaide in the 1960s. I understand there was also a trust fund attached. In 1986, the hall and coach-house were excised from the Martindale estate and gifted to the South Australian government, without that trust fund. The University of Adelaide retained the balance of the estate, and subsequently disposed of it in recent times, I am advised.

Until December 2014, a portion of the Martindale Hall Conservation Park was held under lease, providing public access to the historic hall, accommodation and use as a function venue. An expression of interest process in 2014 was unable to find a suitable arrangement for the hall to continue in the like manner, I am advised. Caretaker arrangements are currently in place to enable the government to develop a sustainable long-term business model for Martindale Hall.

In terms of the unsolicited proposals, in March 2015 an unsolicited proposal was submitted to the Office of the State Coordinator-General by the Martindale Hall Partnership. The proposal looked to develop a five-star resort and wellness retreat at Martindale Hall, involving the surrounding properties, including a number of options around lease or purchase of the property. The unsolicited proposals steering committee assessed this proposal against the stage 1 criteria in the guidelines for assessment of unsolicited proposals, and recommended that the proposal progress to stage 2 in accordance with those guidelines.

Consultation on the proposal included a number of community information sessions, attended by approximately 130 people and online via the YourSAy website. Consultation concluded on Monday 26 October 2015. I understand that DEWNR is currently undertaking an assessment of all the feedback received and therefore I won't be in a position to grant the honourable member's

request in that regard just at this point in time, but I will undertake—should he remind me—to get an assessment of that for his interest.

I am advised that members of the public expressed interest in relation to ongoing public access—I can do it now—the future management of the contents of the hall and, in particular, whether or not the hall should be sold, if it was gifted from the University of Adelaide to the government. There has also been feedback that rejuvenation of the property, through a tourism product, could be a positive for the Clare Valley region.

I am informed that the National Trust has also submitted an unsolicited proposal to the Office of the State Coordinator-General. I understand that the trust's proposal is to redevelop the site as a heritage-based tourism attraction to celebrate its cultural and agricultural heritage. I understand that the trust's proposal is being assessed by the Office of the State Coordinator-General against stage 1 criteria in the guidelines for assessment of unsolicited proposals.

In terms of next steps, I am advised that should the trust's proposal be recommended to proceed, the government will, on the advice of the Office of the State Coordinator-General, consider how to manage the assessment of both the trust's and the partnership's proposals. The government has been very clear about its priorities in considering the future of Martindale Hall. If either proposal is to proceed, it will need to demonstrate that there are clear benefits to the local tourism industry, that members of the public are able to access the site and that the heritage values are to be maintained.

Both proposals will be assessed on their merits to ensure we get the best results for taxpayers. We would like to see the issue resolved as quickly as possible, without compromising the integrity of the unsolicited bid process.

ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT

The Hon. S.G. WADE (15:18): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation with respect to the Department of Environment, Water and Natural Resources.

Leave granted.

The Hon. S.G. WADE: The Department of Environment, Water and Natural Resources is one of only 69 White Ribbon accredited workplaces nationwide. As a White Ribbon workplace, DEWNR commits to a whole-of-organisation commitment to stop violence against women and to strengthen the culture of respect at all levels of the organisation. To be accredited, workplaces need to demonstrate effective leadership to these goals. My questions to the minister are:

1. Does the minister support his department's accreditation as a White Ribbon accredited workplace?

2. Did the minister cease to be a White Ribbon Ambassador before or after his department was accredited as a White Ribbon accredited workplace?

3. Does the minister accept that his use of foul language against state and federal ministerial colleagues was a failure of effective leadership of a White Ribbon workplace?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): I thank the honourable member for his important questions. I am indeed very pleased to be a humble servant—

The PRESIDENT: Just one second. Would the honourable member please sit in the gallery.

The Hon. I.K. HUNTER: Oh, there's a stranger in the house, Mr President. That's what happens when you don't watch out with these lower house members, Mr President, they attempt to usurp our prerogatives in this place.

The PRESIDENT: You are quite welcome to the house, but there is a gallery to sit in. Minister.

The Hon. I.K. HUNTER: Mr President, I'm sure you weren't speaking on behalf of all of us when you said that he is quite welcome in the house. I am proud to serve as a minister of the Premier

and be part of a cabinet that not only takes the issue of domestic violence seriously, but has delivered on a range of initiatives in this very difficult area. I remember that, at last year's White Ribbon Day breakfast in Adelaide, Ms Rosie Batty praised the Premier and the government for our efforts, saying that our policy should be copied by others.

I have spent my whole life campaigning for issues of social justice. It's something I am quite passionate about and have, indeed, spoken about in this place many times. I support the White Ribbon organisation, Mr President, as I know you have and many members in this place have done over the years. I am very pleased to have been a White Ribbon Ambassador between 2009 and 2015. This ambassadorship of course lapsed in 2015, due to administrative issues as well as the changes to the accreditation process.

My department, the Department of Environment, Water and Natural Resources, is a White Ribbon accredited workplace. This accreditation has been embraced by staff across the department. DEWNR's chief executive is the first woman to have led the environment department in this state, I am advised. Ms Pitcher is an incredibly capable leader and someone whom I admire greatly. We have recently appointed the first female director to the Botanic Gardens as well. It may have taken more than 160 years, but that is a particular glass ceiling that has now been cracked, too.

I have, as I have said a number of times today and previously, apologised for my bad choice of words directed to the Deputy Prime Minister in the earshot of other ministers. While my words could have been better chosen, I again reiterate to this chamber that I won't resile from passionately standing up for South Australians, whether it is fighting for the River Murray or fighting for equality. That is something that is built into my DNA. If I am attacked, if my state is attacked, if promises that have been made to South Australians, and promises that are legislated and put into the Murray-Darling Basin Plan, if there is an attempt to rip those away from our state, from the River Murray and all South Australians, you can be assured that I will stand up for South Australia at every opportunity.

PINERY BUSHFIRES

The Hon. T.T. NGO (15:22): My question is to the Minister for Emergency Services. Can the minister tell the chamber about the anniversary of the Pinery bushfire?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:22): I thank the Hon. Mr Ngo for his important question around a very significant event. Last Friday was a day of both sadness and reflection as we marked the one-year anniversary since the devastating Pinery bushfire, one of the largest and fastest moving fires that our state has ever seen. It was a day to stop and remember Janet Hughes and Allan Tiller, who tragically lost their lives in the fire, as well as those who sustained injuries. It was also a time to reflect on the impacts caused through the loss of livestock, homes and infrastructure as the fire raged across 82,000 hectares, causing damages of more than $75 million.

It was an enormous undertaking for our emergency services sector, but shoulder to shoulder they worked as one to respond, with over 1,000 CFS volunteers and staff and over 200 MFS firefighters—all the while ably supported by other partner agencies and emergency services and 311 firefighters from Victoria. One of the most significant findings of the Noetic Solutions independent report into the CFS's operational response was that the conditions experienced on the day of the fire prohibited any possibility of containment until the weather improved. The fire front was as fast as it was ferocious.

SAPOL's Task Force Pinery has since determined that the cause of the blaze was likely a car battery that was left alongside a wire fence in a paddock. A police report is still being prepared for the State Coroner, who may also conduct a separate inquiry. The Pinery fire also presented valuable lessons for the CFS across a range of areas, including public information, aviation and interagency operations. An action plan has been developed to address lessons learned, with work well underway. Indeed, many of the actions identified by the report have already been implemented by the CFS.

As a government, we recognise the significance of this event, and that is why we have implemented and fast-tracked measures such as the $9.3 million over four years to accelerate the replacement and retrofit of CFS trucks with lifesaving, burn-over technology, and $6.3 million over four years for extra volunteer training announced in the state budget. We will continue to ensure that

we are doing all we can to support the invaluable work our emergency services volunteers and staff do each and every day.

The impact of such a devastating and large-scale emergency event is still being felt by the community, and recovery activities continue to provide long-term support to individuals, businesses and communities alike. Community leaders have been closely working with the local recovery coordinator and a range of government agencies over the past year. This important engagement has been vital to ensuring that recovery services are designed around the needs of those affected by the fire. Meanwhile, the CFS has continued to engage with the local community, assisting locals with bushfire and fire preparedness through events and workshops.

As I have previously spoken about in this place, now is also a time for South Australians to prepare for the bushfire season that is well and truly upon us. I urge all members to spread the message throughout the community about the CFS's new online tool called 'My plan to survive', which allows people to prepare their bushfire action plans online. Action plans can be saved on mobile phones and shared with family and friends. It is a reality of life in South Australia that we will encounter bushfires, and it is up to all of us to have a plan in place so we are ready to respond when they do occur.

As we reflect on the anniversary of the Pinery fire, our condolences remain with the families of those who, sadly, lost their lives in the fire and with all those who lost livestock, homes, sheds and other infrastructure and who felt the impact of this devastating event. Ahead of this year's bushfire season, we know that other bushfires will happen. Our thoughts will always be with our volunteers who put their lives on the line in the service of the community.

Only last night, I had the opportunity to visit the training night at the Virginia CFS—another one of our fine brigades in the CFS in South Australia. I had a great opportunity to talk directly with volunteers in that particular brigade, which has a long and proud history. These men and women do outstanding work, and our thoughts are with them as they yet again, through their own sacrifice, will be serving the South Australian community.

PINERY BUSHFIRES

The Hon. K.L. VINCENT (15:27): Supplementary: given that the CFS plan that has arisen out of the Pinery fires includes information about sharing public information about bushfire events, does it include anything to do with accessible information for people with low literacy issues, for example?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:27): I am not aware of an answer in respect of the low literacy question. I am more than happy to seek that information and bring it back to the Hon. Ms Vincent. In respect of our state emergency management plans having arrangements in place regarding Auslan interpreters as we seek to get information out to the community, I have spoken about that particular issue in this place a number of times. The existing arrangements remain in place but, again, I am happy to seek additional information regarding your concern around literacy.

VALUER-GENERAL

The Hon. J.A. DARLEY (15:28): I seek leave to make a brief explanation before asking the Minister for Employment, representing the Treasurer, questions regarding the Valuer-General.

Leave granted.

The Hon. J.A. DARLEY: I understand that, prior to this year, the Valuer-General was located in the Department of Planning, Transport and Infrastructure even though the Valuer-General is an independent statutory officer. I understand that, this year, the Valuer-General has transferred to the Treasury portfolio; however, matters and inquiries which fall under the Valuation of Land Act are still directed to DPTI and the relevant minister. My questions are:

1. Can the minister provide the reason for the move?

2. Can the minister give details of what matters will be dealt with under DPTI and which matters fall under the Treasury portfolio?

3. Given the Valuer-General is an independent statutory officer who is responsible for the administration of the Valuation of Land Act, can the minister advise why matters directly relating to valuations are delayed by having to be referred through the Minister for Transport or the Treasurer?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:29): I thank the honourable member for his questions to the Treasurer. I will pass them on to the Treasurer in another place and bring back a reply.

WHITE RIBBON CAMPAIGN

The Hon. R.I. LUCAS (15:29): I seek leave to make an explanation prior to directing a question to the Minister for Environment on the subject of White Ribbon.

Leave granted.

The Hon. R.I. LUCAS: On 12 November 2008, a member in this chamber said the following words, and I quote:

> We all know it is unacceptable, but we must be more vocal in expressing our disgust about the actions of men who use intimidation, violence and control in their relationships with their wives and partners, mothers, sisters and friends. We must make sure that these men are completely aware of how unacceptable we think their behaviour is, because on some level these men are of the belief that what they are doing is okay and it is somehow acceptable to use their brute force to dominate the women in their life.

Then further on this member said:

> Make no mistake: in no instance at all is any form of violence acceptable. It is abhorrent that violence is so normalised, and we must recognise that it is normalised through popular song lyrics, through casual jokes, and through language that reduces the woman's part in sexual intercourse to that of an orifice only. Men demean women and in doing so devalue them, which, so the warped logic goes, makes violence against women okay.

That statement was made in a question from the Hon. Mr Hunter back in 2008. My questions to the minister are:

1. In your own words, do you now accept, with your violent, abusive behaviour in Rigoni's restaurant, that you are part of the problem the White Ribbon organisation is trying to address?

2. Do you also accept now that your own actions reveal that you are nothing more than a contemptible hypocrite on this issue?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:31): I have repeated on many occasions that I am absolutely apologetic about the language that I used and the situation in which it occurred. I made that very plain and I absolutely apologise once again, but the hypocrisy in this place from the Hon. Mr Lucas in raising this issue is beyond fathoming. I think it is important that all of us remember that the ideals that the White Ribbon organisation tries to advance in society are important ones and that we in our daily behaviour should adhere to that and, again, I just simply apologise for my behaviour.

WHITE RIBBON CAMPAIGN

The Hon. R.I. LUCAS (15:32): Supplementary question: Mr President, given the minister's response to that question and others, does the minister believe that if anyone claims to feel passionately about any issue that that immediately excuses and justifies any vile or abusive behaviour toward colleagues and staff and, in particular, women?

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) (15:32): As the Leader of the Government in this chamber I am happy to remind—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I am very happy to remind those opposite—

Members interjecting:

The PRESIDENT: Order! The Hon. Leader of the Government is on his feet.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I will remind the—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I won't take long, Mr President. I will just remind the honourable member that the minister has apologised—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: He said it fell below the behaviour he expected and he expects from others.

Members interjecting:

The PRESIDENT: Order! Sit down, minister.

Members interjecting:

The PRESIDENT: Order! Will the Hon. Ms Gago please desist; and using the word 'despicable' to describe someone in this chamber is, I think, inappropriate. Minister, you are on your feet.

The Hon. I.K. HUNTER: The Hon. Rob Lucas is mouthing across the chamber words which I can't decipher because he is so gutless he won't even stand up and repeat them. I respond with this view that I have—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —expressed several times.

Members interjecting:

The PRESIDENT: Order! The minister has got the floor.

The Hon. I.K. HUNTER: The behaviour that I was associated with at Rigoni's is unacceptable. The language that I used is unacceptable and I apologise absolutely for it.

The PRESIDENT: The Hon. Ms Gago.

Members interjecting:

The PRESIDENT: Order!

MANUFACTURING TECHNOLOGY CENTRE

The Hon. G.E. GAGO (15:34): My question is the Minister for Manufacturing and Innovation.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: Can the minister inform the chamber about how the government is assisting businesses—

Members interjecting:

The PRESIDENT: Order! You are being asked a question, minister.

The Hon. G.E. GAGO: —in the north to take advantage of new and advanced technologies.

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) (15:34): I thank the honourable member for her question and I know she is very interested in these matters. Last Friday, I had the opportunity to formally open the Manufacturing Technology Centre. The Manufacturing Technology Centre is another project that is supporting the north and particularly supporting those in the north who have the potential to create jobs and to create new products and even create new industries.

Members interjecting:

The Hon. K.J. MAHER: Members opposite interject. I know they have so little—

Members interjecting:

The PRESIDENT: Order! The minister is trying to answer a question.

The Hon. K.J. MAHER: We know that we need to work hard to help businesses create jobs in northern Adelaide, as I said earlier, and that means helping businesses innovate and do things differently. For some businesses that means moving into whole new industries and making new types of products for a new market. For other businesses, it means doing things in a smarter way and, in many cases, it involves using technology to improve their product and improve their processes.

The core function of the Manufacturing Technology Centre is to assist businesses to understand advanced technologies and to assist and accelerate the adoption of such technologies and processes into existing businesses. The centre will also connect businesses particularly in the north to researchers and innovators, working hard to match up problems and solutions. At the opening of the Manufacturing Technology Centre, the assembled crowd heard from Mr Peter Charlesworth from the Australian company Minelab.

Minelab is a company that produces metal detectors for finding both valuable materials in the ground and also landmines. Minelab is an example of a company that has benefited greatly from the adaption of advanced technology. Heavily exporting into Africa with about $100 million in exports every year, Minelab has unfortunately been the victim of several different companies producing products that looked identical to their product. They were the victim of IP theft and duplication.

This provided a wake-up call for the company and the company invested significantly in exceptionally advanced technologies to protect their products and intellectual property from being reverse engineered and stolen, but also in advanced technologies that allow customers to be sure they are purchasing a real Minelab device through authentication displays and text messaging verification services. The Manufacturing Technology Centre will assist companies to find advanced manufacturing solutions to problems currently facing the company, such as Minelab was able to do.

The Manufacturing Technology Centre will have six priority focuses: additive manufacturing (often known as 3D printing); advanced materials; photonics; robotics and automation; digital technology; and big data. Through the centre, businesses can understand the possible technologies that could assist their business. A key role of the centre will be working to strengthen connections between job-creating businesses and research institutions. That is one of the reasons that the centre is located in the Mawson Lakes campus of the University of South Australia which, through its Future Industries Institute, is doing exactly that.

Professor Tanya Monro, Deputy Vice Chancellor, Research and Innovation at the University of South Australia, spoke at the opening of the Manufacturing Technology Centre about how the university was working to improve those connections and improve our record of commercialising the

great ideas we have in South Australia. I look forward to the Manufacturing Technology Centre contributing to businesses in North Adelaide and keeping this chamber informed of its progress.

Bills

RELATIONSHIPS REGISTER (NO 1) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 November 2016.)

The Hon. T.A. FRANKS (15:38): I rise on behalf of the Greens today to wholeheartedly support the Relationships Register (No 1) Bill. I note that this is the first of some four bills on the *Notice Paper* this week that deal with the issues of equality on the basis of gender, gender identity and sexuality. This bill, which is the relationships register bill, deals with an issue that some have criticised as not concerning matters of life and death and they have criticised the attention we will pay to this issue this week. What I find interesting is that quite often to get law reform on the areas of gender or sexuality, it actually takes a death.

We well know that it took the death of Dr George Duncan in 1972 to trigger action to compel our state, first through the leadership of a member of the Liberal Party's team in this place, the Hon. Murray Hill, and then of course under the broader leadership of the Dunstan government and many members of both this place and the other place, to take the lead and become the first state to decriminalise homosexuality. Of course, it is somewhat to our shame that it took a death to compel that action; it should not take deaths to compel action.

However, we know that this particular bill and the recognition of same-sex marriages and the recognition of those who are same-sex partners in their various forms of relationships has again been compelled by not just one death but, indeed, by many deaths, and one in particular that we know has compelled action from the Weatherill government is the tragic death of British tourist, David Bulmer-Rizzi. Through his death and the way that his husband Marco was treated by not being recorded on the death certificate as his husband was, again, to our international and internal shame. It should not take deaths; it should not take the death of a loved husband of a man to compel these places, these parliaments and this chamber today, to act on equality.

Equality should be more important and in fact should be the bread and butter of our business as parliamentarians. To those who criticise the fact that we will be focusing some attention on these issues this week, I say these are life and death matters. It should not take deaths to compel action and we should be getting on with the job each and every day where we see inequality. We should be acting on that inequality before a person dies and creates an uncomfortable situation where parliaments are then forced to address the issue in a reactive rather than a proactive manner.

This bill also addresses the situation of intersex South Australians and, in a very welcome move, it will create some protections for those who are discriminated against on their intersex status. It is no surprise to the members of this chamber that the Greens will be supporting this bill today. We will be supporting the raft of bills that come before us this week which are part of what one might call the rainbow raft of bills to create equality for South Australians who are gender diverse and same-sex attracted, and recognises the diversity of our community.

We do so proudly. We have done so in all of the parliaments across this country: every MP, every bill, every time. We look forward to seeing some further progress this week. We know that love is love and we have long supported it. We do not shy away from these debates and we certainly welcome them in whatever form they come. Most hearteningly, this comes in government time as government business. While members of the old parties will have a conscience vote, the Greens will have a party vote on this because, as I said, we will stand up for equality: every MP, every bill, every time.

I will not be talking too long today about this particular bill; members have heard me speak for a long time and wax lyrical on these issues and I think there is no indecision as to where I will stand and as to how I will vote. What I want to say is that the time for words is over; the time for action is here and we need to be getting on with the job. However, what I will say is that the job is

not yet done and the job will not be done with these four bills this week. Of course, gay panic defence still needs to be addressed but there are so many more areas of inequality that we need to address so let's get on with the job.

The Hon. J.A. DARLEY (15:43): I rise to very briefly indicate my support for this bill which will establish a relationship register in South Australia. I support the bill and recognise that this change, whilst relatively minor for some people, will mean a lot for many people within the state in terms of having their relationships recognised.

The Hon. K.L. VINCENT (15:44): Very briefly—I do not think I can be quite as brief as the Hon. Mr Darley on this one but I will see how I go. I am very pleased to lend my support to this bill—a move that will surprise no-one in this chamber and, in fact, very few people I am sure—to establish a relationship register in South Australia so that people can have their relationship of significance, as in a couple relationship, given some official recognition in this state.

Of course, this is particularly important for people who are in same-sex relationships, given that marriage, unfortunately, and to our shame, remains an option that is not available to those couples. However, I think it is also important to remember that, under this bill, the relationship register is open to couples, regardless of gender, gender identity or sexuality, and so even a different gender couple could have their couple officially recognised on this relationship register, which we are working to establish today.

That is important to remember because I think true equality in this state and in this country has to mean that all of the available options are available to everyone who should be eligible. It is important to remember that, despite what some members of this place might continue to believe, not everyone considers that marriage is the right option for them and so I think to have a diversity of options available for those consenting adults who may still want some official recognition of their relationship without entering into a marriage per se is a very positive thing.

As has been suggested by other colleagues, I think it is a bit disingenuous to say that we are focusing on this issue solely this week. It is always the constant duty of this parliament to address unnecessary inequality wherever it exists. As was alluded to by my parliamentary colleague, the Hon. Ms Tammy Franks, in fact, it is not this week: these issues and these solutions have been years in the making and those who have fought to have their relationships equally recognised, both by the community and by law, have certainly done that outside of this week. I am very glad that, given these changes have been decades in the making, we can address them this week, and I am very happy to lend my support to the bill.

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

ADOPTION (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 November 2016.)

The Hon. D.G.E. HOOD (15:47): I rise to speak on the Adoption (Review) Amendment Bill. From the outset, I indicate that Family First is generally supportive of the provisions of this bill. This bill includes a number of appropriate amendments to the Adoption Act 1988, which we have been advocating for some time, including providing for the adoption of adults, providing the court with power to discharge an adoption order under certain circumstances, and recording birth certificates in line with the truest account of the child's biological parentage. Family First will be supporting these provisions and the other sensible measures contained in this bill.

Adoption is something that I have a personal connection to. My father and my wife were both adopted many years ago. More often than not, adoption is a win-win situation for all involved. The adoptive parents receive the joy and blessing of adding a child to their family, and for those who are not otherwise able to have children adoption fulfils their dreams of raising a child. However, arguably the most rewarding aspect of adoption is providing a child with a loving and stable environment.

As we have seen, due to a variety of reasons, there has been a steady decline in the number of adoptions for many years now. In 2014-15, there were only 292 adoptions in total across Australia,

according to the Australian Institute of Health and Welfare. In the last 25 years, there has been a 74 per cent decline in adoptions in Australia—a huge percentage. Moreover, due to the low numbers of local babies and children being put up for adoption in South Australia, there has been a growing trend towards adopting children from overseas, which the current act also accommodates.

Nevertheless, the bill mostly includes reasonable and necessary changes to the Adoption Act. There is, however, one aspect of the bill that Family First will not support and that is the clause relating to the definition of qualifying relationship. The current bill reads:

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 definition proposes to extend adoption rates to same-sex couples and will not be supported by Family First.

A recent study conducted by the US Department of Health and Human Services, which reported to Congress, made noteworthy findings in relation to stable family structures and living arrangements. The study examined six categories of living arrangements and found that the safest type, according to their definition of a family, is a child living with two married biological parents. Adding to this, a study by Charles Sturt University professor Sotirios Sarantakos compared 174 children living in heterosexual married, heterosexual cohabiting or homosexual cohabiting homes. The study concluded that there is strong evidence to suggest that 'married couples seem to offer the best environment for a child's social and educational development'.

Mothers and fathers have, for many centuries, provided a strong foundation for their children. Any departure from this should be met with appropriate caution. With those words, I commend the majority of the bill to the chamber, but reiterate that Family First will not be supporting the proposed definition of a qualifying relationship.

The Hon. J.A. DARLEY (15:50): I rise very briefly to indicate my support for this bill, which, among other things, will remove discrimination against same-sex couples and single people who want to adopt. Whilst I have been lobbied by constituents who are concerned about the removal of veto powers, I have been reassured by the minister and the department that anyone who believes that they are adversely affected is able to make application to the chief executive to have their details withheld and that there would be very few circumstances where the chief executive would not allow this. With that, I support the bill.

The Hon. K.L. VINCENT (15:51): I also take the floor to lend my support to this bill, which is a bill that, amongst other things, seeks to establish a provision for the adoption of adult persons where there has been a parent-like relationship for some time and that can be proven, and also extend the eligibility for adoption to single people and same-sex couples.

Unfortunately, we need only open a newspaper or turn on our radio these days to hear stories of children and young people who, to put it very lightly, do not have the right thing done by them. Given that there is so much hardship, difficulty and pain in the world for children and young people at the moment, I believe that we must do anything we can to spread our net as widely as possible to ensure that we are finding anyone who is able to provide a safe and loving home for children and young people. I certainly believe that that can be provided regardless of relationship status, gender or romantic and sexual orientation.

Adoption is an issue that is also, as for the Hon. Mr Hood, quite close to my heart personally. I have two beautiful adopted cousins, Kaitlin and Thomas, who were both adopted (at different times) from Thailand many years ago. I also somewhat argue that I have an adoptive parent, not in the official legal sense, but in the sense that he earned it. He is Geoff, my mum's partner. I sometimes call him dad, but not often, because then he would know that he won the battle with teenage me for my heart, but he certainly did earn that.

I would also like to pause at this point to point out that the people whom I consider my parents, Colleen and Geoff, are unmarried. As far as I am aware, they do not have any intention to marry, but they have been together for over 10 years now and their relationship is certainly just as valid, meaningful and loving as any other. I think all I would really like to say is that this is an issue that is very close to my heart for a lot of reasons and I am very happy to support this bill. I may,

however, have some questions at the committee stage, and I look forward to asking those, but in general principle, I lend my strong support to this bill.

The Hon. G.E. GAGO (15:54): I rise today to make a very brief statement of support for this bill, given that a particular section of this bill will be determined by a conscience vote, that section involving same-sex couples' ability to adopt. I want to put on the record that I am a longstanding supporter of equal rights, and therefore I support this bill in full. This bill will allow South Australia to catch up with the rest of Australia, bar the Northern Territory, with the provision for same-sex adoption.

This move towards equality is long overdue, and I want to congratulate those who have worked on this bill, particularly the individuals and organisations in our community who have campaigned for this reform and those in this chamber who have indicated their support for this bill. I commend the bill to the council.

The Hon. T.A. FRANKS (15:55): I also rise, on behalf of the Greens, to commend this piece of legislation. I note that it is quite revolutionary and extensive in its overhaul of the Adoption Act; indeed, many measures under the act that were well-meaning nearly 30 years ago, are now unworkable or unwanted.

The updates to the act reflect well upon its new objects and guiding principles, and these underline the paramount importance of the best interests, welfare and rights of the child and the preservation of cultural heritage, and encourage openness and access to information. Having these principles set in writing will greatly assist the courts and the wider community to consider these often difficult roles into the future.

A number of the new provisions are decidedly common sense, and I will take some time now to thank Professor Lorna Hallahan on what would have been a long and emotionally-charged task in compiling the review, which has led to the following provisions:

- allowing the adoption of adults;
- allowing the court to discharge adoption orders, such as in cases of abuse;
- the phasing out of information vetoes; and
- the retention of the child's first name.

All these provisions reflect the changing attitudes to adoption, that it is no longer a shameful secret and that it should prioritise supportive relationships over state intervention.

It is incredibly disappointing, indeed shameful, to see the provisions bringing single-parent adoption fully into the 21st century being amended, in the lower house, from the original version of this bill. I believe we will see how these changes play out in our courts, because they are discriminatory; a single-parent family is no less than any other family, and I think it is shameful that the other place made those particular amendments.

The Greens stand up for families in all their shapes and forms, in particular single parents. They are not somehow lesser because there are not two parents; indeed, as we have allowed single parents to adopt in, as the legislation provides, 'special circumstances' for many years now, and the special circumstances have largely been cases where children have severe special needs, it has clearly shown that the commitment and care of these single parents is paramount in providing a supportive environment for children. It is not based on the number of bodies in a room but what is in their heart and what they can provide for these young people.

The seemingly and so-called contentious part of this bill, the conscience part of this bill, is something the Greens have supported for many years. We have inclusive policies, and we will support those same-sex couples to adopt in this state. It is a great pleasure to see South Australia come into line with many overseas jurisdictions—and some interstate jurisdictions—in recognising a person who can prove themselves to fit the criteria that is placed upon adoptive parents, which is in no way the criteria that the member for Waite seems to think it is.

Apparently the member for Waite believes people run off and simply pick up a child on their way back from the grocery store. He seems to think the adoptive process is somehow easy or

something that people do just on a whim. He has a long way to go if he is to understand the processes that those who adopt children, not just in this state but around the world, have to go through. It is an extraordinarily arduous process, and rightly so. It is not a process one comes to easily or without a great deal of effort.

Indeed, as I have pointed out to the member for Waite on the wireless (as the Hon. Ian Hunter would have it called), it is actually those same straight people who can go out, on a whim, and get themselves pregnant. We have done nothing to stop those occurrences, yet we have denounced and derided, and not supported, loving, same-sex couples who simply want to create loving family situations for those children and those families. I know who I would back in terms of the commitment and the loving environment that can be brought, and it is those families who put that effort in.

Of course, we cannot not reflect on the story of one particular couple and family who have made their home in South Australia, and that is the family headed by Shaun and Blue Douglas-Galley. They are two fathers who have travelled from the UK to make Adelaide their home, and they will now have long overdue legal recognition of their parenthood to their two young sons Joshi and Dylan. I wish them well here in South Australia, and I am glad that we have finally stepped up to the mark and will provide them with equality should these bills pass.

They, along with countless other couples, have forged their own way while we, as lawmakers, have dithered. It will be a happy day to see peace of mind for these families across our state as they are accepted. In summing up, I would like to thank all those who have been involved in what has been a fight for equality, and I commend the government for bringing these pieces of legislation here in government time. In closing, I note the words of American author Jane Howard:

> Call it a clan, call it a network, call it a tribe, call it a family. Whatever you call it, whoever you are, you need one.

I am proud that today we will be providing one to many South Australians.

Debate adjourned on motion of Hon. J.M.A. Lensink.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (GENDER IDENTITY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 November 2016.)

The Hon. T.A. FRANKS (16:02): I rise on behalf of the Greens to speak to the government's Birth, Deaths and Marriages Registration (Gender Identity) Bill 2016. While the Greens acknowledge that this bill is an enlightened piece of legislation that will break down many oppressive barriers to gender-diverse South Australians, and while we want to celebrate this reform with our stakeholders and members of the gender-diverse community, we have a duty to the South Australian public to uphold.

This duty is to not be swept up in the eventual victory that the LGBTIQ+ community has managed to squeeze out of this parliament. This duty is to acknowledge the long and continuing fight. This duty is to acknowledge the fact that the community and we here, as their representatives, have been pushing for this reform for far too many years. In this place, in 2014, I introduced the Sexual Reassignment Repeal Bill with the following words:

> From my consultations with those who are members of the transgender community in this state, and indeed members who were born in this state but have moved interstate, I know that this act, which is 26 years old and has never been reviewed, has never worked, not even in that first year of its operation.

This bill, while well-meaning and of its time, does not serve the transgender community, the broader community, or the medical health professionals of this state. The community has never supported this act. It has taken the government nearly 30 years to listen to their voices. That bill of mine was referred to the Legislative Review Committee. Their report was handed down in April this year. While some of the findings made in this report have been addressed in this bill, there will be continuing issues for trans people in our state. These include:

- a lack of access to medical services, including financial access to surgery and the provision of a specialised, publicly funded medical service to the broader gender-diverse community;
- the prohibitive time and cost stemming from the need for a Magistrates Court to approve applications for the recognition of change of sex and the issue of recognition certificates for people under 18; and
- the issues faced by prisoners, who are unable to access private medical care with regard to gender dysphoria.

However, now I have done my duty in saying that the fight has been long and that there are still many battles to fight, I will outline the extreme positives within this piece of legislation. Allowing a person to register their change of sex or gender identity with the Births, Deaths and Marriages registrar, without invasive surgery, will change the lives of trans and gender-diverse people, offering them the autonomy that they have long deserved. I have constituents who will now be comfortable to apply for a driver's licence, to attend social events and live everyday life with their identifying documents that reflect who they are, not who someone, somewhere told them they once were.

Likewise, removing the archaic requirement for someone to divorce their partner before allowing them to register must be the only loophole in any piece of law in this state where conservative politicians argue in support of divorce. We have heard some unsettling arguments on this particular provision, but in reality it will be those people who do have supportive personal relationships and are married who will be able to maintain that status quo—something I would have thought the conservatives would support—while they go through what is undoubtedly an incredibly introspective and torrid chapter of their lives.

These requirements have been on our books for far too long now and, in this final week of sitting, I hope we will see this landmark bill reach this place and, indeed, see the Premier later this week making an apology to members of this and the broader rainbow communities. I commend the Weatherill Labor government for its actions, but I hope they do not forget the many people whose lives do not revolve around our often exclusive and fickle parliaments and who are not around to see these mammoth reforms this week.

I would like, in particular, to thank Zoey Campbell of the gender identity reform group, who organised and attended a briefing with members of parliament earlier this month on this particular bill. She has long worked and has long educated me and other members of parliament on this issue and, indeed, has been a uniting force in the community, bringing the information required to address the law reform needed to a point where it was manageable and directed. We are seeing some of the fruits of not just Zoey's labour but of the many people who have sat in many meetings about these particular issues.

I have certainly been privileged to hear personal stories—the stories of realisation, of transition, of fear and of courage—and I thank all of those people for sharing those stories with me and with others. It is not easy sharing those things, particularly when quite often you simply want to pass and you do not want to be noticed at all.

I commend those members of the community, particularly the trans community, who have stood up and been noticed, have made their voices loud and clear and have worked together, despite each of them having incredibly different stories. They are more than pieces of paper, but this bill today will ensure that those pieces of paper, when the bureaucracy comes up against them in their lives, will no longer define them, or will ensure that they will be pieces of paper that they are proud to carry.

I commend the recent work of the government on this bill yet again and look forward to further debates to progress these rainbow forms.

The Hon. J.A. DARLEY (16:08): I rise very briefly to indicate my support for this bill which will allow adults to change the gender marker on their birth certificate without the need to undergo surgery, which is currently the case. I recognise that this relatively minor change to the legislation will mean a great deal to those who are affected. With that, I support the bill.

The Hon. G.E. GAGO (16:08): I rise again to make a very short statement of support for this bill. Obviously, I am a longstanding supporter of the LGBTIQ community and am very committed to eliminating discrimination. While this bill will have very little effect on most South Australians, for those who are impacted, these changes will make a considerable, positive difference to their lives. Everyone has the right to have their gender identity recognised and respected. I congratulate those who have worked on this bill and particularly those individuals and organisations in our community who have campaigned for this reform and those members in this council who have indicated support for this bill. I commend the bill to the house.

The Hon. K.L. VINCENT (16:09): I again take the floor briefly to indicate my support for this bill and all other pieces of legislation in the 'rainbow raft' of legislation, as it has become known. I am very happy to be on a rainbow raft sailing down the river of life. This bill contains a very simple change that will make a big difference to the lives of those people who are transgender in our South Australian community, because it will simply allow them to have their true gender identity properly recognised on their birth certificate.

At the moment, not being able to easily do so causes many difficulties, including feelings of not being recognised or respected for who the person genuinely is but also more practical issues such as, because it is easier to change some documents than others, there arises some inconsistency in how the person's gender is identified in documentation which, therefore, can also cause some legal, practical difficulties. This is a very simple change that we can make and, importantly, with the passage of this bill, which I certainly hope will eventuate, it will also be able to happen, as has been said by other members, without that person having to prove that they have undergone gender-affirming surgery.

This is important for a number of reasons as explained to me by some members of the transgender community who came in to brief members on why this bill was important to them, and I thank them for that. Those issues include the fact that surgery can be financially prohibitive for many people, or it just might not be the right choice for them. They might be quite happy to identify as their chosen gender without needing to change their body gender which, as we are increasingly understanding as a society, is a very nuanced concept.

We need to make sure that we are giving people as much freedom as possible to identify in accordance with their own wishes for the good of their physical and mental health. With those very brief words, I am happy once again to lend my support to this bill.

The Hon. R.L. BROKENSHIRE (16:12): I rise to briefly speak on the Births, Deaths and Marriages Registration (Gender Identity) Amendment Bill. This is the second attempt to pass this legislation. The first bill of a similar name introduced by the Premier in the other place was ultimately defeated. Thereafter, the Premier reintroduced a revised version of the bill which passed with amendments despite considerable opposition.

The bill repeals the Sexual Reassignment Act 1988 and establishes a new process under the Births, Deaths and Marriages Registration Act 1996 that would allow a person of any age to apply to change their recorded gender or gender identity. The bill applies to adults and children born within or outside of South Australia and, for a person under 18, the bill requires that the Magistrates Court approve of any application for the altering of a child's sex or gender identity. Under the previously defeated bill, the age was set at 16.

Based on the recommendations of the Legislative Review Committee and the South Australian Law Reform Institute, once an applicant receives what is titled 'appropriate clinical treatment', which may only involve counselling, the applicant will be eligible to apply to change their recorded gender or gender identity on their birth certificate. Moreover, as a result of the member for Schubert's amendment, the applicant must have undergone a prescribed period of counselling before that person can be deemed as having received a sufficient amount of appropriate clinical treatment.

Although I understand the merits behind this particular amendment, having considered this bill as a whole, Family First will not be supporting it. We simply do not support a bill that allows children under a particular set of circumstances to change their recorded sex or gender identity. I recall the recent disturbing case arising in New South Wales where a child aged four began the

process of transitioning gender. The child had not even begun school and was already undergoing clinical treatment to change gender. Under the bill, the court must consider different factors when determining the application from a child under the age of 18. In reality, I doubt any child, especially one as young as four, could ever fully appreciate the magnitude of their decision.

I agree with the statement that birth certificates should record the biological details and parentage of a newborn, not subsequent feelings about one's own gender identity. The issue of gender identity again brings up the issue of whether those who have their gender changed will be able to access gender-exclusive facilities. The government has passed this problem onto individual organisations to deal with. This legislation, as well as other similar pieces of legislation, is problematic and will simply create more problems than it solves.

However, the most concerning part of this bill and one of the main reasons Family First will be opposing it is that it provides a workaround to legalise same-sex marriage in South Australia. This is entirely inappropriate given that the matter of legalising same-sex marriage is a federal issue. I say that there should be a plebiscite and there is a mandate for a plebiscite which is being blocked in the Senate at this point in time.

What I refer to is the lack of any provision in the bill preventing a person who is in a same-sex relationship to seek counselling for the purposes of changing their recorded gender to legally marry their partner. Evidently, if this bill were to pass, there would be very serious consequences. These concerns have not been appropriately addressed and for those reasons Family First will be opposing this bill.

I note that we will be speaking on other same-sex matters during this week and I look forward to putting counter views to some of those that are being pushed very hard by the other side. I struggle, personally, to believe that we are debating this particular piece of legislation because the reality is that biologically you are born male or female, you are recorded that way on a birth certificate, and to then try to change that history retrospectively, to me, makes no sense. So, we strongly oppose this bill.

The Hon. J.M.A. LENSINK (16:16): I will be supporting this bill. I think it is a long overdue reform for our South Australian parliament. I commend the Hon. Tammy Franks from the Greens for attempting to amend this legislation, previously the repeal of the Sexual Reassignment Act, and to bring in provisions that will simplify matters for the transgender community. I would also like to thank members of the transgender community, particularly Zoey Campbell, who is the convenor of the gender identity reform group, and other members for coming into parliament a couple of weeks ago to explain the practical difficulties that they have with the current legislation.

I think, in a nutshell, the current legislation is quite a difficult test for some people to go through. If they do not wish to proceed with surgery, they are also required to obtain a certificate from court, and if people are in the process of transitioning or they do not wish to go through with surgical procedures then those criteria are too strict for them, and this is particularly difficult for young people.

We heard of the practical difficulties that people have in terms of their documentation. I think it must be quite heart wrenching for lots of people to have to undergo that problem. I would also like to again thank Zoey Campbell for the notes that she has provided us with in relation to this matter. I would like to quote from that, and that may help to clarify some of the difficulties. Under 'Note One: Why we need reform' there are a couple of dot points which I will read into the record:

> This negative effect is due to social anxiety because of non-matching identity documents required for employment, healthcare, Centrelink, housing and other matters. Trans people may regularly be required to out themselves, and worry about social discrimination. The inability to gain accurate identity documents often causes unnecessary affront to the transgender persons privacy.
>
> Each person born in Australia may from time to time be called upon to certify their identity via their Birth Certificate or an Extract.

I think that is certainly very true. It continues:

> It is a serious social disadvantage to not have a Birth Certificate that reflects social presentation, and that can be used for common purposes without fear of social challenge or abuse.

I understand that the provisions in this legislation match those that apply to passport documentation and I note that there are also provisions to prevent the use of previous birth certificates for fraudulent purposes. With those comments, I commend the bill to the house.

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

STATUTES AMENDMENT (SURROGACY ELIGIBILITY) 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) (16:20): I move:

That this bill be now read a second time.

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

Leave granted.

In January 2015 the 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 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.

On 22 September 2016 the Relationships Register Bill 2016 was introduced into the other place to address the recommendations set out in SALRI's report, amongst other matters. However, given the complex nature and the breadth of the issues which were addressed by the Relationships Register Bill 2016, the Bill was split, on 15 November 2016, into the Relationships Register (No 1) Bill 2016 and the Statues Amendment (Surrogacy Eligibility) Bill 2016.

Whilst the Relationships Register (No 1) Bill 2016 makes provision for the registration of certain relationships and makes consequential, related and other amendments to the *Births, Deaths and Marriages Registration Act 1996*, the *Domestic Partners Property Act 1996*, the *Equal Opportunity Act 1984* and the *Wills Act 1936*, the Statues Amendment (Surrogacy Eligibility) Bill 2016 proposes amendments to the *Assisted Reproductive Treatment Act 1988*, the *Equal Opportunity Act 1984* and the *Family Relationships Act 1975* to alter the access and eligibility provisions and the rules dealing with surrogacy, access to assisted reproductive treatment and the recognition of legal parentage.

This Bill is an incredibly important piece of legislation that will help bring about equality for the lesbian, gay, bisexual, transgender, intersex and queer ('LGBTIQ') communities of South Australia. Although the changes proposed by this Bill will not affect most South Australian, it will have a profound impact on those South Australians who will, by virtue of the changes in this Bill, have access to assisted reproductive treatment and surrogacy agreements. The discrimination in the law, as it currently stands, makes what is already a complicated and stressful process even more complicated and stressful. This Bill will remedy that.

The Relationships Register (No 1) Bill 2016 proposes changes to South Australia's legislation to recognise that people in South Australia choose to enter diverse types of relationships. This Bill takes the logical next step by recognising that persons in the LGBTIQ community are capable of providing the essential ingredients for a positive and nurturing family in which family members are safe, with their mental, physical and emotional wellbeing cared for. This Bill does that by allowing members of the LGBTIQ to create their own families through access to assisted reproductive treatment and surrogacy agreements.

I turn now to the key features of the Bill.

The Bill will amend:

- 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 will 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;
- the *Equal Opportunity Act 1984* to remove the current exemption excluding particular fertilisation procedures from the definition of 'service' for the purposes of the *Equal Opportunity Act 1984*; and
- 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; and
    - with respect to surrogacy, permit access to surrogacy for domestic partners (including parties to a registered relationship), regardless of sex, gender identity or marital status.

This Bill is a crucial and strong step towards removing discrimination against members of the LGBTIQ community. I commend this 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 *Assisted Reproductive Treatment Act 1988*

4—Amendment of section 9—Conditions of registration

Section 9 of the principal Act makes provision for the kinds of conditions which must be imposed on the registration of a person authorised to provide assisted reproductive treatment under the principal Act. The first proposed amendment to this section provides for an additional condition of registration prohibiting the person from refusing to provide assisted reproductive treatment to another on the basis only of the other's sexual orientation or gender identity, marital status, or religious beliefs. Currently, a condition of registration prevents the provision of assisted reproductive treatment except where a woman or man is or appears to be infertile. This would be changed by an amendment that provides that such treatment may be provided if it appears to be unlikely that, in the person's circumstances, the person would become pregnant other than by an assisted reproductive treatment. The third proposed amendment achieves gender neutral language.

Part 3—Amendment of *Equal Opportunity Act 1984*

5—Amendment of section 5—Interpretation

This amendment is consequential on the amendment to the *Assisted Reproductive Treatment Act 1988*

Part 4—Amendment of *Family Relationships Act 1975*

6—Amendment of section 10A—Interpretation

This amendment proposes to substitute the definition of *qualifying relationship* that is not substantially different from the current definition but uses language consistent with other proposed amendments.

7—Amendment of section 10C—Rules relating to parentage

This proposed amendment would amend new section 10C(3a) (which commences operation on 23 September 2016) to ensure the use of consistent language.

8—Amendment of section 10F—Interpretation

Part 2B of the principal Act provides for certain surrogacy agreements to be legal. Currently, the scheme envisages that there will be 2 commissioning parents in relation to a surrogacy contract. The proposed amendments to this Part will, subject to the conditions set out in section 10HA, allow persons in a registered relationship to enter into a recognised surrogacy agreement as commissioning parents.

9—Amendment of section 10HA—Recognised surrogacy agreements

10—Amendment of section 10HB—Orders as to parents of child born under recognised surrogacy arrangements

These amendments are consequential.

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

BIOLOGICAL CONTROL (MISCELLANEOUS) AMENDMENT 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) (16:21): I move:

That this bill be now read a second time.

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

Leave granted.

Biological control is a highly effective tool for controlling pests and weeds that impact on agriculture and the environment by using the pest's natural enemies.

This Amendment Bill clarifies that viruses and sub-viral agents are included within the definition of an organism for the purpose of biological control to manage targeted pests.

The amendments address an issue that has arisen about the classification of viruses and sub-viral agents as living organisms and the possible legal implications this might have for agent and target organism declarations made under the biological control acts.

The *Biological Control Act 1986* (SA) is part of a national scheme of mirror legislation that is based on the Commonwealth's *Biological Control Act 1984*. Uniform legislation was passed by the State and Northern Territory Parliaments to establish a uniform and equitable system applying throughout Australia, to ensure that biological control programs that have been identified as being in the public interest could proceed without interruption by litigation.

The need for the acts was recognised in June 1983, when an injunction was obtained which prevented the release of insects to control Salvation Jane, an important pasture weed. A small group of stakeholders who believed the plant had beneficial qualities obtained the injunction on the grounds of the common law of private nuisance. With the advent of the Acts, biological control was able to proceed on Salvation Jane, which has been very effective in now preventing its dominance in pastures.

The Biological Control Acts were enacted to provide both a means of authorising the release of control agents and an equitable way of resolving a conflict of interests concerning biological control programs with a view to establishing public benefit.

As biological control programs have national implications, the acts establish the Minister of the relevant national council as the Biological Control Authority in each jurisdiction. The South Australian Biological Control Authority is committed to the Minister for Agriculture, Food and Fisheries as the member of the Agriculture Minister's Forum.

The essential elements of the Biological Control Acts are: (i) public opinion concerning a proposed biological activity must be widely canvassed; (ii) depending on the nature of any public comment, an inquiry may be held; and (iii) based on the information available, including the report of a public inquiry, the program may be declared under the Act and biological control agents may then be released. A declared program protects those authorised to conduct the program from any legal action for damages and precludes the opportunity to halt the program by means of a common law injunction.

This Bill will ensure that programs that use viruses or sub-viral agents for biological control of a pest can be conducted using the legal protections provided by the Biological Control Act.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Biological Control Act 1986*

4—Amendment of section 3—Interpretation

This clause substitutes new definitions of *kind* and *organism*, and replaces the term *live organism* with *prescribed organism*. The latter term is wider in meaning, including not only live organisms, but also viruses and sub-viral agents (other than live vaccines or resistant cultivars). *Organism* is redefined to include viruses and sub-viral agents, and the term *kind* is broadened to include species, sub-species and varieties of viruses and sub-viral agents.

5—Amendment of section 4—Biological control

This clause amends section 4 so that it provides that, for the purposes of the Act, organisms of a particular kind will be taken to be controllable by biological means if, and only if, those organisms can be controlled by the release of prescribed organisms (which may be viruses or sub-viral agents) of another kind.

6—Amendment of section 19—Agent organisms

This clause amends section 19 so that viruses and sub-viral agents can be declared to be agent organisms for the purposes of the Act. Action for a declaration can be commenced by a unanimous recommendation being made to the South Australian Biological Control Authority by the Agriculture and Resource Management Council, or by an application under section 20.

7—Amendment of section 20—Agent application

This clause amends section 20 so that an application can be made to the Authority to have viruses and sub-viral agents declared to be agent organisms.

8—Amendment of section 24—Notice of proposed agent organisms

This clause amends section 24 so that if the Council has unanimously recommended to the Authority that viruses or sub-viral agents of a particular kind should be agent organisms, the Authority must publish notices that the Authority is contemplating declaring those organisms to be agent organisms.

9—Amendment of section 28—Emergency declarations

This clause amends section 28 so that the Authority can in an emergency declare viruses or sub-viral agents to be target organisms or agent organisms for the purposes of the Act.

10—Amendment of section 29—Declaration of existing released organisms

This clause amends section 29 so that the Authority can declare viruses and sub-viral agents to be target organisms or agent organisms for the purposes of the Act.

11—Amendment of section 32—Declaration of organisms declared under a relevant law

This clause amends section 32 so that the Authority can declare viruses and sub-viral agents to be target organisms or agent organisms for the purposes of the Act if they have been declared as such under a relevant law (Commonwealth law, the law of another State, or the law of the Northern Territory).

12—Amendment of section 35—No legal proceedings to be instituted in respect of release of agent organisms under a relevant law

This clause amends section 35 so as to prohibit, subject to the section, the commencement or continuance of legal proceedings to prevent the release of viruses or sub-viral agents in accordance with a relevant law, or to recover damages in respect of any loss incurred, or any damage suffered, in this State, another State, or a Territory by reason of the release of such organisms in accordance with a relevant law.

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

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 November 2016.)

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:22): I thank honourable members for their contribution on this bill and the discussion that occurred. I look forward to progressing this through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. P. MALINAUSKAS: I thank honourable members who have contributed to the second reading debate on this bill. In particular, I would like to thank the Hon. Mr Darley and the Hon. Mr Lucas for their interest in this important reform. I understand that the minister has provided both members with a response to their inquiries and I look forward to their support in progressing this bill.

The South Australian Employment Tribunal (SAET) was established on the premise that the collective industrial relations skills and expertise of SAET's members and administration would, in the future, be utilised for resolving other employment-related disputes. The aim is that SAET will, as much as possible, be a one-stop shop for resolving disputes between employers and employees. The expanded SAET will confer a substantial benefit to the community by having a strong emphasis on being informal, affordable and outcome driven across all its proposed new jurisdictions. SAET's practices and procedures are informed by this ethos.

This will include clear, pre-trial resolution processes and the use of conciliation and mediation to resolve disputes where appropriate. In summary, this bill proposes to amend the South Australian Employment Tribunal Act 2014 and other legislation to expand SAET's jurisdiction, including:

- to amend the SAET Act to give the SAET the powers and functions necessary to exercise the expanded range of proposed jurisdictions;
- to confer on SAET jurisdiction over dust disease matters under the Dust Diseases Act 2005;
- to confer on SAET the whole of the existing jurisdictions of the Industrial Relations Court of South Australia and of the Industrial Relations Commission of South Australia, and to make consequential changes to the Construction Industry Long Service Leave Act 1987, the Fair Work Act 1994, the Fire and Emergency Services Act 2005, the Industrial Referral Agreements Act 1986; the Long Service Leave Act 1987; the Public Sector Act 2009; the Training and Skills Development Act 2008; and the Work Health and Safety Act 2012;
- to confer on SAET the jurisdiction of the Equal Opportunity Tribunal and the Equal Opportunity Act 1984;
- to confer on SAET the jurisdictions of the Teachers Appeal Board and the teachers classification review panels and to make consequential changes to the Education Act 1972 and the Technical and Further Education Act 1975;
- to confer on SAET part of the jurisdiction of the Police Review Tribunal and to make consequential changes to the Police Act 1998;
- to confer on SAET the jurisdiction of the Public Sector Grievance Review Commission and to make consequential changes to the Public Sector Act 2009;
- to confer on SAET criminal jurisdiction in respect of summary and minor indictable offences and to make consequential changes to the Summary Procedure Act 1921; and
- to confer on SAET common law civil jurisdiction in respect of contractual disputes between employer and employee and common law claims for damages under part 5 of the Return to Work Act 2014.

I commend the bill to members.

The Hon. R.I. LUCAS: Mr Acting Chairman, I understand that we are going to adjourn at clause 1. I indicate that I have a six-page letter from minister Rau and I want to place on the public record his responses. Minister Malinauskas has just given a very brief summary which has obviously been prepared for him, which is no criticism of him. I need to compare his responses, so I will need to ask those questions again at clause 1. I advise the minister that I have a six-page letter and I would like to see the minister's responses to those questions placed on the record, and I forewarn him that I will ask those questions again at clause 1.

I do not know whether or not the Hon. Mr Darley similarly wants to have his answers placed on the record but I certainly want to have the answers placed on the record. I forewarn the minister and his officers to that effect. I have given an indication to the minister's office that we will complete the debate tomorrow, but I want to get those answers and there may be some subsequent questions resulting from that.

Progress reported; committee to sit again.

STATUTES AMENDMENT (SACAT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2016.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:32): I thank honourable members who contributed to the second reading debate on this bill. The intent of this bill is to prevent the jurisdiction of the Public Sector Grievance Review Commission being conferred on the South Australian Civil and Administrative Tribunal (SACAT) on 12 December 2016. If this bill is not passed, SACAT will receive this jurisdiction automatically by virtue of the operation of the provisions of the Acts Interpretation Act 1915.

As part of the government's employment dispute resolution reform agenda, it is proposed that the jurisdiction of the PSGRC be conferred on the South Australian Employment Tribunal in July 2017. The passage of this bill is necessary to avoid the PSGRC jurisdiction being conferred on SACAT automatically in December this year. It would be undesirable for the PSGRC jurisdiction to be conferred on SACAT in December of this year only to be conferred on SAET in July 2017. I commend this bill to members.

Bill read a second time.

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

Second Reading

Adjourned debate on second reading.

(Continued from 26 July 2016.)

The Hon. T.A. FRANKS (16:34): I rise on behalf of the Greens to support the government's Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Bill 2016. I am speaking a little quickly because I am hoping that we will actually see this bill progressed through this place a little more quickly than it has to date. I have been ready to speak on this bill for some months now and, while it is not in the government's priority list, I do hope we see its passage this week before the conclusion of the parliament.

The Greens support this bill, and congratulate the government on beginning the long journey to changing the story on domestic violence in South Australia. It is commendable to see what would appear to be common sense prevail in the law. An intervention order, regardless of where it is made, should be enforceable in South Australia; likewise, the system need not encourage further contact with offenders. This bill will allow simply being present in court when the order is made to be adequate. Similarly, because domestic violence needs attention and special consideration, having an order declared as one of a domestic violence concern will allow police and services to fully understand what they are dealing with and all the concurrent risks.

Of course, it would be simplistic to speak on this bill without remembering that the lack of communication and information sharing between services has contributed to great tragedies in this state in the past. The Greens hope this is a first step in healing a system that has previously failed to protect innocent people from offenders. While there are many people who give so much of their efforts to assisting those experiencing and at risk of domestic violence, it is our job as parliamentarians to ensure they are given the appropriate legislative framework to allow them to do that job with real power.

Now that this place has the opportunity to do so, I would like to take the opportunity to extend our congratulations to Lauren Novak and Sheradyn Holderhead of the *Sunday Mail* and *The Advertiser* for winning the category of Best Journalism Campaign in the 2016 Our Watch Awards, with 'Knowing what we are up against'. The Our Watch Awards are administered by the Walkley Foundation, and recognise exemplary reporting to end violence against women and children. I commend these two journalists on their commitment to reporting a part of our society that it is all too easy to shy away from.

I would also like to extend my congratulations to finalist Selina Green from the ABC South East breakfast program for her stories, entitled, Mount Gambier community domestic violence forum, Rosie Batty domestic violence forum, Candlelight vigil Lee-Ann Thompson, Bystander workshop, and Study into domestic violence in rural areas.

I also acknowledge the work of the parliament's Social Development Committee for its report on domestic and family violence that was tabled in this place on 12 April this year. I look forward to the further implementation of the recommendations of that report and acknowledge the committee's wisdom in acknowledging that domestic violence intersects with so many areas, including homelessness, employment, rural and remote communities, and communities from CALD and ATSI origins.

I also highlight that, as part of those recommendations, the committee implored the state government to lobby the commonwealth to secure a minimum funding term of three years for domestic and family violence services to be delivered in a way that would allow them to plan strategically. From this last point I can say that, in the 2016 state budget, the state government has promised $1.3 million to introduce this scheme. It has also given itself these tasks this year, to name only a few:

- releasing a domestic violence discussion paper consulting on specific topics regarding reform, and updating the community on current initiatives;
- developing and implementing South Australian initiatives as part of the Third Action Plan under the National Plan to Reduce Violence against Women and their Children; and
- expanding the Staying Home Staying Safe program for women and children experiencing domestic violence.

All this is highly commendable and the Greens wait, with much anticipation, to see not just the realisation of these promises but the passage of this bill.

I do express concern that this bill has not been on the priority list. While it is a great reform I raise the question: how many people who could have benefited from these new measures to ensure that intervention orders are not hampered by state borders, have not been supported by this bill in the past months that it has languished on the *Notice Paper*? With those few words, I commend the bill.

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

STATUTES AMENDMENT (NATIONAL ELECTRICITY AND GAS LAWS - INFORMATION COLLECTION AND PUBLICATION) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 October 2016.)

The Hon. R.I. LUCAS (16:40): I rise to speak on this bill on behalf of my colleagues but, in doing so, indicate that I will be addressing this bill and its companion bill in the terms of a cognate debate, personally. I know it is not formally a cognate debate, but they are related issues in relation to the National Electricity Market. I will have a relatively brief contribution on this bill and a more considered and lengthy contribution on the companion bill, which I will commence this evening and seek leave to conclude tomorrow morning.

This particular bill—the Statutes Amendment (National Electricity and Gas Laws-Information Collection and Publication) Bill—is one that the opposition was pleased to support through our shadow minister in the House of Assembly. It is part of a package of two bills, as I indicated, that are, in my view and our view, modest in nature in terms of what they seek to achieve. This particular bill proposes to provide additional powers to the Australian Energy Regulator to collect and publish data necessary to benchmark the performance of electricity and gas network service providers.

Secondly, it seeks to clarify the AER's functions and power in respect of compulsory powers to collect information and performance reporting functions, including annual benchmarking reports and the publication of information. Thirdly, it would enable the Australian Energy Regulator to obtain data solely for benchmarking reports, which is, evidently, restricted under the current legislation. Fourthly, it imposes an up-front obligation on service providers to make an express claim of confidentiality when submitting the information and to provide justification at that time, without which, otherwise, the information could be made public.

In and of itself, all this bill is seeking to do is to provide the extra power and capacity of the Australian Energy Regulator to collect more information in a specific form and allow it to produce that information in terms of, hopefully, being better informed and more illustrative of the performance of the market and service providers in terms of their operations within the National Electricity Market. Members who follow this market will know that the Australian Energy Regulator is already required every five years to assess and approve each regulated network service provider's revenue allowance to apply for the regulatory period, and in doing that, I think, without exception (not that I have checked every report), clearly benchmark service provision by other service providers in terms of service standards and performance.

This particular bill is to provide additional benchmarking service capacity for the Australian Energy Regulator and to make it clear that it can collect whatever information it requires to better inform the market. For those reasons, we have no objection to it. There are provisions in relation to a different way of tackling confidentiality issues of the information that is provided. The shadow minister advises that the industry associations that represent these service providers, and some of the service providers themselves, have not raised concerns with him and with us about the provisions in the bill. It is being supported, as we are the lead regulator in the National Energy Market, by, we understand, all other governments and jurisdictions. For those reasons, I am pleased to indicate the Liberal Party's support for the legislation.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:44): I thank honourable members for their contributions, particularly the opposition spokesperson in this chamber, and I look forward to the swift passage through to the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (AUSTRALIAN ENERGY REGULATOR - WHOLESALE MARKET MONITORING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 October 2016.)

The Hon. R.I. LUCAS (16:49): As I indicated in speaking to the companion bill, and that bill has now passed, the Liberal Party is looking at these as cognate debate companion bills. I want to address some more considered and lengthy remarks to the second reading of this bill. As I have indicated to the Leader of the Government, I will seek leave to conclude my remarks in the morning and be happy to conclude the debate tomorrow as well.

This bill, too, is relatively modest in its intentions. We have been told in the briefings that I have received that the catalyst for this particular bill that we see in November 2016 was an Australian Energy Market Commission report back in April 2013, so certainly the government and governments cannot be criticised for acting hastily in relation to the meat that is within the bones of this particular bill. It has been some 3½ years in the making and, as I said, the government advice was that this was first identified by the AEMC back in April 2013. So, tardy as it is, 3½ years later, we nevertheless, from the Liberal Party viewpoint, are prepared to support it.

We are the lead legislator in relation to National Electricity Market legislation. This particular bill is, as I said, modest in its intentions. It is there to confer on the Australian Energy Regulator a wholesale market monitoring and reporting function. It is evidently intended to ensure that the energy ministers from all the NEM jurisdictions have information and evidence to support legislative, regulatory or other responses where features of the wholesale electricity market are found to be detrimental to effective competition.

This bill is not actually going to do anything or change anything. People should not be expecting or anticipating that. Essentially, all it is doing is setting a framework through which the government and ministers are arguing that more information and maybe better information can be provided to inform ministers to maybe make some changes to the operations of the National Electricity Market. I hasten to say, and I have said this on many occasions before, the National Electricity Market was an original proposal under a federal Labor government and a state Labor government—a federal Keating government (or it might have been a Hawke-Keating government) and the last remnants of the Lynn Arnold government in the early 1990s.

It was supported by federal Labor and state Labor. It was also supported by federal Liberal and state Liberal governments and parties through the last more than 20 years or so of the operations of the National Electricity Market. That is why I chuckle when I see attempts by state minister Koutsantonis and others to attack the state Liberal Party when they say that it was the former Olsen government or former treasurer Lucas who constructed the National Electricity Market, and all of the sins of the National Electricity Market in its construction were the fault of one particular party and one jurisdiction of the National Electricity Market.

No-one who follows the market believes that, because, as the minister and the government have demonstrated through this bill and the other bill—and I guess part of their argument would be, 'Well, it's taken us 3½ years to get to this stage because, even though the AEMC identified this as a problem 3½ years ago, we have had to get all the jurisdictions to agree. We can't act by ourselves, even although we are the lead legislator,' and that is all correct in terms of needing to get agreement at the national level before we as the lead legislator can initiate action.

The notion that any of the identified deficiencies in the rules of the National Electricity Market are somehow the fault of either the South Australian parliament or, more particularly, the South Australian Liberal opposition because, at one stage during the last 25 years, we had been in government, is foolishness in the extreme. What this is setting about trying to do is to provide more information and better information to ministers to, many years in the future, maybe change the National Electricity Market rules to provide for a better and more efficient operation of the National Electricity Market.

I have to say, regarding this minister and this government after almost 15 years as a government, that I think the South Australian community are long past accepting the notion that, in some way, all the problems that exist in the current market are the problems of former governments. For a period of 15 years, the current government has been unable to do anything, suggest anything or make any changes that would seek to tackle any of the problems that they identify.

I want to now address some of the claims that have been made during the debate on this particular bill both in the House of Assembly but also in the community generally in relation to the legislation, particularly this notion that many of the problems that confront South Australia at the moment are not the responsibility of the government that has been there for 15 years but are somehow the responsibility of a party that was last in government almost 15 years ago. The first issue I want to address is in relation to the privatisation of ETSA and one aspect in particular, although there are some other aspects as well, which is the long debate about an interconnector with New South Wales which was originally called, and is still called by many, Riverlink—an interconnector that connects South Australia to New South Wales through the Riverland region.

In talking about this issue of privatisation, I must admit that the hypocrisy of the Weatherill government, in my view, knows no bounds. We have seen the debate on this particular bill in the House of Assembly where the minister and a number of other Weatherill government members sought to, again, say that all the problems that exist at the moment were a result of privatisation. The simple fact is the Victorian electricity system was privatised before the privatisation of the South

Australian electricity system, yet Victoria has almost the lowest electricity prices in the nation and South Australia has the highest, which gives the lie to the claim that, in some way, in and of itself, privatisation is the reason for the problems that confront the National Electricity Market in South Australia and electricity pricing and security in South Australia as well.

The hypocrisy of the Weatherill government in blaming privatisation is extraordinary. We have seen, from 2002, the 'no privatisation' pledge that was given by former premier Rann and has subsequently been given by Premier Weatherill and various Labor government ministers over the last 15 years. They pledged to oppose privatisation yet, at the same time, we have been literally drowning in privatisations of state utilities and assets such as the Motor Accident Commission, the Lands Titles Office and the Lotteries Commission of South Australia. HomeStart is being scoped as we speak, and we of course know that the government has secret plans to privatise SA Water. Recently released freedom of information documents reveal not only that the board of SA Water has been, on behalf of the Weatherill government, busily looking at privatisation options with SA Water, but also that Treasury has in the past employed highly paid consultants to look at the privatisation of SA Water as well.

On the one hand, we have a Labor government that promises no privatisation at all in 2002, says that it has always opposed privatisation, says that the privatisation of electricity assets is the only reason for problems in the electricity market and, yet, on the other hand, busily privatises the MAC, the LTO, the Lotteries Commission, HomeStart, and is looking at SA Water. As I said, I think the hypocrisy of those claims is self-evident.

On occasions we have had Treasurer Koutsantonis railing against Liberal members in the other place, I notice, when some have questioned (without opposing) some of the various privatisations of the state Weatherill Labor government, such as questions in relation to the Lotteries Commission, the Motor Accident Commission and the LTO in particular, and has attacked those members as socialists. From his viewpoint, the private sector is much better placed to manage the insurance market than the Motor Accident Commission; the private sector is much better situated to manage the land titles; the private sector is much better than the public sector in managing the Lotteries Commission; and the private sector is much better than the public sector in managing HomeStart.

Yet, Treasurer Koutsantonis would want us to believe, when it suits his particular argument, that whilst he believes the private sector should manage all of these other assets because they are better than the public sector, he argues the alternative argument when it suits him to say, 'But that is not the case in relation to electricity assets'. He obviously believes that the public sector and politicians are better placed to manage electricity assets in the National Electricity Market.

He has not been asked in recent years—when he says he supports a competitive national electricity market, and he is on the record as saying that he supports a national electricity market and a competitive national electricity market—how on earth he can argue that you can have a competitive national electricity market in a truly competitive sense when you have government-owned either generators in some states and jurisdictions competing against private sector-owned generators, or government-owned electricity entities competing against private sector entities in other parts of the National Electricity Market, such as retailing, for example. Can he explain how you can have a competitive electricity market, which he says he supports, when you have governments owning and operating and clearly being responsible, in part, for policy?

So, you have a situation where the government, through ministers and ministerial councils, etc., changes the policy and governs the policy that operates the market and yet they would be operating businesses within that market. How you would describe that as a truly competitive market only Treasurer Koutsantonis would know how he would explain that. I am yet to see an explanation from him in relation to that particular issue.

I want to place on the record again something that I placed on the record a number of years ago, and it was reported briefly at the time, on 14 November 2013 in relation to the hypocrisy of Treasurer Koutsantonis on this particular issue of privatisation. Let me repeat what I said on 14 November 2013:

I want to take the opportunity today to put on the public record something that I have not before put on the public record and this has been prompted as a result of continuing to hear minister Koutsantonis and some other Labor members saying that they had always proposed—

It is a typo in *Hansard*, I might note. It says 'proposed', but it is 'opposed'—

privatisation of electricity of ETSA and they continue to oppose the privatisation of ETSA. I can indicate that former Labor legislative councillor the Hon. Trevor Crothers was one of two key votes in the Legislative Council to support the privatisation of ETSA in South Australia, a courageous decision that he and his colleague the Hon. Terry Cameron took at the time.

The Hon. Trevor Crothers told me at the time, and on a number of occasions after that debate and before he passed away, that during that particular debate he was approached by very many Labor MPs at the time who were in the parliament, including now minister Tom Koutsantonis. He told me that now minister Koutsantonis, at that particular time before the vote, urged him to cross the floor and vote with the Liberal Party, the Liberal government, for the passage of the ETSA legislation.

Let me repeat that: the Hon. Terry Crothers told me as the minister at the time that at that particular time before the vote—that is, before the Hon. Terry Crothers had to decide whether he would cross the floor and be expelled from the Labor Party as a Labor rat for voting against the Labor Party—now Treasurer Koutsantonis spoke to the Hon. Trevor Crothers and 'urged him to cross the floor and vote with the Liberal Party, the Liberal government, for the passage of the ETSA legislation.' I continue my quote from that speech:

As the Hon. Mr Crothers put it to me, it was not because of any ideological position or merit-based judgement the Hon. Mr Koutsantonis had arrived at: it was simply a view that Mr Koutsantonis and a number of other Labor MPs had that the Labor Party would be crucified at the upcoming elections in relation to problems with the State Bank debt, or the state's debt, if the Labor Party was seen to prevent the pay-down of the state's debt through the privatisation of the ETSA assets. That particular conversation—

That is, the conversation Mr Crothers had with me as minister—

is also known to the Hon. Terry Cameron who, of course, is still alive. The Hon. Terry Cameron can attest to the accuracy of that particular statement that the Hon. Trevor Crothers made to me on a number of occasions.

I think it is important to highlight the cant and hypocrisy of certain members, in this particular case Labor minister Koutsantonis, on this issue of ETSA privatisation because, as I said, when it suits him he loves to run around saying that he is always opposed to privatisation and continues to oppose the privatisation of electricity assets, yet what is…clear is that right from the word go he was urging Labor MLCs Trevor Crothers and Terry Cameron to cross the floor and vote with the Liberal government for the privatisation of electricity assets in South Australia. As I said, I think it is important at this stage to put that on the public record. Of course, I was not there for those discussions; I can only recount what the Hons Trevor Crothers and Terry Cameron have told me over the years in relation to those conversations.

That is the end of the quote from my contribution at the end of 2013. I can only repeat that this issue of privatisation that the Hon. Mr Koutsantonis continues to prosecute, clearly from his own colleagues' words directed to me, is rank hypocrisy in relation to what his position was on the privatisation issue.

Further, in relation to the debate on this bill in the House of Assembly, there are a number of claims made by the government in relation to the issue of Riverlink. As I have explained before, Riverlink was a proposed interconnector linking the New South Wales electricity market with South Australia through the Riverland area. The argument from Treasurer Koutsantonis and other government members over the years has been that the Liberal government stopped the Riverlink proposal because it wanted to drive up the value of the ETSA proceeds. Let me put on the public record some of those particular claims by various ministers. On 15 June 2016, Treasurer Koutsantonis said:

Now, the State Government, ETSA when it was publicly owned had reached agreement with NEMMCO to build an interconnector into New South Wales. We had agreement. That was Riverlink. That was signed off, approved. Then Treasurer Rob Lucas and the Government stopped the construction of Riverlink and the reason they stopped it was to maximise the sale price of ETSA.

On 26 July 2016, Premier Weatherill made similar claims:

When Rob Lucas privatised ETSA he made sure that he scotched the interconnector to New South Wales because he wanted to drive up the price. The best way to drive up the price is to sell a monopoly product.

Again, on 1 August 2016, Treasurer Koutsantonis said in a press statement:

That lack of interconnection exists because Opposition Shadow Treasurer Rob Lucas killed off plans to build an interconnector to NSW when he was Treasurer in order to inflate the sales price of our power assets.

It is one thing to privatise state-owned assets in order to create increased competition and efficiency, but it is another thing entirely to limit competition in order to inflate the sales price and create private sector monopolies.

Of course, in this house, we have seen ministers Gago, Maher and Hunter make similar claims. They are all obviously singing from the same hymn sheet. They are given the hymn sheet and they religiously parrot what is given to them. On 29 September 2016, Minister Hunter said:

[Rob Lucas] was part of the government that stopped [Riverlink] being built. He was part of the failed Liberal government that stopped that interconnector being built…

The Hon. Robert Lucas over there was the one who took the decision, because he wanted to maximise the sale, the privatisation, of the state's assets of ETSA.

Again, minister Hunter was making it quite clear: the accusation is that the Hon. Rob Lucas was the one who took the decision to stop the Riverlink interconnector from being built. Then on 20 September 2016, the Hon. Mr Hunter again said:

It was the Hon. Mr Lucas. Who was it who closed down the proposal to build an interconnector with New South Wales? It was the Hon. Mr Lucas. He was the one who said, 'No, no, let's not build the interconnector with New South Wales. It will drive down the price that we can get for privatising ETSA. Let's scupper that. We'll send that one to the back room. We won't build that, even though it will drive down electricity costs to our consumers. We want to sell ETSA. We'll scupper that. We won't build that interconnector because it means that we will get a bigger price for ETSA.

I could have quoted any number of quotes from the Hon. Mr Maher, the Hon. Mr Holloway, the Hon. Ms Gago and others but, given that Mr Hunter is the flavour of the week, I thought I would put his statements on the record.

All those claims are wrong. They are based on whatever you might want to call them—lies, deliberate falsehoods, porky pies, or whatever phrase or colloquial expression you want. They are all quite simply wrong, and I intend to demonstrate the facts in relation to that. The simple reality, as I will demonstrate later, is that no government in South Australia or, indeed, in any jurisdiction has the power to decide either to allow an interconnector to go ahead or to stop it. Those decisions are taken by independent national regulatory authorities, so the claim that in some way the Liberal Party, the Liberal government or a particular individual, a Liberal minister, had the power or the authority to stop an interconnector is factually wrong and can be demonstrated as such.

There have also been many other false claims made during this debate in the other place and in the community generally. Among the most frequent are claims made by Treasurer Koutsantonis that the Liberal government, in privatising our assets, was only concerned about the value of the dollars we would receive to help pay off the State Bank debt. I might say that it was not something we were gathering for ourselves: we were actually trying to collect as much money as we could to pay off the Labor Party's State Bank debt in South Australia.

One of the often-mentioned claims is that the Liberal Party or the Liberal government deliberately sold our ETSA assets to monopoly interests. Let me read some of extraordinary and ill informed claims that Treasurer Koutsantonis has made on this issue. On 13 October this year, Treasurer Koutsantonis said:

The National Electricity Market: the privatisation of the contracts have ensured that this state remains in a monopoly and we've got to try and smash that monopoly up.

What Treasurer Koutsantonis is saying in parliament and on talkback radio is: 'The privatisation contracts were all sold to monopoly interests, and the state of South Australia still remains in a monopoly and we've got to try and smash that monopoly up.' It is quite clear that Treasurer Koutsantonis does not understand what a monopoly is. It would probably assist if someone from Treasury gave him a hymn sheet or a cheat sheet to describe what a monopoly is, what an oligopoly is, what market power might be and what a competitive market is, so that he might actually understand the differences.

He is clearly of the view—and he continues to prosecute the view because it suits his political purposes—that the privatisation contracts have ensured that this state remains in a monopoly and that we have to try to smash that monopoly up. He goes on in that interview to say:

Because of the monopoly market that Mr Marshall's party created here, we have to try to break that monopoly up.

He continued to return to that theme in a debate with the member for Dunstan, Liberal leader, Steven Marshall, on that particular date. Again, on 18 October, during the debate in the house on this bill, Treasurer Koutsantonis actually made this statement in the parliament. He is talking about the generators that operate in South Australia and he says:

Because they were given a monopoly through the privatisation. All roads lead back to Rome. So, you cannot just ignore it and say that it was 17 years ago or 20 years ago. Why is it that generators can exercise monopoly power in the Australian energy market? Why is it?

He goes on to say again that it was the Liberal government that sold the generators with monopoly power to exercise that monopoly power within the National Electricity Market in South Australia.

It is quite clear that that particular claim is simply garbage. What Treasurer Koutsantonis clearly does not understand is that what existed prior to privatisation was in fact a monopoly. What we had in South Australia originally was one company, ETSA, which generated power, distributed power, transmitted power, then retailed power and sold it. It did all the four things that generators, distributors, transmission companies and retail companies do now.

Under the Liberal government and competition policy during the nineties, prior to privatisation, ETSA was broken up into a number of companies under government ownership. They nevertheless still remained monopoly operators in the South Australian power market. That is what a monopoly is and was: a single entity which controlled the market and monopolised it. Clearly, the government of the day had to help set the power prices and things like that, but it was a monopoly operator.

I placed on the public record (and I will put in one quote here) that at the time of the privatisation, as the minister who took over the responsibility and had carriage of it, the very strong advice I was being given in terms of maximising the sale of the ETSA assets was to not disaggregate Optima, the government-owned generator in South Australia. In a contribution in parliament on 17 June 1998 I said:

The government has a decision to make as to whether or not in its restructure we support a one Optima policy, that is, maintaining Optima as it is, or a policy where Optima is disaggregated.

I repeat, Optima was the government monopoly generator which controlled the Torrens Island gas station, it controlled the Port Augusta power stations and one or two other smaller stations in country areas. It was called Optima after the original disaggregation. So what I was saying on 17 June 1998 was that the government had a decision to take: did it sell Optima as a monopoly to a private sector operator or did it break it up to introduce competition into the marketplace? I continue the quote:

It is quite clear from a number of statements what the Optima board's position is. Mr Ainsworth—

who was the chair of Optima at the time—

has made it quite clear that the Optima board believes, in terms of optimising its value, that Optima ought to be retained as a whole.

That is consistent with all the advice I was receiving at the time from that electricity business; that is, if you are going to privatise, if you are going to sell a government generator, you will get more money for that sale if you sell it as a monopoly operator. If you break it up and introduce competition to the market, you will not get as much money from the sale.

That was the advice of the board, and we employed the board. In essence, the board was there to look after the interests of the shareholder, and we were the shareholder; they were providing advice to us, the shareholder, saying, 'If you want to maximise the value, don't break us up.' We took the decision to break up the monopoly operator Optima because we took the view that in the public interest we needed to introduce a greater level of competition into the marketplace and try to place downward pressure on electricity prices in South Australia.

We eventually broke it up into four new companies: Optima, which continued to operate the Torrens Island power station; Flinders Power, which continued to operate the Port Augusta power stations; Synergen, a company designed to operate a small number of country and regionally-based,

government-owned generation assets; and a new company called Terra Gas Trader, a gas trading company designed to try to find gas contracts and then supply them to the gas-fired power stations that might require them, in particular Synergen and Torrens Island, which was Optima.

So, the government rejected the advice to maximise its sale value by keeping Optima together and selling it to a private sector operator, and broke it up into, in essence, three generators and one Terra Gas Trader company. Not only did we do that, we also (for other reasons which I shall outline later) fast-tracked the most efficient gas-fired power station in Australia at the time—and I suspect it is still so today—Pelican Point. It was a 500-megawatt power station with the capacity to increase in size to 800 megawatts.

I say so with a touch of irony in that we did that against the fierce opposition of the Labor government, represented now by Mr Weatherill and Mr Koutsantonis, but at the time Mr Foley and others were the local members down there. Mr Koutsantonis would have been a member. There was fierce opposition to the Pelican Point power station from Labor Party members, who helped organise major protest meetings that I attended down at the Port.

People were baying for blood, protesting that this power station would destroy the ambience of that particular region and that we would kill the pelicans. There were coffins on Parliament House steps with protests that Rob Lucas was going to boil the pelicans off Outer Harbor because, with the hot water coming out of the power station, we had not done the calculations and all the pelicans would die and the deaths of those pelicans would be on my shoulders and the government's shoulders. These were major protests organised by the Labor Party.

I chuckle now that, in the aftermath of the most recent price spike in July, and the power blackout in the last month, Treasurer Koutsantonis had to go cap in hand to the operators of Pelican Point to ask them to operate down there even though his government and his party opposed them right from the word go. He is now saying, because of the closure of Hazelwood, that potentially the saviour might be gas-fired operators like Pelican Point being able to operate again in the South Australian market. If he and the Labor Party had had their way, we would not have had Pelican Point operating, because they did all in their power to support the protesters to stop that particular proposal from going ahead.

The point I make in relation to the monopoly is: if you are arguing, as the government is, that we sold, through the privatisation contracts, a monopoly generation market when we moved from a monopoly position to three government-owned generators that were sold off, and we fast-tracked the 500-megawatt competitor, the one thing to guarantee to drive down the price of your existing assets is to fast-track, with development approval, which was being opposed by everyone at the time. We fast-tracked development approval to get Pelican Point down there.

The way to drive down the price of your assets if you are going through a privatisation is to fast-track a 500-megawatt, super-duper efficient competitor that will enter the market and be able to be more competitive than you. It was many times more efficient in terms of its use of gas and production of power than the old, ageing Torrens Island power station. I do not have the figures with me today, but it was many times more efficient because it was modern, it had new technology and it was therefore very attractive in terms of both greenhouse gas emissions and also in terms of efficiency of using gas to generate electricity at a lower price.

All of those factors were factors in driving down the potential value of the generation assets at that particular time. It would have been possible to get much higher value for your generation assets if you did none of those things rather than what the government actually did during that particular period. The other extraordinary claim that I have seen in relation to this bill and the related debate was again made by Treasurer Koutsantonis on 18 October, who said:

> They [that is the Liberal government in the privatisation] did not do what Geoff Kennett did when he sold his assets—

I might note for Hansard's purposes that Jeff Kennett is spelt with a J and not G-e-o-f-f—

> that is, ensure that he retired debt with the proceeds, which is what the former government did not do—in fact, they increased debt after they sold ETSA.

That is just an extraordinary claim: it is wrong. Treasurer Koutsantonis must know that it is wrong because in the actual legislation that was passed by the parliament, one of the conditions of the debate that we had with the Hon. Trevor Crothers and other Labor members was that all of the proceeds of the privatisation had to go to the retirement of debt.

So, clause 21 of the Electricity Corporations Restructuring Disposal Act 1999, which is 'Application of proceeds of sale/lease agreement'—without going through all of that because there are some elements that have to be used to balance prices in the country with the city, that is the Community Service Orders (CSO) to make sure that there are equal prices in the country as in the city, so there are some of those things that the proceeds had to be used for— but once electricity and market-related issues have been resolved, all of the proceeds of the more than $5 billion received from the privatisation had to go to the retirement of debt.

Yet, Treasurer Koutsantonis stands up in the House of Assembly in the debate on this particular bill and makes that extraordinary claim that the Liberal government did not retire debt with the proceeds. How he makes that claim with a straight face, when the legislation sitting in the statute books in his own chamber of the House of Assembly makes it quite clear that that is what was required, again, is just extraordinary. All of the claims that Treasurer Koutsantonis has been making in relation to the privatisation issues on the supposed monopoly, on the fact that it was not used to retire debt are, again, all wrong. As I said earlier, either based on lies or deliberate falsehoods, or porky pies—whatever phrase or euphemism or colloquial expression you want to use that suits your purpose—they are simply, and were simply, all wrong in terms of the privatisation.

In looking at the Riverlink issue, the simple explanation of why, as I indicated earlier, the government claims have been wrong—and I listed a long number of government claims—is, as I said at the time, the South Australian Liberal government and, indeed, the South Australian Labor government, never had the power to stop the Riverlink interconnector. Contrary to all of the claims that have been made, they just never had that power. At that time, it was a decision that had to be taken by NEMMCO, the National Electricity Market Management Company, which has now morphed into other bodies under recent changes to the legislation.

The proof of the fact that the Liberal government could not have made a decision to stop Riverlink is self-evident by my copy of the Labor Party's pledge card:

> My pledge to you. Labor: the right priorities for South Australia, 2002.

My pledge card, which was obviously a pledge that, not only Mr Rann gave, but Mr Koutsantonis gave to his electors in his electorate and Mr Weatherill gave to his electors in his electorate, states:

> (1) Under Labor there will be no more privatisations…
>
> (2) We will fix our electricity system and an interconnector to New South Wales will be built to bring in cheaper power.

So, the Labor Party was elected on the specific promise that it had been saying that the Liberal Party and the Liberal government had stopped Riverlink, but they knew that this claim was wrong, they knew that it was a claim that could not be sustained, but they, nevertheless, went to the election with a pledge, which specifically said, 'We will build this interconnector between New South Wales and South Australia.'

That was the whole part of their 2002 election campaign as it related to electricity, that, in some way, the Liberal government had stopped the interconnector, solely for the purposes of driving up the asset sale value and that, if they were elected, that would all stop because the Labor Party, if elected, would immediately build this interconnector with New South Wales, with all the wonderful claims and benefits that would ensue, or so they claimed. Clearly, they knew that that was not true, but they nevertheless made the policy promise.

The clear fact that, 15 years later, a Riverlink has not been built is a clear indication that the state Labor government was in the same position as the state Liberal government; that is, it had no power to make the decision on the Riverlink interconnector. In fact, the state Labor government made endeavours to get the Riverlink interconnector built, but it was eventually, after a number of appeals, judged not to be in accordance with the National Electricity Market rules.

A Victorian Supreme Court decision—which eventually went via NEMMCO, via the National Electricity Tribunal, and eventually settled in the Victorian Supreme Court—made it quite clear, unequivocally, that Riverlink would not get the regulated asset status and would not get the go-ahead as an interconnector between New South Wales and South Australia, even though the state Labor government had promised that it would be delivered. NEMMCO at varying stages said yes and no but ultimately, at the end of the process, the Victorian Supreme Court made it clear that the answer was no.

In looking at this, it is important to look at what the facts of the situation were during this period of 1998 through to the year 2000–01. I think the first thing for members to understand, and most do not, is that there are two types of interconnectors—and they certainly were at the time. There were unregulated interconnectors and regulated interconnectors. An unregulated interconnector was an interconnector such as Murraylink, which is operated by a company called TransEnergy. It was an interconnector which linked New South Wales through to South Australia through the Riverland. It was an underground interconnector, and it was supported by the then local member there because it was underground and did not go through the orchards and destroy some of the farming grounds. There was concern about above-ground interconnectors through the Riverland. The local member at that time was Karlene Maywald.

An unregulated interconnector in essence has to compete in the National Electricity Market. If it does not transport any energy across the line, it does not make any money. So, the people who invest into that interconnector are investing in a business. There is no guaranteed return. If they have made the right commercial judgement—that a lot of power will transport across the interconnector—then it will make money, but if they make the wrong commercial judgement and it is not used, then they do not make money, they lose and they probably end up going bankrupt.

A regulated interconnector was one which was approved by NEMMCO, the national body, and was regulated on the basis that, even if it was not being used—that is, if no power was being used—the operators of the interconnector would receive some guaranteed return. The investors investing in that interconnector did so on the basis that, even if it was never used, the taxpayers of South Australia and New South Wales would have to pay money to the operators of the interconnector—unlike a generator, who is competing in the same market. If you were not selling any power, you did not get any guarantee of money.

In the case of the regulated interconnector, if you did not transport any energy at all, you still got paid a return. That is why operators preferred being a regulated interconnector: it meant the electricity consumers in New South Wales and South Australia would be paying a guaranteed return, irrespective of whether it was needed or not through the Riverland. So, they were the two forms of interconnectors at the time that were being proposed for the Riverland.

The other thing to bear in mind during this particular period was that South Australia through the summer of 1999–00 had experienced blackouts through lack of capacity, lack of supply and some system-related faults. Again, they cannot be blamed on the privatisation because they were assets that had been operated for decades by the government of South Australia, and any of the problems that were occurring in 1999-00 were significantly the problems that rested with decades of operation under public sector management.

Nevertheless, during that very hot summer, and the previous summer, there were some significant blackouts and there was great concern as to what the situation would be in the following summer of 2000-01. So, there was an urgent demand in South Australia for extra supply options to be delivered by the summer of 2000-01—by the end of 2000 was the requirement.

The judgement that the Liberal government made at the time, right as it was, clearly, in hindsight, was that the only guarantee of extra supply by December 2000 in readiness for the summer of 2000-01 was to fast-track in-state generation at Pelican Point, which was one of the reasons why the Liberal government supported in-state generation, because the whole notion of interconnectors was beyond the control of the state government.

If you were going to an election, you could do what the Labor Party did and promise an interconnection after the election knowing that you would not be able to deliver it, but the Liberal government at that time was going to be there until March 2002 and it knew that it had to deliver for

the people of South Australia extra supply options into the market by the summer of 2000-01. Our judgement was, and as I said with the benefit of hindsight it was clearly correct, the only guarantee of supply by that summer was a fast-tracking, as we did, of in-state generation at Pelican Point.

As I have said before, it also had the advantage of introducing extra competition into the generation market in South Australia, competing against the three former government-owned sections of the generation market that are now under private operation, and they would be significant competitors to those operators. On the downside, if you look at it from the Optima board's position, the advice they gave to the government was that it would devalue the sale price of the assets at the time.

These were not just judgements that I made at the time. Before I seek leave to conclude my remarks today, I want to finish with a quote from the then independent industry regulator, and someone well known to this government because I think they have appointed him to the Chair of SA Water, and that is Mr Lew Owens. He is someone with a long history of involvement in utilities businesses, both electricity and water, and this government regard him so highly that they have appointed him as the Chair of SA Water and various other positions.

At that time, Mr Owens was the independent industry regulator. He was the equivalent in South Australia of ESCOSA, or the Australian Energy Regulator, operating at the national market. I refer to a statement I released on 11 August 2001, after a report released by the independent industry regulator, Mr Lew Owens, on the Riverlink interconnector. My statement reads as follows:

> Regulator Lew Owens has concluded that price benefits in South Australia for customers may be lower than some claims have suggested, and that in some circumstances SA customers might not benefit overall.

Lew Owens is warning not to believe the claims made by the Labor Party and others about the supposed price benefits of Riverlink. The independent industry regulator—the independent umpire—looked at these claims and said that in some circumstances SA customers might not benefit overall. I then go on to say:

> This is a stunning rebuttal of claims by Rann and Foley that Riverlink would reduce electricity prices to South Australian customers by hundreds of millions of dollars. Rann and Foley must now provide evidence of their extraordinary claims, or stand condemned for misleading SA businesses. The regulator's report has also knocked on the head claims by Rann and Foley that Riverlink could have been built by last summer.

This is the point that I want to conclude on:

> In fact, his report, page 2 says, when he received the application back in 1999—

that is, for Riverlink, and this is a direct quote from Mr Lew Owens' independent report—

> it was clear that the SNI Riverlink project could not be completed prior to late 2002.

That, as I said, is the independent assessment of what I put on the record and what Treasurer Koutsantonis has put on the record. The government claims were that it could build Riverlink and that Riverlink could have been up and going under the Liberal government by the end of 1999, in time for the summer of 1999-00. Mr Lew Owens, the independent regulator, said that when Riverlink came to see him in 1999 it was clear that there was no way that could happen, even if everything went right for them, until prior to late 2002, two years after South Australia needed the urgent extra supply.

Of course, that would have been delicious for the state Labor Party and the state Labor government because 12 months before an election, South Australia would have run out of power options during the summer of 2000-01. There would have been rolling brownouts or blackouts through the suburbs in the period leading up to the state election of 2001-02 and the state Labor Party would have been able to run around and say, 'See, here's the problem', in terms of the privatisation.

So, the independent industry regulator confirmed what we argued at the time and have continued to argue that the only way of guaranteeing extra supply back in that period was to fast-track the Pelican Point power station option, and the Riverlink option was a decision that was being taken at the national level and the state government of South Australia had no final say or determination in relation to that issue at all. Finally, and this is also from that press statement of 11 August 2001:

Importantly the regulator has also noted that the Murraylink interconnector—

that is, the unregulated interconnector—

which is meant to be operational by early next year, together with the Snowy to Victoria interconnector upgrade, might achieve many of the claimed benefits for Riverlink.

So, the independent industry regulator was saying that the unregulated interconnector which the government had supported through the Riverland, the underground and unregulated interconnector, together with the SnowVic interconnector between New South Wales and Victoria, might achieve many of the benefits that were being claimed for the Riverlink interconnection at that particular time. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (17:48): I move:

That this bill be now read a second time.

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

Leave granted.

The Electoral (Funding, Expenditure and Disclosure) Amendment Bill 2016 ('Bill') proposes various amendments to the *Electoral Act 1985* ('Electoral Act') that relate to the funding, expenditure and disclosure scheme in Part 13A of the Electoral Act.

Part 13A was inserted into the Electoral Act by the *Electoral (Funding, Expenditure and Disclosure) Amendment Act 2013*, which commenced on 1 July 2015, and sets out an electoral funding, expenditure and disclosure scheme for South Australia.

The amendments contained in the Bill are made in response to various concerns that have been raised by the Electoral Commission of South Australia and political parties in relation to Part 13A.

The Bill proposes an amendment to section 130A to clarify the approach that should be taken to the rounding of indexed amounts in Part 13A. Currently, section 130A(8) provides that amounts should be rounded to the nearest whole number. The Bill amends section 130A(8) to clarify that, for amounts referred to in section 130P, they will be rounded to the nearest whole cent. This amendment is necessary because section 130P sets the amount of public funding payable per vote at either $3.00 or $3.50 (indexed). If, in the course of indexing those amounts, they were rounded to the nearest whole dollar, the outcome would be quite absurd. All indexed monetary amounts other than in section 130P are much higher amounts or thresholds, and so the same issue does not arise.

The Bill proposes the repeal of section 130C. Section 130C provides that 'nothing in this Part requires the disclosure of any details required to be furnished to the Australian Electoral Commission under Part 20 of the *Commonwealth Electoral Act 1918*.' Section 130C is problematic. Its effect is unclear. Given that South Australia's reporting requirements and timeframes are stricter than those in the Commonwealth scheme, there is a risk that section 130C could operate to undermine the strict reporting requirements in the South Australian scheme. The Commonwealth and South Australian disclosures schemes have been designed, and operate, separately and differently from each other. Section 130C is not required.

The Bill proposes an amendment to section 130E to provide that if a registered political party has endorsed a candidate in an election, the agent of the party is the agent of the candidate. This is already the case in the context of Legislative Council elections where a registered political party endorses all of the members of a group. While it is assumed that all candidates in House of Assembly elections who are endorsed by a party will nominate the party agent to be their agent, currently each candidate is required to take the step of nominating the party agent as their own. The Bill sets the starting point as being that all candidates endorsed by a party will have the party's agent as their own.

The Bill amends section 130Q, which sets out the circumstances in which public funding payments should be reduced or not made. One such circumstance is where, broadly speaking, the political expenditure incurred is less than the amount of public funding payable. This is to ensure that no candidate or party obtains a windfall benefit from the public funding scheme. The Bill amends section 130Q to clarify that where a public funding payment is being made to the agent of the party, that consideration should be given to the combined political expenditure of the political party and its endorsed candidates when determining whether any reduction to the amount of public funding should be made under section 130Q.

Section 130U of the Electoral Act provides for special assistance funding to be paid on a half yearly basis to compensate political parties for the cost of complying with the reporting obligations in the funding, expenditure and disclosure scheme. The Bill amends section 130U to:

- provide scope for the amounts of half yearly special assistance funding to be increased by way of regulation; and
- increase the period for lodging an application for special assistance funding from within 7 days of the end of the half yearly period to within 30 days of the end of the half yearly period.

In addition, the Bill insert new section 130UA, which allows for an additional one-off amount of special assistance funding to be paid to registered political parties to assist with the initial costs associated with complying with the funding, expenditure and disclosure scheme. For parties with 5 or fewer members, the one-off payment is up to a maximum of $56,000. For parties with 6 or more members, the one-off payment is up to a maximum of $96,000.

The Bill makes a minor amendment to section 130Z of the Electoral Act, which relates to expenditure caps. It clarifies that, for political parties, the expenditure cap relating to House of Assembly elections will be calculated by reference to the number of candidates endorsed at the hour of nominations, rather than at the start of the capped expenditure period. This is to reflect the fact that parties are unlikely to have endorsed all of their candidates at the start of the capped expenditure period.

The Bill amends sections 130ZF, 130ZN, 130ZO and 130ZP of the Electoral Act with a view to clarifying the requirements for lodging returns under Part 13A. These amendments are not intended to water down the reporting requirements. Rather, they clarify what the reporting periods are, and when the return for each reporting period is due. An issue that was identified with the current provisions is that, in the weekly reporting period prior to an election, weekly returns are due on the last day of the week to which they relate. Practically speaking, compliance with this is not feasible. The amendments will allow reports in relation to a weekly period to be due 5 days after the end of the period to which they relate.

The Bill alters the requirement to furnish audit certificates in the designated period, being the period starting on 1 January prior to a general election and ending 30 days after polling day. During parts of the designated period, returns are required to be provided on a weekly basis. The requirement for each of these returns to be accompanied by an audit certificate is onerous. This Bill proposes that in the designated period, audit certificates will be required twice. The first audit certificate will be due one week before polling day, and will relate to all returns furnished up until that date. The second audit certificate will relate to all of the remaining returns furnished in the designated period.

In addition, the Electoral Commissioner will have a discretion to extend the period for providing an audit certificate outside of the designated period by 30 days.

Section 130ZZE of the Act sets out a range of offences relating to Part 13A. The Bill inserts new section 130ZZE(9), which provides a defence for a person who can prove that they exercised all reasonable diligence to prevent the commission of the offence.

Finally, the Bill amends section 107 of the Electoral Act to provide that the Court of Disputed Returns may declare an election void where a person has incurred political expenditure in excess of the applicable expenditure cap during the capped expenditure period in relation to the election, and the Court of Disputed Returns is of the view that the result of the election was affected by the breach.

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 *Electoral Act 1985*

4—Amendment of section 107—Orders that the Court is empowered to make

The clause provides a new subsection (7) to allow the Court of Disputed Returns to declare an election void on the ground of a breach of section 130ZA if the Court finds, on the balance of probabilities, that the result of the election was affected by the breach.

5—Amendment of section 130A—Interpretation

The clause amends section 130A(8) to provide that an amount adjusted by indexation in accordance with the subsection is to be rounded up to—

- in the case of an amount referred to in section 130P—the nearest whole cent; or

- in any other case—the nearest whole number.

6—Repeal of section 130C

This clause repeals an obsolete section.

7—Amendment of section 130E—Appointment of agents by parties, candidates and groups

The clause amends section 130E to provide that if a registered political party has endorsed a candidate or all the member of a group of candidates, the agent of the party is the agent of the candidate or group (as the case requires) for the purposes of Part 13A in relation to the election.

8—Amendment of section 130Q—Payment not to be made or to be reduced in certain circumstances

This clause makes an amendment of a technical and consequential nature.

9—Amendment of section 130U—Entitlement to and claims for special assistance funding

Subclauses (1) and (2) amend the section to allow the amount of the half yearly entitlement as defined in the section to be a greater amount prescribed by regulation than that currently in section 130U(2). Subclause (3) amends section 130U(3)(a) to change the period in which a claim under subsection (1)(c) is to be submitted from 7 days to 30 days.

10—Insertion of section 130UA

This clause inserts a new section as follows:

130UA—Entitlement to and claim for one-off payment of special assistance funding

The proposed section sets out the circumstances in which a registered political party may be entitled to a one-off payment of special assistance funding in respect of prescribed administrative expenditure. *Prescribed administrative expenditure* is defined as administrative expenditure incurred by a registered political party for the purpose of complying with Part 13A that is in excess of the administrative expenditure incurred by the party in relation to which a payment of a half yearly entitlement to special assistance funding has been paid. The proposed section also sets out the amount of the funding (subsection (2)) and the time periods for submitting a claim for such funding (subsection (3)).

11—Amendment of section 130V—Making of payments

These amendments are consequential on the amendment in clause 10.

12—Amendment of section 130Z—Expenditure caps

This clause amends the reference in section 130Z(1)(b)(i) to the number of electoral districts in which the party endorses a candidate to be calculated from the hour of nomination instead of from the start of the capped expenditure period.

13—Amendment of section 130ZF—Returns by candidates and groups

The clause amends the prescribed times for furnishing a campaign donations return.

14—Amendment of section 130ZN—Returns by registered political parties

The clause amends section 130ZN to provide that the agent of each registered political party must, at the prescribed times, furnish to the Electoral Commissioner a political party return in respect of each prescribed period, in a form approved by the Electoral Commissioner. The clause makes a number of consequential amendments and defines the prescribed periods in respect of a political party return and the prescribed times for furnishing the returns.

15—Amendment of section 130ZO—Returns by associated entities

The clause amends section 130ZO to provide that the financial controller of an associated entity must, at the prescribed times, furnish to the Electoral Commissioner an associated entity return in respect of each prescribed period, in a form approved by the Electoral Commissioner. The clause makes a number of consequential amendments and defines the prescribed periods in respect of an associated entity return and the prescribed times for furnishing the returns.

16—Amendment of section 130ZP—Returns by third parties

The clause amends section 130ZP to provide that the agent of a third party must, at the prescribed times, furnish to the Electoral Commissioner a third party return in respect of each prescribed period, in a form approved by the Electoral Commissioner. The clause makes a number of consequential amendments and defines the prescribed periods in respect of a third party return and the prescribed times for furnishing the returns.

17—Amendment of section 130ZV—Audit certificates

The amendment in subclauses (1) and (2) are consequential in nature. The amendments in subclauses (3) and (4) allow an extension of time for submitting an audit certificate in respect of all returns required to be submitted under Part 13A. Subclause (5) inserts new provision to allow for the provision of 2 audit certificates relating to the

periods outlined in proposed subsection (2a)(a) and (b) to be furnished to the Electoral Commissioner in respect of all returns furnished during the designated period. The certificates must be furnished at times prescribed in proposed subsection (2b).

18—Amendment of section 130ZZE—Offences

The clause inserts a new subsection (9) which provides that in proceedings against a person for an offence under Part 13A, it is a defence for the person to prove that the person exercised all reasonable diligence to prevent the commission of the offence.

19—Amendment of section 130ZZF—Non-compliance with Part does not affect election

This amendment is consequential on the amendment in clause 4.

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

STATUTES AMENDMENT (BUDGET 2016) BILL

Final Stages

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment; and agreed to the suggested amendments without any amendment and amended the bill accordingly.

GENE TECHNOLOGY (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

ROAD TRAFFIC (ROADWORKS) AMENDMENT BILL

Introduction and First Reading

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

NATIONAL PARKS AND WILDLIFE (CO-MANAGED PARKS) AMENDMENT BILL

Introduction and First Reading

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

At 17:51 the council adjourned until Wednesday 30 November 2016 at 11:00.

Answers to Questions

SPARK RESOURCE CENTRE

In reply to **the Hon. T.A. FRANKS** (5 July 2016).

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

As the honourable member points out, an incident of alleged fraud has occurred within the SPARK Resource Centre and the matter is currently subject to a police investigation. In light of this, it would not be appropriate for the Department for Communities and Social Inclusion (DCSI) to provide further funding to this organisation until the outcome of the police investigation or potential subsequent legal proceedings is complete.

In the short term, DCSI has worked with SPARK to ensure existing clients are referred to alternative support services and offer support through the Sustainable Community Organisations through the Partnership and Engagement (SCOPE) Program that DCSI administers. This program assists organisations to increase their resilience and sustainability through a range of approaches.

Further, DCSI has worked with SPARK and Centacare to allow the services provided by SPARK to continue to be provided by Centacare.

WASTEWATER ALLOCATIONS

In reply to **the Hon. J.S.L. DAWKINS** (18 October 2016).

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

As part of developing the EOI a stakeholder engagement and communication strategy was implemented to ensure the horticulture industry and the wider community were fully consulted. This involved face-to-face meetings with a range of interested parties including the Virginia Irrigators Association, Horticultural Coalition, Vietnamese Farmers Associations and other industry representative organisations including AusVeg SA.

The EOI documentation was widely advertised through the local and national print media and published on the websites of the Adelaide Plains Council, SA Water and Tenders SA. The EOI was open for a period of 3 months during which time SA Water met with members of the local community, growers and grower representative organisations.

A committee, formed earlier by SA Water to work through community concerns regarding the storage of recycled water in the Northern Adelaide Plains, has also been appraised of the NAIS project and updated on the EOI process. The committee comprises key industry associations, horticultural irrigators, members of the local community and local government including:

- Virginia Irrigators Association
- Vietnamese Farmers Association (Old and New)
- HortEx Alliance Inc.
- Horticultural Coalition of SA
- AusVeg SA
- Adelaide Plains Council
- City of Playford
- Light Regional Council
- Local Community Members