LEGISLATIVE COUNCIL

Wednesday, 30 November 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:01 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

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) (11:02): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, statements on matters of interest, notices of motion and orders of the day, private business, to be taken into consideration at 2.15pm.

Motion carried.

Bills

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

Second Reading

Adjourned debate on second reading.

(Continued from 29 November 2016.)

The Hon. R.I. LUCAS (11:03): When I sought leave to conclude my remarks yesterday afternoon, I was referring to the views of the then independent umpire in this whole area, South Australia's own independent industry regulator, and the comments that he had made on that. That was Mr Lew Owens, who has been appointed by this government as Chair of SA Water and to various other positions over recent years. The independent industry regulator's views at that particular time were, as I said last night, that the price benefits in South Australia for customers from the Riverlink interconnector may be lower than some claims have suggested, and that in some circumstances SA customers might not benefit overall.

He went on to conclude in his report that many or most of the benefits from the proposed Riverlink interconnector might be achieved by the Snowy to Victoria interconnector, which was a 500 megawatt upgrade, together with the Murraylink underground unregulated interconnector from New South Wales to South Australia through the Riverland.

The independent industry regulator, Mr Owens, also noted that, contrary to the claims the Labor Party and other supporters had made, the Riverlink interconnector could be built and operational by the end of 1999. Mr Owens said that was not correct and stated, 'It was clear that the SNI (Riverlink) project could not be completed prior to late 2002.' That is almost three years after the Labor Party, and other proponents, had claimed that it would be completed.

As I indicated yesterday, it would certainly have meant that as we went into the 2001-02 summer period, leading into the 2002 election—when and if there had been rolling brownouts or blackouts through metropolitan Adelaide in particular—the Labor Party would have been critical of the lack of government action in providing additional electricity supply in South Australia. The only option that was available to the government at the time that was completely within the power of the government to deliver was to fast-track a very efficient gas-fired new generator at Pelican Point, which the government did and, as I said, the Labor Party strenuously opposed at that particular time.

I want to refer to some comments made in the debate at that particular time, and again the government—the Premier, the Treasurer, and other ministers—has made the claim that the former Liberal government, in the interests of ratcheting up the sales price of the assets, took deliberate policy decisions to oppose interconnection generally. I have addressed at length the issues in relation to the Riverlink interconnector but, of course, there were various other options.

I want to repeat from the record, statements made on behalf of the government back on 1 May 2001, in *Hansard* on page 1376, where I was being asked a series of questions about the National Electricity Market and privatisation. I said as follows:

> The state government supports further interconnection—

That is, the state Liberal government. I continue:

> We support Murraylink. We are prepared to provide major projects status and see Riverlink continue, if they can resolve all the issues that they have to resolve. We strongly support the Snowy to Victoria interconnector upgrade, which is 400 megawatts of power. In all those interconnection proposals we would certainly see a much stronger national electricity market if at least a good number of them anyway could be got up and going in the not too distant future.

So, the Murraylink, unregulated, underground interconnector I have spoken about before, was supported by the Liberal government and was implemented by a private sector operator. Again, they had to take the risk that if it was not used, they would not be making any money at all. That was an investment risk that they had to take in terms of competing in the National Electricity Market.

There were also discussions at that particular time about the potential upgrade, which is more than 10 years later. It has now concluded or is about to conclude the upgrade of the Heywood interconnector between Victoria and South Australia. Even in those days, there were discussions about whether or not at that stage it was viable to upgrade the Heywood interconnector. The advice at that particular time was that probably would not be supported by the national regulatory authorities at that particular stage, and that other options would be preferred.

I note and repeat that in relation to Riverlink, there are any number of statements made at the time where we indicated that if they could get the approval of the national regulatory body (at that stage, NEMMCO) then the state government was prepared to support the Riverlink proposal because, clearly, state governments need to do a lot of planning issues and a variety of other development issues to either assist or impede the development.

We had given a commitment to the proponents of Riverlink that if they could get the approval of the national regulatory authority, we would give them major project status. That was something that they sought; it was a commitment that we gave. When you are trying to build a major above-ground interconnector from Victoria to South Australia through a number of local government council areas, the advantage of getting major projects status supported by the state government was a significant support mechanism provided to the proponents, should they get to base 1, which was actually getting approval from the national regulatory authority NEMMCO.

I also noted in that response at the time, in May 2001, that the other area where the government had already provided assistance is that we had given special approval to the proponents of Riverlink to enter land through the Riverland, if need be against the landowner's consent, to assist it in terms of its root preparation work should it ever get the approval. In May 2001, I noted that the proponents had had that approval for 12 months and at that time we asked the independent regulator on how many occasions had that approval been used by the proponents and, as of May 2001, the proponents had not used that special approval on a single occasion.

The government again indicated its willingness to support the proponents if they were able to get the national regulator's approval. We provided them with special approval, as I said, to enter land, even against the landowner's consent, to assist it in terms of root preparation work should it ever get the approval and, again, that was not utilised at all. What members now will not realise but at the time there was very strong opposition from the Riverland community to the Riverlink interconnector because they did not want to see big transmission tower lines going through their orchards and properties through the Riverland.

There was a local campaign against that occurring, and they certainly were much more supportive of the underground, unregulated Murraylink interconnector because, clearly, it did not

have the same intrusive impacts on their business operations, as they saw it. The local member at the time, Karlene Maywald, subsequently a member of a Labor cabinet, was also supporting her constituents in opposing or expressing concern at the very least about the Riverlink interconnector, and made her views known in the parliament at that particular time on any number of occasions.

Clearly, from the community viewpoint but also from the government viewpoint, when one was looking at interconnection from New South Wales to South Australia, when given the choice of an underground, unregulated interconnector such as Murraylink, which was about 220 megawatts, or an above-ground trying to be regulated interconnector such as Riverlink, there was support at the local level but it was also an attractive option in terms of the cost to South Australian electricity consumers as well because, again I repeat, if Murraylink did not transmit any power then it did not earn any money and electricity consumers did not have to pay for the availability of it.

With Riverlink, if no power was used at all, South Australian and New South Wales electricity consumers would have to pay, in essence, what would in the end be the equivalent of an availability payment for the interconnector that was being built. So, there were negatives to the Murraylink interconnector, but there certainly were attractive elements to that particular proposal.

Also noting the Independent Industry Regulator report, and backing that particular Independent Industry Regulator report, I want to refer to a NEMMCO draft ruling in September 2001, again all occurring in and about the same time. This was the draft ruling in September from NEMMCO in relation to Riverlink, and a summary of that produced in one of the energy journals or reports at the time summarised the NEMMCO draft report of September 2001 as follows:

> 'The Riverlink interconnector, which promised multimillion-dollar power savings for South Australia, has been rejected in a draft report by the operators of the National Electricity Market,' reported *The Advertiser*, 20 September 2001.
>
> Snowy upgrade regarded as more viable option: A National Electricity Market Management Company committee has favoured a 400MW upgrade of the Snowy Mountains-Victoria interconnector as the more economically viable project for providing electricity to the South Australia and Victoria region. NEMMCO spokesman, Charlie MacCauley, said the $44 million Snowy upgrade was 'far superior' to the 250MW SNI Riverlink, costing $110 million.

In a press release issued on 19 September by myself about the NEMMCO draft committee report, I said as follows:

> A draft report from the National Electricity Market Management Company's expert advisory group (Inter Regional Planning Committee) has found that the benefits to the National Electricity Market of increasing the capacity of the existing Snowy Mountains to Victoria interconnector (SNOWVIC) are up to $100 million higher than building the proposed second Riverland interconnector (SNI)—

which is also known as Riverlink—

> NEMMCO has recommended that the New South Wales Labor government project, SNI, not be given regulated asset status because it has failed to pass the independent market benefit regulatory test.

Further on in that press statement:

> NEMMCO's analysis is impacted significantly by the fact that an interconnector through the Riverland (Murraylink) is already being built and is expected to be operating by early next year.

At that particular time, what the government had available to them was an Independent Industry Regulator report advising against, and raising concerns, I should say, about Riverlink, and a September 2001 report from the NEMMCO committee. In the months leading up to that, our advisory team that was working for the government had obviously been working with the NEMMCO advisory committee and the NEMMCO people and was aware of the direction that their analysis was heading.

They were certainly aware of the direction in which the Independent Industry Regulator was heading, and the independent work that the advisers that the South Australian government during that period had employed was not only noting the work that was being done by NEMMCO and the Independent Industry Regulator, the two independent umpires in this issue, but their own work mirrored, by and large, the views that were being expressed, or about to be expressed, by the Independent Industry Regulator in South Australia and the National Electricity Market Management Company on behalf of the National Electricity Market.

That was, essentially, that you could meet and have a greater benefit to the South Australian market through a combination of other interconnection options and together meet the security issues that we needed for the following summer through a fast tracking of the Pelican Point power station, which was, of course, as I indicated yesterday, the government's position. The government's position through much of that period—and I guess we are talking through this period of 1998-99 through to 2000-01 whilst this whole debate was raging, but in particular it was coming to fruition in the early stages and then again peaked at the later stages of that particular period.

Certainly, through that period of two or three years, the government's preferred position in terms of meeting security and supply was the in-state generation at Pelican Point of 500 megawatts, with the potential for an expansion to 800 megawatts; an unregulated, underground interconnector from New South Wales to South Australia, such as Murraylink, with 220 megawatts; a SNOWVIC interconnector of 400 megawatts, which, as I indicated earlier, the independent industry regulator, NEMMCO, subsequently found as being of greater advantage to South Australia and Victoria than alternative options; and then also leaving open the option at some later stage, if they could get regulatory approval from NEMMCO, for the Riverlink interconnector, which was 250 megawatts.

That led to the letter to NEMMCO, that was written by the Liberal government and myself as the operational minister, asking, on the basis that questions were being raised, about what the best options were for NEMMCO to delay its decision in relation to whether or not the Riverlink interconnector should receive regulated asset status or not.

The letter simply said, 'There are increasing questions being raised about whether or not Riverlink would have all the benefits that were being claimed by the New South Wales Labor government and the Labor Party in South Australia and its supporters', and that there were significant questions and doubts being raised as to whether it was, indeed, the best option for South Australia. The South Australian Liberal government reversed its position and said, 'We believe, in light of this, that we would like you to defer your decision in relation to whether or not the Riverlink interconnector should get regulated asset status.'

Within days, as it was entitled to do because it was independent to the South Australian government and we had no control over it, NEMMCO ignored the letter from the South Australian Liberal government and brought down its finding. I do not know whether I have the exact date. Around June 14th or June 17th, it brought down its ultimate finding. On 17 June 1998, I put the position of the South Australian government on the record in *Hansard* when I said, amongst other things:

> In relation to the Riverlink decision, clearly NEMMCO's role was pivotal. It had to take a decision as to whether or not Riverlink was a regulated asset [or not]…

And then further on:

> More importantly, the other issue is what the attitude of the South Australian Government will be and—as the honourable member might have gleaned from my press release—given the recent advice that we have taken, the State Government has been reviewing its decision which it made late last year of an in principle support for Riverlink. Indeed, we had put a point of view that, because of the recent changes and because of the advice that we were receiving, if NEMMCO was to make a decision that it would be a regulated asset, we would prefer it to put on hold its decision whilst we as a State Government finally went through our process of deciding whether or not we still supported Riverlink. As it turned out, clearly NEMMCO had already made up its mind, because it issued its decision pretty quickly. It had given us some forewarning that it was on the way and it had taken a decision that it would not be a regulated asset.

As I said, whilst the South Australian government did send the letter saying we were rethinking our position and would they defer their decision, they ignored that particular position, as they are entitled to do, and said, 'No, it did not meet the test,' and that they, as the independent body, would not support it being built as a regulated asset at that particular time.

I can only repeat again, on the basis of that particular decision, that the South Australian Liberal government—contrary to the claims being made by Premier Weatherill, Treasurer Koutsantonis and ministers in this chamber and elsewhere—never had the power to stop Riverlink. Even after the 2002 election, when the Labor government had promised that it would build Riverlink, it came to the same brick wall, and that is that eventually the national electricity market regulatory bodies and appeal mechanisms said no, it would not be built as a regulated asset and the consumers

of South Australia and New South Wales would not be required to fund the availability of the Riverlink interconnector.

I conclude my comments by saying that the problems that we and the state confront with the national electricity market is that, quite frankly, after 15 years of a state Labor government they must start accepting some responsibility for the dilemmas and problems that now confront South Australia. They were the ones who promised in 2002 to build an interconnector to New South Wales as the simple solution, knowing that they could not do it, and they have not delivered. It has only been in the last few months, since the most recent price spike problems, that the South Australian government has now found $500,000 towards a business case for an investigation into, in essence, a Riverlink interconnector between New South Wales and South Australia.

Even if that proceeds, it is three to five years before such an interconnector—if it gets approval and it has to go through the same independent assessment that Riverlink has been through on so many previous occasions—even if it gets approved it is going to take a three to five-year period to actually be delivering or be available to deliver extra power into South Australia. The upgrade of the Heyward interconnector from the first business case to actually being completed has taken four to five years. That is a relatively simple task because there is already land acquired, poles and wires constructed and you just have to increase the capacity; a much simpler engineering task but it has still taken four to five years to do that.

The task of actually acquiring property and land, building an interconnector over a completely new route, getting planning approval, if you have to from either councils or the state regulatory bodies—all of those issues—after you get the approval from the independent regulator, demonstrates that if the government was such a believer in interconnection it would have taken action much sooner than this year, after they had been in power for 14 or 15 years, in terms of delivering.

It is déjà vu all over again, if I can use a colloquial expression. They went into the 2002 election promising an interconnector to New South Wales to solve all the problems and they are hoping to go into the 2018 election, 16 years later, with virtually the same promise, only this time they promise $500,000. Back in 2002 they promised $20 million to the New South Wales Labor government to help build the interconnector—again, a public relations stunt because they knew they had to be seen to be looking like they were doing something even though they knew that it was an independent national body that had to take the final decision, and it was highly likely to say no to that particular interconnector.

After 15 years, this Labor government can no longer validly blame privatisation which occurred almost 20 years ago, when, as I put on the record yesterday, Treasurer Koutsantonis was urging a Labor member Trevor Crothers to cross the floor and support the privatisation when it occurred in the late 1990s.

As I said yesterday, if privatisation is posing the problem, according to the Labor Party analysis, then how come Victoria, which privatised earlier and much more significantly than we did in South Australia, have the lowest electricity prices and in South Australia we have the highest electricity prices?

In summary, I repeat that the Liberal government did not stop Riverlink because it never had the power to, and therefore it did not stop Riverlink to drive up the sale price of the assets because at that particular time the Liberal government fast-tracked a 500-megawatt gas-fired generator at Pelican Point to be a significant new competitor. Contrary to the Labor Party claims, the Liberal Party did not sell the generators to a monopoly, as the Labor government is still claiming.

It was in fact the Liberal government that smashed the monopoly of the old Optima, or the old ETSA, ignoring the advice of the board of Optima at the time, which said, 'You will maximise the sale price of your assets if you sell the generation assets as a monopoly.' The former Liberal government smashed the monopoly generation capacity into three generators and Terra Gas Trader. Not only did it do that, but it then introduced the significant new competitor at Pelican Point, the 500-megawatt gas-fired generator.

I conclude again, as I noted yesterday, how ironic it is. Clearly, Treasurer Koutsantonis and Premier Weatherill work on the basis that South Australians have very short memories, because in the last few months their policy has been directed towards Pelican Point being part of the solution to the problem; that is, Pelican Point were the ones who were encouraged and implored to open up their capacity, with the problems of recent months, and to start operating to help South Australia continue to operate. Treasurer Koutsantonis went cap in hand to the operators of Pelican Point to ask them to assist South Australia in its current crisis.

More recently, Treasurer Koutsantonis has been saying that with the closure of Hazelwood in Victoria he hopes to see that Pelican Point will now be able to become an operator in South Australia. This is the same Pelican Point power station that the Labor Party, with Treasurer Koutsantonis and Premier Weatherill, fought trenchantly to have established here as an in-state viable generation option for electricity supply in the state of South Australia.

With that, I indicate the Liberal Party support for, as I said at the outset, what is a modest measure in terms of tackling the problems of the National Electricity Market, and for those reasons, because it is modest, we have no problems with supporting the 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) (11:32): I thank honourable members for their contributions on this bill and, as indicated, look forward to the speedy committee stages in a moment.

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) (11:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RELATIONSHIPS REGISTER (NO 1) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 November 2016.)

The Hon. G.E. GAGO (11:35): I rise today to make a very brief contribution to support this bill. The bill allows unmarried couples, including unmarried same-sex couples, as well as same-sex couples who married overseas, to have their relationships legally recognised in South Australia.

The importance of this bill cannot be understated, because without the ability to register a relationship, same-sex couples, in particular, remain subject to a raft of legal and other social problems and uncertainties, which have been well documented, and it is often at a time in their lives when they are the most vulnerable. It was some of these very stories, which were documented through the social development inquiry which I chaired a number of years ago, that prompted this parliament to amend over 100 laws which discriminated against same-sex couples.

The registration process will also provide a simple alternative for de facto different sex partners who do not wish to marry, but who want more certainty than the law currently provides for their relationship. I congratulate those in the community and members of this parliament who have campaigned for this important move in eliminating discrimination. I commend the bill to the council.

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

STATUTES AMENDMENT (SURROGACY ELIGIBILITY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 November 2016.)

The Hon. K.L. VINCENT (11:38): Can I just say that I support the bill.

The Hon. G.E. GAGO (11:38): I rise today to make a short contribution to this bill. The reality is that many same-sex couples have children. Sometimes they have children from a former relationship and sometimes they attempt conception within their own relationship, through surrogacy and artificial insemination. At present, these arrangements are not recognised under the law of this state and that raises all sorts of problems and issues for these couples and their children.

The most important issue is that it denies the children of these relationships the protection of law. We have heard much of late from various members about the protection of children. I am assured that this will mean that many will therefore see the importance of supporting this bill. I am pleased that they have indicated support so far in this place. When the law does not recognise the parental status of those who are raising a child, it does not just insult the equality for that same-sex couple but it potentially jeopardises the interests of that child. Every child deserves the certainty of having parents who cannot be arbitrarily denied by law. Anyone who is in favour of supporting families and parents should be in favour of this bill.

The bill makes three important changes that will, firstly, ensure that the rules for altruistic surrogacy will no longer discriminate against the children of same-sex couples, and secondly, ensure that no-one will be discriminated against because they are a child of a same-sex couple, and thirdly, allow intending same-sex parents to obtain access to reproductive services so that they do not have to go interstate or jeopardise their health in that natural human desire, as it is for many, to become a parent. As a long-time campaigner for equality, I give my wholehearted support for this bill and commend those who have worked to pass it through this parliament and those who have indicated support for it.

The Hon. J.A. DARLEY (11:41): I rise very briefly to indicate my support for this bill which will remove discrimination against same-sex couples who want to enter into an altruistic surrogacy agreement. Currently, only heterosexual couples are able to enter into a surrogacy agreement. With that, I support the bill.

The Hon. R.L. BROKENSHIRE (11:41): In the past when legislation regarding surrogacy has been put up by the Hon. John Dawkins, who has pushed the principles of surrogacy for what I believe to be the right reasons, we have supported it, and there have been changes in the South Australian parliament and, therefore, legislation when it comes to surrogacy. Clearly, Family First supported some general principles that the Hon. John Dawkins has been pushing around surrogacy, but this goes quite a significant step further.

In fact, there were two key issues in this. I note and support the member for Little Para, Mr Lee Odenwalder, who moved an amendment excluding a single person from being a commissioning parent to obtain a surrogate child. The lower house divided on that amendment to remove a single person's eligibility to access surrogacy, and the absolute majority of 35 out of 47 potential votes supported that amendment. I can see why the honourable member in another place moved that amendment and why the majority of those members supported that amendment.

The key that concerns Family First with this is that this particular amendment bill, the Statutes Amendment (Surrogacy Eligibility) Bill—the key word being 'eligibility'—is one of two bills, the other being the Relationships Register (No. 1) Bill, which originally made up the Relationships Register Bill as was introduced in the lower house. The original Relationships Register Bill was split into two bills during committee stage, and this is the second bill dealt with and passed by the House of Assembly. It is made up of three key clauses contained in the original bill: schedule 1, part 2, clause 2; part 5 clause 5, subclause 4; and part 6, clauses 21 to 27.

Family First has real concerns about part 6, and that is schedule 1, part 6, clauses 21 to 27, which is now part 4 of the new bill which is the bill we are debating at the moment. It makes a variety

of changes to the Family Relationships Act 1975 in relation to surrogacy. It also makes the changes to surrogacy via amendment to the act so that same-sex couples can become commissioning parents in terms of applying for a recognised surrogacy agreement.

That, to us, is of real concern. We cannot support that, we do not agree with that aspect of this, and we will be opposing that as we proceed through committee. We also will be keen, I understand, to see some amendments that may come up from one of the other members, and we will need time to consider those amendments once they are tabled. Whilst there is some argument for where the legislation is at the moment regarding surrogacy, in our opinion there is no argument for allowing same-sex couples to be commissioning parents in a surrogacy agreement, and we will be opposing that particular aspect.

The Hon. K.L. VINCENT (11:45): I have done my speech; I simply wanted to say that I support the bill.

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

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: I indicated yesterday that, the minister being kind enough in relation to a whole series of questions that I asked—and I think the Hon. Mr Darley had asked questions corresponding with my questions as well. I said yesterday—I misled the house—that I had a five-page letter; it is a seven-page letter, and I did want to put those responses on the record because, firstly, there are some issues where I would like to see the government's response put on the record, and, secondly, there are some questions that I do want to pursue. The letter is dated 14 November 2016:

Dear Mr Lucas

I refer to the issues that you raised on 3 November 2016 during debate on the Statutes Amendment (SAET) Bill 2016 (the Bill).

SAET's Jurisdiction

As I indicated in debate in the House of Assembly on 21 September 2016, and as the Deputy Leader of the Opposition acknowledged, recent national industrial relations changes have resulted in the enterprise agreement and awards jurisdictions of the State industrial relations system being largely confined to State public servants and local government officers. This residual jurisdiction is proposed to be conferred on the South Australian Employment Tribunal (SAET), along with a number of other jurisdictions, to achieve, as far as possible, a one-stop-shop for employment-related disputes.

The Government proposes that SAET will exercise jurisdiction in respect of certain private sector disputes, including apprentice matters under the Training and Skills Development Act 2008, and it already does so in respect of its workers compensation jurisdiction under the Return to Work Act 2014. On conferral on SAET, these new jurisdictions will have the advantage of SAET's focus on low-cost and speedy dispute resolution, which benefits employers and industry as well as workers.

The Government's position in respect of this Bill is generally to enable SAET to exercise certain employment-related jurisdictions in addition to the current courts or tribunals that can exercise them, but to otherwise retain the status quo. It is a misconception of the Government's position that the current common law jurisdiction of the Courts in respect of breach of contract actions will be expanded in SAET. The current unfair dismissal jurisdiction under Part 6 of the Fair Work Act 1994 will continue to exclude:

(a) a non-award employee whose remuneration immediately before the dismissal took effect is $100 322 (indexed) or more a year; or

(b) an employee who is an apprentice under a training contract under the Training and Skills Development Act 2008.

In relation to comments expressed to you by the Motor Traders Association (MTA), the prohibition in respect of representation by legal practitioners under the Training and Skills Development Act 2008 is not changed by this Bill, nor by the proposed amendments to the Bill filed by the Government on 2 November 2016. I note also that the President of SAET will have the discretion to allocate matters under this Act to any appropriately qualified and experienced members of SAET, whether Judges, Magistrates or Commissioners (formerly Conciliation Officers).

SAET members will, when required, utilise the industry expertise of Supplementary Panel Members when hearing some matters. Supplementary Panel Members will be used on a sessional basis in the same way as the panels of nominees that are an existing feature of some Acts that will confer jurisdiction on SAET. This includes the employer association-nominated panel members and employee association-nominated panel members that currently assist boards, tribunals and other bodies to hear matters under the Education Act 1972, the Equal Opportunity Act 1984, Fire and Emergency Services Act 2005, Public Sector Act 2009 and under the Work Health and Safety Act 2012.

Costs in SAET

The intention of the Government is that the status quo be preserved in relation to costs of proceedings where costs cannot currently be awarded, or can only be awarded in certain circumstances, that position will also apply in SAET. In particular, s110 of the Fair Work Act 1994 is not being amended by the Bill.

SAET's proposed criminal jurisdiction

Regulations made under the Summary Procedure Act 1921 currently declare some summary offences to be 'industrial offences'. Industrial offences can only be heard by industrial magistrates, who are magistrates assigned by the Governor under section 19A of the Fair Work Act 1994 to be industrial magistrates. Currently, the industrial magistrates who hear proceedings for industrial offences are Magistrates Ardlie and Lieschke who are also Deputy Presidents of SAET.

The Bill proposes to amend the Summary Procedure Act 1921 to repeal the provisions referring to industrial magistrates and industrial offences. Instead, the members of SAET will hear criminal proceedings for summary or minor indictable offences in the South Australian Employment Court.

Under the changes proposed by the Bill, the Court will deal with a charge of a summary or minor indictable offence in the same way that the Magistrates Court currently deals with such a charge under the Summary Procedure Act 1921. The criminal matters that can be heard in the Court will be assigned to the Court by legislation and, while this is a matter for Parliament, can be expected to be broadly similar to those offences that are currently 'industrial offences'.

Government Amendments in the Legislative Council

I provide the following information in respect of the four sets of amendments that the Government proposes to move in the Legislative Council in respect of the expanded jurisdiction of SAET.

Amendments filed 29 September 2016

Amendment 1 is explicit about which judicial officers can constitute the South Australian Employment 'Tribunal in Court Session' (otherwise known as the 'South Australian Employment Court').

This amendment was sought by the Commonwealth Department of Employment to ensure that only judicial members of SAET could constitute the Tribunal in Court Session and to mitigate the risk that the Tribunal in Court Session would not be considered a court within the meaning of s71 of the Commonwealth Constitution. The Attorney-General's Department has been liaising with the Commonwealth on this Bill as the Commonwealth would be required to amend its legislation or make Regulations so that the Tribunal in Court Session is regarded as an 'eligible State or Territory Court' under s12 of the Commonwealth's Fair Work Act 2009. This is so that SAET is able to exercise jurisdiction under that Act in regard to amounts owing to workers, and certain other matters under the Commonwealth Act.

Amendment 2 is consequential upon Amendment 1 and makes it clear that non-judicial members may deal with certain matters in the Tribunal in Court Session. This is common practice in contemporary courts which have non-judicial members, such as the Registrar or other officers, being able to adjourn proceedings or similar functions.

Amendment 3 is a consequential amendment to delete a clause in the Bill which would now be superseded by Amendments 1 and 2.

I note that the MTA opposes Amendments 2 and 3. However, I see no reason for concern as it will be a matter for the President of SAET to determine when it would be appropriate for a person who is not a SAET judge or magistrate to assist with the business of the Tribunal.

Amendments 1, 2 and 3 do not significantly change the position in the Bill as introduced in the Legislative Council. As a result, it was not considered necessary to consult with employee, industry or employer groups on these amendments.

Amendment 4 arose at the request of and in consultation with the Registrar of SAET and the Equal Opportunity Commissioner. This amendment would permit the Commissioner to refer a complaint to SAET whether or not conciliation in the commission has been attempted.

The MTA's opposition to Amendment 4 seems to be based on a misunderstanding as to how it is intended to operate. It applies only in respect of complaints of discrimination made to the Equal Opportunity Commission and will not apply to matters that have already been conciliated and concluded. The amendment will allow the Equal Opportunity Commissioner to take into account whether SAET is the preferable forum for conciliation to take place in a particular matter rather than the Commission itself. This may be because the discrimination complaint involves the

same facts, circumstances and parties as a matter already being dealt with by SAET. There may also be other circumstances in which the Commissioner may regard SAET to be the preferable forum for conciliation to occur in a particular case and he or she has been given the broad discretion to determine that question as he or she sees fit.

No further consultation was undertaken in respect of Amendment 4.

Amendment 5 is a consequential amendment to the Judicial Administration (Auxiliary Appointments and Powers) Act 1988 which had been overlooked in the initial drafting of the Bill and removes obsolete references from that Act. The Act also contains a list of judicial officers by their level of seniority in the judicial hierarchy. Generally speaking, the Act permits a judicial officer holding or acting in a particular judicial office to also exercise the jurisdiction and powers attaching to any other judicial office of a co-ordinate or lesser level of seniority. This amendment reflects the fact that Deputy Presidents of SAET may be either District Court judges or magistrates and makes more appropriate provision for their respective degrees of seniority in this list.

The MTA has misunderstood the effect of Amendment 5 as its purpose is not to remove industrial expertise or expert knowledge from SAET.

No consultation was undertaken on Amendment 5. It is a technical amendment.

Amendment filed 6 October 2016

Amendment 1 repeals sections 104 and 104A of the Fair Work Act 1994 as these provisions are duplicated in proposed new sections 219C and 219D of the Fair Work Act 1994 which are to be inserted by clause 58 of the Bill.

No consultation was undertaken on this Amendment. It does not change the effect of the Bill.

Amendment filed 20 October 2016

Amendment 1 preserves section 27 of the Fair Work Act 1994 which had been omitted from the Bill but is now restored by this amendment.

This matter raised in consultation with Professor Andrew Stewart from Adelaide University and the President of SAET.

As it retains an existing provision under the Fair Work Act 1994, no further consultation was undertaken on this Amendment.

Amendments filed 2 November 2016

Amendment 1 was drafted to ensure that the status quo in respect of appeals of decisions in dust disease matters is preserved.

As Amendment 1 retains an existing state of affairs, no further consultation was undertaken.

Amendment 2 reproduces current section 67 of the Training and Skills Development Act 2008 except that it will permit a party to proceedings to be represented by the Training Advocate or by an officer or employee of a registered association if the party is a member of that association.

This amendment will increase the flexibility and opportunities for a party to be represented in proceedings under the Act, particularly apprentices who may lack the skills and resources to effectively act in their own behalf in proceedings.

This amendment was in response to comments from various groups. In particular, the South Australian Wine Industry Association specifically raised the issue of representation by an industrial association is only permitted by leave and if the representative is acting gratuitously.

No further consultation was undertaken on this Amendment.

Kable decision

The decision in Kable v Director of Public Prosecutions (1996) 189 CLR 51 has the relevant effect that the South Australia Parliament cannot vest in a Court of the State any functions or powers that would impugn its institutional integrity as a potential repository of Federal judicial power.

The Government regards SAET as it is presently formulated to be a Court, rather than an administrative tribunal such as the South Australian Civil Administrative Tribunal (SACAT).

The Government intends to preserve SAET's character as a Court and has therefore taken steps in the drafting of the Bill to ensure that the Kable principle is observed. To that end, the Bill proposes to establish a part of the SAET that is the Tribunal in Court Session, and which is to be referred to as the South Australian Employment Court. This is proposed for constitutional reasons to enable SAET to exercise both non-judicial and judicial powers, with the latter capable of being exercised in the Tribunal in Court Session.

The approach taken in the SAET Bill has been modelled on the Industrial Relations Commission of New South Wales (which operates with a 'Commission in Court Session') which has been considered by the High Court.

Conciliation officers

Ten Conciliation Officers are currently appointed to SAET, on either a full-time, part-time or sessional basis. They are:

- Anne Lindsay (who is the Manager, Conciliation Officers) (appointed to 31 May 2019);
- Darryl Wilson (appointed to 31 May 2018);
- John Palmer (appointed to 31 May 2018);
- Jenny Russell (appointed to 31 May 2018);
- Anthony Corrighan (appointed to 31 May 2018);
- Andrew Neale (appointed to 14 June 2017);
- Lucy Byrt (appointed to 14 June 2017);
- Melinda Doggett (appointed to 14 June 2017);
- Jodie Carrel (appointed to 14 June 2017); and
- Gina Nardone (appointed to 14 June 2017).

The current salary for SAET's full-time Conciliation Officers ranges between $117,000 and $130,000.

Under section 16(3) of the South Australian Employment Tribunal Act 2014, a person is eligible for appointment as a conciliation officer only if the person

(a) is a legal practitioner of at least 5 years standing (taking into account, for that purpose, periods of legal practice and judicial service within and outside the State); or

(b) has, in the Minister's opinion, extensive knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the Tribunal.

SAET's ten Conciliation Officers have diverse backgrounds and include legal practitioners as well as persons with experience as conciliation officers of the Worker's Compensation Tribunal, a public servant and workers compensation advocate within SA Unions.

The first, and thus far only, selection panel for the appointment Conciliation Officers to SAET was established in March 2015 and comprised:

- SAET Deputy President, Steven Dolphin, (Chair of the panel);
- SAET Deputy President, Mark Calligeros;
- Jim Watson, (Ministerial Adviser, Deputy Premier's Office);

I will just repeat that, Mr President: 'Jim Watson, (Ministerial Adviser, Deputy Premier's Office)'. It continues:

- Prema Osborne, (HR Business Partner, Attorney-General's Department).

I accepted all of the selection panel's recommendations of nominees for appointment as Conciliation Officers, including Ms Leah McLay and Ms Alison Adair who are no longer Conciliation Officers due to their subsequent appointments to the offices of, respectively, SAET Registrar and Magistrate.

SAET's Conciliation Officers will not be 'promoted' to the position of Commissioners. The Bill simply changes Conciliation Officers' title to 'Commissioner' to reflect that, in SAET's expanded jurisdiction, the Conciliation Officers could be engaged in functions beyond their current limited remit. The change also reflects a historical attachment expressed by some to the title 'Commissioner'.

I repeat that: 'The change also reflects a historical attachment expressed by some to the title "Commissioner".' It continues:

Deputy President Bartel and Commissioner McMahon

Under the Determination of the Remuneration Tribunal (No 5 of 2016) dated 23 March 2016, the salary of a Deputy President of the Industrial Relations Commission is $323,110 and the salary of a Commissioner of the Industrial Relations Commission is $280,990. Additional allowances may also be payable under separate determinations of the Remuneration Tribunal.

Comments received on the Bill from both employer and employee groups where strong in expressing the view that the retention of personnel with industrial relations expertise would be beneficial. These views were taken into consideration when determining whether the Parliament should legislate to terminate the positions of the Deputy President and Commissioner.

The Parliament could abolish any statutory position and stipulate the extent of compensation payable. Litigation on such a measure would be in the hands of the complainant.

The appointment of the Deputy President and Commissioner to SAET by the transitional provisions of the Bill also occurred at the request of the President of SAET and the President of the Industrial Relations Commission.

While it is ultimately a matter for the President of SAET, I expect that Ms Bartel and Mr McMahon, as Commissioners in SAET, will be used in a manner that reflects their particular skills and experience in the Industrial Relations Commission and also reflects the salary level paid to them, and that the benefit of their expertise will gradually be passed onto other Commissioners in SAET.

Accordingly, I do not agree that Ms Bartel and Mr McMahon will have 'no work' in SAET.

I confirm that it is not the Government's intention to replace Ms Bartel and Mr McMahon as Commissioners in SAET. However, the Government will replace, or add to, the number of Commissioners (i.e. those formerly Conciliation Officers) as the need arises.

Dual appointments—Industrial Relations Commission and Fair Work Commission

Deputy President Judge Hannon, Deputy President Bartel and Commissioner McMahon hold appointments to both the Industrial Relations Commission of South Australia and the Commonwealth's Fair Work Commission.

Under an agreement with the Commonwealth, the Commonwealth provides half of the base salary of Deputy President Bartel. The agreement has no expiry date.

Transitional provisions—clause 41

The practical effect of clause 41 is that, on the day on which it comes into operation (and assuming that there are no changes of membership of SAET in the interim):

- SAET President Senior Judge McCusker will continue to hold that office and will be subject to ss10(2) and (8) of the SAET Act 2014;
- The seven Deputy Presidents of SAET (Judges Hannon, Gilchrist and Farrell, Mr Calligeros and Mr Dolphin, and Magistrates Ardlie and Lieschke) will continue to hold that office and will be subject to s13(11) of the Act;
- Deputy Presidents Calligeros and Dolphin will be appointed as judges of the District Court; and
- the ten Conciliation Officers of the Tribunal will continue in office as Commissioners of the Tribunal on the same terms and conditions to which they were appointed Conciliation Officers.

I look forward to your support of This Bill and invite you to contact me should you wish to discuss these matters further.

Yours sincerely

John Rau

Deputy Premier

Attorney-General

Minister for Industrial Relations

I place that on the record because I had sought for those answers to be placed on the record at the end of the second reading. I think it is important that the government's response to the many questions that were raised during the second reading debate are placed on the record so that if and when issues arise in the future, we are aware of what the government's responses were and, indeed, in some cases, what the government's undertakings might have been.

I want now to pursue some questions, but before doing so I will read onto the record—because the MTA was one of the associations that provided a submission to the Liberal Party, and provided submissions to the government as well, in relation to the bill as it entered the Legislative Council and then the four sets of amendments as they kept coming from the government—this email that I received yesterday from the MTA. I might say that I provided a copy of the Attorney-General's written response to the MTA, so they were aware of the Attorney's responses. This is the MTA's submission to me as of yesterday:

We further note that the amendments tabled on November 2 substantially satisfy our concerns raised in previous correspondence, particularly in relation to having lay advocates appear before the SAET in matters concerning apprentices and trainees. We would note that the Attorney appears to have misinterpreted our concerns in relation to the appearance of lay advocates on behalf of parties appearing before the Tribunal. We note our concerns were the same as the SA Wine Industry Association and the AMWU.

> The MTA would seek further clarification, given the Attorney General's comments, that industry associations and unions will have a legislated right to appear on the training and skills panels envisaged by the legislation. This was explicitly addressed in the exposure draft [of the legislation] but now is absent from the current form of the bill.
>
> The MTA also notes that it would be useful for the legislation to direct the President, or their delegate, to have regard to industrial expertise when deciding who can preside over a hearing to ensure that appropriate persons are deciding matters before the Tribunal.

The first of my questions is: in light of the MTA's further submission, can the government provide clarification, given the Attorney-General's comments, that industry associations and unions will have a legislated right to appear on the training and skills panels envisaged by the legislation?

The Hon. P. MALINAUSKAS: I am happy to pass on the advice that I have received. If you are asking whether an industrial representative, on behalf of other employees or employers, can perform that function in the context of the Training and Skills Development Act, then that is not the intent here, so I have been advised.

The Hon. R.I. LUCAS: I can be no more specific than the question I put to the minister, and I will put it again. The MTA states that in the exposure draft that went out it was explicitly mentioned but it has now been removed. Whether that is by change of policy and design or whether it is inadvertence, I do not know. However, the MTA wants clarification, given the Attorney-General's position, as to whether industry associations and unions will have a legislated right to appear on the training and skills panels.

I am not looking for an answer in relation to the training and skills act. There are training and skills panels, which the minister's advisers would be aware of, and the industry associations are asking, not only on their behalf but also for the unions, whether they will have a right to appear on those training and skills panels. They are not so much interested in all the other things under the training and skills act, it is the training and skills panels.

The Hon. P. MALINAUSKAS: Some clarity is being sought in terms of the context of your question. Are you talking about dispute resolution panels or specifically training and skills panels? There seems to be some confusion about the context of your question.

The Hon. R.I. LUCAS: The letter from them says 'training and skills panels'. It does not mention disputes at all.

The Hon. P. MALINAUSKAS: I think we might have to take that on notice and seek more information from the Attorney's office regarding this because there is a decided lack of clarity around the question.

The Hon. R.I. LUCAS: Depending on whether we roll over into later this afternoon or tonight on these bills, I think I have received earlier correspondence from the MTA that relates to these training and skills panels which might throw further light on it. I cannot turn them up quickly but, as I said, if we continue the debate this afternoon or this evening then I will see if I can find that particular correspondence. The second part of their request yesterday was seeking a response to the question:

> The MTA also notes that it would be useful for the legislation to direct the President or their delegate to have regard to industrial expertise when deciding who can preside over a hearing to ensure that appropriate persons are deciding matters before the tribunal.

I guess the first question is whether, under the current drafting of the legislation, that is going to occur or would occur anyway, that is, can the president or their delegate, under the current legislation, have regard to industrial expertise. Clearly, they can have regard to industrial expertise; do they have to have regard to industrial expertise when deciding who can preside over a particular hearing, or is that completely at the discretion of the president or their delegate?

The Hon. P. MALINAUSKAS: Some clarity is being sought regarding the Hon. Mr Lucas's question. Are you asking that question with respect to the Training and Skills Commission or with respect to appointments in the SAET?

The Hon. R.I. LUCAS: My reading of the MTA submission to me is that it is more general than the first question, which was the training and skills panels. I understand the difficulty, and perhaps to assist the minister I might seek further clarity from the MTA about their specific questions and provide them to the minister, and I am sure the minister will undertake to provide by way of

correspondence or, if we are still going, in the chamber later on this evening, answers to the questions that the MTA have.

The Hon. P. MALINAUSKAS: Thanks very much. I think that is a wise proposition. If the Hon. Mr Lucas is willing to avail the government of the correspondence from the MTA to himself, I think that would assist in ensuring we have expeditious answers for the Hon. Mr Lucas.

The Hon. R.I. LUCAS: I have read completely the current correspondence there in relation to the issue, so I will seek further correspondence from them in terms of clarifying their specific questions and I will provide that to the government. If I can move on to other issues, the response I read on to the record from the government in relation to this indicated that in a number of areas the government did not believe that it needed to consult employer organisations about a number of amendments; we have had a full series of amendments that have been moved in the Legislative Council.

My question to the minister is: did the government consult any employer organisations or any employee organisations with respect to the amendments that have been moved to the legislation?

The Hon. P. MALINAUSKAS: I am advised that the consultation that took place regarding the amendments is reflected in the correspondence from the Deputy Premier to yourself, and there was no additional consultation beyond what has been canvassed in that correspondence to you.

The Hon. R.I. LUCAS: I take it that that is an assurance from the government that, in accordance with the minister's letter that I have read onto the record, there was no consultation with employee organisations and equally there was no consultation with employer organisations about these amendments, because certainly the employer organisations, or some of them, believe that they should have been consulted in relation to the amendment bill. They saw various exposure drafts, but feel aggrieved that they were not consulted in relation to significant further amendments, as they saw it.

If the government's position is that there was no consultation with employer or employee organisations, why did the government consult with Professor Stewart in relation to the amendments?

The Hon. P. MALINAUSKAS: My advice is that Mr Stewart was consulted during the course of the other consultation that had taken place previously with both employee and employer organisations, and there was not a subsequent engagement with Mr Stewart, just as in the case with the other respective associations.

The Hon. R.I. LUCAS: I accept that the minister might not be able to answer these questions, but is the minister, or his advisers more particularly, aware whether or not members of the South Australian Employment Tribunal were provided with copies of the amendments? I assume they must have been, but I do not know. If they were, did they consult with employer organisations or employee organisations, as they saw fit?

The Hon. P. MALINAUSKAS: I am advised that the President of SAET did receive copies of the amendments, but who the president shared those amendments with and talked to regarding them is not known to the government at this stage.

The Hon. R.I. LUCAS: I want to turn to some of the issues as they relate to Deputy President Bartel and Commissioner McMahon. As the Deputy Premier has indicated, they are being paid the not inconsiderable sums of $323,000 and $281,000 for their current workloads down there. The Deputy Premier, on behalf of the government, rejected my contention that they had no work to do down there. They were hard at work, according to the Deputy Premier, doing lots of useful things, I assume.

In terms of the discussions that I have had with the Deputy Premier and others, and I raised them in the second reading, there is a significant issue being raised about why the government, in what they say is a major restructure down there, is not only promoting all conciliation officers to commissioners—we will explore that issue in a tick—because some of them like the title, and I am not sure whether that ought to be sufficient justification for the parliament to promote them all to commissioners, or commissars—but there are significant concerns raised about whether or not there

is value for money in terms of the work that Deputy President Bartel and Commissioner McMahon are doing.

My first question to the minister is: can the government at the moment answer, and if they cannot are they prepared to take advice to provide answers, to work out what Deputy President Bartel and Commissioner McMahon have actually done in each of the last three years? There must be something in terms of the workload. We are told, for example, that they have dual appointments in the Industrial Relations Commission and the Fair Work Commission. I am assuming there must be some recording of the number of cases or hearings, or however they are so designated, that judges the workload of people working in this jurisdiction.

Does the government have that sort of information for each of the last three years as to how much work these people have done? If the government does not, are they prepared to give an undertaking to provide or seek an answer in terms of how much work—as I said, the number of hearings or the number of cases or the number of 'whatevers'—these people are undertaking to earn their $300,000 a year?

The Hon. P. MALINAUSKAS: I understand that the commission regularly submits an annual report. That annual report may well contain the sort of information that the Hon. Mr Lucas is looking for. I might add that I understand that whenever there are trials, hearings and matters before the commission, they are a matter of public record and appear in various transcripts, cause lists and the like, to the best of my knowledge.

The Hon. R.I. LUCAS: I accept that the answer to the first question is that the government currently does not have an answer, but is the government prepared to seek from the appropriate authorities down there who govern the operations of these people answers to the questions that I have put; that is, the number of hearings or days of hearings or whatever it might happen to be?

Certainly, on my quick look at annual reports and things like that, it does not jump out at you as to answers to those particular questions. I might be corrected. Buried somewhere in the small print, there might be. Is the government prepared to take on notice to seek that information from the powers that be that govern the operation of the work of Deputy President Bartel and Commissioner McMahon, as I said, to the number of hearings or the number of trials or the number of cases that they are involved with for each of the last three years?

The Hon. P. MALINAUSKAS: I understand that the Deputy Premier has already advised the Hon. Mr Lucas regarding the workload of the various positions that the Hon. Mr Lucas is referring to and, as such, the government does not see any necessity to go into that detail in order to progress the passage of this bill, particularly in the context of the fact that some of the questions that the Hon. Mr Lucas is asking have already been attempted to be answered by the Deputy Premier, as I understand it.

The Hon. R.I. LUCAS: The tenor of the Deputy Premier's response to me has been that he does not think they do too much down there. His full letter to me said that it is not correct to say that they will have no work in SAET, but the tenor of the discussions I have had with the Deputy Premier is certainly open to the considerations—and I will refer to the letter. I put some strong views in the second reading.

The Deputy Premier confirms in his letter to me that the government had considered whether or not the parliament should terminate the positions of the deputy president and commissioner. I advise the minister the reason why the government and the minister are considering that—and clearly either the Premier or someone overruled that particular policy option—was this particular argument that there is very little work to be done, given that the whole jurisdiction of industrial relations virtually has gone to the federal arena. The letter I quote from the Deputy Premier states:

> Comments received on the Bill from both employer and employee groups where strong in expressing the view that the retention of personnel with industrial relations expertise would be beneficial. These views were taken into consideration when determining whether the Parliament should legislate to terminate the positions of the Deputy President and the Commissioner.

One can read from that that the Deputy Premier and the government were considering abolishing those positions but, according to this particular letter anyway, took note of the fact that employer and

employee groups had said that they wanted to keep some people there with industrial relations expertise.

I think some of the people whose views were submitted to the government and the opposition in relation to keeping industrial relations expertise would certainly distance themselves from the employer associations—maybe not from the employee associations, but certainly from the employer associations—and they put the view to me that they certainly would not want their comments about keeping industrial relations expertise there to be construed as saying they want to keep Deputy President Bartel and Commissioner McMahon in the jurisdiction.

Again, they had put the view to me—similar to the Deputy Premier's view—that, now that they have handed over most of this jurisdiction to the commonwealth, there is significantly less work to be done in South Australia in this particular jurisdiction. I take it that the government's position is that it is not going to provide any further information that might demonstrate the lack of work that Deputy President Bartel and Commissioner McMahon are doing there. That is their prerogative. If and when that information comes out, it will have to come out through a different mechanism, and I accept that. The Deputy Premier's letter to me stated, 'The parliament could abolish any statutory position and stipulate the extent of compensation payable.'

My question to the minister is: if the parliament decided to abolish the statutory position because there was no work or limited work to be done there, and it could be done by these newly promoted commissioners, why would compensation have to be made payable? Has the government received legal advice that, if the two positions were terminated, compensation would have to be part of any legislative package?

The Hon. P. MALINAUSKAS: I understand the government received legal advice from the Crown, articulating a position that is consistent with the remarks from the Attorney's letter; that is, that it would be in the parliament's authority to decide to terminate such a statutory position and whether compensation should be paid.

The Hon. R.I. LUCAS: Sorry, what was that bit about compensation?

The Hon. P. MALINAUSKAS: It would be within the parliament's authority and capacity to be able to decide if such positions were to be terminated and if compensation were to be paid.

The Hon. R.I. LUCAS: If compensation were to be paid? My question is: was the legal advice that the parliament, if it terminated these positions, would have to pay compensation—and eventually through appeal—because the next sentence from the Deputy Premier is, 'Litigation on such a measure would be in the hands of the complainant.' So, did the government have legal advice which said that, if we were to abolish or terminate these positions without paying compensation, there might be a cause of action for the two persons to get money out of the government?

The Hon. P. MALINAUSKAS: My advice is that the remark that you see in the letter from the Hon. Mr Rau that:

> The parliament could abolish any statutory position and stipulate the extent of compensation payable. Litigation on such a measure would be in the hands of the complainant.

was the advice that was received from the Crown. I have been advised that remark reflects the Crown's advice to the government. I am also further advised that the government did not explicitly seek legal advice along the lines of the question that you have asked.

The Hon. R.I. LUCAS: I find it intriguing that somehow the legal adviser would just pop up with advice on that particular issue. Anyway, I put that to the side for the moment.

My recollection is that in the last 12 months or so we have abolished the statutory position, and there was a huge argument. Someone who was a former Labor candidate, Jeremy—was it Moore? My colleagues on the crossbenches will remember his name and prompt me. We abolished the position, and there was a debate at that time because he was threatening legal action. My recollection is that the government's position was that there would be no compensation payable; that was the end of the position and that was it, but it is a slightly different issue I accept.

It was an issue that was being put to me and we explored the option of whether or not we would move amendments and test the will of the parliament in relation to the issue, and I flagged that

with the Deputy Premier in the discussions that I had. The concern I had, and I did not have access to legal advice, was that if we did that we would be opening the state up to some legal claim which would cost the state and the taxpayers money because of whatever reason there might be.

If the state had the power to say, 'There's no work for these people to do, we'll finish their positions now', and clearly we have the power to do that without paying compensation (other than their normal entitlements, or whatever it is), then that is one course of action. If, however, as the Attorney's letter says, 'Litigation on such a measure would be in the hands of the complainant'—and that does not say whether it is likely to be successful or not—clearly, some of us were concerned, and I certainly was concerned, about opening the state up to some legal action which would cost the state money in defending it and ultimately might end up having to pay out. You might as well leave these people down there doing nothing, or very little, for a period of time if that minimises the cost to the state.

To that end, the Attorney has said he does not intend to replace Ms Bartel and Mr McMahon as commissioners when they retire, I assume, or pass away—let's hope retire—but my question is: how much longer can Deputy President Bartel and Commissioner McMahon serve in their current positions? Is there an age factor that says they have to retire by a certain age, or is there a limit to the current terms of their appointment, or are they lifetime appointments until they die? What is the nature of their current appointment?

The Hon. P. MALINAUSKAS: The current or the new?

The Hon. R.I. LUCAS: The one they are going to be in, yes.

The Hon. P. MALINAUSKAS: Under the current appointment, it was tenure until the age of 65. Under the new appointment, their position would have tenure removed and they would go onto five-year contracts.

The Hon. R.I. LUCAS: That will be five years from the date of the proclamation of the legislation, I assume?

The Hon. P. MALINAUSKAS: My advice is yes.

The Hon. R.I. LUCAS: I assume—and I do not know the ages of these two people—that does not take them beyond the age of 65? That is, it does not extend their term beyond what would have been required. That is, are Deputy President Bartel and Commissioner McMahon currently under the age of 60, or, through this device, are they getting an extension of a term?

The Hon. P. MALINAUSKAS: I have been advised that in the case of Mr McMahon the answer to your question is no.

The Hon. R.I. Lucas: No what?

The Hon. P. MALINAUSKAS: I am just about to get there. No, the five-year term would not take him beyond the age of 65, so there is no benefit there to the extent that you see it as a benefit. In the case of Deputy President Bartel, it would result in an extension of one month.

The Hon. R.I. LUCAS: We will not be so churlish as to argue over a one-month extension.

The Hon. P. Malinauskas: I don't know, Rob!

The Hon. R.I. LUCAS: I do not know about you but I am not going to be churlish about one month. I turn to the issue of the conciliation officers. An aspect of the government's response to my questions that I found extraordinary was—because there was a lot of complaint and concern expressed by some stakeholders about this, in essence, promotion to the new title of commissioner—that the change also reflects the historical attachment expressed by some to the title 'commissioner'. Clearly, someone who has been appointed a conciliation officer could not have an historical attachment to the title of commissioner, I assume—

The Hon. P. Malinauskas: Could or could not?

The Hon. R.I. LUCAS: Could not because they have never had it. They might have an aspiration to be a commissioner but they have been appointed as conciliation officers, so I do not understand this historical attachment expressed by some. Is this people higher up the food chain

who want to have more commissioners there rather than conciliation officers, or is it conciliation officers who would prefer to be called commissioners because it sounds more important and more grand than being called a conciliation officer? I am not sure what this historical attachment is, certainly from a conciliation officer viewpoint, because they have been appointed as conciliation officers.

The Hon. P. MALINAUSKAS: I understand that conciliation officers did not make representations around us seeking the title of commissioner, but rather, during the course of consultation advice, a view was heard from Andrew Stewart, the industrial relations expert, advocate and academic, that there is an historical significance and, indeed, a sense of authority that comes with the Industrial Relations Commission and, thereby, there would be a benefit to bestowing the title of commissioner upon conciliation officers, despite the fact that in real terms it does not represent a promotion in the context of salary or anything along those lines.

The Hon. R.I. LUCAS: Frankly, I find the advice from Mr Stewart and the government's response to that a nonsense. I think in the end if you have been appointed a conciliation officer, you are a conciliation officer. The commissioners were always at a higher level in terms of, supposedly, the workloads that they undertook and the work that they did there. Conciliation officers worked at another level, an important level, but they were at a lower level in terms of the work that they undertook.

The government's package that we are being asked to support is essentially that we will have class A commissioners and class B commissioners. That is, Commissioner McMahon, for example, will be a $300,000 or $290,000 commissioner class A (that will not be his formal title but he will be a commissioner), but these other conciliation officers will now all be commissioners albeit they will be paid up to $130,000. So, their titles will be the same; there will be no distinction in terms of the work that Commissioner McMahon will do, as opposed to these 10 new commissioners?

The Hon. P. MALINAUSKAS: I understand that there will be no distinction in terms of the title between Commissioner McMahon, for instance, and the new commissioners. However, in terms of the distinction, in terms of the responsibility or work, there may well be a distinction but that, of course, would be a decision of the president as they allocate matters as they arise. So, for instance, it would be open to the president to make determinations around potentially giving Commissioner McMahon more complex or more significant matters to him in light of his experience and higher office in the past. That would be open to the president to be able to utilise his services in such a way.

The Hon. R.I. LUCAS: Will the president also have the power to give the new commissioners—some of them, not all of them but some of them—if he or she so decides, that similar complex work that Commissioner McMahon might be given? Is there anything that restricts the discretion of the president to say that commissioners paid at $130,000 can do only to this level of work, and commissioners paid nearly $300,000 can only do this level of work? Or is it completely at the discretion of the president that the complex case could be given to a lower paid commissioner as much as it could be given to Commissioner McMahon, or vice versa?

The Hon. P. MALINAUSKAS: My advice is that it would be a matter of the president's discretion, and, presumably, the president would utilise their discretion in such a way that would best represent the interests of all parties concerned.

The Hon. R.I. LUCAS: Again, I just express my amazement at that structure, that you could have 11 people, potentially, down there; one is paid nearly $300,000 and the other 10 are paid $130,000 and it is ultimately up to the discretion of the president as to how complex or what work is undertaken by each individual, but that is the process the government is pursuing.

Can I turn to the issue of the conciliation officers, or soon-to-be commissioners: in relation to the panel, questions have been raised with me. The selection panel includes Deputy President Dolphin, Deputy President Calligeros, an HR business partner from the Attorney-General's Department and Mr Jim Watson, a ministerial adviser from the Deputy Premier's office. Can the minister advise whether this has been a standard procedure that the political arm, or the ministerial adviser to the Minister for Industrial Relations, has always been on the selection panel for appointments down at the Employment Tribunal?

The Hon. P. MALINAUSKAS: My advice is that this is obviously the first panel of its nature, by virtue of the fact that this is the first of such appointments that are being made. Regarding the make-up of the panel: the panel was put in place to be able to provide advice to the Deputy Premier, and therefore it was deemed as appropriate that the Deputy Premier have one of his staff on the panel to be able to provide that advice.

The Hon. R.I. LUCAS: If I could pursue that issue—I guess we are used to the procedures and I guess the minister is becoming familiar with the procedures under the Public Sector Management Act, in terms of appointments of public officers or officers within departments and agencies that report to him as minister—this is slightly different. We have always seen the courts and tribunals as slightly independent of ministers in terms of processes. Are the appointments of the conciliation officers absolutely at the discretion of the Deputy Premier, or the Minister for Industrial Relations in this case? He can consult the deputy presidents or the president down there in relation to who is appointed as conciliation officer, but it is a decision taken by the Minister for Industrial Relations as to who goes down there as the conciliation officers, as opposed to a decision that the President of SAET would take?

The Hon. P. MALINAUSKAS: My advice is that the president is consulted during the course of such appointments, but he is consulted by, in this case, the Minister for Industrial Relations, who then provides advice to the Governor, via cabinet obviously.

The Hon. R.I. LUCAS: I take it that the minister's response is that these, in essence, are—as opposed to the sort of appointments that might occur within a government where an agency reports to the minister which you, as a minister, would clearly have no authority over and it is the responsibility of your CEO—treated by government and in law as akin to almost judicial appointments; that is, clearly, the government appoints judges and magistrates.

The Hon. P. MALINAUSKAS: My advice is that that is correct.

The Hon. R.I. LUCAS: Regarding the issue of conciliation officers in part of the response and in other areas, there have been questions raised about the make-up or flavour of the conciliation officers. I am wondering whether the minister's advisers can indicate how many of the 10 persons who are currently appointed as conciliation officers and which ones have come from an employer organisation background, as opposed to an employee organisation background or from the Public Service, to which I think there was a reference?

The Hon. P. MALINAUSKAS: Unfortunately, I am not in a position to be able to answer that, but the advice I have received is that the majority of names here are people who have come directly from the workers compensation tribunal and only a small number—only two or three—of these people are new appointments versus people who have come from the workers comp tribunal.

The Hon. R.I. LUCAS: I accept that the minister is working on the fly, but if he could take that on notice, and if the Minister for Industrial Relations would not mind corresponding with me, because the contention has been put to me that none of the conciliation officers come from an employer organisation background. I do not know whether that is correct or not.

Clearly, the minister concedes that there is a person who has come from SA Unions. A workers compensation advocate within SA Unions has been appointed and others have suggested that one or two of these others have connections with employee organisations. The minister, in his past life as a union heavy and boss, admittedly from the right side of the fence, as in, right faction side of the fence, would be familiar with the operations of the jurisdiction that we are talking about.

He would also be familiar that there has been a long argument—which was also mirrored in the WorkCover board to which he was appointed at the same time as an employer organisation representative was employed. In a number of these areas, governments in the past have by legislation or by convention or dictate appointed reps of the employers and employees to these various bodies.

One of the concerns that we raised when this employment tribunal debate was set up and whether it should be in SACAT or not, was that the Labor government might go down the path of appointing more and more people from an employee organisation viewpoint and lose that balance which the employer organisations euphemistically call 'industry experience' but in essence what they

are arguing is industry experience from both the union background and from an employer association background. That has been the history in this jurisdiction as well.

I think there was a committee that we were consulted on in terms of various appointments in the past—for the old commissioners, not these new ones—and judges, but certainly commissioners. I sat on it on occasions where nominees came up and it was the employer association's turn or it was the employee association's turn, and there were arguments about whose turn it was—and the balance. That is why I asked the question.

The minister says that he cannot answer it at the moment but, as I said, the contention is—and let me put it on the record—that that is not occurring amongst the conciliation officers and the concern that Mr Watson, with his well-known connections to the union movement and a particular version and faction of the union movement, might be inclined to support certain appointments through that process as a member of the selection panel.

So, if the minister can take the question on notice, and I accept that he has indicated that he will, and provide us with an answer in relation to that. He may well also have to take on notice section 16(3) of the Employment Tribunal Act which states that you are eligible for appointment if you are a legal officer with so many years standing but then states:

> (b) has, in the Minister's opinion, extensive knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the Tribunal.

That is the one where union advocates or employer association advocates would argue that they would like to be considered for selection there. In addition to providing those who have come from an employer association, can the minister indicate which of the 10 conciliation officers have been appointed under subclause (b): that is, the minister has had to use the discretion, if they are not lawyers, that they have extensive knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the tribunal?

The Hon. P. MALINAUSKAS: I am more than happy to take that on notice. I add that I note the sentiments of the remarks of the Hon. Mr Lucas regarding various industrial positions in the past. The Hon. Mr Lucas is correct to point out that often, via convention, contention has dictated that there has been a balance of appointment from both employee and employer practices but I am advised that it is not specifically stipulated in the context of these appointments. However, I am more than happy to take on notice the question and bring back the relevant information.

Progress reported; committee to sit again.

Resolutions

ELECTORAL COMMISSIONER

The House of Assembly agreed to the Legislative Council's resolution.

Sitting suspended from 12:59 to 14:19.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2015-16—
- Lotteries Commission of South Australia
- South Australian Government Financing Authority

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

Reports, 2015-16—
- Adelaide Festival Centre
- Adelaide Festival Corporation
- Adelaide Film Festival
- Administrator National Health Funding Pool

Art Gallery of South Australia
Australian Health Practitioner Regulation Agency
Carclew
Department for Communities and Social Inclusion
Health Performance Council
Health Services Charitable Gifts Board
Lifetime Support Authority of South Australia
National Health Funding Body
National Health Practitioner Ombudsman and Privacy Commissioner
Office for the Ageing
Pharmacy Regulation Authority of South Australia
South Australian Medical Education and Training Health Advisory Council
South Australian Multicultural and Ethnic Affairs Commission
South Australian Public Health Council
Veterans Health Advisory Council

Response from the South Australian Government to the Social Development Committee Report on Domestic and Family Violence, dated—

December 2016

ANSWERS TABLED

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

STANDING ORDERS SUSPENSION

The PRESIDENT: I have a notice in front of me that I am now to call the Hon. Ms Lensink. I would like it to be noted that it would have been courteous to advise me that this was going to occur, not just to come in and be told in the backrooms of the hall. You do not have to, but it would have been a courtesy. The Hon. Ms Lensink.

The Hon. J.M.A. LENSINK (14:22): Thank you, Mr President. If I could address the point that you have raised. I understand the Government Whip was advised by our whip, but we will ensure that, should this process be necessary in the future, we will do our best to make sure that you are informed by us. I move:

That standing orders be so far suspended as to enable me to move a motion without notice in lieu of question time.

The PRESIDENT: You need an absolute majority for this motion.

The council divided on the motion:

Ayes 12
Noes 5
Majority 7

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A. (teller)	Lucas, R.I.	Parnell, M.C.
Stephens, T.J.	Vincent, K.L.	Wade, S.G.

NOES

Gago, G.E.	Hunter, I.K.	Maher, K.J.
Malinauskas, P.	Ngo, T.T. (teller)	

PAIRS

McLachlan, A.L.	Gazzola, J.M.	Ridgway, D.W.
Kandelaars, G.A.		

Motion thus carried.

No-confidence Motion

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

The Hon. J.M.A. LENSINK (14:27): I move:

That this council has no confidence in the Minister for Sustainability, Environment and Conservation in light of his incompetent handling of his portfolio generally but particularly in light of his recent deplorable behaviour directed towards ministerial colleagues and public servants.

This motion speaks for itself but it is particularly focused on the foul language and behaviour used by this minister and whether he has genuinely taken responsibility for it. In relation to the now infamous episode at Rigoni's on the evening of Thursday 17 November, the minister is alleged to have directed profanities towards ministerial colleagues, used similar language towards his own public servants in directing them to leave the restaurant, and then stormed off. He crossed a boundary that he should not have.

The choice of words was inappropriate, particularly given the language used towards his female ministerial colleague, Victorian water minister, the Hon. Lisa Neville. Deputy Prime Minister Barnaby Joyce has expressed concern for the women present at the event rather than for himself; however, he is still the Deputy Prime Minister and was Acting Prime Minister at the time. The behaviour towards this minister's own public servants is also an abuse of his office. It took several days before he issued an apology of sorts which, given that he has said he would behave in a similar manner again, calls into question whether it was a sincere apology.

Other stakeholders came out following the publicity and said they had received similar treatment. Business SA said they had complained to the Premier about minister Hunter's behaviour last year, following a meeting with him, and I quote from *The Advertiser* report:

Mr McBride [Business SA Chief Executive] said the meeting attended by himself, his staff and Mr Hunter was called to discuss complaints that the State Government was competing unfairly against private businesses.

The meeting lasted seven minutes before Mr Hunter 'stormed out'.

'He then got up when I kept asking him questions about why this was happening and stormed out saying, 'I won't be cross-examined!' leaving our member and my policy team stunned,' Mr McBride told *The Advertiser*.

I called (Mr Weatherill's chief of staff) Dan Romeo, and strongly raised my concerns about this kind of behaviour, but got no response or follow-up.

'SA deserves 'responsible ministers'…not an emotional loose cannon.'

Mr McBride said he feared Mr hunter's conduct would hurt the state's ability to conduct serious negotiations and ensure it got the full benefit from national water agreements and other deals.

'It's time for him to be replaced with someone who can work credibly at national levels,' Mr McBride said.

The Law Society also made a formal complaint in August, and I quote from the article the following day. Mr David Caruso, the then SA President of the Law Society, said:

The chairs of the Animal Law Committee and myself did not consider that the meeting was being conducted appropriately by the minister or that he was conducting himself appropriately to be productive. The primary issues were that the way in which the minister was conducting himself was intemperate and unnecessarily dismissive of issues the chairs and I were wanting to discuss. We had attended this meeting on the basis that it would provide for a productive dialogue. We consider the minister's approach did not facilitate this, but was rather dismissive of the issues that we sought to discuss.

This minister should not need reminding that he is in a position of relative power and he should take care not to abuse it. Unfortunately, we have seen a disregard for others before with this minister. Perhaps we in this chamber are a little immune to it. We see it most days in question time. Questioners are mocked for asking stupid questions, or the minister deflects the issue at the heart

of questions to other issues without actually responding to the substantive issue. We can all think of examples when we have been on receiving end. I was most recently offended by his response to genuine questions on camping park passes in national parks.

Minister Hunter might think he is being clever. I think he is just plain disrespectful. In light of his handling of the Clovelly Park contamination matters, one would hope that he might have tried to make amends. In May this year, following local flooding caused by SA Water pipe bursts, the minister had to be counselled, once again, about his lack of sensitivity towards those affected. It seems like pointing out the obvious that the role of minister is a privileged one—privileged because it is a role that provides both power and capacity.

The minister has the capacity to alter government policy and redirect funding. Those who meet with him to express their views have the right to a fair hearing. I have heard a number of complaints from stakeholders about the minister's rudeness in meetings from other stakeholders and my concern is that genuine issues cannot get a fair hearing from this minister, whether they are raised in this chamber, or in face-to-face meetings in his office.

In their response to these matters there are significant questions that the Premier himself, and the Australian Labor Party need to confront and take responsibility for. The response of Premier Weatherill was inappropriate in light of the Rigoni's episode. In the first instance, he said that he had not received a formal complaint—which begs the question as to whether he genuinely believed the minister's behaviour crossed the line—and later that he had been counselled: big deal. Rather than provide an up-front admission on this behaviour, the Labor Party collectively decided to try to deflect criticism by claiming that the minister was just being passionate about his portfolio responsibility. Apparently the ends justify the means.

The River Murray is an issue that is vitally important to every South Australian and to every political party represented in this chamber. The minister's outburst does not prove that he is more passionate than anybody else: he is just a national embarrassment. Yesterday, in question time, the minister and his Labor colleagues had an opportunity. They could have answered questions with a straight bat. Instead, one by one, they downplayed the minister's behaviour.

They might think that is clever politics to do whatever it takes to back him. I believe it reflects poorly on them, and the standing of leadership roles in government and in the parliament. This minister has behaved deplorably, as described by White Ribbon Australia. He has breached the Ministerial Code of Conduct. His apology needs to be sincere and his subsequent words and actions need to reflect some contrition. I commend the motion to the house.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:34): I rise in opposition to this motion. I remember a period in the early 2000s—in fact, I believe it was early 2002—and I had the opportunity to do community work with an Aboriginal community in Bourke. I went over to Bourke in the early months of the year 2002; in fact, specifically, I believe it was around Australia Day. I went to Bourke at this particular time of the year, and it was hot: I have not experienced temperatures quite like it. I remember painting a fence of a community facility in 45 degree weather; I got more sunburnt than I ever have in my entire life.

During the course of that afternoon, I took the opportunity to go for a swim with a bunch of community workers and Aboriginal kids. So I went to the Darling River (which runs just out the back of Bourke) on this sweltering day, and there were a whole range of people taking the opportunity to seek relief from the scorching heat, and jump in the Darling River.

I took that opportunity and jumped in the river, and the immediate relief of the cool water was profound right up until the point I put my head below the surface of the water. As soon as I did that, I heard a sound that was rather horrifying: it was a mechanical sound of pumps sucking the life gigalitre after gigalitre out of the Murray-Darling Basin—all to supply the surrounding cotton fields in and around the area of Bourke.

On the drive from Bourke to Cobar, you drive through what is in essence complete desert—nothing is growing apart from saltbush. Then, all of a sudden, you hit an arbitrary line in the sand where cotton fields as high as my chest were growing in luscious green conditions, all because of

that pumping effort that was coming from the Murray-Darling Basin. To any casual observer this was patently absurd—patently absurd that we were sucking out so much water to irrigate plain desert into cotton-producing facilities.

To any South Australian worth their salt, it was a horrifying sound to know that our river system was being dilapidated by upstream users in such a grossly inefficient way. To any observer it was clear that a response was necessary, and that is exactly what happened in due course. Finally, in 2011 and 2012, we had a Premier who was willing to compromise his own political allegiances in the interests of the state in order to get a long-term solution to this vexed issue. We had a Premier who, in this particular instance, was even willing to stand up to his own federal colleagues in order to be able to get an outcome that would see a benefit to the South Australian community, including the river itself.

As a Labor member, I thought this was an outstanding proposition and a good deal because it acknowledged the communities upstream whose livelihoods of working people genuinely relied upon that irrigation exercise. This was an arrangement and a deal that extracted from the federal government an extraordinary sum of money—I believe in excess of $10 billion—to compensate a whole range of interested parties in regard to the river to ensure that South Australia would see its fair share of water flowing down the river, including a very substantial 450 gigalitres that would be returned to natural flows.

Our Premier secured the deal, despite having to fight with his own Labor colleagues at a federal level. Once that deal was in place, all we needed from that point on was people to hold the line. That is all that was necessary: people who are leaders within our community, people who are in positions of authority to hold the line.

Some of us were somewhat concerned earlier this year when the Deputy Prime Minister, Barnaby Joyce, was appointed to the role he now holds where he has authority in and around this deal. We were concerned that the person who has said on the record previously that people should simply get up and go where the water is would not have South Australia's interests at heart, and would not be wholly committed to ensuring that deal.

Reservations existed but, nevertheless, we decided we would wait and see what he actually decides and how he acts and, of course, in due course, what occurred? The Deputy Prime Minister of the country wrote a letter to minister Hunter outlining a whole range of concepts and ideas which were clearly going to undermine the agreement for which all we needed to do, as I said, was hold the line. Hold the line was all we needed.

No longer could we rely on the Deputy Prime Minister, so then who do we turn to? Well, let's look at the actions of the Leader of the Opposition. He is another leader within the community that we would expect to hold the line on the interests of South Australia. The Hon. Mr Marshall, the Leader of the Opposition, decided to jump in a plane and go to Canberra and what did he come home with? He came home with a photo and a bunch of frequent flyer points. Nothing more. Nothing more that was going to see this deal being honoured in full.

So then, who does the South Australian community turn to? Well, naturally, it starts to look at somebody who holds considerable power now in the federal parliament, Senator Xenophon and the Xenophon party, to see what they would be able to deliver in the interests of the River Murray and South Australians, and what do we see occur in recent days in regard to Senator Xenophon and the Xenophon party? We see them delivering absolutely nothing apart from another subparagraph on a meeting agenda. Nothing that is going to guarantee an outcome of that 450 gigalitres being returned to natural flows.

We cannot rely on Nick Xenophon who, on the face of it, looks as though he has simply used the issue of the River Murray as a guise to support his anti-worker legislation. We know that Senator Xenophon does not care about workers' interests, he is opposed to penalty rates, and now it becomes very clear that he is willing to do away with basic civil rights that have been bestowed upon so many citizens over the course of centuries of development of basic Westminster principles. He is willing to do away with all of that in pursuit of anti-worker legislation and he used the Murray as a guise to be able to support that proposition.

So, we cannot rely on the Deputy Prime Minister, Barnaby Joyce, we cannot rely on the Leader of the Opposition, Steven Marshall, we cannot rely upon Senator Xenophon and his crony Xenophon party mates. So who can we rely on to be able to fight the fight that is worth fighting in the pursuit of that 450 gigalitres? The responsibility ultimately rests with the South Australian government, which previously has demonstrated its strong track record in being able to stand up, get community support and fight for the River Murray. In the context of this government, minister Hunter, the responsible minister, has taken it upon himself to stand up for South Australia.

The question is: why are we here today not having a no-confidence motion in the Deputy Prime Minister? The Deputy Prime Minister is trying to weasel out—even yesterday during the course of public debate during question time, the Deputy Prime Minister was rather whimsical and dismissive of this particular discussion in the federal parliament. In response to questions regarding the Murray-Darling plan he said, 'Yes, all the problems are your problems,' as though they are the problems of the opposition rather than him taking on his own responsibilities as the responsible minister.

So, why are we not having a no-confidence motion in the Deputy Prime Minister, Barnaby Joyce, who is clearly trying to look after his mates upstream rather than doing something about the issue? Why don't we have a no-confidence motion in Mr Joyce? Why don't we have a no-confidence motion in the Leader of the Opposition, who is more interested in getting a photo and frequent flyer points and actually delivering a real outcome?

Jay Weatherill, as Premier of the state, decided to stand up to his own federal colleagues in order to get a better deal for the Murray. Why not Mr Marshall.? Why don't we have a no-confidence motion in him? Why don't we have a no-confidence motion in the Xenophon party, when he has demonstrated his anti-worker agenda and used the Murray River as a fig leaf to his real stance which is, of course, pursuing an anti-worker agenda in the parliament? Why don't we have no-confidence motions in these? Simply because this no-confidence motion is nothing more than a shameful political exercise on behalf of the opposition. They would rather be talking about—

The Hon. J.M.A. Lensink: I don't know how you people sleep at night.

The Hon. P. MALINAUSKAS: I listened to you in silence—

The Hon. J.M.A. Lensink: I honestly don't know how you sleep at night.

The Hon. P. MALINAUSKAS: I listened to you in silence.

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: I do not know why the Liberal opposition is not standing up for a real issue. They want to talk about swearing. Let's talk about swearing. Swearing in this particular context is not appropriate, which is exactly why the responsible minister has apologised and expressed contrition in respect to the issue. Let me be clear, we need nothing more than a line in the sand to be drawn regarding the River Murray. That is what we need in this state, and that occurred back in 2012 when this plan was put in place. All we need now is leaders in their own right to stand up and hold the line. That is all we need you to do: hold the line. Instead, we are trivialising this by talking about a few swear words conveyed in a restaurant. None of that is acceptable—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —but why can we not just get on with the business of working together? We would gladly welcome the Leader of the Opposition, the Liberal Party, to stand with the government and take up this fight to Barnaby Joyce and the federal opposition in the interests of the River Murray. That is what we need from leaders in the community; that is what the responsible minister in this place is doing: he is standing up for the people that he represents in the state of South Australia. More than that, he standing up for the River Murray, and I commend him for doing so.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome the United Taxi Association of South Australia here today.

No-confidence Motion

MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

Debate resumed.

The Hon. R.I. LUCAS (14:46): That contribution from the Hon. Mr Malinauskas is the defence you give for a colleague when you do not really want to give a defence: you ignore the substantive issues, you talk about everything else. However, he obviously drew the short straw, someone had to stand up and defend the indefensible in this particular chamber, the appalling, outrageous and contemptible behaviour of his minister, not just in relation to this incident but in relation to how he treats people generally—colleagues, staff, departmental staff and others—in and around this chamber.

So, instead of defending that, it is 'a few trivial words' and it is not substantive issues in relation to swearing. It was the same defence that we saw yesterday from the Leader of the Government, who said it was robust language. The former champion of women's issues, the Hon. Gail Gago, said it was overzealous language. It was the state Labor Party's tweet on social media which was, 'We stand with Ian. Who doesn't like ice cream?'

They are trivialising and laughing at the issue, at the contemptible behaviour of a minister who treated female colleagues and female staff and others in a contemptible and vile way in a public place and in a private room, and all we have seen is the Labor Party laughing at it. A minister standing up in this chamber today, dismissing it as, in essence, trivial, in terms of what one of the substantive issues of this particular motion happens to address. As I said, colleagues who stood up yesterday, one after another, saying it was either overzealous or robust language that was used.

It was not overzealous and it was not robust; it was disgusting, it was disgraceful, it was despicable, it was contemptible, it was hypocritical. They are the words that should have or could have been used, and if you were not prepared to use those words in describing the attitude and the behaviour of the minister on this particular occasion, you should have, as the Hon. Michelle Lensink said, shut up shop and not said anything at all.

It is a sad day, standing up in this chamber and having to address this particular motion because, if this motion is passed, minister Hunter will be the first person, I think, in the history of not only the Legislative Council but the House of Assembly, to have had three successful no-confidence motions moved against him or her in the South Australian Parliament, if that occurs this afternoon. It was bad enough that two of them were successfully moved in a short period of time with regard to his handling of the environment portfolio and the Aboriginal Affairs portfolio back in 2014.

Here we are, two years later, making a judgement as to whether this minister actually learned from some of the lessons that he surely should have received from colleagues and others who spoke at that particular time in this chamber. I said, at that particular time on one of those no-confidence motions, that:

> The sad reality is that minister Hunter has none of those—

I was referring to the traits of a former minister, the Hon. Terry Roberts—

> and this minister's incompetence, negligence and, sadly, overriding arrogance are actually preventing progress in tackling the problems that need to be tackled.

I went on to say that there are 'many I know in this chamber, and not just on this side of the chamber', and on the other side of the chamber as well, 'but in the minister's own caucus from the Premier down, who have warned him' previously, and this was in 2014, 'about the problems of his arrogance, the way he treats people', the way he treats staff, colleagues and other members of this chamber and another chamber, and he ignored those particular warnings.

This was a warning in 2014. It is not as if this minister had not been warned in 2014 of the problems he was creating for himself, his party, his government and, more importantly, the people of South Australia, in terms of his contemptible behaviour and arrogance in the way he treats people and colleagues. He had those warnings in 2014 and, sadly, in 2016, we are here again today addressing not just the incident. I will turn to the incident in Rigoni's, that is one issue, but it is so symbolic. It is emblematic. It symbolises the problems that this minister has in terms of his arrogance, his behaviour and the way he treats people.

Business SA is relatively conservative in terms of the way they run their operations and have sat down and done deals with the Hon. Mr Malinauskas when he was a former union boss and union heavy in the SDA. They stood together arm in arm, patting each other on the back about various deals that they did. This is an organisation that tries to work with governments, Labor and Liberal, and oppositions, Labor and Liberal, but after the Rigoni's incident they felt compelled to come out and give their own example of problems with the minister's arrogance and how he treats people who try to put a different point of view to him on a particular issue. All they were asking was to be heard and to be treated with respect and some civility and they did not get it.

Not long after Business SA, we had the Law Society of South Australia. A lot of members in this chamber would have dealt with the Law Society on a whole variety of issues. The Law Society of South Australia prides itself on working with Labor and Liberal parties and Labor and Liberal governments and oppositions, and they felt compelled to come out and give their example of their treatment by minister Hunter and the way they had been treated when they had tried to raise particular issues.

These are big organisations used to lobbying. I know the complaints I have heard from individuals and others (minor party representatives, present and past) who have spoken to the Hon. Mr Hunter and been offended or disgusted by the contemptible behaviour and the arrogance with which they have been treated by him in their dealings because they had a different view to him on a particular issue.

There has to be a way for ministers to be able to, with respect, listen to those conflicting views and put their point of view with passion if they want to. The defence we got again today from minister Malinauskas and the defence we got from minister Hunter for days after the Rigoni's incident—and this was the excuse—was that if you feel passionately about something and strongly about something, that excuses the vile, obscene and contemptible language that you use to describe colleagues and staff in a private or a public place, and that because he felt passionately about a particular issue, that, in some way to him, justified his behaviour, his language, his arrogance and his treatment of colleagues and staff.

Minister, there is nothing wrong with you feeling passionately about a particular issue; indeed, on the Murray, we all feel passionately about the issue. We have a shared goal. There is actually a legislated agreement which locks in what everyone has agreed to. In fact, when Steven Marshall, the Leader of the Opposition, went to fight on behalf of South Australia directly to the Prime Minister, the Prime Minister guaranteed that the legislation is there and that he was going to stick by the legislation.

We have the temerity of minister Malinauskas, who stood up in this chamber and instead of condemning and moving against minister Hunter for his clearly contemptible behaviour in a public place and the way he has generally mismanaged his overall portfolio, saying that we should really be moving a motion of no confidence in the Leader of the Opposition. The Leader of the Opposition got off his backside, boarded a plane, went to Canberra and lobbied directly to the chief decision-maker in the commonwealth government, that is the Prime Minister, and got a guarantee. He got a guarantee much earlier than the Premier of South Australia, Senator Xenophon or, indeed, anybody else who was able to get that guarantee—and credit to him for fighting for South Australia.

However, if you feel passionately about something, it does not excuse arrogance; it does not excuse disrespect; it does not excuse contemptible behaviour; it does not excuse vile and obscene language being used in a public and a private place to describe women, and women colleagues and staff. That is the defence that minister Hunter, over a number of days now, has endeavoured to mount to defend his contemptible behaviour.

As I did yesterday, I want to read something on to the public record that minister Hunter, before he was a minister, said in November 2008 in relation to these issues, these power issues for men and the way they treat women and others in particular. I want to point out the contemptible hypocrisy of minister Hunter in relation to this particular issue, who prides himself and pats himself on the back because he is a champion in this particular area. This is what he said back in 2008 about the White Ribbon campaign:

> 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…
>
> 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 is the man who said that in 2008 and yet that same man, that same contemptible hypocrite, in 2016 described a female colleague using the f-bomb and the c-bomb and then walked out into the public restaurant and told staff to eff off and to leave the restaurant. So, they then proudly went off and had their ice-creams, and their cheer chasers in the Labor Party proudly tweeted on social media, 'Who doesn't love an ice-cream? We stand with Ian.'

That is the Labor Party in South Australia. That is the problem, because we see this sort of behaviour not just from minister Hunter but as reported by the ICAC Commissioner in terms of minister Koutsantonis and the way he spoke to and treated public servants within his employ, and the language that he used—similar language with f-bombs and c-bombs going off left, right and centre, as was described—in face-to-face meetings with public servants in his particular portfolio.

We are on a slippery slope because Premier Weatherill excuses the behaviour of minister Koutsantonis and he has to excuse the behaviour of minister Hunter because he is a left factional colleague, one of his few remaining cheer chasers and supporters within the caucus at the moment from the left. When you look around the backbench, sadly, if they got rid of him who would they put there? Former minister Gago is on the way out, Mr Gazzola is ready for holidays and retirement, and then you have the right faction members left on the backbench. There is nothing left to replace him if they got rid of him. That is the problem that Premier Weatherill has.

However, he defends the slippery slope. You defend it with minister Koutsantonis, you defend it with minister Hunter and you take no action at all; you describe the language as robust and overzealous and trivial and not the main issue and you should be moving motions of no confidence against Steven Marshall because he went and fought for South Australia and went right to the top.

That is the sort of trivialising and that is the approach of the Labor Party, from the top down to the social media operators, indicative of a government which after 15 years is sadly out of touch with community attitudes, sadly out of touch because of their arrogance at sitting on their big fat backsides for a long time period of time in white cars, enjoying the perks of office and treating colleagues, members, staff and anyone else with contempt. As I said, minister Hunter stands condemned, not just for his behaviour in Rigoni's last week, but for the way he treats people and has treated people for a long period of time.

The Hon. R.L. BROKENSHIRE (15:00): First and foremost, I must say that I am astounded that at the onset of this debate on this no-confidence motion the government tried to gag debate by calling a division. It is not that often in the big picture that there is a debate around a vote of no confidence in a minister. I have seen it in another place, where at times it is used for base political pointscoring, but we are supporting this motion and supporting the intent of this motion, because this is not about base political pointscoring; this is about a fundamental basic structure of the executive of government.

When you have a look at this situation, as the Hon. Rob Lucas pointed out, this is the third censure motion, vote of no confidence motion, in this particular minister in the time that he has been a minister. The reality is that we could have been here now debating the pros and cons of what the Hon. Barnaby Joyce, the federal minister, was talking about. We could have been here now signing

a multipartisan letter to the Prime Minister, because if you take the politics out of it, the reality is that there is not one member of this parliament, that I know of, who is not absolutely passionate about the River Murray.

Those of us who are food producers, in particular, and the constituents that Family First represents, know the importance of that passion for the River Murray, because it is the blood source of life for food production in this state, and it is the essence of the food bowl. Let's stop the nonsense. You freak out, you are badly behaved and you put South Australia into a disadvantaged position and your excuse is because you are passionate? That is an absolute nonsense, minister, and that is not an excuse.

A man should stand up and say he is wrong, that he lost control of the situation, that he let words go that no executive member of council should ever let go, and apologise profusely to the people of South Australia, to the Acting Prime Minister, the Hon. Barnaby Joyce—he was the Acting Prime Minister—and to his fellow colleague, a Victorian minister and a lady. She is a lady, who had to accept, I am told, a four-letter word that starts with a 'c'. If you want to use those words, use them in your backyard and hope you do not offend your family or your neighbours. But to use them in a public place, when you are a minister of the Crown, an Executive Council member of the South Australian government, is totally inexcusable.

On top of that is the fact that many of us come into this house, day in day out, asking questions mainly of the environment minister, because the feedback we are getting out in the electorate is that this minister is failing to listen to the people that he should represent. I will give you just a few basic examples of this. Ever since minister Hunter has been minister for the environment, I have been asking him questions. I get filibustering and 10 and 15-minute answers (or supposed answers) from page number 93 of the minister's briefing notes that do not even, most of the time, give a relevant answer to the specific questions that I have asked, not on behalf of myself as a member of parliament, but on behalf of the people out there that we represent.

Those people expect a minister to answer properly. Collection with local government with NRM, 150 per cent increases in NRM fees, and cost shifts of up to $12 million coming out of the NRM are legitimate reasons for people to want questions asked in this parliament. There is the South-East Drainage scheme, such a vital scheme for looking after the South-East and the environment of this state. The minister does not agree with the people and the constituents down there, so he instructs $100,000 to come out of the NRM Board for a citizens' jury.

Then when the citizens' jury does not come up with the answer that suits the minister, he totally ignores that, in absolute arrogance. The waste levy is another one. We are seeing that go through the roof; we are seeing a massive budget opportunity there, and local government continually saying to us, 'Ask the minister why we can't access that fund.' We do not get the answers. There is the dingo problem, which is very much a looming problem, a legitimate problem to the pastoralists, and farmers generally, and the real threat that those dingoes could end up coming through the Adelaide Hills, and we will never be able to control them.

People have legitimate questions about trappers. Three trappers is all they want. What happens when you ask the minister a question? You get no specific response, and you certainly do not get any confidence that this minister is in there fighting in cabinet and fighting in his department for those constituents of South Australia. The water plans, the absolute massive increases to the water licensing arrangements, these are legitimate questions that deserve legitimate answers. Of course, there is the major importance of the River Murray, as I said earlier.

When a minister of the Crown, a member of Executive Council, goes to a dinner, prior to a ministerial meeting, you expect him to be forceful in his debate, you expect him to be representing South Australians with all the vigour, all the energy and all the experience that he has to put forward, but what you do not expect is to have one of our ministers of the South Australian government using F and C words to the Acting Prime Minister of Australia, the C word to the Victorian water minister, and, I am advised, F and C words to senior public servant bureaucrats, probably only informing the minister of the things that they had to inform him of.

To summarise, when you have the privilege of becoming a minister of the Crown, and when you sign that document over there in government house, you are signing a very special document.

You are taking on one of the highest offices and highest privileges that you can have bestowed upon you as a South Australian citizen, more than the rest of us as members of parliament.

In return for that, we expect three basic things from those ministers. We expect them not to be arrogant and not to take for granted the many years they have been given the privilege of being in government. We expect them to build rapport with other states and the commonwealth to get the very best outcomes for South Australia. Can I say, that when you start, in a public place—bad enough if you do it in your office—to use F and C words to the Acting Prime Minister and other ministers and public servants, to damage that rapport, you are then working against the best interests of the best outcome for the River Murray for South Australia. That is grossly unacceptable and that is why we support this motion.

The minister needs to apologise and heal the wounds that he has personally created between the Victorian state government and the commonwealth government in the interests of the long-term protection of our rights to a healthy River Murray, from the Murray Mouth back upstream. At this point in time he has clearly damaged that relationship.

The Hon. G.E. GAGO (15:09): I rise to oppose the motion before us. Mr President, I can agree with the Hon. Michelle Lensink that a line has been overstepped. However, it is the Hon. Barnaby Joyce who overstepped the line when he tried to renege on a deal which involved increasing flows to the lifeline of this state, the River Murray. I can agree with the Hon. Robert Brokenshire that the River Murray is a lifeline to this state. There is little else in his contribution that I can agree with, as per usual. Most of his contributions, including this one, are laced with inaccuracies, pure and simple.

I can also agree with the Hon. Rob Lucas that there is hypocrisy going on here today; however, the hypocrisy is coming from those opposite. Those moving this motion are nothing but hypocrites. Those opposite have never stood up against misogyny and, in fact, have perpetuated it. They did nothing when the Liberal member for Finniss made outrageous comments in the other place, saying that a female member ought to be put down and comparing our first female prime minister to a dog. They did nothing when the Liberal member for Unley, one of their frontbenchers, sent out an extremely sexist media release.

Now they come in here with half-baked accusations and move this motion, a motion that will go absolutely nowhere. This motion will not go anywhere, it will not make any difference to anything. It will do absolutely nothing. Even if it is passed in this place, it is a completely useless action to take. It is a complete waste of what could have been a useful and productive question time, but the opposition have never been very good at strategy, they are too lazy.

It is clear that the minister did not make sexist remarks to the Victorian minister, as some of the outlets have reported. It has been clear that he did use robust and inappropriate language towards the deputy minister. He has acknowledged the inappropriateness of his language. He has apologised for that unreservedly and he has not used this as an excuse. He has never used it as an excuse for what was inappropriate and poor behaviour which he has apologised for.

This is a man who has fought all his life for equality and social justice. He is someone who understands what discrimination is and what it is like to be prejudiced, a man who has always had the courage of his own personal convictions. His record, whether as a minister or as an advocate, is one I would proudly contrast against any one of those opposite me, and it is one that South Australia very much appreciates. Many have written backing this minister. On 20 November, a member of the public emailed to say, 'Just to let you know that you have my support. Do not let them get away with it.' Another on 21 November said, 'Thank you for standing up and defending the Murray River. Stand strong. Do not resign.' Another wrote:

> I am writing to tell you that I believe you and your team are doing a fantastic job with your portfolio, particularly the environment. It is understandable that when faced with political leaders who will not be so reasonable that you lose composure after all. You are a person with so many responsibilities that you genuinely care about. Thank you for your leadership. Many people do care about what you are trying to achieve.

There is more. Another wrote:

> Thanks for sticking up for South Australia and demonstrating that Barnaby Joyce, Victorian minister Neville and some South Australian senators are not committed to the basin plan target of 2,750 gigalitres plus the

450 gigalitres. I want you to continue to advocate for South Australia, the Murray River and the basin plan so that we have certainty that the federal government is also committed.

One more said, 'I thank you so much for sticking up for the environmental flows in the Murray-Darling Basin. Keep up the good fight.' Lastly, I promise, one person said, 'I will gladly stand beside water minister Ian Hunter, supporting him in his quest to keep the bastards honest.'

This minister has support because we know that he, unlike those opposite, understands water, the River Murray and will fight. He has the courage of his convictions to stand up and fight to protect this state's interests. He is also someone who will help protect our state's environment. Under his leadership, the EPA delivered its first annual compliance plan. There is an almost 80 per cent return rate for containers for a refund. The state leads waste and resource recovery, including achieving almost an 80 per cent recycling rate. This achievement means that we are preventing almost one million tonnes of carbon emission into the atmosphere this year. We are recognised internationally for our action on climate change. As one leading IKEA executive told the audience in Paris:

> To build low carbon growth and jobs, we need common sense, long-term policy making, like that in South Australia.

Or, as David Suzuki remarked publicly after meeting this minister:

> You are at 40 per cent renewable energy now, on the way to 50 and possibly 60 per cent. South Australia should be boasting to the world about what you are doing here, and I certainly intend to when I go home.

The minister could have also told Mr Suzuki about our marine parks. Under this minister, almost 44 per cent of the state's waters are now marine parks, and recreational fishing has been largely unaffected. Under this minister, there has been more than 1.8 million hectares of land that now has wilderness protection status. It was this minister who recently proclaimed the first national park in our state in more than a decade. South Australia now has the largest percentage of land area in both public and private protected areas in any Australian mainland jurisdiction: a total area of almost the size of Victoria.

It is this minister that helped develop and release a fire management strategy for our parks. It is under this minister that the first trials of coordinated back-burning by government agencies is occurring on private land in the Adelaide Hills. This is the same minister who has seen better animal protection, including major reform of dog and cat management for the first time in 20 years. These are just some—just a bare few—of this minister's achievements. What is very clear is that this motion is a motion about this record.

By voting for this motion, members will be voting against South Australia being a clean, green state. By voting for this motion, members will be voting against renewable energy and against action to combat climate change. By voting for this motion, members will be voting against national parks and against marine parks. By voting for this motion, members will be voting against improved animal welfare. By voting for this motion, members will be voting against a courageous and fearless advocate for South Australia and our lifeline, the River Murray. That is why this government will be voting against this motion and voting to support this very strong, brave and capable minister.

The Hon. M.C. PARNELL (15:18): The last time we debated a motion of no confidence in this minister was in December 2014 and, prior to that, in July 2014. The December 2014 motion concerned the minister's performance as Minister for Aboriginal Affairs and Reconciliation. My colleague Tammy Franks, as the relevant portfolio holder, spoke to and supported that motion on behalf of the Greens. The July 2014 motion was in relation to the minister's incompetent management of the investigation into the chemical contamination and threats to residents' health in the environs of Clovelly Park and Mitchell Park.

I supported that motion on behalf of the Greens, and in doing so I canvassed a wide variety of failings on the part of the EPA and, ultimately, the minister, which is where the buck stops. In addition, I raised other important issues, such as the decimation of the environment budget over many years, and as a consequence, we supported the no confidence motion. In relation to the December 2014 motion, the Hon. Bernard Finnigan said:

The passage of a motion of no confidence is part of a venerable tradition in Westminster parliaments, and it should be used sparingly, when a minister or a government has acted in a way that is improper or has failed in a very profound way.

I did not always agree—often agree, in fact— with the honourable member, but I think he is right in respect of both the frequency of these calls and the test to be applied. It has been almost two years to the day, so I do not think frequency is an issue here. So, the test is whether the minister has acted in a way that is improper, or has failed in a very profound way. In my view, the test covers both personal attributes as well as professional ones.

The motion before us now is based on the minister's behaviour in the conduct of his duties, rather than based on any particular failing of administration or oversight of his ministerial responsibilities. The incidents that triggered this motion have been described well by others, and I will not repeat them, but they include the 17 November incident at Rigoni's restaurant.

The minister has admitted to using some inappropriate language, and has apologised for that. He has not admitted other words that have been attributed to him, and so he has not apologised for those. I was not there, so I do not know personally what the minister said, but others have reported what the minister is alleged to have said on this occasion, and on many other occasions.

In considering this motion, we do need to have some regard to the context. As I understand it, and as government members have described, the context was the apparent revelation that South Australia was, yet again, to be dudded by the upstream states in the Murray-Darling Basin over water—and that should make us all angry. It obviously made the minister angry, but that is no excuse.

I am sure all of us have, at times, thought of what we would like to say to certain of our political opponents, or things we would like to say when we are disappointed, or when someone has lied to us, or reneged on a deal. In the cut and thrust of debate and the contest of ideas, it is easy to think of examples where even the eternally optimistic and polite Pollyanna herself would have been tested. However, while all of us might think of what we would like to say, the big difference is that most of us leave it at that. We leave it as an angry or frustrated thought. We might say it in our minds, but we do not say it out loud and we certainly do not say things like the minister said in a public place.

As a White Ribbon Ambassador I have an additional duty to set an example, and as we often say at White Ribbon events, 'The standard you walk past is the standard you accept.' On that basis, I believe that a professional minister, in whom I have confidence, would not have behaved as the minister did. So, the Greens do not have confidence, and we will be supporting the motion.

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) (15:21): Everything one does in life has to be taken in context of the issue. Events happen in a context; you cannot divorce the issue from the event. This motion is more than just about a few words, it is about an issue, it is about support for the future of the River Murray. The issue of this motion is the River Murray. If you vote for this motion, you are not just voting about the use of a number of words, you are voting against the issue, you are voting against the River Murray.

This is a transparent attempt to distract and not deal with the issue at hand. Minister Hunter was standing up for South Australia and the River Murray. He used inappropriate language. He should not have used it, and he has apologised for it. He was standing up for South Australia. The Hon. Robert Brokenshire effectively said that he used inappropriate language, he should apologise to those concerned, as he has.

I seek leave to table a letter that the minister referred to yesterday from the minister to the Deputy Prime Minister apologising for the language used and restating the issue. I now seek leave to table that correspondence.

Leave granted.

The Hon. K.J. MAHER: The minister, as I said, was standing up for South Australia, unlike those opposite who are entirely incapable of doing so. Those opposite sat on their hands, sat silent, when their federal colleagues chased Holden out of this country some three years ago, and they sat silent when the submarines were about—

The Hon. T.J. Stephens interjecting:

The Hon. K.J. MAHER: The Hon. Terry Stephens interjects. We have had the decency, particularly in the context of this debate, to listen to all of you in silence. You would think you would have the good sense to do the same here.

The PRESIDENT: Order! Address the chair.

The Hon. K.J. MAHER: Those opposite sat in silence when the federal Liberal Party chased Holden out of this country. They sat in silence when it looked like the submarines were not going to be built in South Australia. They are doing exactly the same on this issue. I am very concerned, as I think are most South Australians, about the position being put forward by the state Liberal Party on this issue. They have never supported this plan.

On 17 February 2012, on this issue of the plan to try to get the full 3,200 billion litres, the spokesperson for the Liberal party, the member for MacKillop, shadow minister for water, said:

> This is obviously not the Rolls-Royce, but it's a very good Mazda and we're quite happy to drive in the Mazda.

Their position has always been to settle for second best: do not stand up for the interests of South Australia, take what you can get even if it is not what the state needs. We would not do that. The state Labor Party and Premier Weatherill would not do that. They would not settle on driving in the Mazda; we pushed for and we got what South Australia deserved in terms of this basin plan. Those opposite were more than happy, as they have done again and again, to dud South Australia.

Even more recently, the member for Chaffey, the now shadow minister for water, seemed to fundamentally misunderstand what the plan was, if, in fact, he understood the plan at all about the commitment to return 3,200 gigalitres to the river. In his interview just this month, on 19 November on ABC Riverland radio, he called the extra 450 gigalitres that takes it up to 3,200 gigalitres, not a commitment but a 'side deal'. He went on to further suggest that that 450 gigalitres is separate from the basin plan.

Those on the other side are very keen to say what we have to answer for. Here is a challenge for the spokesperson in this chamber, the Hon. Michelle Lensink, the acting leader: do you support the member for Chaffey? Do you support him when he says that this 450 gigalitres is not part of the plan? Is that a Liberal Party policy or was he freelancing? If this is going to be raised as an issue, there is an onus on them to state their very clear views on this matter. South Australians deserve better than what they are getting from the Liberal Party. I think you will find that South Australia has had a very strong voice on this. The Premier defied his own federal party to get the deal that we got. He was not content to sit and drive in the Mazda. This agreement is absolutely vital for the future of the state. Our state relies on the River Murray.

South Australians understand just how precious this is and understood why, in 2012, we were so keen to fight for the full 3,200 gigalitres. As minister Malinauskas pointed out, as minister Hunter pointed out yesterday, we were very concerned when Deputy Prime Minister Joyce was appointed as water minister, concerned that he would do all that he could to support his rice and cotton growing mates upstream, the farmers in Queensland and New South Wales. So, when Deputy Prime Minister Barnaby Joyce wrote to minister Hunter saying that he was not committed to the full basin plan, it was a fundamental breach of trust with the South Australian people.

Implicit in any agreement is good faith. That good faith was thrown out the window by the Deputy Prime Minister. Even yesterday in question time he said that this was just orchestrated by the Labor Party. He went further than that, he called the whole Murray-Darling Basin Plan 'a Labor Party plan'. He does not even take ownership of it at all. He does not believe in it, the Liberal Nationals do not believe in it, and that is why we hear nothing from those opposite standing up for the River Murray. It was evidenced earlier this decade, on 19 June 2010, when Barnaby Joyce told *The Advertiser* in relation to our water in South Australia:

> We have got two choices. We can move the water from where it is to where it is not which requires massive infrastructure to take water from the north and move it into the Murray-Darling Basin. Alternatively, we can give the motivation for people to move where the water is.

That was the Deputy Prime Minister's solution to this problem. He said to South Australians, 'Pack up and leave. Move to where the water is.' You can understand why we are so concerned on this issue.

As the Hon. Gail Gago pointed out, minister Hunter has spent his whole life and particularly his whole public life campaigning for social justice. He has apologised for his choice of words, as he should have, and he is getting right back in there in supporting and standing up for South Australia.

The Hon. Gail Gago pointed out the shameful record of members of the state parliamentary Liberal Party when it comes to their choice of words, particularly their choice of words describing women. We heard about the member for Unley's choice of words, the member for Finniss has been a repeat offender on this, and we heard nothing from any of those opposite when their colleagues used these words and these phrases. We heard nothing from them, not a thing from them.

In *The Advertiser* on 26 November, Gloria Jones, wife of Clayton Bay fisher and Murray-Darling campaigner, the late Henry Jones, said:

> …although Water Minister Ian Hunter's tirade at Deputy Prime Minister Barnaby Joyce and Victorian Water Minister Lisa Neville…was not ideal, it had woken up South Australians to the issue.

I reckon that is a pretty fair summary. It has woken up South Australians to this issue. As I have said, events happen in a context—you cannot divorce the issue from the incident. The context here is the Minister for Water from South Australia standing up for South Australia and standing up for the Murray. If you support this motion, make no mistake, you have abandoned the Murray. We will be dividing on this, and we will have it in black and white, and I can guarantee you that the Labor Party will be campaigning on this.

Members interjecting:

The Hon. K.J. MAHER: I know that those opposite and some of those in minor parties might try to say that this was about the language, not the issue. Well, go for it. Go for it. Let us see us campaigning on this issue. If you want to try to finesse it like that, we invite you to do that. Bring it on. We would love to see you in black and white in *Hansard*, not standing up for the Murray, like everyone knows you do not. We are very keen to see that, and I can guarantee that we will be campaigning on that. I can almost see the people in the ALP head office already starting to print the material, once it is recorded in *Hansard* how all those opposite have voted on this issue.

It will reflect upon the minor parties too. We have heard what the Xenophon Team Party had not achieved for the River Murray. I am sure it will give those that devise campaign material something else to do, apart from the penalty rate campaign against the Xenophon material, should the Xenophon representative here vote against the Murray today. We will absolutely and without any doubt be using the vote on this today to highlight the Greens' view on this, should they support this motion. Make no mistake, this is about the issue. The issue is the River Murray. You cannot divorce the event from the issue, and we will be campaigning on this issue.

The Hon. K.L. VINCENT (15:31): Given the time, I do not intend to speak very long. I wish to indicate that Dignity for Disability does support this motion. Usually, when I take the floor to support something on behalf of Dignity for Disability, I do so with a sense of joy and with a sense of accomplishment, and it is very rare that that is not the case. However, on this occasion, it is not the case. I am disappointed that we have to talk about this issue still in 2016 in this place.

When I was thinking about the words that I wanted to find, I thought back to a particular phrase which, as a teenager, was always the one phrase that I would dread to hear from a parent or any person or authority in my life. It was when they would look me in the eye and say this phrase—and I cannot believe that, in 2016, I am about to look an adult man in the eyes and say this phrase: I am not angry, I am just disappointed.

We are not talking about the River Murray here. Nobody is denying that the River Murray is of vital significance—

The PRESIDENT: The Hon. Ms Vincent, we need an extension of time.

The Hon. J.M.A. LENSINK: I move:

That the business of the day be postponed until the debate in progress has been concluded.

Motion carried.

The Hon. K.L. VINCENT: I thank the council for its indulgence, and undertake not to hold it up too long. Nobody is denying that the River Murray is of vital importance to this nation and, indeed, particularly to this state. What we are simply asking is that the minister defend the River Murray on behalf of this state with the dignity and maturity that that debate deserves. The other day, just by pure coincidence, I was reading a very interesting text in a book called *Growing to Maturity*, which is quite a fitting title, as it turns out. In this text the author talks about the importance of behaving with reasonableness, in a reasonable manner.

I am afraid that I do not recall the author's name, but they talk about the fact that it is important to behave in a reasonable manner, not only because it respects the people with whom we are interacting, with whom we are talking, but also because it respects ourselves—it sets ourselves higher standards for the way that we communicate and conduct ourselves. Quite frankly, I think that not only has the minister brought this parliament into disrepute, I think he has insulted his own intelligence by behaving in this manner and that he needs to set himself higher standards.

Am I saying that anyone in this place is a perfect person and that I am a perfect person, and that there have never been instances where I have felt that I could have conducted myself better? No, I am certainly not, but I am also saying that I do not think it is extremely helpful to sit here and shoot blame across different sides of this chamber about whose conduct was worse.

As members of this place, as leaders in our community and as leaders of this state, we should be taking every opportunity to set the highest standard for everyone in this place and in this community and criticise any behaviour where it is not appropriate, no matter which side of politics it comes from, and that is certainly what I intend to continuing doing, even being critical of myself when necessary.

I am sure those instances will continue to arise, but just because someone may have conducted themselves in a similar manner in the past or the present, does not make that behaviour any more right. It does not make that behaviour any more correct. I think it is really a waste of this parliament's time, and an insult to the intelligence of the South Australian community, to sit here shooting blame, rather than addressing the actual conduct that has occurred.

When it comes to the reaction of, not only the minister but also his colleagues, to quote the words of my dear friend Oscar Wilde, 'A friend stabs you in the front'. I have been very disappointed to see the way that the minister's colleagues have really trivialised his behaviour and his words by saying, 'Well, he's apologised and he's moved on.' That may well be the case, and I acknowledge that the minister has apologised, but to me a true apology exists not only in words but in action.

Unfortunately, given the minister's reaction to this debate today and also further allegations that have come out since, I do not see any change in his actions so far, but I will certainly hold out hope that he will 'grow to maturity' and that we will see a change in his actions in the very near future. I hope it is, in fact, right now, because being a leader in this community, particularly being a minister, requires good judgement, calm judgement and the ability to prosecute sensible and well-researched arguments with some level of diplomacy. Swearing at or about colleagues or counterparts is not in line with the Ministerial Code of Conduct or any standard that I think any member of this community would set themselves as professional conduct.

The minister may well have received letters, phone calls or emails in support of his defence of the Murray. I do not think anyone here would criticise any member of this place for standing up for the Murray. It is so vitally important. But I do not recall any of those emails that the Hon. Ms Gago read out saying that they really enjoyed the bit where he swore and stormed out on a federal colleague. We are not asking the minister to stop standing up for the Murray. Nobody should do that at this point—at any point, in fact. We are simply asking him to do that with the dignity and maturity that this issue deserves.

I am particularly disappointed to see this incident coincide with a week where we have done some really great work in this place on some issues that I know minister Hunter is very passionate about: the issue of gender and sexual orientation equality reform. I think it is very much a shame that

that could have been somewhat tainted by this behaviour. It is on all of us to pull up this behaviour wherever it exists, including from ourselves, and to continue to be focused on conducting ourselves in a way that is deserving of the privileged positions that we hold.

I, for one, will remain focused on the essential work of improving the lives of everyone in our community, whether that be people with disabilities, family carers, people who experience discrimination because of social barriers, gender identity and so on, but I will continue to always strive to do so in a manner that is deserving of the role that I hold. I do not think that is too much to ask of a minister.

I think that we, as a parliament, have the duty, responsibility and privilege to address both of these issues at once. I, for one, would hope we have the maturity as a parliament to address both the issue of the River Murray, a vitally important issue for this state and, indeed, this nation, and also the way that we conduct ourselves and the standards that we set for the South Australian community and beyond, particularly for future leaders of this state. With those words, on behalf of Dignity for Disability, I wholeheartedly support the motion.

The Hon. J.A. DARLEY (15:38): As a member of the Nick Xenophon Team, I will also be supporting this motion. I did not hear anything in the motion that referred to the River Murray. We are not talking about the River Murray. We are talking about how we address people and how we speak to people. If I can take some words from my late mother, she said, 'When the chips are down, you can think what you like, but you don't say it.'

The Hon. T.A. FRANKS (15:39): I will be brief as we have well and truly exceeded question time. When this issue hit the media I suspected that we might be here looking at a third no-confidence motion in the minister. I had hoped that the minister would come to this place with an apology. Of course, we know the Premier is making an apology tomorrow about a very different issue, and so I was looking at the Miss Manners advice, would you believe, on what makes a good apology. The advice was, 'Do not sully a good apology with excuses.' Unfortunately, all we have heard is excuses.

I do give some credit to the minister for indicating yesterday that he had written to Deputy Prime Minister Barnaby Joyce and had apologised. I asked him at that point to table the letter but clearly there was some confusion because the letter that was tabled was dated 9 November. I alerted the minister's staff to that during this particular debate and we now have the actual letter of apology. It is indeed an apology to the Deputy Prime Minister, which starts:

> I write in response to your letter of 17 November 2016 and our meeting in Adelaide on 17 and 18 November 2016. Firstly I would like to apologise for the strong language I used at the ministerial dinner and any offence caused to you and your staff who were in attendance.

I accept that that is an apology to the Deputy Prime Minister. It is not an apology, as I thought it might be, to the public servants who were at that meeting and it is not an apology to any of the other ministerial members of that dinner. I say that because it was an apology with excuses.

It was an apology that should have come in the form of a ministerial statement or some sort of public document put strongly and clearly to this place, not tabled as the document that it was not even meant to be—a letter from the wrong date rather than the right date—a document that we have only received now in these last 20 minutes. There should have been a ministerial statement on this matter and the reason is because this is a fight worth fighting and a fight for the Murray that has been faced with massive distraction.

What is happening is unacceptable and I think most South Australians would applaud when the minister says that he will fight for the Murray. What they will not applaud is somebody who claims that standing up and fighting for the Murray can be equated with storming out of a restaurant and getting an ice-cream. Storming out is not standing up. What do we do when we are under attack, is the union cry? We stand up, we fight back, we stay in the room, we debate, and we do it because we want to get the best outcome for our state. Storming out is not standing up.

There should be no excuses and we should not hear from the minister's colleagues that this was robust language. That reminds me of an episode of *Veep.* Seriously, robust: the dictionary definition of robust is healthy and strong. There was nothing healthy and strong about the language. The language was not inappropriate, it was unacceptable and it should not have been accepted, it

should not have been excused. We will not, as the Greens, stand by and let the Murray suffer because of the behaviour of those who are there to fight for us.

The PRESIDENT: Are there any further speakers? If not, the Hon. Ms Lensink, do you want to close off?

The Hon. J.M.A. LENSINK (15:43): Enough said.

The council divided on the motion:

Ayes 12
Noes 5
Majority 7

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A. (teller)	Lucas, R.I.	Parnell, M.C.
Stephens, T.J.	Vincent, K.L.	Wade, S.G.

NOES

Gago, G.E.	Hunter, I.K.	Maher, K.J.
Malinauskas, P.	Ngo, T.T. (teller)	

PAIRS

McLachlan, A.L.	Kandelaars, G.A.	Ridgway, D.W.
Gazzola, J.M.		

Motion thus carried.

Matters of Interest

RIGHT ON CRIME

The Hon. T.J. STEPHENS (15:47): I rise today to speak on the Right on Crime project of the Texas Public Policy Foundation. In its own words, the project is a 'national campaign to promote successful, conservative solutions on American criminal justice policy—reforming the system to ensure public safety, shrink government, and save taxpayers money'.

Just to give you some background, I have spoken previously in this place about the Texas Public Policy Foundation and the good work it does advancing and advocating conservative policy in both Texas and the wider United States. In regard to this specific project, the Institute of Public Affairs, based in Melbourne, has taken a particular interest in it, going to the effort of funding a tour for the foundation's Vice President of National Initiatives, the Hon. Charles S. DeVore (better known as Chuck).

I have met the Hon. Mr DeVore on previous occasions and we struck up a friendship based on our common interests and like-mindedness. It was a pleasure to host him in Adelaide on 15 November, and I am pleased that he was able to meet with honourable members of both places, as well as the honourable Minister for Correctional Services. The underlying message of the tour, and the project more generally, was that correctional services can and should be delivered at minimal cost while sufficiently providing the balanced outcomes of punishment and rehabilitation.

Notwithstanding the jurisdictional and cultural differences between Texas and South Australia, it was astounding to discover that the cost of incarceration as a figure per prisoner in Texas, when adjusted for exchange rates, is actually a quarter of what it is in South Australia. Given that the cost of incarceration has been estimated to be as high as $95,000 per prisoner per annum in South Australia, these reforms cannot be ignored.

Given this high cost, it is easy to see why the government is hamstrung when it comes to prisoner capacity. This inflating cost would prevent any further investment in correctional services in regard to increasing capacity. If the budgetary allowance is consistently being exceeded, then there remains none to be invested in new prisons and the like. Indeed, it becomes obvious why the government has expanded home detention programs, often in inappropriate circumstances.

As the minister may be aware, the state of Texas has managed to keep costs low whilst lowering incarceration rates to the point of it being able to close two penitentiaries. This is an inconceivable feat and it should make the government stand up and take note. Amazingly, this was achieved in a state which is known to be uncompromisingly tough on crime.

The target area of the reform is recidivism. A substantial reduction in recidivism prevents institutionalisation, thereby encouraging an attenuation in prison populations. The goal is that offenders serve their time and sufficiently rehabilitate themselves to re-enter society to become net contributing members of society, both economically and socially. The case for reform is built on eight pillars: public safety, realigning the size of government, fiscal discipline, victim support, personal responsibility, government accountability, preservation of the family unit and free enterprise.

Government should exist to secure liberties, which can only be enjoyed when public safety is guaranteed. However, the growth in the size of government and its jurisdiction has unreasonably encroached, not only on the liberties of the innocent, but also of the guilty. With the increase in the number of offences enforced by the state comes an increase in offenders and of cost: cost of both enforcement and justice delivery. With this in mind, government should be actively limiting the criminal law to just that which causes a victim or is blameworthy.

The monetary saving that occurs as a result of such reform can then be directed to programs which encourage rehabilitation and support reintegration into society. Such reform could go a long way to preventing the destruction of the family unit in lower socio-economic areas, which incarceration causes. Encouraging personal responsibility is something which can restore pride to both victims and the offender. By shifting the onus of victim restitution from the state to the offender, victims are more likely to be satisfied by playing an active role in the justice process, whilst the offender realises that crime has a real-world effect, fostering rehabilitation.

Unfortunately, I cannot expand further on the program, given that time limits me today. However, suffice to say that it has had a significant effect in the United States, with a presence in 33 out of the 50 states. I implore the minister to consider the program in detail, and I hope his meeting was fruitful. Without pre-empting the will of the council, I hope that the matters I touched on here will be explored as part of a future select committee into the prison system in this state. I encourage all members to look into the merits of this project and approach it with an open mind.

Some time ago, I was fortunate enough to visit a correctional facility in Texas, United States. I have to say that I was absolutely impressed by the hard work and dedication of the staff and the absolute commitment to genuine rehabilitation, to genuine education and the effort put into skilling the prisoners for after prison, real world, real life, constructive activity. I would implore the minister—I know he is extremely busy—to visit Texas and the correctional facilities in Texas and see the difference that determination can make with regard to the lives of prisoners and how they can learn meaningful trades, with meaningful education and meaningful jobs.

I thank the Hon. Chuck DeVore for taking the time to visit Adelaide in his very busy trip to Australia. We were lucky to have him and I hope that his message is heard loud and clear, in particular in South Australia, but throughout the rest of Australia.

WHITE RIBBON DAY

The Hon. G.E. GAGO (15:53): On 25 November, I attended the Department of State Development's national White Ribbon Day afternoon tea. It was a well attended event, the purpose of which was to highlight the positive role men can play to stop domestic violence and other forms of men's violence against women. The event included several inspiring addresses, including White Ribbon advocate and domestic violence survivor, Stacey Nelan. Stacey shared her story and I have to say that I personally, and everyone, was very moved by her courage and strength.

White Ribbon Ambassador Ivan Phillips also gave an inspiring address at the event, and today I would like to publicly recognise his courageous effort in raising awareness of domestic violence. On 22 January 2007, Ivan's stepdaughter Tash was murdered by her partner. This act was the culmination of ongoing abuse which was perpetrated in a most horrendous way. Tash had a son who was seven when she was murdered. It goes without saying that this cruel act left Ivan and his wife with ongoing pain and suffering as they tried to move forward in life. However, Ivan's wife has since passed away from brain cancer—yet another tragedy for him.

After the trauma and loss that Ivan suffered, he made the decision that his life required a purpose. This led him to become a White Ribbon Ambassador. The message of White Ribbon reflected Ivan's want to represent his lost stepdaughter and wife in the fight against domestic violence. After becoming a White Ribbon Ambassador, Ivan jumped on a motorbike and did what he refers to as 'a Forrest Gump' and rode the circumference of Australia to ensure that Tash's legacy would be preserved and he could tell people her story to raise awareness of the White Ribbon objective.

Riding Free of DV saw Ivan ride the circumference of Australia, an epic ride of 15,800 kilometres, which he tells me is the distance from Adelaide to Stockholm. Ivan visited regional and remote communities where access to domestic violence services can be quite challenging compared to cities to share the White Ribbon message and Tash's story. There were undoubtedly a number of setbacks along the journey. After 13 days straight on the bike, Ivan had a minor incident in country New South Wales which left him with a fractured ankle. However, this did not deter him as he insisted that his riding boots were as good as a moon boot for a fractured foot.

Amazingly, the doctor agreed and allowed Ivan to leave if Ivan guaranteed that he would not take his bike boot off for two weeks, day and night. Ivan shared with us the breathtaking, eye-watering moment due to the odour when he finally removed his bike boot. The trip, as you could expect, also resulted in some amazing stories for Ivan to share. On one occasion, after setting up his tent, Ivan learnt that a three-metre crocodile was already residing nearby and after an attempt at moving him on, Ivan, weary from the day's ride, simply gave up and zipped up his tent and went to sleep.

Ivan shared with us some of the people he met and was inspired by, as he made his trip. He shared the story of a man he met after completing a radio interview with ABC Shepparton. Ivan, having stopped to go to a public toilet, was interrupted by a man who asked him if he was the chap he had just listened to on the radio. Ivan said that, yes, it was, and the man gave him $50 with a tear in his eye and said, 'We got our daughter out two weeks ago, otherwise I am sure she would have ended up like yours.'

This interaction was just one of many amazing experiences that cemented his resolve to go on. As can be imagined, the trip had a great toll on Ivan's body and emotionally. He rode six hours, often on uneven surfaces, steep corrugations, in the heat and completely alone. While Ivan experienced an emotional rollercoaster from vulnerability to fearlessness, he stuck to his plan and kept on the route, always with his stepdaughter and wife in mind.

For his efforts, Ivan Phillips was recognised as this year's recipient of Kornar Winmil Yunti's Flame of Change Unifying Support Ambassador of the Year Award, nominated by the White Ribbon Committee South Australia. I commend and congratulate Ivan on his ride through which he was able to raise approximately $17,000 in cash. There were accommodation, food and fuel donations for his public awareness campaign; I thank those people. There was undoubtedly significant value in the conversations that he had around our country and for the communities that Ivan was able to touch. I am sure he will go on doing that and I am sure those discussions will continue. I also recognise those who donated and supported Ivan. Without you, his ride would not have been possible.

TYNDALE CHRISTIAN SCHOOL

The Hon. R.L. BROKENSHIRE (15:59): I rise to place on the public record my appreciation to the Tyndale Christian School. The motto of the Tyndale Christian School is Christian Inclusive Excellent. I was fortunate again to be invited to attend on this occasion the 2016 graduation ceremony for Year 12.

With all the school graduations that I am privileged to attend over the years, I always look very much forward to Tyndale Christian School graduation ceremonies. This year was no exception. In fact there were over 110 graduating students from the class of 2016. The Tyndale Christian School has expanded in the last few years and I am very pleased that they now have a campus at Strathalbyn, in my own region where I live, and also in Murray Bridge. In fact, one of my friends Mr Bruce Hicks, is the principal of the Tyndale Christian School at Murray Bridge.

This school is a very comprehensive school that is clearly founded on Christian values and it develops those Christian values through all of the students. It is a significant and large and comprehensive school. It has a very focused commitment to curriculum and gets incredible results with SACE, and I trust that these students in the next few weeks will see the benefits of going to that school when they get good results with their SACE reports.

It also is dedicated to music. Chelsea Dossett is a young person who performed a magnificent vocal during the graduation ceremony. Chelsea has a God-given talent and I hope that she pursues that and she could become a leading singer. Part of that is the development that she has had at Tyndale. One of the other things that particularly impresses me at Tyndale is the focus on education for children and students with a disability. They do a brilliant job there in the way they go about it. In fact, having visited other schools that have a focus on students with a disability, I have to say that Tyndale is a model for the way they go about their education and support to these students and their families.

One of the matters that I do need to pursue further as a result of a discussion I had after the graduation on Monday night was the fact that there appears to be total inequity between the funding for schools that are non-government and independent Christian schools when it comes to funding support for students with a disability. That is something that I do want to investigate because there should be absolute equity in that situation.

I also want to pay particular credit to the teachers and staff at the school. You do have to have a dedicated team in a school to be able to provide the best results for those students and there is no doubt that the dedication of the teachers and staff at Tyndale is up there with the very best. Mr Mike Potter, a man I greatly respect, is actually the head principal—he is the head of all of the campuses, those three campuses of what is known now as the Tyndale Christian School Group. Mr Mike Potter and his wife and family are an outstanding family, highly respected right across South Australia for their dedication to our Lord and also for his dedication to education.

You only have to hear other principals and teachers that know Mr Potter talk about him in a very positive way when you let them know that you have been to his school, to know how highly respected he is. His energy and his commitment and his dedication is to be commended. Clearly, also, the backing of the school council and the school board sets a very strong structure for the Tyndale Christian School. There are students excelling right throughout not only the state and Australia but, I would expect, internationally now as a result of the education they have had at Tyndale.

I will continue, as indeed will Family First, to argue the case for choice of education, be it independent, public or Christian. Again, I commend the Tyndale Christian School for the superb work they are doing with our young people.

LR&M CONSTRUCTIONS

The Hon. J.S.L. DAWKINS (16:04): I rise today to speak about the 50th anniversary of the Chamberlain family company, LR&M Constructions Pty Ltd, which was founded on 14 November 1966. The founding Directors were Lionel Chamberlain, Ronald Chamberlain (otherwise better known to many by his second name of John), and Miriam Chamberlain. Hence the name LR&M.

Formerly based at Gawler for many years, the business is now located in the town of Roseworthy. The success of LR&M and the Chamberlain Group of companies is derived from its long serving, highly skilled employees, selected subcontractors and a strong family involvement, with five family members still employed by the group.

Madam Acting President, as you and many others in this chamber are well aware, the letters LR&M and the family company to which they refer have been synonymous with the civil construction and development industry in South Australia and beyond for half a century. Equally, the name Chamberlain has been associated strongly with service to industry and community on a broad basis across that time.

It was a privilege to have been asked to write the foreword to the book: *The LRM Story: 1966-2016 Celebrating 50 Years*, a family affair, written by Mr Robert Osborne. I am delighted that he was commissioned by John and Yvonne Chamberlain to chronicle the history of the LR&M brand, its associated entities, and the family unit that has featured so strongly in the commercial successes of the group over the last 50 years. Among the many facets of LR&M's contribution to South Australia featured in Mr Osborne's detailed history, two areas come readily to mind.

Firstly, I would highlight the great generosity and support for a vast array of community and charitable organisations demonstrated by the LR&M group and individuals and families within it. I suppose there are so many of those organisations that have benefited from the generosity of not only the LR&M brand, but the broader Chamberlain family. To name one or two: the Operation Flinders Foundation, Variety, Apex, and a whole range of other groups that have been very much supported by the Chamberlain family. I also emphasise the development of leadership within the LR&M staff that has been a particular feature of the organisation through its history.

It was a particular honour to contribute in a small way through to the writing of that foreword to this excellent edition of the modern history of South Australia, and to acknowledge my gratitude to the Chamberlain family for their long support and encouragement not only of my public service, but of other colleagues in this place, and many other people who have served the community across South Australia.

It was a particular pleasure to emcee the launch of the book at Pindarie winery at Gomersal in the Barossa Valley last month, and a particular delight in more ways than one. The first attempt at running that book launch was on the night that South Australia lost power. Like so many other events, unfortunately, that had to be postponed.

A fortnight ago tonight it was my great privilege to attend, along with Hon. Mr Ridgway from this place, the 50th anniversary dinner for LR&M, which was held at the National Wine Centre. Both of those occasions were fitting tributes to what is a wonderful family company that has been involved in the development of many projects around South Australia, but also in supporting the broader community spirit in this state.

SOUTH AUSTRALIAN MUSIC INDUSTRY

The Hon. J.M. GAZZOLA (16:09): It has been a successful year building the South Australian music industry thanks in no small part to the hardworking team at MusicSA and the Music Development Office. The 2016 Live Music Census released by MusicSA showed a significant year-on-year growth with approximately a 14 per cent increase in gigs and a 32 per cent increase in venues hosting live music in metropolitan Adelaide.

Music.com.au, a leading national publication posted an article in June this year titled 'How Adelaide is becoming the most vibrant city in Australia' with St Paul's Creative Centre, the MDO and MusicSA acknowledged as a great example of industry support systems. The South Australian government is getting increased recognition nationally for best practice support in the music sector. Anne Wiberg, Lisa Bishop and the MusicSA team hosted an outstanding music awards night along with a big year of workshops, education and training programs, advice and consultancy services for South Australian artists and practitioners, events, seminars and live music showcases.

Karen Marsh, Becc Bates and Elizabeth Reid from the Music Development Office have had another outstanding year with the MDO going from strength to strength. The Robert Stigwood Fellowship Program continues to demonstrate the significant contribution it makes to the growth of the local industry, and is drawing interest from around the country. It will be used as a best practice case study for artist development in the national contemporary music plan currently being developed by Music Australia.

A number of Stigwood fellows have found success further afield with Horror My Friend landing a record deal and support slots for major international artists; and the Grenadiers are fronting a national headline tour and have been nominated in the prestigious Australian Music Prize awards. Timberwolf has an international publishing deal in negotiation and has achieved one million plays for his latest EP on Spotify. SKIES won SA Voice of the Year at The AU Review awards and best new artist at the South Australian Music Awards. Speaking of awards, I must mention the deserved award to the Hilltop Hoods, who recently won best live act at the ARIAs.

The MDO was successful in their bid to secure new funding for live music development in the northern Adelaide region. Their live music action plan includes $70,000 funding for the Northern Sound System to allow them to employ a project officer and to activate live music events including a celebration of the regions heritage. Another $30,000 will be used for a small grant program administered by Arts SA and curated by Northern Sound System and local councils to directly assist musicians from the northern area. The Music Development Office has had a very busy year supporting DVC with regulatory reform, the results of which have been cited by John Wardle, Director of the National Live Music Office as setting 'a new benchmark for better regulation of Australian live music venues.'

Ian Horne and Wendy Bevan from the Hotels Association have been solid supporters of the live music industry. Hotels were the most significant venue type providing 80 per cent of gigs in 69 per cent of venues. Their support played no small part in generating the $263.7 million of economic value that live music brings to the state. The hotel and club sector employs approximately 50,000 workers.

I would like to wish David Pearson from the Premier's office all the very best for his new appointment to the Dunstan Foundation. He was a key player in making things happen for live music and really understood the value it brings the state. Adviser Simone O'Donnell has provided great support, as has Cathy Parker and Belinda Wolstencroft. John Wardle, Policy Director, Live Music Office, has provided expert guidance and research to assist us in developing a coherent legislative framework. Nick O'Connor and crew at the Northern Sound System continue to deliver programs, training and mentoring with enthusiasm and obvious passion for music and commitment to their community and should be commended.

Through his international and national experience, Jon Lemon has given great support, advice and time to our industry. His contribution to the Sia Furler Institute and his expertise in setting up the song spaces, collaborative song writing rooms at St Paul's will be greatly appreciated by clients and artists for many years to come. Thank you, Jon. I would also like to thank Peter Louca of Arts SA and Paul Goiak, Director, Industry Development, for their continued support and collaboration.

The only sour note this year was the decision to dismantle the instrumental music service. I would like to apologise to, but thank all music teachers in both the private and public sector. I hope that the disputes will be settled before term one commences to give teachers, parents and students some security and certainty.

Thanks to my staff—Narrah, Tiff and Felicity—for their support and encouragement over the year, and big shouts and acknowledgment to all involved in the hospitality, entertainment, and creative industries. I wish them and their supporters a happy and safe Christmas and a creative and prosperous New Year.

STATEWIDE GAMBLING THERAPY SERVICE

The Hon. R.I. LUCAS (16:14): I rise to talk about, or raise again, the growing concern at the proposed Weatherill government's defunding of the Statewide Gambling Therapy Service. Today, we have seen correspondence from international mental health leader, Professor Abbott, from New Zealand, who has written to South Australian Premier Jay Weatherill and members of the cabinet to express concerns about this particular decision. In his letter he says:

> The decision to terminate the therapy services, apart from the loss of an established, proven, high-performing treatment provider, threatens the survival of the associated Flinders Centre for Gambling Research and education and practitioner training programmes. It seems likely that a team of established specialist practitioners and treatment researchers will break up and be lost to the field. Once lost, this type of resource can take years or decades to rebuild.

It is one of an increasing group of people who are raising concerns about the defunding of that particular service, and the AMA continues to raise the issue, as I said. I also want to raise the continuing concerns and questions about the tender process the Labor government went through to give the new service to a company associated with former Labor Party candidate, Dr Quentin Black. In particular, on this occasion, I want to highlight what appears to be a quite deliberate process of airbrushing in a most significant way his publically available CV.

Up until the recent controversy—and I have a copy of his LinkedIn profile from late October—Dr Quentin Black described himself as a senior lecturer in psychiatry and clinical psychology at the University of Adelaide. In his experience, he lists the first experience as being senior lecturer in psychiatry, University of Adelaide, 2014 to the present date in the medical school Department of Psychiatry.

After the recent controversies, when a lot of questions and concerns had been raised about the Labor government process and this particular winning bid, that LinkedIn profile has now been very significantly changed to no longer make any reference to Dr Quentin Black being a senior lecturer in psychiatry, and when one goes to the experience section there is no reference to the senior lecturer in psychiatry from 2014 through to the current day period.

There is a very serious question to be asked as to why that has been changed because a lot of questions were being asked about the accuracy of the claims that he made. Were those claims, for example, made in the winning tender bid and, therefore, is the winning tender bid misleading in any way if that LinkedIn profile was inaccurate when it was publicly available in late October of this particular year? I think that is a critical question that the minister now needs to respond to.

Having lodged FOI documents, the minister and her department are now trying to prevent the release. They say now, 'There are 400 documents, which are too many to give to you. We are going to have to charge you a large sum of money. Will you please reduce the extent of the discovery process for those documents?' If the minister and her department are trying to hide the details that were provided by Dr Quentin Black on his then winning tender bid, then it is shameful in terms of the minister and the processes of her department. I would hope that there would be some reassessment of the FOI process and that those documents are released.

The other airbrushing of the LinkedIn profile is very significant as well. In late October, a very significant part of the CV refers to all of the work that Dr Black did for various Labor Party leaders over the last 20 years in terms of providing advice and the fact that he was the chief of staff to the South Australian premier, or so he claimed, from 2004 to 2006. That is clearly wrong. He was never the chief of staff to the South Australian premier. He was the chief of staff to a minister, but that claim on the LinkedIn profile was wrong. Was that a part of the winning tender bid as well and is that another reason why the minister and her department are refusing to release the documents under FOI?

The LinkedIn profile now has airbrushed out any connection to the Labor Party at all. In late October it was loud and proud, listing all of the Labor Party people he had worked for or helped but now, after the controversy, all of that connection to the Labor Party has been conveniently airbrushed from the history of Dr Quentin Black. Clearly, Dr Black is feeling considerable pressure as a result of the genuine questions that are being raised and I can only hope that the minister and her department will not assist in the concealment of any important information by continuing to refuse the release of documents under FOI.

Parliamentary Committees

SELECT COMMITTEE ON EMERGENCY SERVICES REFORM

The Hon. R.L. BROKENSHIRE (16:20): I move:

That the report of the select committee be noted.

Yesterday, I tabled the documentation regarding the inquiry of the select committee into emergency services. Before I speak to that, I want to acknowledge the good work of my colleagues, the Hon. John Dawkins, the Hon. Andrew McLachlan, the Hon. Tammy Franks and the Hon. Gerry Kandelaars. I also want to place on the public record my appreciation, as chair, of the ongoing very

good work of Ms Leslie Guy. She does an excellent job, as indeed do the staff generally in this place, and we do not get a chance to thank them enough for their very dedicated work.

Even little things like trying to get meetings together is a huge job for them, taking into account the busy schedules of members of the Legislative Council. I want to also thank Dr Trevor Bailey, who is well known to many of my colleagues in this place. He is an absolute professional in the way that he goes about writing reports and he is a credit to himself and is very much an asset to parliament.

We gave everybody a chance to come and present evidence and we received quite detailed submissions. Some were keener to come before the committee than others, and I will leave it at that. The whole purpose was to try to establish once and for all whether or not Labor governments have an intent to a single fire service. We go right back to the Bruce report in the late 1980s, or the early 1990s, and the first attempt of what was then another Labor government to look at the possibility of bringing the fire services together.

It is interesting to note at the moment, where that was occurring in Victoria under the present Labor government there, the enormous backlash, to the extent that the Prime Minister, the Hon. Malcolm Turnbull, has personally intervened to bring in legislation to protect the central issue of autonomy for volunteers.

I want to place on the record my appreciation to all those who contributed to the evidence. I want to particularly put on the record my appreciation of the CFS and SES volunteer associations, which represented their constituents with vigour, in a professional way and gave good direct evidence to the committee. The heads of the emergency services came forward also and I was a little surprised, frankly, and I am going to put it on the public record, that some of them, under privilege, representing people—be they paid or volunteer—underneath them, would have been a little more open than they were when it came to budgets and the issues around the ethos and importance of individuality between emergency services. We are talking particularly here about the CFS, SES and MFS.

The committee considered all the evidence, and it was interesting. I want to reinforce this and put this on the public record, that we considered the views, and they were directly expressed and summarised, I believe, by the Country Fire Service Volunteers Association (CFSVA) president, Mr Wood. It is actually in the introduction of the CFS Volunteer Yearbook 2016, page 5. I will quote what Mr Wood had to say:

> The former Emergency Services Minister's sector reform process—

That former minister, so that we get this right for the record, was the Hon. Tony Piccolo—

> …introduced in June 2014, could at best be described as seriously flawed and at worst extremely dangerous, and Government's interference into operational matters outside of their legislative bounds caused serious concerns. The ambiguities and lack of details in the former Minister's agenda coupled with a lack of tolerance towards anyone with differing views only served to marginalised [sic] and exclude concerned volunteers and organisations.
>
> The message delivered to the former Minister by the CFSVA was clear in that volunteers would only support change that provided value for money, improved services to South Australian communities and improved levels of support to volunteers. The CFSVA stood firmly on its initial position in that volunteers would not accept change merely for the sake of change…
>
> The CFSVA cannot stress enough the importance of CFS volunteers remaining involved, focussed, part of the journey, and masters of their own destiny.

This was brought to my attention by one of my colleagues, the Hon. John Dawkins, who astutely was looking at the detail of that report; I put that on the record. We deliberated on that, and I have to say that those words were a very precise summary of what the majority, at least, of the committee thought was the situation. One of the things that we were not able to establish with clear DNA was whether this change agenda was a change agenda driven by the then minister autonomous to the government and cabinet, particularly initially, and the caucus—very important—or whether it was at the direction of the executive of the government, that is, cabinet.

We were never able to really establish that. I want to say and put on the public record before I go any further that I am not doubting the genuine intention of then minister Piccolo to want to make improvements to the emergency services, and I am not doubting the fact that he believes in

volunteers; I want to make that clear on the record. What we did establish was that the way the whole process started to evolve was fraught with danger from the beginning. It actually had the potential, as it further developed—and I am not saying this lightly—to see a significant exodus of volunteers, particularly from the CFS and the SES.

We knew that was happening because we had had significant representation, as individuals, on concerns that the volunteers had. The volunteers have always been vigilant about the fact that they do not want to see a single fire service. They do want to see autonomy. Yes, they are happy to look at streamlining training and procurement and they are happy to work alongside each other, and in fact we have seen them doing a great job of that with the expanded emergency services organisations in fires as recent as the tragic Pinery fire just over one year ago in the Mid North. We also took enough evidence to know that there are clear differences in specific roles between the CFS, SES, MFS, and even SAPOL's rescue area of the agency and bluewater/whitewater rescue. They do all have separate important independent roles.

Unfortunately, due to circumstances that we hope will soon be much improved for our colleague the Hon. Gerry Kandelaars and his family, he was not able to be there for the last few meetings. Therefore, we are not going to finalise all of the reporting on this today. We will wait until next year for the Hon. Gerry Kandelaars to be able to have his input into the report and the recommendations.

What I do want to say is that in coming up with these recommendations, there was absolute support from the majority of the committee. We could have put forward probably 100 recommendations, based on all of the evidence, but there was one clear stand-out issue that we needed to address on behalf of the volunteers of this state. So, after much deliberation and consideration of all of the evidence, both written and oral, it was decided that we would focus on what we believe are the most important recommendations:

- that the government acknowledges and accepts the difference in culture and motivation that exists within the emergency services and resists any further attempts at sector reform without initial contact with the Volunteer Emergency Services associations, and consultation with the parliament; and
- that a CFS and SES volunteer charter be enshrined in legislation to ensure that government fulfils its obligations to the volunteers.

If this is to occur, I would encourage the now minister, the Hon. Peter Malinauskas, to carefully, with his staff, read this report, look at these recommendations and bring in legislation next year. It would be multipartisan supported, there is no doubt about that. When other colleagues speak about this today or next year, I am sure they will also indicate that. It is important that the sooner this is done the better, because this is something that has been expected by, particularly, the CFS and the SES associations, on behalf of their volunteers, for a long time and it has not been forthcoming; that, is to enshrine it in legislation. What this will do is restore volunteer confidence in the government's commitment to volunteering in the emergency services sector.

We need to reinstate absolute confidence to these volunteers now. I hope it does not happen, but the reality is, the way the fuel load is and with all the modelling around climate change indicating more severe fires into the future, that we face a potentially serious fire risk every summer, and this one in particular, because we have had above-average rainfall and we have seen a great season across South Australia.

We must not just have a situation where the Premier and ministers are out there on the fire ground after a significant fire or, in some cases, a declared state disaster, as in a very big fire, in brand-new CFS overalls, talking about what a great job the volunteers did. They do not want that. There was, within the report, and members are welcome to have a look at it, some discussion around some of that media coverage with ministers and others. It is worth having a look at.

The reality is, the volunteers do not want that. What they want, in summary, is the best possible financial support to meet their needs. They want to know that they have backup, paid support and training opportunities. They want to know that their PPE (Personal Protective Equipment) is at best practice when it comes to the quality and reliability and safety of those products.

Most of all, they want to know that they are genuinely embraced and supported for the dedicated work they do, not only by the South Australian community, but by the government and the parliament.

The way to do that is not in a monetary way. It is to enshrine in legislation these charters. I believe that if these charters are enshrined in legislation, you will see huge confidence reinstalled into those volunteer services and you will see a chance to grow the recruitment opportunities for people to join those services. We all know the great work that they do. We could never put a price on the work they do because it would be impossible to cost it.

Having said that, we know that the one thing they do want—and I am talking about people who put their life on the line as volunteers to protect the rest of us and the property that we have in South Australia. They have been nervous for some time now under this government; I want to make no mistake about that on the record. The CFS and the SES have been very nervous about this Labor government for probably close to a decade. It is not all rosy yet. I hope the government understands that. When the minister's advisers have a close look at what we are saying here with this select committee report, I hope they realise that the government is still on notice with the volunteers.

The volunteers want one thing and one thing only. They want to know, whether it is a Liberal government, a Labor government, whether the crossbenchers comprise Family First, the Greens, NXT, d4d, or anyone else, they want to know that the parliament stands behind them with the charter that must be enshrined in legislation. If we show them that, then we will move forward very positively to the growth and development of our emergency services.

That is why, after a lot of deliberation, we decided to keep this as two simple but very important and effective recommendations that do not cost the government any money. We did not do this to have a go at the government, we did not move this select committee to have a go at the government. We moved this select committee because this Legislative Council, that is the absolute majority of this Legislative Council, knew that there was a problem with the ethos of volunteers, particularly in the CFS and the SES, and we had to do something to help reinstate that confidence.

That is why we moved to establish the committee and that is why we are reporting only two recommendations. I ask the government not to dismiss these recommendations. The government must come back and report to the house on this report, and I ask them to advise the house that they will be adopting both of these recommendations and that we will see as a priority in the 2017 sitting year of the Legislative Council and House of Assembly legislation to enshrine the charter of the SES and CFS. I commend the report to the house.

The Hon. J.S.L. DAWKINS (16:38): I rise briefly to support the noting of this report and echo the contribution of the chair of the committee, the Hon. Mr Brokenshire. I think the Hon. Mr Brokenshire has covered the essence of the report and the two recommendations very well. This whole saga has been a sad one. The Hon. Mr Brokenshire, and anybody else who has ever worked as a volunteer in the emergency services sector, would understand their commitment and understand, as the Hon. Mr Brokenshire said, the mistrust of government at the moment out there.

We have seen what has been happening in Victoria. I have great friends in Victoria who have been involved with the CFA for many years. They are almost at their wits' end, because all they want to do is get on and fight fires, or do the road accident work or do the assistance with floods, that they also do, and they are completely sick of some of the things that have been happening in their sector. I am very grateful that the Hon. Mr Brokenshire has brought to our attention the comments by the CFSVA president, Mr Andy Wood, in that CFS Volunteer Yearbook 2016. It is interesting to note that that article was placed right below the article from the current minister, the Hon. Peter Malinauskas. I do highlight the fact that in that article Mr Andy Wood did say that the former Emergency Services Minister's sector reform process could, at best, be described a seriously flawed and at worst extremely dangerous.

He is, of course, talking about the member for Light in another place, the Hon. Tony Piccolo, who, in many senses, has his heart in the right place about volunteers, but when it came to the pressure that was put on him by the United Firefighters Union he succumbed. He made a half-baked attempt at trying to do what we have seen happening in Victoria, and the fact that we have not had the full Victorian experience is a great thing because that is a debacle over there.

I think everybody who supports the CFS, SES and other volunteer organisations that give of themselves to protect the community should be completely concerned about those comments and the fact that it did undermine the confidence that the volunteer sector has in the government. What was brought home to me when I was recently able to attend the opening of the new CFS station at Gawler River, where I grew up, was that sense that the volunteers there just want to get on with the job. The minister was there that day and Mr Piccolo was there that day and the leading officers of the CFS were all there.

The current brigade volunteers—and, might I say, there were a number of people like me who were the original members of the brigade in 1978—just want that brigade and all the other brigades to be able to get on with what they do well and they should not have to be fighting the sort of political issues that were brought on their doorstep. I do commend the recommendations, which the Hon. Mr Brokenshire has highlighted, particularly about the complete difference in culture and motivation between, certainly, the paid firefighters and the volunteer firefighters. There can be, and is, great cooperation between both of them but let's not put any more wedges between them. However, we also need to recognise that there is a different culture, and also the recommendation that the CFS and SES volunteer charter be enshrined in legislation.

In conclusion, I also want to indicate my great thanks to the committee secretary, Ms Leslie Guy, who is just around the corner from me here. She has to put up with my bellowing voice, which is probably a shame for her. Also, great thanks to Dr Trevor Bailey. I have had the privilege of being on at least two, and probably three, committees where Dr Bailey has been the research officer and I think the very quiet and unassuming way in which he gets on and does the reports and reads the mood and direction of the committee is a talent that he has and we were very grateful for his efforts in this work. With those remarks, I commend the motion to the council.

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

NATURAL RESOURCES COMMITTEE: UNCONVENTIONAL GAS (FRACKING)

The Hon. J.S.L. DAWKINS (16:45): I move:

That the 119th report of the committee be noted.

The Natural Resources Committee's Inquiry into Unconventional Gas (Fracking) in the South East of South Australia was referred by the Legislative Council to the committee on 19 November 2014 on the motion of the Hon. Mark Parnell MLC, as amended by the Hon. Tammy Franks MLC. I interpose to say that most of us in this place remember the things that led up to that in great detail, but I was certainly one who was keen that this matter be examined by a parliamentary committee. I was keen that it be the one of which I happened to be a member. It has been a two-year process, and I hope that members get a chance to have a look at what is a very substantial report.

Pursuant to section 16(1)(a) of the Parliamentary Committees Act 1991, the committee has inquired into the potential risks and impacts in the use of hydraulic fracture stimulation (fracking) to produce gas in the South-East of South Australia and, in particular: one, the risks of groundwater contamination; two, the impacts on landscape; three, the effectiveness of existing legislation and regulation, and; four, the potential net economic outcomes to the region and the rest of the state.

After the public call for submissions, the committee received 178 written responses and heard from 66 witnesses. The committee took evidence from Santos, Beach Energy, Cooper Energy, Halliburton, the Department of State Development (DSD), the South Australian Chamber of Mines and Energy (SACOME), petroleum industry peak body APPEA, many business people and residents from the South-East of South Australia, and a wide range of witnesses from across the rest of Australia and overseas, including the Hon. Thomas George, Deputy Speaker in the New South Wales parliament and member for Lismore.

The inquiry, one of many conducted on this subject by Australian parliaments in recent years, has attracted a high level of community interest, as the numbers I have just read out would indicate. The interest remained highest throughout the inquiry, with frequent contacts to the committee via email, telephone and even through the post, I think which surprised the staff that people still write letters. These came from members of the public, community groups and industry.

The committee undertook four fact-finding visits, comprising two trips to the South-East, one visit to Queensland and one to the Moomba gas fields in the Cooper Basin. The South-East visits allowed the committee to take evidence from local residents and businesses, and to visit the gas industry sites. The committee planned a third visit to the South-East, intending to hold hearings in Mount Gambier, but as no new witnesses wished to give evidence this visit did not proceed.

The extended visit to Queensland included the towns of Roma, Chinchilla, Dalby and Miles, as members sought to gain an appreciation of how the unconventional gas industry and agriculture might coexist and what community impacts might be expected. The Moomba visit was undertaken by some members of the committee who had not previously been to that region in order to view an unconventional gas well in development. An interim report entitled Inquiry into Unconventional Gas (Fracking) Interim Report was brought down just over 12 months ago on 17 November 2015.

I provide a list of a few energy-related events which have occurred in the time since that interim report was brought down: the Leigh Creek coalmine closure in November 2015; the doubling of domestic gas prices since the completion of gas hubs at Gladstone linking Australia to world market prices; the closure of the Port Augusta coal-fired power station in May; the announcement by BP on 10 October this year that it was withdrawing its plans for exploration and drilling in the Great Australian Bight; and global renewable energy capacity overtaking coal on 25 October 2016; also, very notably, the banning of onshore unconventional gas development in Victoria in October; the new Northern Territory Labor government's decision to ban fracking throughout the Territory; the South Australian statewide power blackout in September this year; and the announcement of the closure in March 2017 of the Hazelwood coal-fired power station in Victoria.

All of this, and some other events in the 12 months while we have been dealing with the inquiry, helps to give a sense of context in which the inquiry has been conducted. What the committee has repeatedly come back to is the community at the centre of this inquiry and thus to the question of social licence, namely, does the social licence to operate exist which would allow the development of an unconventional gas industry in the South-East of South Australia? Social licence was invoked in many submissions to the inquiry and by a number of witnesses appearing before the committee. The member for Mount Gambier in another place, Mr Troy Bell, summed up social licence in his evidence to the committee, and I quote:

> The term 'social licence', or 'social licence to operate', generally refers to a local community's acceptance or approval of a project or a company's ongoing presence. It is usually informal and intangible, and is granted by a community based on the opinions and views of stakeholders, including local populations, Aboriginal groups, and other interested parties. Due to this intangibility, it can be difficult to determine when social licence has been achieved for a project. Social licence may manifest in a variety of ways, ranging from absence of opposition to vocal support or even advocacy, and these various levels of social licence (as well as, of course, the absence of social licence) may occur at the same time among different interested parties.

Under this definition, social licence is given by the local community and other stakeholders when a project has broad ongoing social acceptance. Without proper community engagement, industry may find obtaining social licence more difficult than obtaining legal approvals.

After considering all the evidence available to it, particularly the definition of 'social licence' provided by the member for Mount Gambier, the committee reached the position that social licence does not yet exist for the development of an unconventional gas industry in the South-East of South Australia. This was made starkly apparent by the widespread opposition that we witnessed from the local community. We noted opposition, in spite of there having been a pre-existing conventional gas industry in the South-East for many years, which had undoubtedly provided significant benefits for the community, including employment.

The vast majority of the submissions and representations the committee received were anti-fracking in the South-East. Essentially, the only submissions in favour of unconventional gas development were from companies and organisations engaged by, or heavily involved in, the oil and gas industry. None of the pro-fracking representations, written or verbal, came from representatives of the South-East or residents of that region.

The committee made an effort to understand, from the perspective of local people and businesses, what the economic benefits may be, but despite repeated invitations and approaches to bodies we felt might represent this aspect of the debate, there were no witnesses forthcoming. The

committee was surprised that no regional residents or businesses approached us, even in confidence, to express support for the development of an unconventional gas industry in the region.

At the beginning of this inquiry, the committee initially saw its task as recommending whether fracking should be allowed or not, but after two years, the Natural Resources Committee resolved that ultimate responsibility rests not with the committee but with industry, government and the community to decide in partnership.

There is no doubt that if a social licence was to be developed for fracking in the South-East then government, industry and the local community would have to work together to develop that, and that would have to be in stark contrast to the manner in which the proponent, Beach Energy, dealt with the community in the first instance. If that engagement—if you want to call it that—had been much better, then we may not have had this inquiry. There is no doubt that the proponent's activities in the South-East, certainly in the lead-up to a state election, was the worst case example you could give to anybody about how not to engage with the community. However, this inquiry has provided a forum for discussion and the committee has encouraged all stakeholders to have their say.

I commend the report. A couple of members of parliament have looked at it so far and say that it is a significant report. We have covered many of the issues relevant to the South-East, but also relevant to the unconventional gas industry broadly, so I commend the report to members.

I would particularly like to thank all of those who gave their time to assist the committee with the endeavour that we have undertaken in this inquiry. I thank the presiding member, the Hon. Steph Key, for her ongoing leadership and chairmanship ability, which makes the committee a very good, multipartisan committee. I also thank Mr Jon Gee and Mr Peter Treloar from the other place, the Hon. Robert Brokenshire, the Hon. Gerry Kandelaars, and former committee members, Ms Annabel Digance (who replaced Mr Chris Picton) and Mr Chris Picton for their contributions to this inquiry.

I must say that all members have worked cooperatively on this report. It is a pity that over a number of months the government has failed to replace a member to that position, which has been filled by Mr Picton and then Ms Digance. I am sorry that some members of the Labor Party do not see that as an important position to fill.

I would also like to extend thanks to the members from the lower house, Mr Troy Bell, Mr Mitch Williams and Mr Adrian Pederick for the evidence that they gave to our committee and for their general assistance, along with the Hon. Mark Parnell, who took great interest in the work of our inquiry, and also the other members mentioned attended some of the hearings that were held in the regional areas.

In conclusion, I thank our staff: the research officer, Barbara Coddington and the committee secretary and executive officer, Mr Patrick Dupont for their work on the development of what I regard as a very good report, and I commend the report to the house.

The Hon. R.L. BROKENSHIRE (17:01): As one of the committee members, I rise to support the report. This was one of the more detailed inquiries that the committee has made. On the Natural Resources Committee we seem to get quite a few of these complicated and contentious issues to investigate—and this was one of them. I believe that the great thing to come out of this report was that, whether it was Liberal, Labor or Family First, because we were the three parties on this particular committee, it was unanimous—and it is important that we get that on the public record. It was unanimous that because of the fact that there was clearly no social licence in the South-East for fracking for unconventional deep-seam gas that we could not recommend that fracking go ahead.

There was criticism of the South Australian Chamber of Mines and Energy (SACOME) just today on the report, and comments from the opposition. I say at the start that the South Australian Chamber of Mines and Energy really made a fundamental mistake, or some of their members did, in the way that they did not engage with the community in the South-East from day one. I am forever in here pushing the right to farm legislation, pushing the balance between agriculture and mining and because the act at the moment is so biased towards the mines and energy sector, there is a degree of arrogance within SACOME and some of its members.

I think that is unfortunate and while it continues we are not going to get the best outcomes for the state of South Australia. However, we also have to understand that social licence should be

one of the base requirements for projects that have not only an immediate or potentially immediate impact on a community, not only an impact for 10 or 20 years or 30 or 40 years, but a potential impact for centuries. That was an issue that really concerned me because the mining companies that gave evidence were honest in answering a question, and the question was: can you guarantee that fracking is foolproof and there are no risks about contamination of aquifers into the future?

The answer was that none of them could absolutely 100 per cent guarantee that there was not a potential risk in the future. Even if the capping and all of the rehabilitation of those wells, once they were exhausted, was done properly there is always a risk. That, to me, said that the answer to the question of whether or not to frack was no fracking. In fact, I would go as far as to say that in the South-East there should never be any fracking. That does not mean to say that I and Family First do not support deep seam gas extraction in other areas. We have seen it happening at Moomba for decades and it is successful up there. It is about where you frack and where you do not frack. The reality is that there are, in my opinion, too many risks to frack deep seam gas in the South-East.

We do have an opportunity down there. The best resource down there is the people themselves. They are an incredible community, an energetic community and a very experienced community when it comes to agriculture and tourism and the growth in their wine industry. As well, of course, the South-East enjoys generally quite good rainfall. It has good soil types and it has, while sophisticated, a very reliable and high-volume underground water system.

Those combined—the people, the rainfall, the soil type and also the availability of underground water—are equally great opportunities for value-added economic growth into food production and tourism. Of course, the other advantage they have is the geographical location, closer to the big markets of Melbourne, Sydney and Brisbane.

I believe that the evidence that was given, again both written and oral evidence (there were 178 written submissions), says that we do need to establish go zones and no-go zones for mining, and we need to incorporate that together with right to farm legislation. South Australia, through aeromagnetic survey work, has established some incredible potential mineral wealth. A lot of that is actually outside our prime agricultural area. At best, we have something like 5 or 6 per cent of our arable land—that is all we have. It is not a lot in a big state like South Australia, and we need to protect that. We should not take unnecessary risks.

I was thinking as we were tabling the report yesterday: as good as Roxby Downs is in my opinion and the great value that it offers South Australia economically in jobs, would any government have agreed to allow the development of Roxby Downs if it was in the South-East, or if it was in the Mid North, or if it was on Yorke Peninsula? I suggest they would not, because the risks would be too high, and the impact on our clean, green food image would be too much of a risk.

Where Roxby Downs is located, it is fair to say that there is a huge and growing industry there that does not impact on that 5 to 6 per cent of prime arable land. I would hope that if it is not this government, the next government will look at go zones and no-go zones when it comes to mining and farming. It would augur well for the growth of agriculture and for mining, and it would stop some of the conflict that is occurring at the moment. It is often for clearly base economic reasons that they want to mine close to Adelaide if the resources are there, even though they could actually get very good viable mines outside of those arable areas.

One of the other issues that I want to put on the record is that no matter how hard we tried as a committee, we could not get any indication of the potential economic opportunities of fracking. None of those companies were able to say to us, 'There will be 1,000'—or 2,000 or 3,000 or 4,000—'jobs created during the exploration and then the mining' or that there would be ongoing 500 jobs.

They could not say that, and that made it very difficult for the committee to have confidence in the fact that there would be a net economic benefit to the state in recommending this, as against the situation that this government is happy to capitalise on whenever it suits them, and that is that most of the job growth here—7 per cent compounding over several years—has been in agriculture and value-added agriculture and tourism. Guess what? They are the two key industry sectors of the South-East. We know the jobs that are there now, we know the economic returns—I think it is over $1 billion a year from agriculture—and we know the chances are there for some really strong positive growth.

I finish with this: yesterday the mines and energy minister came out and said—and I took it that he was referring to both the report that we tabled, and also the moratorium that the Opposition Leader, Mr Steven Marshall, the member for Dunstan, came out with yesterday. I can see why he made a recommendation of a moratorium, and I would go one step further, as I said, and say that the South-East be a no-go zone for fracking. Simple as that. Rule that out and let's see some further development up around Moomba and those areas.

What minister Koutsantonis said was that it was a knee-jerk reaction. I will tell you where the knee-jerk reaction was. It was with minister Koutsantonis, when the Labor government of Victoria said they would legislate to stop fracking and ratified, as I understand, by the new Labor government. In the Northern Territory, where they have a moratorium—they are saying no fracking either. It was knee jerk and arrogant for minister Koutsantonis to come out and have a crack at us yesterday for what we did when he knee-jerk reacted and immediately said, 'If they don't want to be in Victoria, come over here.' He said that in the middle of a two-year inquiry by a joint standing committee of this parliament. He was not even prepared to wait for and consider proper consideration of the ramifications of fracking.

Bear in mind, if the fracking in the South-East was to occur—and I acknowledge what my colleague the Hon. John Dawkins said, that ultimately the government can still clearly override anything that this committee has reported on, but they do it at their own peril. They are desperate. So, they may be prepared to take a risk for the short term, but let's not risk the long-term benefits to South Australia of protecting that food and tourism opportunity in the South-East.

I appeal to the government to actually not be so arrogant and to work with the parliament and to work with the people of South Australia. If they were to do that, to start to actually consult, consider and then announce, they might get some social licence. At the moment, almost without exception, there was no social licence by the people who were going to be affected, and the future families, generations, of those people, namely those living in the South-East, who overwhelmingly said, 'The risks are too high; we know the region better than anyone else and we don't want to see fracking in the South-East.' I agree with the absolute majority of the people who put that view forward.

That is why I stand here today to strongly commend this report to the parliament and to appeal to the government to put their energies, together with SACOME and the industry sector—the miners—towards actually giving green flags where it is clear they can go ahead and mine without any major concern, and to let the people of the South-East get on with growing the magnificent opportunities they have delivered in the past and the even better opportunities they will deliver to South Australia in the future, if they do not have to worry about fracking. I commend the report to the house.

The Hon. M.C. PARNELL (17:14): I would also like to congratulate the Natural Resources Committee on the huge amount of work that they have done over two years in investigating this issue. It is a substantial report, but I would be telling an untruth if I said that I had read it from cover to cover, as we only got it yesterday. It is a substantial body of work, and I am going to read the whole of the report and have a look at all of the findings as well as the recommendations that the committee has come up with, but at first blush it looks to be a comprehensive piece of work.

The Hon. John Dawkins alluded vaguely to some of the origins of this committee, and I will not pretend that I was not a bit disappointed early on when I had a plan for very extensive terms of reference. It was going to be a select committee and I was going to be on it. In the end, we sometimes need to swallow our pride in this place, I accepted that what the residents of the South-East wanted was a parliamentary inquiry; they were not overly fussed about the terms of reference. These are things that occupy the minds of members of parliament rather than members of the community, and whether I was on it or not I do not think kept too many people in the South-East awake at night. So, in the end, my colleague the Hon. Tammy Franks moved the amendments that saw a successful motion get up.

The inquiry was conducted by the Natural Resources Committee, but what I will say is that even back then I had a degree of confidence that the chair of the committee, the Hon. Steph Key, from another place is a fair chair, and I did not really doubt that if people came along with evidence that was useful to the inquiry that there would be no standing on ceremony and throwing people out

because they were not closely following the terms of reference. Ultimately, we got a broader inquiry than the terms of reference might suggest, but the primary focus was still on the South-East of the state.

The residents of the South-East had been working for a number of years through a number of different forums to secure this inquiry. I have mentioned in previous speeches in this place that every local council that forms part of that South-East regional group of local councils had called for either a ban, a moratorium or a parliamentary inquiry, so in that light I think the inquiry was certainly worth conducting. I think many people down there are now going to be applauding the response of the Liberal Party in having announced the moratorium, but I will come to that in a second.

As was mentioned by the Hon. John Dawkins, I attended a number of the hearings. I have not worked out whether it was more than half or less than half. Maybe it was about half, but I certainly went on one of the field trips to the South-East, and I appreciated the fact that whilst not being a formal member of the committee I was made very welcome by those members. I heard first-hand a lot of the evidence that locals gave. I think that the summary, as we have heard before from the Hon. John Dawkins and the Hon. Rob Brokenshire, is accurate. Ordinary folk, famers and also industry stakeholders—except those in the mining industry—basically were very nervous about what fracking might mean for their district.

I think there was a groundswell of community opinion against fracking, and in fact even a casual drive through the district to count the number of yellow triangles on gates, where the owners declared that they will 'lock the gate' if mining companies were to turn up, showed that they dominated the landscape. I know that having attended, I think, three of the community ceremonies down there that in most districts the numbers of landholders who were supporting the Lock the Gate campaign were over 90 per cent in almost every case. What is good about local campaigns is that these are people who know their neighbours. They knock on every door and they ask people what they think, and I have no doubt that the overwhelming sentiment in that community was against fracking.

I made a submission to the inquiry. My submission was entitled '21 things I learnt about fracking on my trip to the USA in 2015.' Being a Greens member of parliament, and fond of recycling, I knew that I would be making a submission to the inquiry, so I made a special effort with my travel report. If members remember back in the day when we used to have a travel allowance, we would have to write a report on how those funds were spent. I put a quite substantial report together in relation to my trip to Pennsylvania and New York state, and I knew that I could rejig that to be, not just a report to satisfy our auditing requirements, but also the basis of a good submission to the Natural Resources Committee.

In the interests of time, this potentially being the last week of parliament, I will not go through all of the 21 things that I did learn. As tempting as it is to revisit that trip and the lessons that were learnt—all 21 of them—I will just mention a couple of things. One of them is that, if members ever doubt that the film you sometimes see in documentaries of people setting fire to taps—opening a faucet, as the Americans call it—opening the faucet, putting a match to it and seeing flames come out, if anyone doubts that that is not genuine, I suggest they ask Mr Troy Bell, the member for Mount Gambier, because he was part of an experiment that involved capturing some gas that came out of a garden hose.

The gas was captured in a jar. The jar was sealed and then ceremoniously opened with a lit match nearby. Whilst my photography skills were not quite good enough to actually capture the flames, my recollection is that they were at least 60 centimetres high coming out of this jar into which gas had been collected. I am sure the—

The Hon. R.I. Lucas interjecting:

The Hon. M.C. PARNELL: The Hon. Rob Lucas seems to think that 60—

The Hon. R.I. Lucas: I said it was huge.

The Hon. M.C. PARNELL: That is right—I thought he was doubting that 60 centimetres was significant (two feet in the old language). All of the submissions that the committee took are up on the website and I would urge people to have a look at my submission. What I do want to do, very

quickly, is go through a couple of things that are said in the report. If we look at the recommendations, the first recommendation, which the other two speakers today have referred to, is:

> 1. Without social licence, unconventional gas exploration/development should not proceed in the South East of South Australia. The committee found that social licence to explore/develop unconventional gas does not yet exist in the South East of South Australia.

I think it is important that that was put as the first recommendation. 'Social licence or consent' is a phrase that has had quite a few outings this year in relation to this issue, certainly, but also in relation to nuclear waste dumps, where the Premier made it very clear that something as substantial as that could not occur without community consent. It does not have community consent and it is my great hope that the Premier will, sooner rather than later, abandon the folly of the nuclear waste dump.

The second recommendation relates to the actual impact of hydraulic fracturing on the environment, and in particular on groundwater. The committee pointed out that the fracking process itself if 'properly managed and regulated, is unlikely to pose significant risks to groundwater', but there are some major caveats in that. First of all, it has to be properly managed and regulated. The committee goes on to say that:

> …other processes associated with unconventional gas extraction, including mid to long-term well integrity and surface spills, present risks that need to be properly considered and managed.

I would have to say that it is the issue of surface spills that was probably the dominant issue in terms of environmental impacts in the United States. If members wonder how much water might be involved and if it can really pose a risk to the environment, I can give you a couple of basic statistics: the total amount of toxic wastewater produced by the fracking industry in the United States in one year, the year 2012, was 280 billion gallons.

That water has to be treated and has to go somewhere and what we found too often was that it ended up in drinking water supplies, it ended up in local creeks and rivers. The disposal of wastewater is a serious problem. People might think that fracking for gas does not use that much water. The language that is used around this in the United States is interesting. They talk about 'high-volume fracture stimulation', and the 'high-volume' refers to the high volume of water that is used.

I have a photograph which I took in Pennsylvania and submitted to the inquiry. It is of a sign outside a fracking production well and it identifies how much water they are allowed to use. The amount for peak day consumptive use was 4.990 million gallons per day. If we translate that into metric, 20 million litres of water per day is the maximum that they are allowed to use. When you consider that in the United States there are 82,000 wells, all of a sudden you get some idea of the scope and extent of this industry and the potential problem.

One of the other points the Hon. John Dawkins made, and it is in recommendation No. 5, is that the committee notes—and these are my words, not those of the committee—that the economics are a bit dodgy. In fact, the committee points out that the window of opportunity for a South-East South Australian unconventional gas industry may already be closed. In other words, whatever the economics might have been some years ago, the environment may now be such that it is no longer economic. That is certainly the experience of the United States.

I want to add my thanks to the people involved in this inquiry. In particular, I thank Patrick Dupont and Barbara Coddington, who were the staff to the inquiry. I also want to give a special acknowledgement to those people in the South-East who embraced this parliamentary inquiry, took it seriously, made detailed submissions, attended the hearings and, generally, kept the committee on its toes to make sure that it did hear a variety of views. I would especially like to thank and acknowledge the work of the Limestone Coast Protection Alliance and also the Lock the Gate Alliance.

It is always difficult to single out individuals because the rule is you always leave an important person out, but I will throw caution to the wind and at least identify one person who has been important in this process, and that is Anne Daw. She has been a tireless campaigner for the local environment and the local community, and I have been particularly grateful for her many communications with me in terms of the latest research on this issue.

The next step in this process is that we need to have a look at what the Liberal Party has done with their moratorium, and to work out whether we can do better. The Greens certainly believe we can. I gave notice earlier today of my intention to introduce a bill for an act to amend the Petroleum and Geothermal Energy Act. That act covers drilling for gas and oil, and my intention is to bring back to this parliament a slightly different proposition to the one that the Liberals have adopted as policy.

The liberal policy is for a 10-year moratorium on fracking in the South-East. The Greens' bill takes that slightly further. What we say is that we should do as the Victorian government has done and rather than keep people's hopes alive with a moratorium, we should basically say that there will be a ban and that ban should extend to all of our high-value farming areas, to all of our conservation estate, and also to the places where people live: so, residential areas. People might think, 'Well, not much chance of fracking in a residential area', but have a look at the outer suburbs of Sydney. The industry has its eyes on many areas.

People might think that gas in South Australia is just about the Cooper Basin and the South-East, but have a look at where the petroleum exploration licences are. They start just north of Adelaide, they go right through the Mid North, they are all over Eyre Peninsula, and they go up to Port Pirie. There are plenty of places that this industry has its eyes on, and as knowledge develops and technology develops it would not surprise me if we get companies wanting to frack in places other than the South-East.

So, I will be giving this parliament a chance to have a look at extending the idea of this moratorium so that it protects our farmland, our conservation land and residential land. The Cooper Basin is an interesting case. Certainly they say that they have been fracking for decades, and they say there has been no problem. The data to support that, I think, is quite sparse, but I do accept that there is a problem with extending a ban to that area straightaway, because closing an industry down overnight—

Members interjecting:

The Hon. M.C. PARNELL: Even though I am being baited mercilessly by members of the Liberal Party, what I will say is that whilst the days of fossil fuel extraction are numbered, the idea of closing down the Cooper Basin overnight is not something that I am proposing to put on the table. I think we should start by protecting farmland, conservation land and residential land. I will conclude with a reflection on something the Hon. Rob Brokenshire said.

The Hon. S.G. Wade interjecting:

The Hon. M.C. PARNELL: No, I am reflecting in a positive way. I think he referred to SACOME, the chamber of mines, and without verballing the honourable member, he thinks that they kicked a bit of an own goal by not engaging in the process. It was interesting to see their tweet last night as it came out in response to the Liberal Party announcement. The tweet basically says that the 10-year hydraulic fracturing moratorium policy announced by the Liberal Party is 'surprising, reactive leadership'. I must admit I had to read those words several times to try and understand what they are, so I tweeted back to the chamber of mines:

Reactive leadership? You mean reacting to the views of the local community? How undemocratic.

The Hon. R.I. Lucas: You told 'em, Mark!

Members interjecting:

The Hon. M.C. PARNELL: Whilst I expected the love affair between the party of blue and green might be very short-lived, I do accept that the Liberal Party has come a little way along the journey—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.C. PARNELL: —to joining the Greens' position, and I invite them, when my bill comes up in February, to have a serious look at whether this moratorium might better be reflected in a permanent ban that covers areas beyond the South-East of South Australia. With those brief remarks, I also endorse the motion to note this report.

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

Bills

INDUSTRIAL HEMP BILL

Introduction and First Reading

The Hon. T.A. FRANKS (17:32): Obtained leave and introduced a bill for an act to authorise and regulate the cultivation of industrial hemp; to make a related amendment to the Controlled Substances Act 1984; and for other purposes. Read a first time.

Second Reading

The Hon. T.A. FRANKS (17:33): I move:

That this bill be now read a second time.

This bill deals with industrial hemp. Industrial hemp has no affect as a drug. Indeed, industrial hemp is an alternative crop for South Australian farmers that would see us producing food, fibre, fuel and components. It would offer opportunities, it would offer jobs, and it would exemplify innovation. Indeed, it can get no cleaner or greener than industrial hemp, but at the moment we are not pursuing an industrial hemp cultivation program in this state. Indeed, we call ourselves 'clean and green' but industrial hemp is currently unseen. That is because it is currently illegal in South Australia to grow industrial hemp. South Australia stands alone amongst all the states in being in this situation.

Industrial hemp, of course, has a long history. It goes back to some of the earliest times where, of course, members would probably be aware of its production and use in things such as paper and rope in ancient times.

Around the world, we see industrial hemp used for an enormous array of products. It can be used for biofuels, blankets, printing, newsprint, cardboard, biochemicals, moulding, carpets, towels, blankets, curtains, apparel, bags, shoes, socks, fibreboard, insulation, Hempcrete (which I will touch on again later), animal bedding, mulch, breads, granola, milk, cereals, protein powders, soaps, shampoos, hand creams, cosmetics, lip balms, oils, paints, solvents, varnishes, lubricants and inks. These are just a small selection of the products that the Industrial Hemp Association of South Australia has noted could be being grown right now, in terms of the raw products, for manufacture in South Australia.

Growing hemp, of course, was prohibited in the United States in the 1930s to support the manufacturing of synthetics from oil. It has suffered a great level of misinformation. I repeat, industrial hemp is not a drug. I note that today, in the parliament library in the Muriel Matters Room, the Industrial Hemp Association of South Australia hosted, with myself, an exhibition of industrial hemp products to allay the confusion that seems to be rife within, at least, this state. It is not a confusion held, of course, in other states where they have acted to ensure the cultivation in those states of industrial hemp.

In New South Wales, they changed their laws with the Hemp Industry Act 2008. In Victoria, they had changes in the early eighties and more recently in 2008. In the ACT, they changed their laws and have an industry act of 2008, but had some earlier changes in that territory. In Queensland, the laws were changed in 1986 under the Drug Misuse Act, which allows for the cultivation of industrial cannabis.

In every other state, with the exception, of course, of the Northern Territory, industrial hemp is currently able to be cultivated. Most relevant to this particular debate today is Tasmania. Tasmania has some of the most modern laws in Australia and in 2015, under the Industrial Hemp Act, we have seen Tasmania really move forward. The bill that we have before us in this chamber today is modelled on those principles.

Of course, cannabis plants can vary in the level of delta-9-tetrahydrocannabinol or THC, which is a psychoactive substance that those plants contain. Varieties that are grown for illicit drug use have been cultivated to maximise the THC levels. The cannabis plants that are grown for oil and fibre contain low levels of THC, and in this bill there is provision for that level to be less than 1 per cent, which is in line with the laws around the nation.

There is also provision in the bill, of course, to make an appropriate regulatory framework to ensure that the cultivation of industrial hemp is done by those who are fit and proper people and in a way that will not lead to flouting of the law to enable in any way the cultivation of a drug to be undertaken.

It is important to recognise that we have come a long way, around Australia, but we have stood still here in South Australia. I want to commend the Industrial Hemp Association of South Australia for fighting today and for having campaigned for so long. I am very proud to bring this bill in today. I hope that it will be a bill that in the new year will be not just a Greens' bill but, indeed, embraced by all in this place—the Labor government, the Liberal opposition, Dignity for Disability, the Xenophon Team and Family First crossbenchers—because we all have much to gain.

We have much to be proud of in those manufacturers who are currently using industrial hemp in a variety of products because it is a clean, green product. It is the very thing that this state says that it aspires to do. We should be supporting those manufacturers, of course, not just to be clean and green with their products but to be able to source those products here in South Australia, to be able to have the cultivation of the raw materials, and not have them imported from interstate or overseas but grown right here in South Australia. It will support jobs and, of course, support better options for more environmentally sustainable farming practices and opportunities for our farmers in this state.

I particularly want to thank the hard work of Di Mieglich, Teresa McDowell, Graeme Parsons, Ruth Trigg and Chris Martin who were part of the exhibition here today and who all had a great involvement in bringing to the fore the knowledge, information and education around industrial hemp. Those members who visited the exhibition, and certainly if they were there while I was there, would know that my favourite product is the Hempcrete, the fire retardant bricks made from industrial hemp. It is basically a product that you cannot help but look at and think that it will completely dispel your ideas that somehow it is an industry in the relics of the past or the Dark Ages. Indeed, when you look at Hempcrete you can see that it is a building block of the future.

I look forward to working with members to see the passage of this bill. As I say, I do not see it as simply a Greens' bill; I see it as a bill for all South Australians if we are to be all true. All parties in this place have at one time or another supported the goals of being clean and green and supporting innovation, and I can imagine that we all support the creation of opportunities and jobs. There is an industry here begging for support. They are not begging for money, they are simply begging to be allowed to do what they know they want to do, what they know they have markets for and what they are already doing in a way that is legal in this state in terms of being able to get local farmers to supply them with their raw materials.

The products are already selling, the products are already being made but we are forcing them to source their raw materials from interstate and overseas. Talk about outsourcing jobs: it is no simpler than that. It is I think a policy no-brainer that we should progress, to ensure, like every other state in Australia has already done, that industrial hemp is able to be cultivated right here in South Australia. With those few words, I commend the bill.

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

Parliamentary Committees

SELECT COMMITTEE ON STATUTORY CHILD PROTECTION AND CARE IN SOUTH AUSTRALIA

The Hon. S.G. WADE (17:43): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON SALE OF STATE GOVERNMENT OWNED LAND AT GILLMAN

The Hon. R.I. LUCAS (17:44): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON ELECTORAL MATTERS IN SOUTH AUSTRALIA

The Hon. S.G. WADE (17:44): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (17:44): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON SKILLS FOR ALL PROGRAM

The Hon. J.M.A. LENSINK (17:45): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON ACCESS TO THE SOUTH AUSTRALIAN EDUCATION SYSTEM FOR STUDENTS WITH DISABILITIES

The Hon. K.L. VINCENT (17:45): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON STATE GOVERNMENT'S O-BAHN ACCESS PROJECT

The Hon. J.A. DARLEY (17:45): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON COMPULSORY ACQUISITION OF PROPERTIES FOR NORTH-SOUTH CORRIDOR UPGRADE

The Hon. J.A. DARLEY (17:46): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

The Hon. J.M.A. LENSINK (17:46): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (17:47): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON CHEMOTHERAPY DOSING ERRORS

The Hon. S.G. WADE (17:47): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON STATE-WIDE ELECTRICITY BLACKOUT AND SUBSEQUENT POWER OUTAGES

The Hon. T.J. STEPHENS (17:47): I move:

That the time for bringing up the report of the committee be extended until Wednesday 9 August 2017.

Motion carried.

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (17:48): I move:

That the fourth interim report of the committee be noted.

I would like to take the opportunity to highlight some of the issues raised in the fourth report. The fourth interim report is a report that is focused on the Modbury Hospital. The Transforming Health select committee has in this report condemned the Weatherill government's failure to inform local residents about the significant downgrading of the Modbury Hospital emergency department as part of the Transforming Health changes. You will note that it is a unanimous report.

The select committee found that communication with local residents had been completely inadequate and that any statement implying that it is business as usual at Modbury entirely overlooks the fact that there has been a significant downgrade of its emergency department. In my view, the Weatherill government has not clearly communicated to local residents that, if they are suffering from a heart attack or a stroke, Modbury Hospital is no longer the place to go.

The committee also found that recent changes to both Modbury and Lyell McEwin hospitals had not been well planned and that there was ongoing confusion as to when emergency surgery could be performed at Modbury Hospital. That compounded the challenge faced by nurses, doctors and other health professionals. In my view, the powerful evidence of health professionals cuts through the spin that all is well at Modbury and Lyell McEwin. The fact is that front-line staff provided the committee with a harrowing picture of a hospital system under pressure. Patient safety is being undermined by the refusal of hospital administrators to put clear surgical protocols in place.

The parliamentary committee report contains strong criticism of the way the Weatherill government's Transforming Health changes are being rolled out and its recommendations are unanimously endorsed by all members of the committee, including the government member. The committee's nine unanimous recommendations include the ones calling on SA Health to (1) undertake a public information campaign clearly explaining under what circumstances a patient should present at the Modbury Hospital Emergency Department.

At this point I pause and express my horror that the government, in spite of that unanimous recommendation provided to this chamber weeks ago, dared to put very similar information out to the western suburbs and the southern suburbs—

The Hon. R.I. Lucas: Surely not.

The Hon. S.G. WADE: They did. The honourable member shares my horror. Let me give an example of the appalling communication included in that document. In a letter, signed by Professor Dorothy Keefe, the Clinical Ambassador for Transforming Health, it says words to the effect: in an emergency, ring an ambulance; if you need urgent medical attention, go to the emergency department. What sort of mumbo-jumbo is that from a person purporting to be speaking on behalf of the government and giving clear clinical advice? Of what use is that to a person in terms of deciding whether they should present at a downgraded emergency department or whether they should traipse across town to go to a so-called super ED?

The Hon. R.I. Lucas: It sounds dangerous.

The Hon. S.G. WADE: Patients have the right to have clear information about their responses. As the Hon. Robert Lucas rightly points out, to give them anything less than clear information is dangerous.

The PRESIDENT: He should not point out anything while you are on your feet.

The Hon. S.G. WADE: I can appreciate, in the context, that he is just so zealous, overzealous perhaps, perhaps a bit robust, and he just cannot contain himself; but at least he is not slagging off women.

The Hon. K.J. Maher: So, you appreciate his humour, do you?

The Hon. S.G. WADE: No, I do not.

Members interjecting:

The Hon. S.G. WADE: My colleagues have been very helpful.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Just as the Hon. Ian Hunter should not distract from the water debate by using offensive language, likewise, I will not allow the Hon. Rob Lucas to distract me from the horrors of Transforming Health.

Let's be clear, this is a very serious matter. We have South Australians in the north and now in the west and the south, who are being told, through Transforming Health propaganda into those three regions, vague information as to where to go if they are facing a medical emergency. If the government wants to downgrade the emergency departments, which is what it is doing, it has a moral obligation to make sure that patients are fully informed in terms of making the choices that they need to make in a medical emergency.

The fact that we had a unanimous report from a select committee highlighting the dangers of the information they had already put out and then within weeks they compound the error by putting similarly confusing information into two other regions is beyond belief.

The Hon. J.S.L. Dawkins: Did you say 'deliberately confusing' or 'similarly confusing'?

The Hon. S.G. WADE: Did I say 'deliberate'? It was both similarly and deliberately. Recommendation 7 highlights that the government needs to—

Members interjecting:

The PRESIDENT: Order! Will the Leader of the Government please desist. The Hon. Mr Wade has the floor.

The Hon. S.G. WADE: Thank you, Mr President. Again, the wisdom of your advice to ignore interjections has been proven yet again. Recommendation 7 of the committee said that the government should immediately issue a clear, unequivocal written directive to all clinical staff about the circumstances under which emergency surgery can be performed at the Modbury Hospital. We were gobsmacked, as a committee, that a senior public servant came before our committee and told us the reason why she had not put in writing that clinicians could undertake emergency surgery was because it was so patently clear that it did not need to be put in writing.

Within a week a letter was provided to the committee which showed that she had written to clinicians saying, 'Don't do emergency surgery.' We believe that it is a risk to patient safety that there is not clear advice to clinicians and that when emergency surgery is available to deal with patient issues it should be provided. To suggest that a bureaucrat's directive should override the clear ethics of a medical practitioner to respond to patient need, as and when required, we believe is dangerous and offensive. Certainly, it was a view that was shared to the committee by the President of the Australian Medical Association.

The committee, in recommendation 4, urged for immediate discussions with emergency department clinicians at the Modbury Hospital to determine the back-of-house clinical resources required to maintain a safe and effective emergency department. A series of health professionals, including the local President of the Royal College of Surgeons, highlighted that you cannot have a fully fledged emergency department without appropriate back-of-house services. The committee is very concerned about the downgrading of services at that hospital.

The committee has called on SA Health as a matter of priority to ensure that the Lyell McEwin is properly resourced. If you are going to downgrade the Modbury Hospital, you cannot leave the Lyell McEwin not only with no additional beds built into that facility but a clear lack of clinical resources. The health minister needs to stop the downgrade of Modbury Hospital and instruct SA Health to deal with critical issues and concerns highlighted in the select committee report.

If the minister's statement in the parliament on 17 November is anything to go by, he is ignoring those alarm bells. His comments were a poor attempt to spin a report that was unanimous in its criticism of his health agenda and demonstrated his unwillingness to face up to the grave concerns and the lived experience of our front-line health professionals. I commend the report to the parliament. I believe it is a very useful insight into the impact of this government's appalling policies on the people of the north and the north-east.

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

Sitting suspended from 17:58 to 19:47.

Motions

ADELAIDE PARKLANDS

Adjourned debate on motion of Hon. M.C. Parnell:

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

(Continued from 16 November 2016.)

The Hon. M.C. PARNELL (19:48): I will very shortly move that this item be discharged, but I want to put on the record the resolution that was reached in a roundtable meeting with the South Australian Cricket Association and the Adelaide City Council. As I suggested I would do when I moved this motion, I immediately rang the chief executive of SACA and also the Adelaide City Council and invited them to come into parliament for a roundtable meeting.

It is probably not stretching it too far to say that SACA was surprised that the arrangements they thought they had reached were now being questioned in parliament, but I reminded them that that is what the legislation says. It says that any lease of land for more than 10 years must be tabled in both houses of parliament and that either house can move disallowance. In fact, it is a blunt instrument, because disallowance is the only tool, but having moved that motion, the parties then very quickly realised that it was in everyone's interests to come into parliament, sit down with the Adelaide Park Lands Preservation Association and talk turkey.

As a result of that roundtable meeting, a number of matters were clarified and resolved. It is probably fair to say that some of them fell into the category of understanding. When I say understanding, there were things that the South Australian Cricket Association said they intended to do that might not have actually been reflected in the lease. So, the solution that was reached was, rather than revise the lease and potentially risk having to have it retabled in state parliament, what has happened is the Adelaide City Council has drafted a letter. That has been endorsed by the South Australian Cricket Association, and I just want to quickly put the terms of that letter onto the public record so we can proceed with other business. The letter from the Adelaide City Council is under the hand of Mark Goldstone, Chief Executive. It states:

Dear Hon Mr Parnell

I refer to your meeting last week at Parliament House with representatives of Council and the SACA.

I understand from that meeting that there were a number of queries expressed in relation to the operational scope of the lease for the Adelaide Park Lands proposed to be entered into between Council and SACA currently before both Houses of Parliament.

For the purposes of addressing these operational queries we set out below a series of responses which it is hoped will provide clarity in relation to those matters.

1. Toilet facilities

The toilet facilities to be constructed within the new improvements by SACA will be available for use by the public during the times those improvements are staffed by SACA. However this arrangement will not continue once public toilet facilities are constructed on or near the lease premises.

2. Development concept

The proposed development has recently been granted development plan consent. It is understood by SACA that any material change in the external appearance (which would include an increase in the height and/or the footprint of the proposed development) would require further approval by Council.

It is further recognised by SACA that additional approval may also require Council to undertake additional public consultation with regards to that variation before any building works would be able to proceed.

3. Car park arrangements

The car park immediately adjacent to the leased area (containing the new building to be constructed by SACA) is not the subject of the lease (or licence) arrangements.

Whilst SACA has committed to construct the new car park, this will remain an area under Council's care and control. Council has committed to consult with SACA in relation to the development of a car park management plan for this area.

4. Access to licence areas

In conjunction with the area being leased (containing the new building), SACA is being granted a licence for the four (4) fields which surround the leased premises.

It has always been understood by SACA that these are to remain open fields and (for the most part) available to be accessed by members of the public. However there are instances when SACA would be entitled to temporarily restrict that public access. This would be necessary:

- to protect the field and/or the cricket pitches located within the licensed area;
- if the fields were being used and accessed in a manner which would have constituted a degree of frequency of use for which Council would ordinarily have been required to grant some form of licence (or approve a sub-licence);
- if some form of temporary fencing may be required to protect the safety of persons (for example nets located around practice pitches to protect persons from being struck by a cricket ball); or
- in relation to an event or function being held on or adjacent to the licensed area in accordance with the licence area permitted use.

To ensure there are appropriate operational protocols and controls established in relation to these matters, SACA has undertaken that:

- it will install signs in a form and containing information reasonably required by Council to inform the public of these use arrangements; and
- any access restrictions will only be implemented after consultation and with the consent of Council (acting reasonably).

SACA has confirmed its understanding of these matters (including the use and management of the licence areas) as set out in this letter. Further in support of this, we attach a letter from SACA confirming these arrangements and undertakings to ensure these areas are managed in this manner. It is understood by Council (and SACA) that this correspondence may be relied upon as confirmation of these arrangements.

Thank you for interest and input into this project and your commitment to facilitate final negotiations between all parties concerned. If you have any queries, please contact Mike Philippou, Associate Director Property…

Mark Goldstone

Chief Executive

Adelaide City Council

As that letter referred to, I received on the same day, yesterday, a letter from SACA, under the signature of Keith Bradshaw, Chief Executive. I will not read the whole letter, but just one paragraph. It states:

We write to confirm on behalf of SACA the matters set out in this letter from Council and that SACA undertaking to ensure these areas are managed in this manner. Further, it is understood by SACA that this correspondence may be relied upon as confirmation of these arrangements.

I think that was a most successful resolution of this matter. It is probably fair to say that the parties at the outset were somewhat surprised that a disallowance motion had been put forward but, when we sat around the table and talked about what the lease said and they realised, I think, that what they were intending to do was not necessarily reflected in the lease, they have now agreed to these clarifications.

The most important point to note is that these provisions of the Adelaide Park Lands Act allowing the parliament to have oversight are really important provisions, because what we are doing here is effectively giving one organisation close to an exclusive right for 42 years, and those rights did need to be clarified. As it turns out, I think SACA's intentions were as described: that it was not their intention to exclude the public unreasonably. Nevertheless, as representatives of the public, it is beholden on us to make sure that we do not end up unnecessarily alienating these important Parklands from the people of South Australia.

I will conclude by thanking, first of all, the Adelaide Park Lands Preservation Association and their vice president, Damien Mugavin, in particular. I would also like to thank Mike Philippou of the Adelaide City Council and Keith Bradshaw, the chief executive of the South Australian Cricket Association. In particular, I would like to offer my special thanks to Lord Mayor Martin Haese, who came into Parliament House to sit down with me, with the Adelaide Park Lands Preservation Association and with SACA. His input was helpful and instrumental in resolving this issue. With those brief remarks, I now move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

Bills

PETROLEUM AND GEOTHERMAL ENERGY (UNDERGROUND COAL GASIFICATION) AMENDMENT BILL

Second Reading

The Hon. M.C. PARNELL (19:56): I move:

That this bill be now read a second time.

Underground coal gasification is one of those technologies that, having been embraced by various jurisdictions around the world, more often than not ends in tears. That is certainly the case in Queensland and it risks being the case here if we do not knock it on the head quick smart. What is at risk is not just our environment and public health but also our state finances. Underground coal gasification projects put out their hand for millions of dollars in state government subsidies, so there is a lot at risk.

The process of underground coal gasification and the problems it caused I referred to in some detail in an earlier contribution back on 27 July, and I do not propose to repeat all the things I said back then. That motion on that day called on the South Australian government to follow the lead of their counterparts in Queensland and ban the practice of underground coal gasification in South Australia. Having given the government a chance to take action itself, it seems clear that they will not, which is why I have introduced this bill.

I want to briefly put on the record some things that have happened in this area since I last spoke about this topic in July. On 1 September, the ABC reported that the Queensland government may end up being liable for a $150 million class action over the Linc Energy UCG trial project, which damaged farmland near Hopeland on the Darling Downs. The ABC report states:

Solicitor Tom Marland said it was 'more than likely' Linc Energy's insurance policy would not cover the claim.

'If we're unable to find any fruit in relation to the insurance policies, we'll just endeavour to continue our action against the State Government,' he said.

That shows that the risk might be well beyond just the immediate vicinity. It can also be a major hit to state revenue.

In a statement to the Stock Exchange on 14 October this year, Leigh Creek Energy said that it was pleased to announce that 'environmental drilling [had] resumed at the Company's in-situ coal gasification project at Leigh Creek, South Australia', and it was anticipated that drilling would finish in five weeks' time. I think the phrase 'environmental drilling' is the mining industry's equivalent of 'friendly fire' because there is nothing of benefit to the environment in underground coal gasification.

On 8 November, the Queensland government introduced legislation into parliament to ban underground coal gasification. This was something that had been foreshadowed earlier, in fact the policy had been announced on 18 April. The Queensland government's Department of Natural Resources and Mines website states:

> …the Queensland Government introduced legislation into the Parliament which seeks to place a moratorium on all future activities relating to UCG through the Mineral Resources Act 1989. The moratorium will also apply to the in situ gasification of oil shale.

It goes on:

> After careful consideration of the results of these trials, the Queensland Government concluded that the potential impacts of UCG activities and the issues associated with the trial projects to date, the risks associated with allowing future commercial-scale UCG operations are not acceptable and currently outweigh the foreseeable benefits.

There are many parallels to the debate that we had before the dinner adjournment in relation to unconventional gas. Whilst this is a very different process we are talking about, underground coal gasification, you will see that many of the same themes emerge.

On 14 November this year, the ABC reported that an increasing number of mining executives were being charged with criminal offences. The report states:

> The Queensland Government has charged five former executives of Linc Energy with environmental offences over the failed company's alleged contamination of huge swathes of prime farmland in the state's south-east.

They are: Peter Bond, who is facing two further charges since September; Donald Schofield, former Linc Energy general manager, on two charges; Stephen Dumble, former chief operating officer, on two charges; Jacobus Terblanche, former chief operating officer, on one charge; and Daryl Rattai, former general manager, on one charge.

At this point, I note that none of those listed executives who are facing charges are, in fact, executives or directors of Leigh Creek Energy, or its predecessor, Marathon Resources. The point that I make is that it is a company that was undertaking exactly the same activity that Leigh Creek Energy now seeks to undertake. The ABC report continues:

> The ABC revealed last year that a Queensland Government investigation found hundreds of square kilometres of prime agricultural land was at risk from a cocktail of toxic chemicals and explosive gases that had allegedly seeped from Linc's UCG site.
>
> The multi-million-dollar investigation was the largest in the Queensland Environment Department's history.
>
> It found that soil near the facility had been permanently acidified, with methane, hydrogen, carbon monoxide and hydrogen sulphide alleged to have leaked from the site.

These are not claims or allegations being made by me. This is the Queensland government, having undertaken the largest ever environmental investigation in its history, and it is all to do with underground coal gasification.

On 18 November this year, Leigh Creek Energy made another statement to the Stock Exchange and in it they refer to all the public subsidies they are going to be receiving—the public handouts. According to the statement:

> Innovation Australia grants R&D 'Advance Finding' for Leigh Creek Energy Project
>
> Australian Government determines the Leigh Creek Energy Project eligible for Research and Development tax offset

The total estimated eligible expenditure is $21 million. The statement also says that the company was applying for South Australian government PACE grants to accelerate investment in gas projects, and they point out that the maximum application amount is $6 million.

It is a risk to the environment, a risk to health, a risk to taxpayers from the liability of having to fund damages claims, and also a direct hit to our state budget as we hand money to these companies in the form of direct grants or tax offsets. That brings us up to the present. I refer to a comment made by the Hon. Tom Koutsantonis in that important journal of record, *The Transcontinental* newspaper. The article states:

> State Energy Minister Tom Koutsantonis said the approval or otherwise of coal gasification projects should be based on science and determined by 'expert regulators, not politicians'.

The direct quote from the minister is:

> Politicians are not qualified to make these assessments. We trust the scientists and independent regulators, and proponents need to prove to these regulators that they will do no harm to the environment.

Let's find an independent regulator and hear what they have to say to help us make the assessment. That brings us to Scotland. A month ago, Scotland banned underground coal gasification. It did so following an independent report which evaluated the technology and the global experience of underground coal gasification. The author of that report was one Professor Campbell Gemmell, who members would realise is the former chief executive of South Australia's own EPA.

When I found out about the Scottish government decision and I found out about the report, I contacted Professor Gemmell in Scotland, and, as it turned out, he was coming back to Australia in November for a holiday and to do some consultancy work for the Victorian EPA. So, I ran past him the idea that if he happened to be in Adelaide on a sitting day, he might see his way clear to providing a lunchtime briefing to members of parliament. I was delighted that it turned out that he was able to do it, and he gave that briefing to members on Tuesday. A number of members attended. For those who did not, I am happy to circulate his PowerPoint presentation, because it is quite telling.

It is entitled 'A review of underground coal gasification for Scottish government', and he highlighted the main messages and offered some lessons for South Australia. After describing how the underground coal gasification project works, he described the parameters of his study. Effectively, he looked at this industry everywhere in the world that it had been carried out. As well as the global literature review, they interviewed 35 people from 23 stakeholder bodies and they made sure they talked to industry, community regulators and also NGOs. They also had the ability to rely on some other independent European scientific work that had been done.

The professor described how he had looked at projects in Australia, Belgium, Bulgaria, Canada, Chile, China, England, France, Germany, India, Japan, Mongolia, New Zealand, Pakistan, Poland, Russia, South Africa, Spain, Tanzania, Ukraine, the USA and Uzbekistan. As it turns out, it is only Uzbekistan where the project has lasted any period of time. Just about all the other projects failed within a very short period of time. Some went for a few weeks, but only Uzbekistan has been going for any significant time. I understand it is about 50 years that that project has been going.

Maybe it is to do with the regulatory regime in Uzbekistan, but the professor found it very difficult to find information about any environmental monitoring that had been undertaken. Having done all that work, the results of the professor's independent study showed that there were very few cases where the results of the underground coal gasification had been written up, there were no published environmental licences that were available, and there was very little verified, peer-reviewed, or openly-reported performance data. In other words, it was an incredibly secretive industry.

What he did find was evidence of significant performance failures, and these included: surface, groundwater and land contamination; containment losses; fugitive methane emissions; seismicity; inadequate liability management; and worker health issues.

The results also showed that one of the inevitable consequences of setting fire to a coal seam under the ground is that, once that coal seam has burnt out, a cavity remains and those cavities have a habit of collapsing, so subsidence was a serious issue in many of the examples.

The approach that Professor Gemmell took was that he thought there were five considerations that needed to be taken into account before you could go ahead with something like UCG. He looked at the impact on climate and found that it was overwhelmingly negative because there is no capture of fugitive emissions and no offsets. He pointed out that public or community consent was essential, and that brings us back to the debate we have been having on fracking. He said that did not exist in Scotland.

You have to look at the operators. Are they credible? Are they competent? Are they fit? Are they using the best available technology? You need to look at the regulation. Is it a clear system? Is it coherent? Is it effective? Is it robust? You also have to look at long-term issues, not the least of which is post-mining closure. What do you do once you have finished extracting the gas? How do you put out the fire? Does putting out the fire stop the gasses from coming to the surface?

His conclusion was that these tests could not be met in Scotland. He points out that, where it has been tried in Australia, it has led to prosecutions. The operators exit. They exit leaving contamination behind and the state is left to pick up the tab.

The activity of underground coal gasification has been banned, as I said, in Scotland. It has also been banned in Wales, France, Germany and, most recently, Queensland, and the question before us in this bill is: should it be banned in South Australia as well? The professor basically left that decision to us, as is appropriate, but, having put all that information on the table, I think it is pretty clear that he has not found too much to recommend this industry.

Let's take minister Tom Koutsantonis at his word. He wants to hear from independent regulators. I have found one for him who was the top regulator of the environment in South Australia until fairly recently. He has handed down his verdict and I think that mining minister Koutsantonis needs to pay close attention to it. With those remarks, I commend the bill to the chamber.

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

Motions

DETERMINED2

The Hon. K.L. VINCENT (20:13): I move:

That this council notes the work of Peter Wilson and the Determined2 team and—

1. Acknowledges the benefits of the Immersion Therapy Program developed and delivered in South Australia; and

2. Congratulates Peter Wilson on being the joint winner of the Excellence in Inclusive Service Delivery Award at the 10th National Disability Awards.

I am very happy to make a few brief remarks in this place noting the achievements of the Determined2 Immersion Therapy Program and, in particular, its founder, Mr Peter Wilson, in light of the recent Excellence in Inclusive Service Delivery Award at the National Disability Awards in Canberra.

I first met Pete Wilson earlier this year, when he came to me to explain the immersion therapy program that he had started with the support of just a few people and to share with me the story of how this program came about, and what it is achieving, and to see if there is anything that we in the Dignity for Disability party may be able to do to support the further development and growth of that program.

I may be a cynic at times, and I am sure at the moment that minister Hunter would say 'often'; however, I can genuinely say that I liked Pete Wilson immediately. His dedication to this cause, his dedication to his personal recovery and his dedication to making a positive contribution to our community were immediately evident, and I immediately respected him because of that. Pete Wilson sustained quite serious injuries in 2007 in a motorcycle accident which left him fighting for life. He has since been left, I understand, with 47 per cent total body impairment.

After a long recovery period, he became involved in participating in recreational scuba diving as part of his recovery and found it extremely beneficial. From that personal experience, he wanted to think about what he could do to help other people in similar situations, who had disabilities that

either were congenital or perhaps they had, like him, sustained an injury and experienced some level of disability as a result.

Very quickly, he became aware that there was quite a substantial gap or difference in the support that is available for people, depending on how their disability is acquired. In other words, he felt that he had a far greater level of support, particularly financial support, available to him because his injury was sustained in the context of the workplace, so he received a compensation package because of that. In his own words, he was 'embarrassed' by this, but I do not think he needed to be. Pete says that he felt embarrassed that he got something different that somebody with a non-compensable disability or injury would not necessarily get.

So, he started to think about what he could do with the money he received that would not only help him with his recovery, of course, but also put something positive back into the community, and that is when he came up with the immersion therapy program. Essentially, the immersion therapy program is a program where people with disabilities or injuries use scuba equipment in a controlled environment, namely, in the North Adelaide Aquatic Centre.

It is important to say that it is not a diving program—they do not teach diving—and also having clearance to participate in the immersion therapy program does not automatically equate to medical clearance to go diving in open water. That is another hurdle which I am yet to overcome. However, you are able to use the scuba equipment in the pools, so you can swim under the water and experience the positive physical sensations and the use of muscle related to that as well as the mental health and relaxation effects that come with it.

In fact, I would even go as far as to argue that perhaps even the biggest part of the immersion therapy program in terms of its positive outcomes is not the physical therapy aspect but the positive mental health, particularly for those injured workers who might be on WorkCover packages or return-to-work packages who may be experiencing isolation, fear, anxiety, depression and other issues related to their change in circumstances.

We now have a situation where there is a program where people with disabilities and injuries are now teaching people with the same experiences how to get back to swimming, how to use the equipment. That shared experience is very valuable in terms of people's recovery, and there certainly have been some massive gains in people's recovery in the program since it was established. Among those is the fact that in the immersion therapy program is Angus, and Angus does not like to be talked about very much, but I know him personally, so I hope he will not mind.

Angus is believed to be the first person in the world diagnosed with epilepsy to have been given any level of clearance to use scuba equipment—because obviously the pressure of being underwater can trigger, apparently, (I am not a doctor) an epileptic response—so that in itself is a massive achievement, and he is going from strength to strength in this program.

I also caught up with Peter, coincidentally, the other day, and he told me that a young man had come in who had acquired a brain injury some years ago—I think maybe even in the order of 10 or so years ago—and who had quite a high level of physical disability as a result. Pete said, 'Okay, let's put you into the water and see what you can do.' I was not there to witness this event, but I have no reason to believe that it is not true, apparently this young man sat in the water in the water wheelchair for a few moments and Pete said he could see the cogs turning over in this young man's brain as he sat there in the water.

Lo and behold, this young man, as the story goes, (again, I was not there) got up and for the first time in 10 years, perhaps even more, started walking, taking a few steps in the pool. That is an incredible achievement and goes to show the amazing adaptability of the human brain in the right circumstances and with a supportive environment. I would like to qualify those comments by saying that the immersion therapy program is certainly not a program rooted in what some people might call 'cure culture'.

They are not out to cure people of their disability or to do any type of snake-oil merchant activity, but they simply want to enable people to do the best they can with their bodies and experience fun therapy-like experiences in a less therapeutic environment. I think that is more conducive to positive outcomes because you are not so focused on getting particular outcomes, 'I

must walk, I must swim, I must do whatever it is.' You are there to have fun and you are there to enjoy yourself and the rest of it just comes along

After meeting Pete that day at Parliament House, he invited me to come along and see the program in action. I went there accompanied by the Lord Mayor, who had also met with Pete and was keen to see how the program operated, so we went down together and checked out the program. Of course, the next step was to get me in the water. It did not happen that day; it happened a couple of weeks later. As someone who is not particularly fond of physical activity (I am much more of a bookworm), not particularly fond of the elements and not readily able to float in the water, scuba was of course a completely natural activity and one that did not cause me any level of anxiety at all!

The truth is that for the first few minutes after getting into the water, Peter came in with me and said, 'Because it's your first session, I will help you out'. I got in the water and was sitting there ready to get out of the lifter into the water and I said to him, 'Pete, there's one thing I forgot to tell you.' He said, 'What's that?' I said, 'You know how cerebral palsy affects the brain and the sense of balance and so on?' He said yes, and I said, 'Well, I can't really float.' So, for a few minutes I sat there, knuckles white and literally clinging to the edge of the pool and saying, 'I can't let go. I can't do it. I can't do it.'

Poor Pete had to sit there in the water trying to coax me away from the edge of the pool while Tim Maloney—a former Paralympian basketballer and, I think, a gold medallist, but certainly medallist in Paralympic basketball, with biceps the size of my head, so again I was not feeling at all intimidated—sat there and held my hand. This was the first time I had ever met Tim, and again this is a great example of the camaraderie that exists in this program. The first time he ever met me he was sitting at the edge of the pool but got out of his wheelchair so that he could reach down to me. He took me by the hand and said, 'I won't let go until you're ready.'

Needless to say, long story short, in the context of that one session, my very first session, I was determined and I went from being unable to let go of the side of the pool, and refusing to swim at all, to earning the name 'superfish', which I was rather pleased with, although I do not know that I have quite earnt it yet. Having watched the videos of myself swimming, I am not sure that 'superfish' is entirely suitable, but I have come to appreciate and love the name very much. Certainly, this is a great—

The Hon. T.J. Stephens: The honourable 'superfish'.

The Hon. K.L. VINCENT: The honourable 'superfish'. I see that I have been promoted again. The Hon. Mr Stephens interjects, very unparliamentarily, 'The honourable superfish'. Thank you, good sir. You will have to come and watch before I think you can judge whether I am really worthy of that name.

This is a great example of what we can do when we recognise the social model of disability which, for anyone who has forgotten from the hundreds of times I have mentioned it in this place, teaches that the impairment or the physical or sensory, etc., difference that exists in a person's body is not in and of itself the problem. The problem is other barriers that we put up around that person as a result of that difference.

In the context of the Immersion Therapy Program, a lot of the attitudes they are tackling are barriers not so much of the physical environment but of where people may have been told—for months, weeks or even years—that swimming, physical activity, social interaction is no longer, or will never be, an option for them. So this is a great program for overcoming those barriers.

It is also important because it has provided an employment opportunity to the team now running Determined2, both volunteers and paid staff, but particularly Pete as founder. As I have said, I think that to date he has put over $70,000 of his own compensation fund money into this program because he believes in it, and he is now committed to doing this. That is to be commended, particularly in a state where we are facing a lot of troubles, to say the least, in regard to employment. Anything that is innovative, that looks at how we can do things differently and find new roles for ourselves in a changing economy, should be welcomed.

I would particularly like to acknowledge Pete but also all the team at Determined2. I will not name all of them, but to name just a few there is, of course, Tim and Richie. All of them have been

very helpful and kind to me personally, but they are also making a huge difference in the lives of many people and they should be very proud of themselves. I know that I am proud of them, and I think everyone in this chamber should be. I will probably say more in summing up, but for now I acknowledge and thank all the Determined2 team for how far they have come in such a short time.

It is important to acknowledge that the beginning of what has become the Determined2 program was only in October last year. It has literally gone from an idea that was written—and I hope people do not mind me saying this—on a couple of scrap pieces of paper, a couple of serviettes, to now being a fully funded program that is supported by Dr David Wilkinson, Director of Hyperbaric Medicine at the Royal Adelaide Hospital, who has developed a specific medical assessment for the controlled scuba experience.

Again, from being one person with an idea, to finding a medical practitioner who will give someone clearance for something that many other practitioners simply would not bother to find an innovative way to provide, to also finding support staff and the volunteers to provide this program, and to have done it in such a short space of time, is an amazing achievement. Given that this is how far Determined2 has come from October 2015, just over a year ago, I am very excited to see what lies ahead.

This award is, hopefully, just the beginning of the recognition this program deserves. I know the program does not always get the recognition and support it warrants, and Pete feels some degree frustration about that—although I will not go into that on the record for the time being—but it is certainly going from strength to strength. In fact, just the other week I received an email informing all those involved in Determined2 that they have, as I understand it, sustained ongoing funding through Disability Recreation and Sports SA, another great organisation providing sporting and recreation activities to people with disabilities.

Through a funding partnership with them, I understand that they are now in a position to no longer need to charge any of their clients, which is fantastic, because to date, as I understand it, their basic ruling has been that they will charge those who have compensable injuries, such as those on return–to-work packages, but not those whose injuries are either congenital or non-compensable due to the way that they were sustained, i.e. not in a workforce context.

I received an email informing me that Disability Rec and Sports are pleased to announce that thanks to the support of the Office for Recreation and Sport SA, they are able to offer Determined2 immersion therapy for no out-of-pocket expenses for our members. The immersion therapy program is an approved service to the following funders for return to work: Employers Mutual, Gallagher Bassett, the Lifetime Support Authority and the National Disability Insurance Scheme. This funding from the Office for Recreation and Sport SA now means that people do not have to access these streams of funding in order to access the program for no cost as well.

Determined2 really is going from strength to strength in finding new and innovative ways to make their program more financially, as well as physically, accessible to everyone in our community, and should be congratulated for that. I certainly put on the record, in addition to my thanks to Determined2, my thanks to Disability Rec and Sports and the Office for Recreation and Sport South Australia.

I am very excited to see where this program goes next. I hope that perhaps in October next year I will be able to report even more progress, but for the time being I simply want to acknowledge how far this program has come, thank everyone involved and hope that it gets the support of the chamber. I look forward to seeing members at the pool and hopefully have you all join us in the water. I should, before I close off, though, say onto the record that when I went for my first visit to the Lord Mayor, he did give an undertaking that he would be getting into the pool, and I have yet to see that happen.

The Hon. S.G. Wade: Another broken promise.

The Hon. K.L. VINCENT: The Hon. Mr Wade interjects, 'Another broken promise'. I am not sure what he was alluding to there, but I will leave that be. Certainly, I know that the Lord Mayor, like all of us, with a great sense of fun, is an avid reader of *Hansard*, and so I would certainly like to put out a public reminder to him that he has, I think, a civic duty to join me at my next session, which will be this coming Monday morning at 11am. Mr Lord Mayor, be warned. Any other member who wants

to come and join us and see this amazing program in operation, I am sure would be welcome to do so. They can certainly start by lending their support to this motion. I commend it to the chamber.

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

CORCORAN, MR M.

The Hon. K.L. VINCENT (20:33): I move:

That this council notes the contribution to the South Australian community of Maurice Corcoran AM and;

1. Acknowledges the ongoing commitment of Mr Corcoran to ensuring that public transport is accessible to all; and

2. Congratulates Maurice Corcoran on being given the Lesley Hall Leadership Award at the 10th National Disability Awards.

I move this notion in recognition of a long time disability rights activist in this state, who is now, of course, probably known to most members in this place as South Australia's community visitor, both for mental health and disability support services. I am sure many members in this chamber know Maurice Corcoran. In introducing this motion today, I would like to introduce you to a little of his story. It is not my story, so I am sure he could do a better job of telling it, but I will try my best, and then I will elaborate further when I take this motion to a vote.

In the meantime, I would like to share a few words of Maurice's story, or what I know Maurice's story, that was developed by quoting a couple of excerpts from his story on the History of Disability in South Australia website, with an interview conversation for the 100 Leaders Project, Stories of Living, which Maurice participated in.

> Maurice was born in 1958 at Tantanoola, in south-east South Australia. At age 18 he was working as an apprentice fitter and turner in Mt Gambier, but all that changed when Maurice had a vehicle accident. He was travelling back from a BBQ just outside of Mount Gambier on a narrow road and had to move to the side to allow an oncoming car to pass but in doing so, started sliding on loose gravel, over-corrected and ended up swiping that car. A small suitcase on the back seat of the car was catapulted across the back seat striking Maurice on the back of the neck causing a C5/6 lesion which left him with quadriplegia. He sustained no other injuries.
>
> When his Mum and Dad went to the hospital in Mt Gambier the doctor who had assessed Maurice said to them 'Your son's a quadriplegic. He's the worst I've ever seen. He'll never be able to do anything for himself or anyone else for the rest of his life.' In retrospect that has [probably] been a great motivator for Maurice.
>
> Maurice remembers lying in the Royal Adelaide Hospital spinal injuries intensive care area the first week or so after the accident. He received a telegram from the General Manager of Panel Board (his previous workplace) saying 'if you can do anything at all after this we want you back here working for us.' Maurice reflects how that automatically took him out of the sick role and got him thinking about a possible return to work. Consequently he is strongly committed to early intervention for people experiencing trauma or acquiring a disability in order to reach their full potential whatever that may be.

The story continues on, but for now I would just like to include one more point:

> Maurice considers his philosophy has been important in the way he has chosen to live his life alongside disability. 'All too often disability is seen as a great tragedy—a traumatic experience. In reality doors have closed, but other doors have opened up, and I always say that to people. You can look at a whole range of your interests, your skills and abilities, and there are always opportunities. It's just a matter of what you do with it. Everyone's got choices. And my dear old mum, I remember her philosophy was "Well, you don't have to look far to find someone worse off than yourself." I guess that's the main thing—there's always going to be challenges and opportunities for us to take on board. You can sit back and be an observer in life, or you can sit back and say "I want to be a participant. I want to be a part of that."'

These are certainly words that Maurice has used not only to live his life but to help other people live better lives and the lives of their choosing. His work in the early 1990s, or maybe 2000s, involved lobbying for improved access to public transport, specifically to buses, because Maurice decided that he did not want to have to rely on access cabs to get everywhere, and fair enough. He was part of a very successful campaign in that regard.

He is now using that philosophy in his role as community visitor where he pays visits to different disability and mental health housing and support providers to ensure that the standards being provided in those places are a standard that I think we would all accept in regard to everything

from the quality of the food to observing any physical restraint or violence or aggression that may be going on toward people supported in that service or living in that home and so on.

His fight is certainly a big one. We have many battles still to overcome in that area, but I know, from knowing Maurice in some small way personally, that his passion outweighs the challenge. As I have said, I will say more when the motion is taken to a vote, because I would like to mix in my comments with those of other members.

For the time being, I put on the record my thanks to Maurice yet again for all of his work and all of the advice that he has provided to me and my office in the course of his role as community visitor. Of course, I also acknowledge his being given the Lesley Hall Leadership Award at the 10th National Disability Awards. I look forward to providing more comments of support and acknowledgement for Maurice in summing up at a later date, but for now I commend the motion to the chamber.

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

HIV

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Notes that–

   (a) the South Australian government is a party to a Council of Australian Governments shared target to end new HIV infections in Australia by 2020;

   (b) in 2013, there were 69 diagnosed HIV infections in South Australia;

   (c) each new infection and lifelong treatment brings significant health and personal impacts, with lifelong costs estimated at $200,000 to $300,000 per person;

   (d) there is now strong evidence that pre-exposure prophylaxis (PrEP) is a highly effective addition to the HIV prevention tools currently available; and

   (e) state governments in Victoria, Queensland and New South Wales are currently running clinical trials involving the provision of PrEP to high-risk groups;

2. Calls on the state government to demonstrate leadership on HIV by trialling PrEP among high-risk groups in South Australia.

(Continued from 2 November 2016.)

The Hon. K.L. VINCENT (20:40): As long-time supporters of the peer-led South Australian based programs supporting people with HIV/AIDS, Dignity for Disability strongly supports the motion put forward by the Hon. Tammy Franks, seeking to provide PrEP in the hope of that being one small measure to prevent HIV transmissions. Further, we are absolutely thrilled to hear that the government has supported the implementation of a trial.

As I gather from information that was shared in a briefing hosted by the Hon. Tammy Franks, I think I am correct in saying—and the Hon. Ms Franks will correct me if I am not—that the cost of implementing one such trial and providing it to everyone in the community who foreseeably may be in a group that is at risk of HIV is the same as providing lifelong HIV support and treatment once a person has HIV. I think that simple fact speaks for itself. This can save money, it can save people from isolation, shame and stigma of HIV, and most importantly it can save lives. So, for those reasons, Dignity for Disability strongly supports this motion, commends the Hon. Tammy Franks on bringing it forward and commends the government for seeing the common sense on this issue.

The Hon. S.G. WADE (20:42): I rise on behalf of the Liberal team to indicate that we support this motion, as it calls for the government to act to make pre-exposure prophylaxis, commonly known as PrEP, more accessible in South Australia. PrEP is a medication used by HIV negative individuals to prevent them acquiring HIV. Clinical research has established that the treatment is effective in preventing HIV transmission when taken by HIV negative people. My advice is that PrEP can lead to a reduction in HIV transmission as high as 94 per cent in some target groups.

The main PrEP drug was approved by the Therapeutic Goods Administration for supply within Australia in May 2016, but due to its high cost most high-risk patients do not access the drug.

More than 8,000 Australians are already enrolled in trials in other Australian states and territories which both allow equitable access to a more affordable generic form of the drug and seek to demonstrate how the drug can be rolled out to high-risk individuals.

Only three Australian jurisdictions do not have some form of demonstration project, and that includes South Australia. PrEP is a key preventative health initiative. Fifty-eight South Australians received a new HIV diagnosis in 2015, with 44 first diagnosed in Australia and 14 overseas. Each of these cases is estimated to cost the public health system around $500,000 over their lifetime. When conservatively I am advised half of these transmissions could be prevented by PrEP, the treatment will save both scarce public health resources as well as individuals from illness.

Of course, PrEP is one treatment amongst a range of treatments and protections against HIV, including condoms and abstinence. With a strong evidence base, especially at a time when there is a threat of an increase in HIV infection in at-risk groups, we cannot afford to turn our backs on successful treatments. Whilst the honourable member's motion calls on the South Australian government to exercise 'leadership', I find that somewhat quizzical, considering that we are only one of three jurisdictions in Australia that do not have some form of demonstration project. I do nonetheless acknowledge the statement by the Premier this morning, as reported by ABC News:

> The Government said it would begin talks with other states who are leading PrEP access trials and said modelling indicated about 500 South Australians may be eligible to be part of the trial.

Whilst I welcome that statement, that is basically the extent of it. I do not know whether other honourable members have been given more information, but it almost raises more questions than it answers. First of all, you would say to yourself, 'Well, considering that we are one of the last three jurisdictions to have a PrEP trial, why would we be starting to begin talks with other states about getting involved in a trial?' I think it shows real tardiness on this issue. Secondly, how many people will be in the trial? It is all well and good to say that 500 South Australians will be eligible for the trial, but how many places does the South Australian government intend to have in the trial?

Thirdly, when will it be rolled out? It is all well and good to say, 'We are going to begin talks,' but we all know from the experience of the Weatherill government and the Rann government before them that Labor commitments can often be well beyond the horizon. People at risk of HIV infection cannot afford to wait. I would also make the point that I am surprised to see this statement is being made by the Premier and not by the Minister for Health. To me, the Weatherill government's reluctance to tackle PrEP as an opportunity has hints of moral judgment.

South Australians make a range of choices which impact on their health. Some of them could be characterised as 'moral choices', but a basic value of a civilised society is that we do not use the health system as a form of moral sanction. We treat a car crash driver even if they were speeding. We treat lung cancer even if the patient is a long-term smoker. We treat a drug overdose even if the person has used an illicit drug. Moral neutrality applies across the treatment spectrum, pre-infection and post-infection. In promoting prevention, we are not promoting irresponsible behaviour; we are putting health first. PrEP, in my view and that of my party, is an important preventative health initiative for people at risk of HIV infection and those they have contact with.

In concluding my brief remarks, I would like to particularly thank Mr Heath Paynter of the Australian Federation of AIDS Organisations, who very kindly took on the task of educating me about PrEP and a range of other HIV and AIDS issues. I particularly want to acknowledge the leadership provided by the Hon. Tammy Franks. I have no doubt that with the leadership of the Hon. Tammy Franks by bringing this issue to the parliament and arranging one of the best briefings I have had in this parliament, I believe she embarrassed the government into action. I think there will be many people who, in the years ahead, will have avoided an illness because of her actions, and for that she is to be applauded. I commend the motion to the house.

The Hon. G.E. GAGO (20:49): On behalf of the government, I rise to support this motion, and congratulate the government on its announcement earlier today that South Australians at high risk of contracting HIV will be able to take part in the trial of PrEP (or pre-exposure prophylaxis). PrEP is a medical prevention method where people who are HIV negative take antiviral medication to reduce their risk of HIV. The medication commonly used in PrEP trials is Truvada.

International trials show that Truvada reduces HIV infection by up to 92 per cent. Truvada is not listed on the PBS and would cost more than $900 per month for South Australians. This cost would clearly be prohibitive for many of those people who might be at risk of HIV and would certainly be a barrier to accessing this preventative medication.

Without doubt, PrEP is a game-changer and expanding access will be integral in reaching the goal of no new HIV infections. South Australia's participation in this trial is a proactive measure which has both emotional and financial benefits for those in high-risk groups. It also provides benefits to our state by helping reduce the rate of infection and, of course, the huge costs associated with treating those with a HIV infection. The government is committed to providing the very best possible health care for all South Australians, and our participation in the trial is yet another example of this, with other states, including Victoria, New South Wales and Queensland, also taking part in this trial.

We now urge the Turnbull government to ensure that all Australians who may benefit from this drug are able to access it by adding it to the PBS scheme. HIV is one of the greatest public health challenges of our time, and PrEP is an effective form of prevention which will help us maintain our commitment to eliminating new infection by 2020. There is obviously a long way to go to remove HIV transmission in Australia, but I think today's announcement by the government is another important step in the right direction. It is with great pleasure that, as I said, the government rises to support this important motion and congratulates the Hon. Tammy Franks for providing leadership on this particular policy matter.

The Hon. T.A. FRANKS (20:51): I would like to thank those members who have made a contribution this evening: the Hon. Stephen Wade, the Hon. Gail Gago and the Hon. Kelly Vincent. I know there have been many, both in this chamber and in the other place, who have stepped up to ensure that tomorrow, when we celebrate or indeed commemorate World AIDS Day, we will actually have something to celebrate more than usual this year.

When I moved this motion, I certainly did not know as much about PrEP as I currently do. I now know, thanks to my own briefing, which was very informative, that the estimated lifelong cost, should we have a person who contracts HIV, is not just $200,000 to $300,000 for that person for the duration, it is actually around half a million dollars. That is one area where I will correct my own motion and say that the lifelong health cost burden is greater than I originally realised. Additionally, the costs of running the PrEP trial are far cheaper, and that was revealed through the briefing and the work of some wonderful organisations.

I would like to particularly thank SHine SA and the CEO there, Jill Davidson. Heath Paynter has already been thanked by other speakers, but I particularly mention Heath Paynter, who is from the Australian Federation of AIDS Organisations, and his role in assisting all those who participated as expert speakers, both from this state and who either came in by Skype from interstate or travelled from interstate to provide their medical and advocacy expertise on this. It was a really valuable discussion and we discovered that there were options for South Australia to take part in trials, or what are more correctly called demonstration projects, of a proven health prevention measure which, in some places, has had a 92 per cent success rate in stopping new transmissions of HIV.

We discovered through those trials that we could be looking at less than $100 per person, or even cheaper, for a year of treatment for something where, should one person contract it who need not, we could be looking at half a million dollars of costs in the health budget. On that, it is a policy no-brainer. We are not only saving money; we are, of course, improving lives.

HIV is no longer a death sentence; however, it is a sentence of isolation, as the Hon. Kelly Vincent said. It is a life of exclusion, it is a life of stigma and it is a life where people find it hard to hold or gain employment and are socially isolated. It is a life that we should not be consigning any South Australians to if we can help it, and by having this PrEP trial, we will be taking every measure that we can to ensure that we are not.

Unfortunately, in Australia and South Australia, despite our early leadership on HIV/AIDS, when we were the world leaders in this area, since the year 2000, HIV transmission rates have been going up each year, rather than going down. I hope that with the rollout of this particular demonstration project we will start to see those figures of around 60 or so new transmissions each year in South Australia go down rapidly.

We have an international global goal that this state and this nation has signed up to of zero new transmissions of HIV by the year 2020. With PrEP, that goal is achievable. There is a role for the PBS, and we hope to see this drug, Truvada, or the generic versions of Truvada available at a much cheaper rate to a much broader part of the population. The 500 South Australians who were identified in the briefing that I held are those most at risk those who we can most help with this really effective measure. I am glad to see that all parties have supported it so far in this debate, and I welcome the government's words today and Premier Weatherill's announcement that South Australia will take part, either with another state on our own.

It appears that discussions with other states seems to be the preferred method. I note that in the briefing it emerged that Victoria, long ago, proposed that we take part in their trial but we have not yet responded to that offer. Perhaps if we got on the phone to them, we could be setting up the demonstration project quick smart because they are ready to take us on, but I believe New South Wales may well be also. That might be a cheaper option.

I look forward to a World AIDS Day tomorrow when we celebrate an achievement. I note, however, that this will be the first World AIDS Day in a long time in South Australia where we do not have a positive living centre, where we have seen that organisation defunded, where we are one of the states that still does not have rapid testing, where we are a state that lags behind in these areas. There is so much we could do to make the lives of people living with HIV/AIDS better, and I certainly will be committing to doing more in the future.

Motion carried.

PRISON ADMINISTRATION

Adjourned debate on motion of Hon. T.J. Stephens:

1. That a select committee of the Legislative Council be established to inquire into the government's administration of South Australia's Prisons with particular reference to—

   (a) the costs and impacts (upon prison officers, prisoners and the South Australian community) of the combined prison system operating continually above approved capacity;

   (b) the government's forecasted prison capacity in relation to its forecasted prisoner population;

   (c) the correlation, if any, between prison overcrowding and the breakdown in proper administration of prisons;

   (d) the following incidents which occurred between July and October 2016:

      (i) a prisoner given leave to attend a funeral but was prevented from re-entering the Yatala Labour Prison at the appointed time;

      (ii) a prisoner convicted of murder and rape was allowed to umpire an amateur football match;

      (iii) two prisoners were able to tunnel under a prison fence and gain access to a prohibited area at Port Augusta Prison, then start a truck with the intention of driving it through a perimeter fence and, when noticed, held officers at bay within the prohibited area for four hours;

      (iv) a prisoner has died and three prison officers hospitalised following a violent altercation at Yatala Labour Prison;

      (v) a prisoner convicted of murder disappeared from a Corrections supervisor;

      (vi) the recent seven-hour siege at Port Augusta Prison; and

   (e) any other relevant matter.

2. That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 2 November 2016.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (20:58): I rise in support of the motion moved by the Hon. Mr Terry Stephens. During my time as Minister for Correctional Services—which, of course, has been a rare privilege—I think I have been incredibly up front with the South Australian community, and indeed this council, regarding the very substantial challenges facing the South Australian correctional services system.

As a consequences of many of the challenges that other people within the community and, indeed, myself have regularly identified and sought to draw to the South Australian public's attention, I established a policy that seeks to address the challenge at the core of the current issues that face the South Australian correctional services system and, in my view, that is principally the challenge of recidivism.

Since early August, a strategic policy panel that I appointed has been working diligently with the department and a range of stakeholders within the correctional services sector and, indeed, the non-government sector canvassing ideas in order to develop an appropriate policy response to reduce reoffending to meet a target that both I and the cabinet have set the state. I look forward in due course to formally receiving the panel's recommendations. I should note that I am meeting with panel members later this week for a more formal meeting to receive their recommendations in a face-to-face context.

I can assure the South Australian community that the Department for Correctional Services is committed to achieving the recently announced target of reducing reoffending by 10 per cent by 2020. If met, this target would see South Australia as a national leader and as a provider of a fair and just correctional system that appropriately punishes but also prevents offenders from returning. That vision should be at the core of the department's purpose as the Department for Correctional Services seeks a safer community by protecting the public and reducing reoffending and aims to deliver on its mission of contributing to safety through safe, secure and humane management of offenders and the provision of opportunities for rehabilitation and reintegration.

I welcome members of this council seeking to engage in the public discussion required to rethink the manner in which law and order, crime and punishment are debated in the South Australian community. Furthermore, I welcome all members who seek an opportunity to educate themselves on the correctional system and who actively seek to assist the Department for Correctional Services and the government in achieving its vision and mission to do so.

However, I do fear that the motion introduced into this council by the Hon. Mr Terry Stephens may also seek to detract from the successful work already being undertaken by the government and the department and seeks only to politicise an important area of public policy in which the community must have confidence. I would stress that there is no jurisdiction in the world that is able to manage a correctional services system without incident; that is, quite simply, not possible.

I would also stress that the challenges experienced in the South Australian correctional system are not unique to South Australia. Members should be assured that every Australian jurisdiction are experiencing similar, if not identical, issues to the ones that are experienced here. The challenges posed by issues, such as increased prisoner populations, ageing infrastructure, longer sentences and an ageing prisoner demographic are universal and challenges that require a bipartisan approach to resolve them.

While issues such as those identified by the Hon. Mr Stephens are without doubt regrettable, there is no correlation between the current administration of the department and the occurrence of those events. There is not the proof required to establish a connection between the events to warrant the establishment of a select committee. I am confident that, despite the recent events, our system has within it fail safes and mechanisms to prevent other incidents occurring.

At no stage during any of the events purportedly spurning the requirement to establish a select committee was the safety of the South Australian community put in danger—a very important

point. This is a point that needs to be stressed and it is not coincidence. It is the professionalism and commitment of dedicated staff which ensures that incidents are kept to a minimum and, when they do arise, are dealt with in a timely manner. Therefore, it is in the hope that the Hon. Mr Stephens seeks to further the safety of the South Australian community through the establishment of a committee designed to assist in tackling the challenge rather than conducting a political witch-hunt that I am happy to commend the motion to the house.

I have often made comment in other forums outside of this particular chamber that I think part of the challenge in respect to corrections is not just a policy challenge. The policy is complex, that is true, but it also reflects a challenge that is political, as is always the case. I am sure that people who have served in this place for longer than I would attest to that. All too often—

The Hon. R.I. Lucas: That's everybody.

The Hon. P. MALINAUSKAS: That is everybody. They would attest to the fact that politics informs policy. If we do not believe that politics informs policy, then we probably should not be here, and corrections is no different. In fact, I would argue in many respects politics has entirely formed the policy of corrections and, if we are honest with ourselves, that is not always necessarily in the interests of the public.

It is incumbent upon everybody in this place that, if we are going to pursue a more progressive policy in respect to corrections that is going to make the community safer, we have to be honest that we have a political responsibility as well to not try to inflame issues as they arise in corrections in such a way that is aimed at scoring political points but, rather, seek to—

The Hon. S.G. Wade: Rack, pack and stack.

The Hon. P. MALINAUSKAS: Indeed. The Hon. Mr Wade interjects, and I am happy to repeat his interjection in reference to the terms that the Hon. Mr Foley used of racking, packing and stacking. I think that is a classic example of where—

The Hon. S.G. Wade: It was continued by Rau.

The Hon. P. MALINAUSKAS: I am agreeing with you—just relish in that moment. I am agreeing that people on both sides of the chamber have sought to exploit the politics of corrections in such a way that is not to the betterment of public policy generally. I have made reference to the 'rack 'em, pack 'em, stack 'em' comment, which I do not think has assisted policy and does serve as an example of seeking to exploit political point scoring at the expense of public policymaking.

If we want a better outcome in respect to corrections, then we have to accept the fact that politics plays a significant role in trying to pursue that because we cannot change the policy unless we change the politics. Changing the politics means that we have to educate the South Australian community so that they appreciate that there is a need to change the policy. In my view, it is not okay to be spending in the order of between $70,000 and $100,000 a year locking someone up only to get an outcome which is that 46 per cent of those people, on whom we are spending $70,000 to $100,000 a year locking up, are reoffending. That is not a satisfactory result.

Yes, it is true that our reoffending rate is better than in other parts of the country, but I do not think that is a standard that is reasonable. I think that if we are going to spend extraordinary amounts of money locking people up, the South Australian public should have confidence that it is delivering an outcome in a rehabilitative context that in turn leads to a reduction in reoffending. That is what I want the focus to be on.

I look at the terms of reference for this particular committee and, as I said, I am supporting the motion to establish a committee. I sincerely hope that, when I look at the terms of reference, it seems in part to be aimed at political pointscoring, that is not the true objective of this select committee. I welcome the efforts of the select committee if it is going to join together in trying to inform public policy in such a way that will result in a reduction in reoffending, which will alleviate pressure on overcrowding within our prisons and which will allow the department to focus its energy more so on rehabilitation, which is ultimately in the interests of all South Australians. The majority of offenders—in fact almost all—do get released from prison at some point or another. That is an inevitability.

The question we have to ask ourselves as a community is: what sort of people do we want to be releasing back into society? Do we want to release people back into society who are more angry or more frustrated with their lot in life than before they entered the system, or do we want to release people back into the community who are genuinely reformed, who genuinely are going to try to make a positive contribution to the community—whether that means being actively engaged with their own families, or actively engaged in the community, such as perhaps participating in an amateur league football game—or do we want them to be back at work making a positive contribution to the economy, or earning the dignity that comes with all work performed?

These are the sorts of questions the committee should be turning its attention towards and, to the extent that the select committee will be focusing on delivering quality public policy, I wholeheartedly welcome it.

The Hon. T.A. FRANKS (21:09): I rise very briefly to support the motion of the Hon. Terry Stephens and to commend the minister for his words. I do believe that this is an area that should not be for political pointscoring, and I do believe this is an area where we want justice in its broadest form and justice for all who are involved in it—a just justice system, in fact. Whether our policies of being tough with law and order are leading to what we are seeing, what concerns me the most about the current situation with our corrections system is why we have such an over-representation of certain types of people in our prisons.

I cannot understand, after 25 years and 339 recommendations on from the Aboriginal deaths in custody report, why we have such a high level of Aboriginal deaths in custody continuing to happen and why we have such a high level of Aboriginal people being incarcerated that is continuing to rise. Surely we are better, as a society, than this. Of course, members would be well aware, and the minister is well aware, that I am particularly interested in hearing the voices with regard to the case of Wayne 'Fella' Morrison and why a man who had never been in prison before ends up dying in custody a few days later.

I certainly believe that his family and their calls for the release of the CCTV footage, and their calls for answers and an independent inquiry, should be heeded. I believe that the words of the Aboriginal co-commissioner, Frank Lampard, should be listened to and that an independent investigation is needed to provide a sense to the community and, particularly in this case, the Indigenous community that we have a just justice system. I think that is what we would all like to see. With those few words, I support the motion.

The Hon. K.L. VINCENT (21:11): I appreciate that I am not on the official speakers list, but I simply want to add a few brief comments to indicate Dignity for Disability's support for the establishment of this committee. I do not intend to go over the many reasons why that is the case—other members have done that quite eloquently and quite sufficiently—but I would go as far as to say that I think the fact that a government minister, who has oversight of the very system that will be looked at by this committee, is standing up and supporting the establishment of a committee to oversee these issues, these problems, is indeed indicative of the size of the issue.

I very much look forward to this issue getting the attention it deserves and the parliament handing down some recommendations that will, I hope, make a very real and very lasting practical difference to the treatment of prisoners in this state. I also note, however, that the federal parliament committee inquiry into the indefinite detention of people with cognitive and psychiatric impairment in Australia has, just today actually, handed down its report. Amongst other things, it shows us, unsurprisingly to me unfortunately, that there are far too many people in prison with a diagnosis of a disability or condition and that access to the justice system, including courts and police, remains very limited to many people with disabilities.

The report recommends that each state and territory follows South Australia's lead—indeed, Dignity for Disability's lead—in establishing their own disability justice plans. It also recommends some further changes to the Communication Partner Service to ensure that we have the proper support in place to allow people to communicate in courts and in prisons. As I understand it, it recommends the expansion of the Community Visitor Scheme to enable the community visitor to visit prisons to make recommendations about the treatment of prisoners with health conditions and disabilities.

Of course, there are many recommendations, thankfully. I have not yet had the chance to read them all, but I certainly look forward to their being implemented in the state also, where applicable, and I hope that there may be some scope for this committee to look into these issues as well because they are vitally important. There are many people with disabilities currently in our prisons who I believe do not need to be there and who could be out of prison, as the minister says, contributing to their community either through work or community participation with the right social and physical supports around them, and, as a happy coincidence, save the state a lot of money in doing so.

I will continue to work through those recommendations. The report has only come out today but, as I have said, I hope that there will be some scope for this committee to consider these vitally important issues. With those words, I lend Dignity for Disability's very strong support to the motion.

The Hon. T.J. STEPHENS (21:14): I would like to thank honourable members for their contributions. Minister, I am pleased to hear your contribution. I would like to thank the Hon. Tammy Franks for her support and contribution and the honourable 'superfish', sorry, the Hon. Kelly Vincent. I get confused now that I know you are the 'superfish', Hon. Ms Vincent.

I am pleased that we have overwhelming support for this particular motion. Ultimately, minister, the buck does stop with you with regard to corrections. You acknowledge it and we all know that. But I also acknowledge that corrections is something that everybody in South Australia should consider because ultimately a released prisoner could well live next door or across the road. They are going to come back into society. I believe that we can improve the way we handle the corrections facility.

The minister was good enough to meet with the Hon. Chuck DeVore when he came out from Texas recently, as did my leader, Steven Marshall, the member for Dunstan. I am a right wing member of the parliament—shock, horror. The Hon. Chuck DeVore comes from the Texas public policy group and they are considerably right wing, but their philosophy is about getting good outcomes for people in the correctional facilities so that they come back as good members of society, therefore reducing the costs on the system.

As I said in my matter of interest earlier today, in Texas they house their prisoners for about 25 per cent of what it costs us in South Australia. Having witnessed firsthand the effort that they go to with regard to work programs and meaningful education, I was really impressed when I visited. Minister, I do not expect you to read my matter of interest, but hopefully one of your minions will. I encourage you today to take the opportunity, if you can, to visit that system in Texas because it is truly inspiring.

I have been pleased with the fact that a number of members are keen to serve on this particular committee. I think we can work constructively to make recommendations to improve the system because, as I said before, corrections is something that all South Australians need to be concerned about and we absolutely want better outcomes. I am thankful for the indications of support and I look forward to working with the members on the committee constructively so that we can make good recommendations to improve the system.

Motion carried.

The Hon. T.J. STEPHENS (21:18): I move:

That the select committee consist of the Hon. T.A. Franks, the Hon. J.M. Gazzola, the Hon. T.T. Ngo, the Hon. D.W. Ridgway and the mover.

Motion carried.

The Hon. T.J. STEPHENS: I move:

That the select committee have the power to send for persons, papers and records, to adjourn from place to place and to report on 9 August 2017.

Motion carried.

DOZYNKI HARVEST FESTIVAL

The Hon. J.S. LEE (21:18): I move:

That this council—

1. Recognises that 2016 marks the 30th anniversary of the Polish Dożynki Harvest Festival and 160 years of Polish settlement in Australia;

2. Acknowledges the wonderful work that the organising committee has done over the years in the promotion of Polish culture, food, language and activities of the Australian-Polish community in South Australia; and

3. Pays tribute to the social, cultural and economic achievements of the Australian-Polish community to South Australia, including the contributions of many Polish clubs and associations.

Today, it is a great honour that I rise in the Legislative Council of the South Australian parliament to move the motion in my name to recognise that 2016 marks the 30th anniversary of the Polish Dożynki Harvest Festival and also to acknowledge the 160 years of Polish settlement in South Australia. These two milestones are significantly important to South Australian multicultural heritage and deserve to be put on the record. To celebrate the historical milestone, our Governor, His Excellency the Honourable Hieu Van Le, generously hosted a reception for community members in Government House to celebrate 160 years of Polish settlement in South Australia.

As the shadow parliamentary secretary for multicultural affairs, I would like to take this opportunity to commend the community on their remarkable efforts in putting together the Three Waves of Polish Migration exhibition at the Dom Polski Centre earlier this year as part of the South Australia's History Festival. The wonderful exhibition demonstrated the pride, the resilience, the pioneering spirits and the footprints of the Polish community in South Australia.

The Polish community has flourished in our state since the 1850s, making it one of the longest established cultural groups in South Australia. As honourable members would know, there have been three waves of Polish migration to South Australia. The first wave was during the period of colonial settlement, the second wave was after World War II and the third was in the early eighties in response to Communist rule.

For 30 years, Polish Hill River in the state's Mid North was the site of the largest Polish settlement in Australia. The story of the hardships and triumphs of this little community at Polish Hill River is a fascinating one—a story of resilience to preserve the heritage while overcoming the struggle to build a new life in a land far away from home. As time has gone by and a new wave of Polish migrants has arrived, the community has evolved and changed over the years but the connection to the Mid North has always stayed strong. To maintain and preserve Polish heritage and identity—

The PRESIDENT: Order! It is very disrespectful to have your backs turned and to talk while the member is on her feet. The Hon. Ms Lee.

The Hon. J.S. LEE: Thank you, Mr President, for your utmost protection. To maintain and preserve Polish heritage and identity, the community takes pride in the creation of the well-known Polish Hill River Church Museum. Today, there are more than 20 Polish organisations in South Australia, and each organisation was established with an interest to serve the community by offering a wide range of support services and activities. The Polish community enriches the cultural diversity in our state by the contributions they make to enhance the economic, social and cultural development of South Australia.

For 160 years, the Polish community has shared a strong culture with all Australians through active participation in our society and through events and festivals. This motion in parliament enables all South Australians to recognise this significant milestone. In the 2011 Census data, 17,978 South Australians reported to have Polish ancestry. Many Polish organisations, clubs and committees have been established to deliver services and preserve Polish culture. Some of the largest associations include the Federation of Polish Organisations South Australia, the Polish Association of South Australia, the Dom Polski Centre, the Polish Cultural Society and the Polish Women's Association, just to name a few.

On 2 December 2011, the appointment of Mrs Gosia Hill as the Honorary Consul for the Republic of Poland in South Australia was presented by the Ambassador of Poland to Australia. Mrs Gosia Hill is well respected and has a great interest in foreign affairs and is a dear friend. She is doing a great job representing the Polish government and serving the community in South Australia. It has always been a pleasure to catch up with Gosia at various community events and to keep up with activities and the support she gives the community.

Thirty years ago, the Polish Dożynki Harvest Festival was established in South Australia to ensure the promotion and preservation of Polish culture and traditions. It offers Polish migrants a platform to showcase their proud heritage, customs and vibrant culture at the festival. Over the years, it has been a drawcard for many local and international visitors of Polish descent and also the broader Australian community.

The first Dożynki festival in Adelaide took place in 1979 and was actually named Polish Day. The festival was held for several years at the Parks Community Centre before being transferred to Regency College and then later to Rymill Park. In the more recent years, it was held at the Polonia Reserve, and it has been a popular location for the Dożynki festival. This year, it was held on Sunday 23 October. This all-day event brought a little bit of Poland to Adelaide with a wide range of cultural performances, interactive activities and delicious Polish dishes to enjoy.

My esteemed parliamentary colleague, the hardworking member for Davenport, Sam Duluk, who has a proud Polish heritage, attended the festival and formally represented the state Liberal leader, Steven Marshall, and all of us. I take this opportunity to thank Mr Sam Duluk for his commitment to serve the community and recognise the valuable connection he has with the Australian Polish community in South Australia. The member for Davenport informed me that the 30th anniversary of the Dożynki festival was a memorable and successful event, just as in other years. It was a very well organised event, as always. The reputation and accomplishment of the festival was achieved through the outstanding work of the organisers, sponsors and volunteers.

Invited guests of the festival were warmly welcomed by the vivacious and dynamic president of Dożynki, Ms Marysia Hock. Other distinguished guest speakers included my parliamentary colleague, the member for Davenport, Mr Sam Duluk; Mrs Gosia Hill, the Honorary Consul of the Republic of Poland, and Mr Leszek Wikarjusz of the Polish Community Council of Australia.

Throughout the day, there were activities for the whole family, including food tents, folk dance and folk art and, as always, the popular wheat snopek tossing competition and the pierogi dumpling eating competition really got the crowd going. There were great activities for children, too, including an animal farm, police cars, carnival amusements, a puppet show and puppet-making classes. It was noted on the website that, since its inception in 1979, the Dożynki Polish Harvest Festival event has attracted over 100,000 people over the years.

Let us pay tribute to the founder of the Dożynki festival. It was under the presidency of Jurek Andrecki AM, who had the great vision to establish the festival in 1979. Jurek was the president from 1979 to 1994 and is the longest-serving president of the Dożynki festival. He was a remarkable community leader who demonstrated great abilities to implement a project that has sustained over the last 30 years. He is still very much a part of the Dożynki committee today. What a wonderful testament to what a long-term commitment is all about.

Special thanks to Marysia Hock, the current president of Dożynki. She has been in the leadership role since 2013. Marysia is a proud and passionate community leader. I have known her for a number of years now and she is a lovely friend. I wish to place on the record my appreciation for her high level of professionalism, her warm courtesies and respect for others and her outstanding efforts to engage with the community. She is a great asset to Dożynki and the Polish community. I congratulate her on her great achievements to date.

Community organisations require strong leadership and determination to drive its agendas and fulfil the dreams and aspirations of the CALD community. I wish to thank all the presidents for their contributions and commitment to the SA Polish community. Each successive president helped to shape the association in their own way and that enabled the festival to reach its 30th anniversary this year. I would like to put on the record the names of the presidents and the years they served. They are:

- Jurek Andrecki AM, 1979 to 1994;
- the late Krzysztof Wator, 1995 to 1997;
- Jacek Sczieszka, 1998 to 1999;
- Jacek Kapica, 2000;
- Jurek Syrek, 2001 to 2002;
- Tadeusz Kacki, 2003 to 2004;
- Grazyna Strzelecki, 2005;
- the late Stanislaw Gotowicz, 2006;
- Lilia Zyzniewski, 2007 to 2012; and
- Marysia Hock, 2013 to now.

A festival or event of such magnitude cannot be achieved without a strong committee and an army of energetic volunteers. I would like to take this opportunity to acknowledge the work and contributions of the 2016-17 committee who organised the 30th anniversary of the Dożynki festival.

In addition to the president Marysia Hock there is the vice president Lilia Zyzniewski, the secretary Richard Szkup, treasurer Edward Dudzinski, public officer Pawel Zajac, and committee members Bronek Duszynski, Dominika Rewak, Elizabeth Klimek, Ewa Gruszka OAM, Gosia Skalban OAM, Josie Jaszcz, Jurek Andrecki AM, Krystyna Andrzecki, Krystyna Lesnicki, Richard Sierocinski and Stefan Lesnicki OAM. Thank you to these wonderful individuals and their families who have played such an important role in highlighting the strong presence of the Polish community in South Australia.

Honourable members might recognise a number of prominent names in those I just mentioned on the committee. It goes to show that some people are blessed with the ability to serve. For example, Gosia Skalban OAM is a wonderful lady I have had the pleasure to get to know over the years. She continues to strive for the advancement and preservation of the Polish community in South Australia, and is actively involved in the Polish Hill River Church Museum, the Polish Link with Seniors coordinating committee, and the Polish Women's Association. Just another outstanding contributor in the community with proud Polish heritage.

In conclusion, it is a great honour to move this motion in parliament today to highlight and recognise the amazing work of the Polish Dożynki committee in the last 30 years, and also to recognise 106 years of Polish settlement in South Australia. I would also like to pay tribute to all those involved in the Polish community, and my heartfelt congratulations once again. With those remarks I commend the motion to the chamber.

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

Bills

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Committee Stage

In committee (resumed on motion).

Clause 1.

The Hon. R.I. LUCAS: When we were last discussing the bill, I raised some issues on behalf of the MTA. I subsequently received from them a copy of the exposure draft of the bill, but the government's advisers, I understand, had beaten me and them to the punch and they are now aware of the issue that was raised. I think I am advised that the minister may well have a response to the query that the MTA was raising.

The Hon. P. MALINAUSKAS: That is correct. I wish to address the issues raised by the Hon. Mr Lucas earlier this morning. In respect of the 10 current conciliation officers in the SAET, six of them were legal practitioners of at least five years' standing when they applied for the

appointment. Four conciliation officers were appointed under section 13(3)(b) as persons with extensive knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the tribunal. Those four persons were two existing conciliation officers of the Workers Compensation Tribunal, a public servant employed within the Equal Opportunity Commission and a workers compensation advocate within SA Unions.

Of the six persons who were legal practitioners of at least five years' standing, three were also existing conciliation officers of the Workers Compensation Tribunal. The other three included two lawyers in private practice and a public servant in the state government. None of the current 10 conciliation officers represented employer or industry groups. A total of 63 persons applied for appointment as conciliation officers. They included solicitors, barristers, public sector employees, academics and one union representative.

Strictly speaking, there were no employer or industry representatives in the pool of applicants for the appointment. However, some of the lawyer appointees may have, at some stage, worked for firms with employer industry clients or employee group clients. The selection panel did not have any regard to or preference for any particular lawyer applicant based on a background representing employer or employee groups.

With regard to the questions of the MTA about the changes proposed for the training and skills development legislation, I thank the Hon. Mr Lucas for his patience. I am advised that up until 1 July 2015, schedule 1 of the Training and Skills Development Act 2008 provided for the establishment by the minister of panels of assessors representing employer and employee groups for the purposes of sitting in proceedings before the Industrial Relations Commission.

Legislation was passed by parliament to delete schedule 1. This came into effect on 1 July 2015. Unfortunately, in the preparation of the consultation draft of this bill, it was not appreciated that schedule 1 had already been repealed. This was not noticed until after the consultation draft had been circulated in June 2016. As a result, the consultation draft indicates that schedule 1 of the Training and Skills Development Act 2008 was to be repealed and replaced by provisions in much the same terms, but referring to supplementary panels of the SAET.

Once it was appreciated that schedule 1 had been repealed in 2015, subsequent drafts of the bill, including the draft presently under consideration, no longer referred to schedule 1 of the Training and Skills Development Act 2008. As a result, there is currently no legislative provision for panel members and employer and employee representatives to hear matters in SAET under the Training and Skills Development Act 2008. As such, the bill as currently proposed maintains the status quo.

There is no legislative provision mandating that the president must have regard to industrial expertise when deciding who can preside over a hearing. However, it can be assumed that the president will at all times have regard to the relevant expertise of SAET members when determining who will hear particular matters.

I might add a further remark in clarification of some earlier points made earlier today. I am aware of at least one example of those conciliation officers having previously worked for a trade union in a representative—

The Hon. R.I. Lucas: Can you speak up?

The Hon. P. MALINAUSKAS: Yes, I can. I am happy to make clear through you, Mr Chair, that the remarks, in the advice that I have received here, are entirely accurate, but I can add for the sake of the record that there is one example of a conciliation officer, at some point in their prior history, having worked for a trade union.

The Hon. R.I. Lucas: Having worked for a trade union?

The Hon. P. MALINAUSKAS: At one point, yes. Well and truly prior to becoming a conciliation officer at the Workers Compensation Tribunal.

The Hon. R.I. LUCAS: Can I clarify that that is in addition to the one who is acknowledged as having been a workers compensation advocate for SA Unions? You are not talking about that individual, you are talking about another conciliation officer who formerly worked for a trade union?

The Hon. P. MALINAUSKAS: I cannot answer that question with certainty. I want to make sure that my remarks best reflect my knowledge, and what I can say is that at least one of those people, to the best of my knowledge, has been employed by an employee association. Whether or not that person went on, after their employment by a trade union, to work at SA Unions, I cannot say with absolute authority. They may be the same person, but they may not be, too.

The Hon. R.I. LUCAS: I am happy if the minister is prepared to take it on notice and if I could receive confirmation or advice from the Minister for Industrial Relations. From what the minister has said, I suspect his advice now is that there is the one former workers compensation advocate from SA Unions, who is one of the 10, and there is another one who formerly worked for a union. I suspect that is what the final advice will be, but I accept—

The Hon. P. MALINAUSKAS: I am happy to seek clarification.

The Hon. R.I. LUCAS: And I am happy to accept that assurance. I put it all within the context of this whole debate, and I do not think the minister was in the parliament when we went through this employment tribunal debate and SACAT. There was a lot of angst at the time from employer associations that the Labor government would stack the employment tribunal with people from a union background. We were given assurances by minister Rau, and others, that that was not the intention, etc. Two out of 10 is at the lower end of stacking, but it appears, at the other end of the continuum, that there is nobody amongst the 10 conciliation officers who has any association with an employer association.

As the minister acknowledged, given his previous background, he is well aware that the convention, and in some cases the actual law, required a balancing act in terms of trying to be fair; that is, in South Australia, we prided ourselves on having a better industrial relations system than some of the other states. Our strike record, and a whole variety of other things in South Australia, we at least in part put down to this particular approach that we had to industrial relations issues in South Australia; not solely I suspect, but that was part of the reason.

There is a growing concern amongst the employer organisations about the assurances that were being given at the time the Employment Tribunal was established. There was a debate at the time and this parliament ultimately determined to go ahead and establish an employment tribunal as opposed to the SACAT model. That is why, when we have these particular debates, employer organisations and others raise with me to ask the questions in relation to what is actually happening there.

The conciliation officers were a good example. They are now going to be called commissioners because that gives them some greater status in the world, as they would see it, but their contention is that that balance that used to exist is not existing and that we see now people from a union background but no-one from an employer organisation background. I accept the minister here does not have responsibility for it, but the Minister for Industrial Relations' advisers are here, and I can only place it on the record again and I do not seek a legislative response at this particular stage.

I am not sure how you would achieve it other than turning the employment tribunal legislation on its head, and this has essentially been a workable convention, a workable arrangement that governments by and large have accepted where there was some sort of balance between employer and employee organisation representatives in this particular jurisdiction. The minister has taken that on notice, and I accept that.

In relation to the MTA issue, I thank the minister for the advice that the officers have provided. From my viewpoint that clarifies the issue, and I suspect when the MTA see the response, they will acknowledge that. It was a further example, I guess, in essence of what the minister's adviser is saying that that particular provision used to exist up until the middle of this year where it essentially said you had to have employer and employee representatives on these panels. It was another example where that sort of provision was removed from legislation, and obviously for the reasons the minister has indicated had not been picked up in the original exposure drafts of the legislation.

If I could move on to a couple of other issues whilst we are on clause 1, could I have from the minister a confirmation that, in terms of the appointments in this particular jurisdiction, is it only the deputy presidents who are entitled to judicial pensions? I am sure the situation is that the new

commissioners are not going to be entitled to any version of judicial pension, even though they are going to be called commissioners. Is Commissioner McMahon entitled to some version of a judicial pension or is it just Deputy President Bartel and the people who hold that level of office who have access to the judicial-type pensions?

The Hon. P. MALINAUSKAS: I am advised that none of the new commissioners will have judicial pensions. I am just seeking advice regarding Commissioner McMahon. I want to take this opportunity, though, while that advice is coming through, to pass on some reflections regarding the Hon. Mr Lucas' previous comments regarding that issue of convention which the Hon. Mr Lucas rightly points out was raised earlier in the day.

I, too, have heard some of the lament and frustration that has been expressed by some employer or chamber advocates arguing that a convention has been broken in respect to the various appointments in industrial tribunals of both jurisdictions. I must say, though, to the best of my knowledge, and I have borne witness to a number of these discussions in my previous career, that that was genuine lament regarding the federal jurisdiction rather than the state one. Of course, the federal jurisdiction is of far more importance these days than the state jurisdiction by virtue of the fact that the overwhelming majority of work that affects the private sector now occurs almost entirely within the federal jurisdiction rather than the state jurisdiction.

Furthermore, on analysis that has been provided to me of various appointments over the years, that convention, which I think was a long-held convention and a convention that has served the industrial relations system not just in this state but certainly in this country incredibly well for a long period of time—if one was looking for a key period of time when that convention was broken, it was during the Howard years.

I do not blame members of the opposition for those decisions. That set off a chain of events which inevitably, as is always the case when conventions are broken, resulted in a series of catch-up appointments during the course of the Rudd/Gillard years to various federal tribunals. When those appointments are looked at in isolation, I can understand how an argument was made by Chambers and other employer advocates that there was an imbalance going on. In actual fact, that imbalance was seeking to rectify the convention being broken during the Howard years.

I find that incredibly unfortunate. I think there are a range of conventions that exist throughout our system that seem to serve the community and the public interest incredibly well. It is always unfortunate when those conventions are departed with because it almost always sets off a chain of events, quid pro quo and back and forth, which does not leave anyone any better off. Regarding Mr McMahon, my advice is that he will not be entitled to a judicial pension.

The Hon. R.I. LUCAS: I thank the minister for his reflections, given his background, and also carriage of the bill in this house. I do not have an intimate knowledge of the federal jurisdiction and the appointments, but I have read a little of that time and I understand the tit for tat that went on at the federal level. Potentially, what happens in this state jurisdiction is that—you never know, one day there might actually be a Liberal government in South Australia and for every action, there might be an equal and opposite reaction.

If and when we ever have that fortunate situation in South Australia, you might have a minister for industrial relations who is a statesman or stateswoman and decides to go back to the convention and observe the convention. Equally, you might have a government that says, 'Well, this is the way the Weatherill Labor government approached appointments down there, and an equal and opposite reaction ought to be instituted by a Liberal government in South Australia.'

My personal view would be that a balancing provision which has worked pretty well for decades in South Australia would seem to make sense. That would be my personal preference, but ultimately the observations minister Malinauskas has made of the federal government might or might not eventually apply in the state jurisdiction, in terms of where we head. Whether that is actually going to be in the public interest and for the benefit of the state of South Australia is open for considerable debate and discussion. I will not prolong proceedings by going too far down that path this evening.

The other issue that I wanted to identify on behalf of some stakeholders was one of the issues I raised at length in the second reading, and the minister has responded in his answer. It was the issue in relation to unfair dismissal jurisdictions. AIG and a number of other groups who corresponded with us were arguing that they believed what the government was doing was opening up a provision of unfair dismissal jurisdiction at the South Australian Employment Tribunal, in particular for people earning over around $100,000 a year. I just want to clarify; I think I understand what the Deputy Premier has written to us in relation to it, and I will place it on the record. He says:

> The Government's position in respect of this Bill is generally to enable SAET to exercise certain employment-related jurisdictions in addition to the current courts or tribunals that can exercise them, but to otherwise retain the status quo. It is a misconception of the Government's position that the current common law jurisdiction of the Courts in respect of breach of contract actions will be expanded in SAET. The current unfair dismissal jurisdiction under Part 6 of the Fair Work Act…will continue to exclude:
>
> (a) a non-award employee whose remuneration immediately before the dismissal took effect is $100 322 (indexed) or more a year; or
>
> (b) an employee who is an apprentice under a training contract under the Training And Skills Development Act 2008.

I just want to clarify whether the minister and the government are saying that the concerns of the Australian Industry Group and some of the other employer associations are wrong; that is, there is nothing in this bill that will allow unfair dismissal actions to be taken by persons earning more than $100,322 indexed a year when currently they cannot under the current industrial relations arrangements.

The Hon. P. MALINAUSKAS: My advice is that nothing has changed.

The Hon. R.I. LUCAS: So, there are no unfair dismissal possibilities?

The Hon. P. MALINAUSKAS: My advice is that if you are over that threshold, no, you cannot use the jurisdiction.

The Hon. R.I. LUCAS: And under this bill you still will not be able to?

The Hon. P. MALINAUSKAS: Correct.

The Hon. R.I. LUCAS: I thought that was what the Deputy Premier was saying in the letter. I just wanted confirmation of that because the advice to some of these employer groups was that they believed that this bill would allow the opening up of an unfair dismissal jurisdiction in the employment tribunal. The minister has just confirmed that the advice is that is not the case and that is how I should read the letter. He has confirmed that in the debate, and I am happy to accept that assurance.

I will certainly relay the assurance from the minister on behalf of the government and the Deputy Premier's letter, more importantly, to indicate that is not the case. With that, because we had the seven-page letter that answered virtually all my questions on clause 1, any questions I have on the remaining clauses will be limited, if at all. I am happy to proceed beyond clause 1.

Clause passed.

Clauses 2 to 17 passed.

Clause 18.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–1]—

> Page 16, after line 29—Insert:
>
> (a1) Section 19—after subsection (1) insert:
>
> (1a) The Tribunal sitting as the South Australian Employment Court may only be constituted by members of the Tribunal who are also judges or magistrates (sitting alone or in any combination as the President thinks fit).

This amendment is explicit about which judicial officers can constitute the South Australian Employment Tribunal in court session. This amendment was sought by the commonwealth

Department of Employment to ensure that only judicial members of the tribunal could constitute the tribunal in court session and to mitigate the risk that the tribunal in court session would not be considered a court within the meaning of section 71 of the Commonwealth Constitution.

The Attorney-General's Department has been liaising with the commonwealth on this bill, as the commonwealth would be required to amend its legislation or make regulations so that the tribunal in court session is regarded as an eligible state or territory court under section 12 of the commonwealth Fair Work Act 2009. This is so that SAET is able to exercise jurisdiction under that act in regard to amounts owing to workers and certain other matters under the commonwealth act.

Currently, the Industrial Relations Court of South Australia is an eligible state or territory court under the commonwealth legislation. It is proposed to ensure that SAET can exercise the same commonwealth jurisdiction upon the Industrial Relations Court being dissolved by this bill.

The Hon. R.I. LUCAS: I support the amendment.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 2 [Police–1]—

Page 16, after line 31—Insert:

(1a) Section 19—after subsection (5) insert:

(5a) In addition, a member of the Tribunal (not being a judge or magistrate), or a registrar or other member of the staff of the Tribunal, may assist with the business of the South Australian Employment Court to the extent that it may be appropriate to do so.

This amendment is consequential upon Amendment No.1 [Police-1] and makes clear that, notwithstanding the terms of a new section 19, a non-judicial member may deal with certain matters in the tribunal in court session. This is common practice in contemporary courts, which have non-judicial members, such as the registrar or other officers, being able to adjourn proceedings or similar functions.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 3 [Police–1]—

Page 16, lines 32 to 37 and page 17, lines 1 to 4 [Clause 18(2)]—Delete subclause (2)

This is a consequential amendment to delete a clause previously in the bill which would now be superseded by amendments Nos 1 and 2.

The Hon. R.I. LUCAS: I support the amendment.

Amendment carried; clause as amended passed.

Clauses 19 to 49 passed.

New clause 49A.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–4]—

Page 29, after line 6—Insert:

49A—Insertion of section 11A

After section 11 insert:

11A—Right of appeal from SAET

Despite Part 5 of the *South Australian Employment Tribunal Act 2014*, an appeal against a decision of SAET in relation to a dust disease action (including in relation to any matter that is ancillary or related to a dust disease action that is the subject of the proceedings) lies—

(a) in the case of an interlocutory order made by SAET—to the Supreme Court constituted of a single Judge; or

(b) in any other case—to the Full Court of the Supreme Court.

The intent I propose to section 11A is to preserve the status quo in respect of appeals from decisions in dust disease matters. Section 11A reproduces the effect of the appeal provisions currently applying in respect of matters in the District Court. If part 5 of the SAET Act were to apply in respect of dust disease matters heard in SAET, a new immediate layer of appeal rights would apply. However, this would lead to an increase in costs and delay. It is the government's intention not to impose any additional costs or delays in resolving these sensitive matters. This amendment also ensures that, whether a dust disease matter is heard in SAET or in the District Court, the same rights of appeal would apply.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment.

New clause inserted.

Clauses 50 and 51 passed.

Clause 52.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–3]—

Page 33, after line 42—After inserted section 12 insert:

12A—Advisory jurisdiction

(1) SAET has jurisdiction to inquire into, and report and make recommendations to the Minister on, a question related to an industrial or other matter that is referred to SAET for inquiry by the Minister.

(2) The jurisdiction conferred on SAET under subsection (1)—

(a) is not to be assigned to the South Australian Employment Court; and

(b) does not extend to inquiring into the South Australian Employment Court or matters that may be brought before the Court or that are being dealt with, or have been dealt with, by the Court.

This amendment preserves section 27 of the Fair Work Act 1994. This is the effect of proposed section 12A(1). Proposed section 12A(2) is intended to make clear that the power of the minister to refer a matter to SAET for inquiry, report and recommendations is not a power that can be exercised by the tribunal in court session and is not a power that can be exercised in respect of matters that are within the jurisdiction of the court. It is inappropriate for the South Australian employment court to perform these functions of inquiry and report and is equally inappropriate for the courts judicial functions to be the subject of such powers.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment.

Amendment carried; clause as amended passed.

Clauses 53 and 54 passed.

New clause 54A.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–2]—

Page 42, after line 23—Insert:

54A—Repeal of Chapter 3, Part 5, Division 2

Chapter 3, Part 5, Division 2—delete Division 2

This amendment repeals sections 104 and 104A of the Fair Work Act 1994. These provisions are duplicated in proposed new sections 219C and 219D of the Fair Work Act 1994, which are to be inserted by clause 58 of the bill.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment.

New clause inserted.

Clauses 55 to 92 passed.

New clause 92A.

The Hon. P. MALINAUSKAS: I move:

Amendment No 4 [Police–1]—

Page 56, after line 5—After clause 92 insert:

92A—Amendment of section 95B—Referral of complaints to Tribunal

Section 95B—after paragraph (b) insert:

(ba) is of the opinion that the matter should be transferred to the Tribunal (whether or not there has been an attempt to resolve the matter by conciliation);

Ordinarily, a complaint of discrimination by the Equal Opportunity Commission would be subject to conciliation within the commission. Currently, where the Equal Opportunity Commissioner considers that a discrimination complaint cannot be resolved by conciliation or conciliation has not been successful, or in certain cases where the complainant requires the commissioner to refer a complaint to the tribunal, the commissioner must refer the matter to the Equal Opportunity Tribunal for hearing and determination.

The bill proposes to confer the Equal Opportunity Tribunal's jurisdiction on SAET. Conciliation is also an important feature of disputes commenced in SAET. SAET has several officers whose primary function is to attempt conciliation of disputes before they are referred to SAET's judicial officers. This amendment would permit the commissioner to refer a complaint to SAET whether or not the conciliation in the commission has commenced or has been concluded.

The amendment will allow the commissioner to take into account whether SAET is the preferable forum for conciliation to take place in a particular matter, rather than the commission itself. This may be because the discrimination complaint involves the same facts, circumstances and parties as a matter already being dealt with by SAET. One example would be a pregnancy-based discrimination complaint and an unfair dismissal claim on the same grounds. This amendment will enable both matters to be conciliated in SAET at the same time and, if conciliation is unsuccessful, then move on to resolution by SAET's judicial officers.

This amendment avoids the parties potentially having to split a dispute and undergo conciliation in two different bodies, the commission and SAET, which has often delayed the resolution of matters in the commission that cannot proceed to conciliation until a dispute in the other forum has been resolved, or vice versa. There may also be other circumstances in which the commissioner may regard SAET to be the preferable forum for conciliation to occur in a particular case, and he or she has been given the broad discretion to determine the question as he or she sees fit.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment.

New clause inserted.

Clauses 93 to 107 passed.

New clauses 107A and 107B.

The Hon. P. MALINAUSKAS: I move:

Amendment No 5 [Police–1]—

Page 62, after line 34—Insert:

Part 12A—Amendment of *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*

107A—Amendment of section 2—Interpretation

(1) Section 2, definition of *judicial office*, paragraph (b)—delete 'Judge of the Industrial Court,'

(2) Section 2, definition of *judicial office*, paragraph (ba)—delete paragraph (ba) and substitute:

(ba) the office of a Presidential member of the South Australian Employment Tribunal (other than a Presidential member who is a Magistrate);

(3) Section 2, definition of *judicial office*, paragraph (d)—delete ', Magistrate or Industrial Magistrate' and substitute 'or Magistrate'

(4) Section 2, definition of *judicial office*—after paragraph (d) insert:

(da) the office of a Presidential member of the South Australian Employment Tribunal where the Presidential member is a Magistrate;

107B—Amendment of section 5—Power of judicial officer to act in co-ordinate and less senior offices

(1) Section 5(1)—delete 'Subject to subsection (1a) and (2), a' and substitute 'A'

(2) Section 5(1a)—delete subsection (1a)

(3) Section 5(2)—delete subsection (2)

These are consequential amendments to the Judicial Administration (Auxiliary Appointments and Powers) Act 1988, which had been overlooked in the initial drafting of the bill. The amendments remove reference in this act to the offices of the judge of the Industrial Court and industrial magistrate, and also remove references to the Industrial Court, which will be dissolved by this bill under the Workers Compensation Tribunal (which was dissolved in March 2016). The act contains a list of judicial officers by their level of seniority in the judicial hierarchy.

Generally speaking, the act permits a judicial officer holding or acting in a particular judicial office to also exercise the jurisdiction and powers attaching to any other judicial office of a coordinate, or lesser level of seniority. This amendment also reflects the fact that Deputy Presidents of SAET may be either District Court judges or magistrates, and may move appropriate provision for their respective degrees of seniority in this list.

The Hon. R.I. LUCAS: The Liberal Party supports the amendments.

New clauses inserted.

Clauses 108 to 143 passed.

Clause 144.

The Hon. P. MALINAUSKAS: I move:

Amendment No 2 [Police–4]—

Page 73, lines 30 to 33—Delete clause 144 and substitute:

144—Substitution of section 67

Section 67—delete the section and substitute:

67—Representation in proceedings before SAET

(1) The following provisions govern representation in proceedings (other than appellate proceedings) before SAET under this Division:

(a) a party to the proceedings may be represented by—

(i) the Training Advocate; or

(ii) if the party is a member of a registered association—an officer or employee of the registered association acting in the course of employment with that registered association;

(b) a party to the proceedings that is a body corporate may be represented by an officer or employee of the body corporate;

(c) a party to the proceedings may be represented by another person with leave of SAET if—

(i) SAET is satisfied that the party will be disadvantaged if the party is not represented by another person; and

(ii) the other person is acting gratuitously.

(2) However, a person acting as a representative of a party under subsection (1) (other than the Training Advocate) cannot be a legal practitioner or a registered agent.

(3) In this section—

registered agent means a person who is a registered agent under the *Fair Work Act 1994*;

registered association means a registered association under the *Fair Work Act 1994*.

I believe this is the last government amendment. This provision reproduces the current section 67 of the Training and Skills Development Act 2008, except that it will permit a party to proceedings to be represented by the training advocate or by an officer or employee of a registered association, if the party is a member of that association. This amendment will increase the flexibility and opportunities for a party to be represented in proceedings under the act, particularly apprentices who may lack the skills and resources to effectively act on their own behalf in proceedings.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment.

Amendment carried; new clause inserted.

Remaining clauses (145 to 161) and title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (22:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SACAT) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: There is one aspect that I want to pursue during the committee stage, and I will limit it to clause 1 discussion. I have advised the government's advisers of the particular area that I want to raise some questions about, and it is the aspect of this particular bill which eventually transfers the Public Sector Grievance Review Commission jurisdiction to the South Australian Employment Tribunal next July. This is, as I understand, the impact of the legislation. A number of people have spoken to me since the bill was tabled in the house, and have asked me a series of questions. I must admit I was not in a position to answer them, so I thought that, during the committee stages of the debate, I would at least ask the question.

Some might not be able to be answered straightaway and some might need to be taken on notice. My question essentially is: given the new arrangements that are about to continue, as I understand it, does the government envisage, from a public servant's viewpoint, that, post the transfer to SACAT, there will be any change at all in the way public servants, who currently have access to appeal provisions under the PSGRC jurisdiction, access appeal provisions under the current jurisdiction? How might they access them after July with the SACAT?

The Hon. P. MALINAUSKAS: My advice is that, fundamentally, the machinery that will provide for and allow grievances and issues to be resolved under this bill, or under the SAET, will essentially be the same as is currently the case. Of course, there might be procedural issues that differ as a result of minor changes within the existing framework, but essentially all the same mechanics and machinery that govern how disputes are resolved will be the same.

The Hon. R.I. LUCAS: My understanding is the PSA have indicated support for the changes to the legislation. Have they not indicated any opposition to the changes, both in the past bill and in this bill?

The Hon. P. MALINAUSKAS: My advice is they have not expressed any opposition.

The Hon. R.I. LUCAS: With regard to the persons who currently constitute the Public Sector Grievance Review Commission, if you look at the Public Sector Act currently, the Governor can appoint a presiding commissioner and assistant commissioners to the commission. I am assuming, therefore, that persons who are appointed currently to those positions will become part of SACAT after July next year. Can the minister just explain if the people who have currently been appointed will automatically continue their roles post July next year, or will there be different people taking over but nevertheless intending to undertake the same tasks with the same functions?

The Hon. P. MALINAUSKAS: My advice is that, post-July 1 next year, all new matters will be heard by the SACAT. Regarding existing matters that are already in train, the existing commissioners within the PSGRC will continue until such time as those matters are resolved or concluded and, once that process has run its course, the PSGRC will be disbanded.

The Hon. R.I. LUCAS: Are the minister's advisers in a position to indicate who the members of the PSGRC are at the moment? Are there a limited number of people or is it a large number of people who rotate through the Public Sector Grievance Review Commission?

The Hon. P. MALINAUSKAS: My advice is that there are three commissioners of the PSGRC.

The Hon. R.I. LUCAS: Do you know the names?

The Hon. P. MALINAUSKAS: Kath McEvoy and Anne Burgess. Sorry, correction, my advice is that there are two and they are those names: Kath McEvoy and Anne Burgess.

The Hon. R.I. LUCAS: Can I just clarify that the minister's answer to the first question was that if there are appeals or reviews on foot by July—that is, those two commissioners are hearing an appeal or resolving a particular issue—that the legislation that we have will allow the Public Sector Grievance Review Commission to continue in operation for however long it will take to conclude those cases, and it will be at the end of those cases that the Public Sector Grievance Review Commission will selfdestruct and the employment tribunal will then take over. Is that how this legislation is intended to operate?

The Hon. P. MALINAUSKAS: Yes, with one small technical clarification: the Governor will dissolve it once it has finished its work.

The Hon. R.I. LUCAS: Is there available on a government website or in an annual report that is publicly available an indication for each year of the number of reviews that are taken to the commission and the nature of those reviews, with a description of them and the success or otherwise?

The Hon. P. MALINAUSKAS: Are you talking about the PSGRC?

The Hon. R.I. LUCAS: Yes, that is right. Is there something which is produced publicly which is available? If there is, could I get a reference to that, and if there is not, is the minister prepared to take on notice to provide some information in terms of the nature of the work that the Public Sector Grievance Review Commission has been undertaking?

The Hon. P. MALINAUSKAS: I am happy to take that on notice.

The Hon. R.I. LUCAS: I take it that the answer is that there is nothing publicly available at the moment?

The Hon. P. MALINAUSKAS: We do not know.

The Hon. R.I. LUCAS: I am happy for the minister to take that on notice and to provide either a reference to where I can actually find it or some information. The reason is to try to establish some baseline, that is, the extent of actions—

The Hon. P. MALINAUSKAS: The volume of work.

The Hon. R.I. LUCAS: Yes, exactly, the volume of work—and then ultimately, after the employment tribunal, we can have a look back on it to see whether or not that has increased or decreased and what the reasons might be for that. It is not the PSA who have contacted me but

some individual members of the Public Service who have raised questions about the changes, and I have undertaken to raise the questions on their behalf during this particular debate.

In relation to what the Public Sector Grievance Review Commission has been able to do—and the minister is saying will now be able to continue to do—is it correct to assume that an executive appointment within the public sector cannot take a review of an employment decision, other than dismissal or review of a dismissal, to the Public Sector Grievance Review Commission?

The Hon. P. MALINAUSKAS: I do not have advice regarding whether or not people in those positions have access to the PSGRC now, but I am able to inform the chamber that I have been advised that if they can now they will not be able to once the new regime takes place.

The Hon. R.I. LUCAS: Because?

The Hon. P. MALINAUSKAS: Sorry, let me just say that again. I think I misinterpreted my advice. The advice is that if they cannot now they will not be able to in the future, so there is no change regarding executive access to the authority.

The Hon. R.I. LUCAS: If I could ask the minister to take on notice and confirm that they cannot now under the PSGRC. That is my understanding. The understanding of a number of executives who have been terminated recently within DPC, for example, is that they were not entitled to take a grievance to the Public Sector Grievance Review Commission because they were executives and they had signed five-year contracts and had been terminated under the provisions of those contracts.

The Hon. P. MALINAUSKAS: My advice is that your understanding is accurate.

The Hon. R.I. LUCAS: We have fresh in our minds the debate about unfair dismissal under the employment tribunal legislation, where the minister's response was that, in essence, anyone above $100,322, or something, does not currently have access to unfair dismissal and will not in the future. There are some non-executive appointments within the public sector at the ASO8 level, for example, who are earning more than $100,322. They are not executive appointments on contracts; they are akin to permanent public servants.

What is the current position in relation to a public servant who is not on a fixed-term contract as an executive, is a permanent public servant, and is dismissed? Does he or she have access currently under the Public Sector Grievance Review Commission to an unfair dismissal claim and, if he or she does currently, will he or she still have access to unfair dismissal under the employment tribunal regime from July next year?

The Hon. P. MALINAUSKAS: The PSGRC did not have jurisdiction over unfair dismissals; that was with the commission. So, in respect to your question regarding the PSGRC, they never had jurisdiction regarding unfair dismissals.

The Hon. R.I. LUCAS: And therefore our previous discussion in relation to who would have access to an unfair dismissal claim, a public servant would be treated exactly the same as someone employed in the private sector. If you earn under $100,000, would you have access to the employment tribunal if you believed that you were unfairly dismissed in the public sector?

The Hon. P. MALINAUSKAS: My advice is that yes, if you are under the threshold you have access and if you are over, you do not.

The Hon. R.I. LUCAS: Under the Public Sector Act, section 59—Right of review, it is a review of employment decisions other than dismissal. This section states:

> This Subdivision provides public sector employees with rights to apply for review of employment decisions.

Generally. It:

> …does not apply—
>
> (a) to the dismissal of a public sector employee; or
>
> (b) to a decision to select a person who is not a public sector employee as a consequence of selection processes conducted on the basis of merit…

My layperson's non-legal reading of that is that if there has been a merit-based selection process, and you have established a panel and you are unhappy with the decision, you cannot appeal to the Public Sector Grievance Review Commission currently, as a result of that. My reading of that, however, is that if there has not been a merit-based selection—that is, a minister or a CEO has tapped someone on the shoulder and said, 'You've got this particular position'—you do currently have access to a complaint or a review to the Public Sector Grievance Review Commission for that. If that is correct—and just a confirmation that that is correct—will that right continue after 1 July next year with the South Australian Employment Tribunal?

The Hon. P. MALINAUSKAS: My advice is that nothing is changing in that respect, so whatever is the case now will continue to be so under the new bill.

The Hon. R.I. LUCAS: Perhaps I could ask the minister to take on notice, if he is unable to provide a reply at the moment: is that in fact the case at the moment? In the circumstances that I have outlined, can a public sector employee currently take a grievance to the Public Sector Grievance Review Commission?

The Hon. P. MALINAUSKAS: I am more than happy to take that on notice.

The Hon. R.I. LUCAS: I am happy with that and I have no further questions on clause 1 or, indeed, any other clauses.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (22:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

GENE TECHNOLOGY (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) (22:34): I move:

That this bill be now read a second time.

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

Leave granted.

In 2011 the *Commonwealth Gene Technology Act 2000* was reviewed, and 16 recommendations were presented to Ministers of the Gene Technology Forum. Of these recommendations, 14 were supported or supported in principle and fall within three main categories: Modifications to the operations of the Office of the Gene Technology Regulator; minor technical, administrative and consequential amendments; and other technical amendments.

In August, 2015 the Commonwealth Gene Technology Amendment Bill 2015 was passed without amendment by the House of Representatives and the Senate and came into force on 10 March, 2016.

This Commonwealth Bill encompassed five minor technical, administrative and consequential amendments that have no or minimal impact on the technical operation of the Act.

South Australia is a signatory to the National Gene Technology Agreement. The agreement is an inter-governmental agreement which sets out the understanding between Commonwealth, State and Territory governments to establish a nationally consistent regulatory scheme. This agreement ultimately aims to ensure national fulfilment of the principles of the gene technology legislation; that is, to protect the health and safety of people and to protect the environment. This is achieved by identifying risks posed by, or as a result of, gene technology and by managing those risks through regulation of certain dealings, which include the manipulation, storage, transfer or disposal, of genetically modified organisms.

The Bill before the House will bring the *South Australia Gene Technology Act 2001* into alignment with the Commonwealth legislation. These changes will have minimal impact on the operation of gene technology activities within South Australia.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. There being no commencement clause, the measure will commence operation on the day on which it is assented to by the Governor.

Part 2—Amendment of *Gene Technology Act 2001*

3—Amendment of section 10—Definitions

This proposed amendment to the definition of *Record* is consequential on the decision to remove information about genetically modified (GM) products authorised by other agencies from the Record of GMO and GM Product Dealings maintained by the Gene Technology Regulator (the *Regulator*).

4—Amendment of section 30—Independence of the Regulator

This is a technical amendment that does not alter the substance of the provision but simply clarifies the ambiguous wording of a phrase in section 30(a) of the principal Act.

5—Amendment of section 46A—Division does not apply to an application relating to inadvertent dealings

6—Amendment of section 49—Division does not apply to an application relating to inadvertent dealings

The inadvertent dealings provisions of the principal Act allow the Regulator to promptly authorise the disposal of a GMO which has inadvertently come into someone's possession. The amendments proposed in clauses 5 and 6 would remove doubt as to the dealings which may be authorised for purposes relating to disposing of a GMO.

7—Amendment of section 52—Public notification of risk assessment and risk management plan

The Regulator is required to consult the public on risk assessment and risk management plans prepared for DIR licence application assessments. The first proposed amendment to section 52 would allow the Regulator to decide the most appropriate newspaper(s) given the geographic area in which the dealings proposed to be authorised by the licence may occur in which the consultation notice must be published. The second proposed amendment would omit '(if any)' from section 52(1)(c) to clarify that the Regulator does have a website on which notices must be published.

8—Amendment of section 71—Variation of licence

This proposed amendment would modify 1 of the restrictions to broaden the information which may be taken into account by the Regulator when assessing variation applications from licence holders.

9—Amendment of section 74—Notifiable low risk dealings

This is a technical amendment.

10—Amendment of section 117—Simplified outline

This proposed amendment is consequential on the decision to remove information about GM products authorised by other agencies from the Record.

11—Amendment of section 136—Annual report

This proposed amendment would amend section 136 (Annual Report) to require that the information previously included in quarterly reports be included in annual reports. Public accountability and transparency of the regulatory system is maintained by public reporting on GMO licences issued, breaches of GMO licence conditions, emergency dealing determinations made, breaches of conditions of emergency dealing determinations, and auditing and monitoring of dealings with GMOs by the Regulator.

12—Repeal of section 136A

This proposed amendment would repeal requirements that the Regulator prepare quarterly reports and provide them to the responsible Minister, and that the Minister table the reports in the Parliament, and is related to the amendment proposed to section 136.

13—Amendment of heading to Part 9 Division 6

This proposed amendment is consequential.

Schedule 1—Transitional provisions

The Schedule contains the transitional provisions that relate to the amendments proposed by this measure.

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

ROAD TRAFFIC (ROADWORKS) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (22:34): 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 2015 the South Australian Government launched Operation Moving Traffic to improve the efficiency, reliability and safety of our transport network.

South Australia depends on its road and public transport networks to reliably and efficiently move people and goods where and when they're needed.

How we manage congestion on our road network has a direct bearing on the mobility or our community, our economy and our competiveness both as great a place to live and do business.

Operation Moving Traffic is already providing South Australians with tools to manage congestion.

We have switched on 28 electronic signs across Adelaide's road network, particularly on key routes at decision points for motorists, and on projects such as Darlington and Torrens to Torrens to provide road users with up-to-date information about travel times to help them make informed travel and journey decisions.

Operation Moving Traffic has and continues to deliver real-time travel delay information on congestion and unexpected delays through the Traffic.sa.gov website, and the smartphone app Addinsight and the expansion of the Bluetooth network to deliver real-time information across more of the Adelaide's road network

Today I rise to speak to another initiative within this strategy that the Government proposes to undertake to keep Adelaide moving.

As one of the initiatives in the Operation Moving Traffic reforms, the government also announced new laws to better govern roadworks conducted on our arterial roads.

The inappropriate and incorrect usage of roadworks speed limits, other traffic control measures and devices is a major cause of congestion on our roads. It causes significant disruptions for motorists, commuters, the general community and those people and industries who derive an income from the use of the road network.

The resulting congestion and disruption has brought about considerable and often justifiable public criticism and frustration. It is within the power of this government to remedy this mischief and will do so through the Road Traffic (Roadworks) Amendment Bill 2016 which will effectively address this major cause of traffic congestion while ensuring that roadworkers remain safe

The Department of Planning, Transport and Infrastructure (DPTI) can quantify, for illustrative purpose, the approximate cost of congestion through lost productivity to the South Australian community and industry by using data from its Addinsight Bluetooth System and comparing travel times disrupted by road works against historical travel times for the same section of road. From this comparison, the number of vehicle-hours of delay can be approximated and converted to a monetary value using unit costs defined by Austroads.

Applying the Austroads' model to the recent road works on West Terrace, Adelaide, during the morning peak period, DPTI has estimated nearly 6,000 vehicle hours of extra delay was created. At $20 per vehicle hour, the delay costs for that morning alone was $115,000 when compared to normal running for the same period the previous week.

These indicative figures do not include the wider social costs arising from congestion nor do they reflect changes in the cost of living which have occurred since 2005 when the Austroads model was created.

There will be times when such delays and costs are unavoidable due to the need to undertake urgent works on the road. This Bill is not concerned with such works if they are undertaken efficiently and expediently.

This Bill is a comprehensive approach to the management of roadworks. It is not simply an attempt to address the use of one particular sign on our roads – which is the shallow and vacuous approach taken by the Opposition on this matter.

Rather this Bill aims to comprehensively amend the provisions relating to traffic control devices and road works in the *Road Traffic Act 1961* (Road Traffic Act) to optimise traffic flow while ensuring safety at road works through requiring proper risk management and compliance with tightened standards.

The Bill also addresses the source of much public anger and criticism that drivers have subject to fines for exceeding the posted speed limit at road works when there have been no workers present at the site. The reason for this is that the Road Traffic Act contains an evidentiary provision that deems all traffic control devices to be lawfully installed and therefore must be complied with. In addition, some drivers may not appreciate that a lower speed limit is required due to a level of hazard associated with the roadworks.

This evidentiary presumption will be amended so that the offence does not apply at certain times when for example, workers are not within the vicinity of the road works but the work area necessitates a slower speed due to certain conditions which create a hazard such as loose gravel or steel plates on the road).

Additionally the Bill will:

First, provide for better planning by road workers and others authorised to use traffic control devices, including through appropriate risk assessments and project management are undertaken to:

- adequately protect workers whilst maximise the flow of traffic, and
- ensure compliance with required standards in line with work, health and safety legislative, regulatory and policy requirements to protect workers and other road users.

Second, establish a permit regime whereby the Minister for Transport may issue a permit to any business or entity requiring to use of speed signs or full or partial road closure for the purposes of any road works undertaken or as otherwise required for any off-road construction that may adversely impact on congestion of the road network. The proposed permit regime will only apply to roads that are either under the care, control and management of the Commissioner of Highways (COH) or prescribed by regulations and subject to any conditions deemed appropriate. Any non-compliance with the conditions or guidelines may void the operation of the permit to use the traffic control devices.

Third, Public Authorities (utilities) will be subject to the proposed permit regime except where they are required to carry out road work as a matter of urgency. For example a burst water or gas main. In these instances the Bill will require Public Authorities to notify the COH as soon as practicable or otherwise within 2 hours of placing signage on the road, and complete the roadworks within a 24 hour period. The Bill enables an extension of time to be obtained on further request from the COH where necessary.

Fourth, this Bill further addresses the long standing problem of lack of coordination by utilities with DPTI when planning major upgrades. The Bill manages this problem by requiring utilities to:

- consider the impact of non-urgent and routine maintenance works on traffic flows, congestion and disruption to the road and public transport networks
- better plan how and when work can be undertaken (for example, outside of peak hours, staging to reduce the time and size of the physical impact of work): and
- avoid duplication of effort such as digging up a road when it has just been resealed. (In this situation the road must be again resealed resulting in unnecessary disruption, congestion and duplication of costs and works).

Five, this Bill will require Public Authorities (such as utilities) to comply with guidelines issued by the Minister for Transport as required under the Road Traffic Act and better align South Australia to nationally agreed road work practices.

Six, penalty levels, structures and enforcement options will be updated and in this regard the Bill will:

- impose penalties for breaching conditions of an approval or permit relating to the incorrect use and placement of speed signs at road work sites (25km, 40km, and 80km/h signs) and for not having obtained a permit or approval in the first place. The maximum penalties will be $20,000 for a first offence and $50,000 for a subsequent offence.
- introduce penalties (calculated using the Austroads congestion modelling referred to above) for failure to complete works within the prescribed time and enable the Minister for Transport to recover the such amounts as a debt against the permit holder.
- introduce an economic penalty that may be awarded by the Court upon application by the prosecution following a conviction for an offence if it can be shown that the defendant received an economic benefit or there was a cost to the community or government as a result of the commission of the offence.
- Penalties covering the inappropriate use of different speed limit signs, whether it be 25km/h, 40km/h, 60km/h, or 80km/h are necessary, particularly to account for roadworks in the greater metropolitan area and regional areas of South Australia. Imposing penalties only for 25km/h would deny the benefits to the regional communities of this state – another reason why this Bill is a far more comprehensive approach then the Oppositions.

Seven, the Bill enables authorised officers to remove speed limit signs that are used inappropriately—in other words where workers are not engaged at the work area; and the condition of the road in the work area is not such that it represents a greater than normal level of hazard for persons using the road.

And finally, in accordance with the principles of natural justice and the precepts of administrative law, create a right of appeal to District Court for anyone aggrieved by a decision of the Minister for Transport:

- not to approve an application related to the installation of a traffic control device; or
- for a permit to carry out road works; or
- the variation, suspension or revocation of a road works permit.

These measures will apply to all road authorities such as State and Local Government, as well as power, gas, telecommunications, water utilities and any organisations that use roadwork signage.

However, the RAA, and other similar service providers, emergency services and anyone who temporarily stops on the road to render assistance to another person will, through regulations be excluded from the operation of these provisions.

This Bill will mean that will South Australians no longer have to put up with lanes being unnecessarily closed or speed restrictions being in place when not required or longer than necessary as occurred on Port Road for more than a year as the new Royal Adelaide Hospital was being built.

No longer will we have to endure unnecessarily prolonged closures of lanes on main arterial routes, such as has occurred on West Terrace for a year or 25 kilometre per hour speed restrictions on weekends or after hours when no road workers are present and there is no significant risk posed to motorists and pedestrians by road works in progress.

No longer will South Australians have to endure disruptions because repairs to the road network take longer than is strictly expedient or necessary.

The reforms that will be delivered by this Bill, in conjunction with the government's record infrastructure spend, such as the Torrens to Torrens works, the Darlington project, the Port River Expressway, the Northern Connector project and the O-Bahn project will deliver substantial and enduring improvements which will positively impact on congestion and disruption on both the road and public transport networks and keep Adelaide moving.

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 *Road Traffic Act 1961*

4—Amendment of section 17—Installation etc of traffic control devices—general provision

This clause amends the provisions on Ministerial approvals in relation to traffic control devices. The amendments provide that an approval may be issued to an authority, body or person of a class determined by the Minister or to an authority, body or person who applies under the section. The amendments then make provision in relation to such applications.

5—Substitution of section 20

This clause replaces the current section 20 as follows:

20—Work areas and work sites

Proposed section 20 provides a new scheme for management of speed limits in work areas and work sites. Placement of speed limit signs must be authorised by a roadworks permit issued by the Minister or, in some circumstances (specified in proposed section 20(4)(b) and (c)), by Ministerial approval under section 17. The section also—

- sets out various provisions in relation to the issue of roadworks permits;
- specifies the speeds to be indicated by speed limit signs;
- requires an authority, body or person who has placed a speed limit sign on a road under the section to ensure that there is signage indicating that the speed limit signs relate to roadworks

or a work site or work area and that speed limit signs are removed if there are no workers in the work area and there is no increased level of hazard for road users;

- provides that if the removal requirements are not complied with in relation to a speed limit sign, the sign is of no legal effect during the period of non-compliance and may be removed by an authorised officer.

The section doesn't apply to SA Police or police officers and the regulations may also prescribe exclusions.

20A—Appeal to District Court

Section 20A provides for an appeal to the District Court on issues relating to Ministerial approvals and roadworks permits.

6—Amendment of section 21—Offences relating to traffic control devices

This clause creates a new offence of contravening proposed section 20(3) by placing a speed limit sign on a road without obtaining the relevant authorisation or contravening section 20(5) by closing a portion of a prescribed road without obtaining a permit. This clause also creates a new offence for the holder of an approval or permit if they fail to comply with conditions of the approval or permit relating to speed limit signs placed on a road under section 20 in respect of a work area or work site or any other traffic control devices used in connection with the work area or work site. The maximum penalty for these new offences is $20,000 for a first offence and $50,000 for a subsequent offence. In addition, if a court is presented with evidence of any economic benefit to the defendant obtained by the commission of the offence or the estimated costs to government or to the community, or a section of the community, as a result of the commission of the offence (including costs relating to increased traffic congestion) the court may, on convicting the defendant, order (in addition to any penalty imposed) payment to the Crown of the amount of such economic benefit or of such costs, or any portion of such benefit or costs, that the court thinks fit in the circumstances.

7—Substitution of section 22

New section 21A provides for various amounts to be paid into the Highways Fund. The changes to section 22 are consequential to proposed section 20(11) and (12).

8—Amendment of section 45A—Excessive speed

This amendment is consequential to proposed section 20(11) and (12).

9—Amendment of section 176—Regulations and rules

This clause amends the regulation making power to ensure that regulations can provide for the waiver, reduction or remission of fees and to increase the maximum expiation fee that may be prescribed for offences against the Act from $1,250 to $5,000.

Schedule 1—Transitional provision

The transitional provision preserves the current Ministerial approvals under section 17 of the Act and ensures that, for works in progress immediately before the commencement of the measure, the approval in respect of those works will continue to have effect as if it were a permit or approval as required under section 20 as substituted by the measure.

Debate adjourned on motion of Hon. S.G. Wade.

NATIONAL PARKS AND WILDLIFE (CO-MANAGED PARKS) 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) (22:35): 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 National Parks and Wildlife (Co-managed Parks) Amendment Bill 2016 provides for important amendments to the co-management provisions of the *National Parks and Wildlife Act 1972* and the *Wilderness Protection Act 1992*. The Bill also provides retrospective approval to two existing mining leases in the Ikara-flinders Ranges National Park, while not allowing for further mining rights to be acquired within the park.

The National Parks and Wildlife Act and the Wilderness Protection Act establish parks and wilderness areas that protect and conserve South Australia's significant natural and cultural values.

In 2004 the National Parks and Wildlife Act was amended to allow for the co-management of parks, an initiative which acknowledges the rights and capacity of Aboriginal communities to manage cultural and natural values on their traditional lands. In 2013 amendments were made to the *Wilderness Protection Act 1992* to provide for co-management over the State's wilderness areas.

The State Government has now entered into 12 co-management agreements over 35 of South Australia's parks and reserves, covering 13.5 million hectares, or 64% of the State's reserve system. For 12 years now, co-management has allowed Aboriginal communities to look after and use sacred places in accordance with their traditional culture and values, build land management expertise, and provide a platform for pursuing cultural tourism and other economic benefits.

This Bill provides administrative amendments to strengthen co-management by allowing co-management agreements with Aboriginal people to establish a co-management board over more than one park. This amendment will provide greater flexibility for the Government and Aboriginal people in the negotiation of future co-management agreements.

This amendment will also allow for existing co-management agreements to be updated to allow existing co-management boards to merge. This will be of particular benefit where one Aboriginal community is represented across multiple boards in the same region.

The Bill also improves the clarity of co-management governance arrangements as well as the terminology and role of co-management boards and advisory committees.

In addition to amendments relating specifically to the co-management of parks, the Bill includes an amendment which allows regulations to be made that fix expiation fees for alleged offences against the Act, in addition to the regulations.

Finally, the Bill includes an amendment to the National Parks and Wildlife Act that provides retrospective approval for two existing mining leases in Ikara-Flinders Ranges National Park, while not allowing mining rights to be acquired over any other area of the park.

These two mineral leases were granted by the then Minister for Mines in 1949 to allow the extraction of barite, a mineral that, I am advised is used for both medical and engineering purposes.

In 1970, the Oraparinna National Park was established under the *National Parks Act 1966* over the two mineral leases which preserved the existing mining rights. When the *National Parks and Wildlife Act 1972* came into operation the Oraparinna National Park ceased to exist and the now Ikara-Flinders Ranges National Park was constituted by statute.

I am advised that by an administrative oversight, the new National Parks and Wildlife Act did not contain any transitional provisions in relation to the preservation of existing mining rights. Consequently, for the following 44 years the mines have been operated, bought and sold, regulated and renewed, as if they were valid.

To correct this oversight, this Bill includes an amendment which preserves and validates the operation of these two mineral leases, while confirming that the extent of mining operations in Ikara-Flinders Ranges National Park cannot extend beyond these existing leases.

I commend this Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Parks and Wildlife Act 1972*

3—Amendment of section 5—Interpretation

This clause inserts a definition of *co-management advisory committee* consequential to the amendment made by clause 7(2) (inserted subsection (2a)(b)(ii)).

4—Amendment of section 38—Management plans

This clause amends section 38(2a)(c) to provide for consultation with a co-management advisory committee in the preparation of a plan of management for a co-managed park where there is no co-management board for the park. The clause also provides for the Minister's powers in relation to the adoption of a plan of management to be subject to consultation with a co-management advisory committee in the place of the other party to a co-management agreement where there is no co-management board for a park.

5—Amendment of section 42—Prohibited areas

This clause provides for the Minister's powers in relation to the declaration of prohibited areas in a reserve to be subject to consultation with a co-management advisory committee in the place of the other party to a co-management agreement where there is no co-management board for a park.

6—Insertion of section 43AC

This clause inserts new section 43AC which deals with rights of entry, prospecting, exploration or mining in respect of the Ikara-Flinders Ranges National Park.

Subclause (1) provides that the acquisition or exercise of relevant mining rights, or purported acquisition or exercise of such rights, in respect of the land constituting the Ikara Flinders Ranges National Park before the day of commencement of the clause are declared, for the purposes of this Act and for the purposes of any other dealings with or in relation to those rights, to have been validly acquired or exercised. Subclause (1) further provides that such declared rights, in existence immediately before the relevant day, may, despite section 43, continue to be exercised in respect of the prescribed land on and after that day.

Subclause (2) provides that, despite section 43, rights of entry, prospecting, exploration or mining may, with the approval of the Minister and the Mining Minister, be acquired pursuant to the *Mining Act 1971* in respect of the prescribed land (including, for example, by the renewal of relevant mining rights) and may be exercised in respect of that land. Prescribed land is defined as land subject to Mining Lease 3413 and Mining Lease 3414 under the *Mining Act 1971* at the commencement of the clause.

Subclause (3) provides that a person in whom rights are vested under the *Mining Act 1971* in respect of the prescribed land must not carry out work in the exercise of those rights that has not previously been authorised unless the Minister and the Mining Minister have approved that work, and such an approval may be subject to such conditions as the Ministers may agree. If the Minister and the Mining Minister cannot agree as to whether to give an approval under subclause (2) or (3), or impose conditions under subclause (3), the Governor may, with the advice and consent of the Executive Council, give an approval or impose conditions in writing under the relevant subsection.

Subclause (5) makes it clear that nothing in this clause authorises or otherwise permits the acquisition or exercise of rights of entry, prospecting, exploration or mining in the Ikara-Flinders Ranges National Park after the commencement of this clause other than those rights referred to in subclauses (1) and (2).

7—Amendment of section 43F—Co-management agreement

This clause makes a number of amendments to section 43F of the *National Parks and Wildlife Act 1972* which deals with co-management agreements for co-managed parks.

Subclause (1) provides that a co-management agreement may relate to more than 1 national park or conservation park.

Subclause (2) inserts a new subsection (2a) which provides for governance arrangements of a co-managed park. This new subsection provides that an agreement for a national park or conservation park constituted of, or to be constituted of, Aboriginal owned land must provide for a co-management board for the park. Where a co-managed park is to be constituted of Crown land, the agreement must either provide for a co-management board or for a co-management advisory committee.

Subclause (6) substitutes a new subsection (5) providing for the termination of co-management agreements in light of the introduction of co-management agreements that may apply to more than 1 park.

The clause also makes amendments to section 43F consequential to the introduction of co-management advisory committees.

8—Amendment of section 43G—Establishment of co-management boards by regulation

This clause amends section 43G of the *National Parks and Wildlife Act 1972* consequential to the introduction of co-management agreements that may apply to more than 1 park in clause 7(1).

This clause also amends section 43G of the Act to give the functions and powers of a Board, being a board that is either not able to constitute a quorum at a meeting of the Board due to insufficient appointments or for which the regulation establishing the board is disallowed by Parliament, to the Director until the relevant appointments are made or a new Board is established by regulation.

9—Amendment of section 43I—Dissolution or suspension of co-management boards

This clause amends section 43I of the *National Parks and Wildlife Act 1972* consequential to the introduction of co-management agreements that may apply to more than 1 park in clause 7(1).

10—Amendment of section 80—Regulations

This clause amends section 80(2)(z) of the Act to provide that the regulations may fix expiation fees for alleged offences against the Act.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Wilderness Protection Act 1992*

1—Amendment of section 33A—Co-management of wilderness protection areas or zones

This clause amends section 33A of the *Wilderness Protection Act 1992* consequential to the introduction of co-management advisory committees.

Part 2—Transitional provisions

2—Advisory committees—National parks and conservation parks

This clause is a transitional provision to provide that a committee established before the commencement of clause 7(2) to provide advice to the Director in relation to the management of a co-managed park constituted of Crown land under a co-management agreement is taken, after the commencement of clause 7(2), to be a co-management advisory committee within the meaning of the *National Parks and Wildlife Act 1972*.

3—Advisory committees—Wilderness protection areas and wilderness protection zones

This clause is a transitional provision to provide that a co-management committee within the meaning of section 33A of the *Wilderness Protection Act 1992* immediately before the commencement of section 8(2) of this Act is taken, after that commencement, to be a co-management advisory committee for the purposes of Part 3 Division 4 of the *Wilderness Protection Act 1992*.

Debate adjourned on motion of Hon. S.G. Wade.

At 22:35 the council adjourned until Thursday 1 December 2016 at 11:00.

Answers to Questions

CYCLING REGULATIONS

In reply to **the Hon. J.A. DARLEY** (14 April 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Minister for Transport and Infrastructure has advised the following:

The new cycling laws introduced on 25 October 2015, have now been in place for nearly a year. As with all changes it can take some time for people to adjust to new conditions. The Department of Planning, Transport and Infrastructure (DPTI) has been working hard with the Local Government Association and key stakeholder groups to ensure people and organisations understand the implications of the new laws.

I advise DPTI has recently commenced a campaign to educate cyclists and pedestrians of the rules for using footpaths. The campaign is primarily aimed at educating cyclists of the road rules that apply to them, and will reinforce the message to the South Australian community of the responsibility for everyone to take due care for other people using our roads and footpaths.

The 'Path to Safer Cycling' campaign was launched on 10 September 2016. This campaign will educate the community on the key road rules for riding on footpaths and include regional and metropolitan print, radio and digital promotions, and footpath stickers. Key messages of the campaign include:

- ride on the left hand side of the path;
- always give way to pedestrians;
- if necessary, use your bell, horn or voice to avert danger; and
- keep to a safe speed to avoid collisions.

DPTI has also developed an online Cycling Road Rules Quiz. It is in a similar format to existing online quizzes relating to Road Rules and Rail Safety, which have proved extremely successful in engaging people. The quiz consists of multiple choice questions based upon rules applying to riding on footpaths and road rules outlined in DPTI's Cycling and the Law publication.

In the meantime, DPTI will continue to monitor crash statistics, including crashes where a pedal cycle and/or a pedestrian is involved on footpaths. Two years' worth of data is considered to be a suitable base for further assessment. This approach is supported by the Local Government Association and is considered a common-sense approach to evaluating the outcomes of the laws.

Note that all-age cycling on footpaths has been allowed for many years in Queensland, Tasmania, the Australian Capital Territory and the Northern Territory, and earlier this year Western Australia followed South Australia in permitting footpath cycling for all.

EMERGENCY SERVICES

In reply to **the Hon. S.G. WADE** (19 May 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): During my time as Minister for Emergency Services, I have made it a goal of mine to get out and meet as many of our emergency services volunteers as I can. While meeting these volunteers, one thing that has struck me is an overwhelming view that these men and women do not do what they do for financial gain or recognition and only wish to be able to serve and protect their state and the communities they live in.

The view has further been expressed to me that financial incentives have the potential to attract people motivated by things other than service to their community and that this has the potential to erode the spirit of volunteerism within the emergency services sector.

However, there are a number of alternative ways in which the government acknowledges the contribution and commitment shown by emergency service volunteers. Award systems are an initiative in place to recognise the commitment and dedication of emergency service volunteers. There are a number of different types of awards including service medals and ministerial commendations.

The government is also committed to recognising both emergency service volunteers and their employers, including self-employed volunteers, through the Volunteer and Employer Recognition and Support Program (VERSP). This program was established in 2008 and consists of formalised recognition events to acknowledge the contribution of both volunteers and their supportive employers.

PRISONER SUPPORT AND TREATMENT

In reply to **the Hon. S.G. WADE** (26 May 2016).

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

The South Australian Department for Correctional Services will engage health authorities in South Australia as appropriate, in keeping with the joint system protocols.

PRISONER SUPPORT AND TREATMENT

In reply to **the Hon. K.L. VINCENT** (26 May 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): It is my expectation of the Department for Correctional Services (DCS) that when a prisoner needs admission to a hospital that the security of the prisoner is ensured.

Priority must and will be given to the safety of the community, other patients and staff.

The Ombudsman's report indicates that medical staff may have requested that consideration be given to softer restraints.

In this regard, the Department for Health have a Policy Directive in relation to providing medical treatment to prisoners within SA Health.

This policy directive sets out the process around making a request for restraint removal or modification, and how to escalate that request for action.

At any time, a clinician may request that the DCS Supervising Officer remove or modify the restraints because they deem it necessary for the purpose of medical treatment, as a result of medical treatment, or because they believe that the restraints could endanger the prisoner's medical treatment.

If the restraints are not then reviewed within a reasonable time following the clinician's request, the matter can be escalated to hospital risk managers to contact the prison general manager for action.

If the matter is not resolved at this level, it can be further escalated for resolution between the Chief Executive DCS and the Chief Executive Officer of the Local Health Network. Given the details in the Ombudsman's report, it appears that this directive was not followed.

I am advised that soft restraints used in hospital environments are designed to immobilise and restrict the movement of a person to stop self-harming, but are not sufficient to prevent escape.

I am advised there is no secure form of soft restraint on the market at this point in time, in Australia or internationally. However, DCS is currently working to develop a secure form of soft restraint in conjunction with New South Wales. A soft restraint is ready to be trialled in South Australia.

DCS continues to work through the Ombudsman's recommendations.

PRISONER SUPPORT AND TREATMENT

In reply to **the Hon. K.L. VINCENT** (6 July 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Minister for Mental Health and Substance Abuse has advised:

The length of stay of persons in James Nash House will depend upon their legal status.

The courts determine the length of stay of persons who have been found not guilty by reason of mental impairment/mental unfitness to stand trial and who have been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* (the Act).

The courts may also declare a person liable to supervision under Section 269X of the Act while that person's mental competence or mental fitness to stand trial is under investigation. Again, the courts will determine the length of stay for this cohort.

The length of stay for both of these groups has ranged from 18 days to 14 years with the average length of stay being 3 years.

Prisoners (persons who have committed a criminal offence and have been placed in the custody of the Department for Correctional Services) who suffer from a mental disorder or impairment may also be housed in James Nash House. Prisoners will remain at James Nash House until they are clinically cleared to return to prison. The length of stay for prisoners ranges from a few weeks to 1 to 2 months.

In relation to the second part of the question, the forensic mental health service provides a prison in-reach service and all forensic patients are reviewed at a minimum every 3 months and more regularly if referred by the prison health service. Similarly, prisoners are placed on the prison in-reach wait list by the prison health service and seen accordingly.'

POLICE SEARCH AND ARREST POWERS

In reply to **the Hon. S.G. WADE** (21 September 2016).

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

Regarding the three cases in the report:

- Case 1—Police found the search was an abuse of authority and charges are being prepared to lay before the Police Disciplinary Tribunal.
- Case 2—The officer involved has been formally charged with a breach of discipline – abuse of authority.
- Case 3—Police found the arrest to be lawful and no disciplinary action has been taken.

PRISONER NUMBERS

In reply to **the Hon. S.G. WADE** (27 September 2016).

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

The estimated prison population as at 30 June 2018 is 3,143.

PRISONER TRANSFERS

In reply to **the Hon. S.G. WADE** (28 September 2016).

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

The frequency of prisoner transfers undertaken between correctional facilities in recent years has generally increased. However, these figures are indicative of a general increase in the state's prisoner population in recent years.