

LEGISLATIVE COUNCIL

Wednesday, 2 August 2017

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:18 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 community. We pay our respects to them and their cultures, and to the elders both past and present.

Bills

CHILDREN AND YOUNG PEOPLE (SAFETY) BILL

Assent

His Excellency the Governor assented to the bill.

SENTENCING BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (POSSESSION OF FIREARMS AND PROHIBITED WEAPONS) BILL

Assent

His Excellency the Governor assented to the bill.

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:21): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. MALINAUSKAS: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

Personal Explanation

ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I seek leave to make a personal explanation to correct the public record.

Leave granted.

The Hon. I.K. HUNTER: In yesterday's estimates hearing I provided an answer to a question that I think was asked by the member for Bright regarding the costs incurred by the Department of Environment, Water and Natural Resources in relation to videos produced by *South Aussie with Cosi*. My answer, on advice that I subsequently received, is not entirely correct.

I provided the committee with the total budgeted allocation for the media campaign rather than the actual costs for both the *South Aussie with Cosi* segments and social media campaigns. The actual total spend was in fact \$2,199.50 less than the answer I gave yesterday. The *South Aussie with Cosi* component totalled \$30,937.50, GST inclusive. This expenditure included production costs associated with producing five television segments and the provision of additional

footage to be used by the department on social media, including videos that were posted on Facebook.

The social media component for this campaign was \$25,300, GST inclusive, bringing the total to \$56,237.50. As I said, these Facebook videos had four million impressions; 187,000 people watched the videos in full and more than 1.2 million watched at least part of the clips. I apologise profusely for exaggerating in the answer yesterday and I have now corrected the record.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

District Council By-laws—

Naracoorte Lucindale—

- No. 1—Permits and Penalties
- No. 2—Local Government Land
- No. 3—Roads
- No. 4—Moveable Signs
- No. 5—Dogs

Renmark Paringa—

- No. 1—Permits and Penalties
- No. 2—Local Government Land
- No. 3—Roads
- No. 4—Moveable Signs
- No. 5—Dogs
- No. 6—Cats

Regulations under the following Acts—

Local Government Act 1999—Building Upgrade Agreements

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

Reports, 2015-16—

Flinders University
University of South Australia

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

Terrorism (Preventative Detention) Report, 2016-17

Report under Section 71 of the Evidence Act 1929 Relating to Suppression Orders for the
Year Ended 30 June 2017

Regulations under the following Acts—

- Casino Act 1997—Approvals
- Cross-border Justice Act 2009—Miscellaneous
- Freedom of Information Act 1991—Exempt Agency No. 3
- Gaming Machines Act 1992—Approvals
- Independent Commission Against Corruption Act 2012—Miscellaneous No. 2
- Legal Practitioners Act 1981—Register of Disciplinary Action
- Lottery and Gaming Act 1936—Trade Promotion Lotteries

Regulations under National Schemes—Heavy Vehicle National Law—
Amendment Regulations No. 3

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.E. HANSON (14:24): I bring up the 49th report of the committee.

Report received.

*Ministerial Statement***MURRAY-DARLING BASIN PLAN**

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:25): I table a copy of a ministerial statement made by the Premier in the other place on the subject of the Murray-Darling Basin Plan *Four Corners* investigation.

ARRIUM

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:25): I table a copy of a ministerial statement made by the Treasurer in the other place on the sale of Arrium Group.

OUR ENERGY PLAN

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:25): I table a copy of a ministerial statement made by the Treasurer in the other place on update on the South Australian government's energy plan.

*Parliamentary Procedure***ANSWERS TABLED**

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

*Matter of Urgency***MURRAY-DARLING BASIN PLAN**

The PRESIDENT (14:28): The Hon. Ms Franks has informed me in writing that she wishes to discuss a matter of urgency in regard to the fact that:

A healthy River Murray is vital to South Australia's future and the basin plan must be delivered on time and in full. We as South Australian parliamentarians stand united for our River Murray and in support of the Murray-Darling Basin Plan. We call on the Prime Minister, Malcolm Turnbull, to commission a fully independent judicial inquiry into the allegations raised on *Four Corners*, in order to be sure that the basin plan is not undermined and will continue to deliver our share of water to South Australia.

In accordance with standing order 116, it will be necessary for three members to stand.

Honourable members having risen:

As that number have risen in their place, it is proof of the urgency of the matter. I call upon the Hon. Ms Franks.

The Hon. T.A. FRANKS (14:28): I move:

That the council at its rising do adjourn until Thursday 3 August 2017 at 1pm.

Before councillors think we are getting the afternoon off, the reason we are voting on a motion of a matter of urgency to stop the work of this parliament is that, of course, we know that river flows are being stopped to our state, and indeed to others, such as those communities in Broken Hill, not through need but through greed.

So, I move this motion that will not go on the record as anything but an adjournment motion, so we can stand together here in this council, across our party divides, standing up for the state of South Australia and reiterate the words of the President that we stand because:

A healthy River Murray is vital to South Australia's future and the basin plan must be delivered on time and in full. We as South Australian parliamentarians stand united for our River Murray and in support of the Murray-Darling Basin Plan. We call on the Prime Minister, Malcolm Turnbull, to commission a fully independent judicial inquiry into the

allegations raised on *Four Corners*, in order to be sure that the basin plan is not undermined and will continue to deliver our share of water to South Australia.

Mr President, all members would be aware of the work of *Four Corners* in exposing the corruption that is alleged to be taking place upstream from this state. Having said that, water is, of course, our most important natural resource, so I think there is no greater need for a matter of urgency to be discussed by this council than on the Murray-Darling Basin Plan and the River Murray.

I note that the last time this measure was employed was November 2008 by the Hon. Rob Brokenshire, for a debate also on the River Murray. Times have changed and we are no longer in that particular weather condition, and we are no longer in drought in South Australia, but the crisis remains and the urgency stands. We have seen a huge consolidation by two big players upstream, and it is not lost on me that Chris Corrigan, the man who was responsible for smashing the waterfront workers, is smashing our waterways now.

There is plundering afoot and there are allegations that must be investigated, and they must be independently investigated and urgently so, and all states must stand united, committed to the Murray-Darling Basin Plan. We will stand alongside all cross-parties and with the ACF, traditional owners and our farming communities in the fight to keep the mighty Murray River flowing.

When it was agreed, the basin plan package was endorsed by all basin governments, and by a bipartisan vote in both houses of federal parliament. It aims to recover 3,200 gigalitres of water for the environment, but, since that basin plan was agreed on, some basin governments have tried to change the rules to allow the inclusion of dodgy off-set projects that would mean that species and habitats miss out on vital flows.

The Greens are committed to the Murray-Darling Basin Plan. Australia is already seeing positive outcomes from the plan, including improved freshwater flows. These keep the Murray Mouth open and wetlands replenished, leading to healthier vegetation and increased numbers of water birds and fish. The plan has been a crucial step towards improving environmental outcomes from our water systems, but we must do more. As it stands, I remind members of this council that the current plan only provides the bare minimum of water required to keep the Murray Mouth open and the Coorong alive. It still leaves many wetlands and native species at risk.

We also know, from the Greens' perspective, how crucial the Murray-Darling Basin is for Australia's food production and economy. We support reforms to keep the system healthy all the way up from the Murray Mouth, from the source to the sea. Winding back the overallocation of water and restoring our precious ecosystem so that they can keep sustaining our nation is essential. We want to see the return of water to environmental flows and to cultural flows.

We want reforms that will assist all basin communities to build their jobs and economies and to restore our internationally-recognised wetlands and productive agricultural areas to good health. This is a key reform facing Australia over the next decade and we have to get it right, not just for South Australians but for all Australians.

Members would be aware that my mum lives upstream of us, and, indeed, lives in cotton country that is either in drought or flood. Those communities there know full well at the moment the challenges that are besetting our reliance on water-intensive crops, such as cotton and rice. I stand with my mum's community on this. She might not be South Australian, but we are all Australians and the water is too important not to get right.

I note that there is a need for independent oversight of water management, and it has been brought to the fore, not just for that water management to be there on an ongoing basis but for the independent judicial inquiry powers, to make sure that the plan is being delivered as it was meant to be. We need transparent institutions that we can trust to look after our rivers. The Greens add our voice to that call here today, and we urge all members of this council to work together to see that effected.

I spoke about this issue quite recently as a matter of importance but I bring this motion here today to the Legislative Council so that we can all show our support for struggling communities throughout the entire basin that continue to experience water shortages or the flows upon which they

rely completely drying up even when there is not a drought. As if that was not enough, low flows or absence of flow exposes acid sulphate soils to the air and increases salinity levels.

Furthermore, two million tonnes of salt washes out of the soil into the Murray-Darling system. This should be diluted by fresh water and flushed out of the Murray Mouth, but without sufficient flow this salt instead chokes the system from the bottom up. It is often said that a river dies from its mouth. This, in particular, threatens the water supply in Adelaide and the South Australian Riverland communities. Looking after the River Murray and all who depend on it requires long-term thinking and strong leadership, and that is what I hope we are showing here today—that strong leadership.

This has been severely lacking. Some rogue irrigators and their political backers are trying to water down the plan. I echo the words that were said earlier this week by one of the irrigators who noted that some of these irrigators are akin to bank robbers. That does not mean that all irrigators are bank robbers, and the Greens are certainly cognisant of the fact that not all irrigators are doing the wrong thing. What needs to happen now is for those who are doing the wrong thing to be punished, and we need to have trust in a transparent plan.

I will not spend too much longer speaking today because I know there are many members who wish to speak to this motion. However, I cannot help but remark on the lack of leadership shown so far by Deputy Prime Minister Barnaby Joyce on this matter. I understand that strong words may have been uttered outside of this place and I hope some strong words of a different flavour might be uttered inside our councils and chambers in parliaments across this country in the hope of better leadership at a federal level on this matter.

Indeed, in my heart, Senator Leyonhjelm holds a special place for accusing South Australians of 'getting our knickers in a twist over this issue'. I say to people such as Senator Leyonhjelm and Deputy Prime Minister Barnaby Joyce: we have got our knickers in a twist and if you are not careful those knickers will not be made of cotton for much longer from your upstream states. With those few words, I commend the motion.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:37): The Murray River is critical to our state's future. We do not just rely on it for our drinking water—a healthy river is the backbone of our agricultural, tourism and industrial sectors. We understand how precious water is in South Australia. South Australians fought hard for the basin plan in 2012. We fought to have 3,200 gigalitres of water returned to the Murray-Darling river system, which is vital to the long-term health and security of the river system.

It has become obvious that this plan is now under serious threat from the Liberal National government. Our irrigators and communities need the plan delivered as promised, on time and in full. What makes things worse is that the federal government, which should be leading delivery of this plan, will instead join the conspiracy and dishonesty of the upstream Eastern States to dud us on our agreement. Our federal water minister has, time and time again, shown his only allegiance is to his rice and cotton farming mates.

It is easy to forget now, but the effects of the millennium drought on South Australians were extreme. The extreme low flows during the drought caused widespread problems. City, town and rural water supplies were threatened. Water restrictions were rolled out for all River Murray water users in the state. This included sprinklers being banned at one point and the government had to contemplate the use of bottled water.

Allocations to South Australia's irrigators were well below any historical levels, creating economic hardship for irrigation-dependent communities. Some irrigators could not access the water that was available due to low water levels below Lock 1. There were extreme adverse impacts on tourism and recreation which flowed onto businesses and communities along the river and around the Lower Lakes.

Communities and individuals suffered significant financial, social and personal hardship, and some have not yet fully recovered. Meningie and the Riverland are examples of communities that are still rebuilding, both socially and financially. Thirty-three wetlands were cut off from the river to save water, risking long-term damage to the ecosystem. Riverbanks broke away and collapsed; lives

and properties were at risk; and soil, trees and even vehicles collapsed into the water with little or no warning.

The Lower Lakes began to dry up and became highly saline, and parts of the Coorong became five times saltier than the sea. In 2009, salinity levels in Lake Alexandrina reached 6,000 EC, and almost 20,000 EC in Lake Albert, well over the 1,400 level drinking water limit. Up to 20,000 hectares of acid sulphate soils were exposed in the Lower Lakes region, generating the same acid as in a car battery, and bringing this region to the brink of environmental catastrophe. The Lower Murray swamps is an example of an area that is still recovering, and it will take decades to recover. Internationally important migratory bird numbers in the Coorong have drastically diminished.

At the peak of the drought, the situation for South Australia was dire: flows across the South Australian border fell to just 960 gigalitres per year; Adelaide was placed on level 3 water restrictions; irrigators started 2007-08 and 2008-09 with the lowest starting allocation on record, just 2 per cent; low water levels caused riverbank collapse along the river below Lock 1; salinity reached record levels, damaging ecosystems and threatening water supplies for people and livestock; and Aboriginal communities suffered the exposure of ancient burial grounds. The cost of managing the drought, along with tourism revenue losses, has been estimated at over \$790 million, and this is likely to be an underestimate as not all costs could be quantified.

It is important for all Australians to understand how dire this situation was, particularly for our state. South Australians understand this more than any other jurisdiction because South Australians lived this experience. At the end of the day, we are talking about people and the livelihood that a healthy and functioning Murray-Darling Basin river system brings. South Australia has stared into the abyss of loss that results from the overallocation of water exacerbated by severe drought. Our communities have seen what is at stake and what could be lost as a result of not redressing the balance.

As Senator Bernardi said earlier this week, 'It is a rare occasion where you see the disparate voices representing South Australia standing together to represent the interests of South Australia.' The *Four Corners* program has demonstrated that South Australians are not getting a fair deal. What has been uncovered is scandalous. South Australia has played by the rules and our communities have done the hard work required of them under the Murray-Darling Basin Plan.

It is an enormous betrayal to discover that upstream states have been wilfully and flagrantly betraying, flouting and undermining an agreement that the Murray-Darling river system depends on for its long-term sustainability and security. South Australians have the right to be upset. They have a right to be angered, and they certainly have a right to call for an independent judicial inquiry to get to the bottom of these incredibly serious water theft allegations.

The New South Wales government wants us to believe that they can handle this through an internal review, a review with conveniently narrow terms of reference that will only examine water theft over a four-day period in 2015. When more than one billion litres of water has been stolen from the river system; when there are allegations of long-term and systemic gaming of the water rules and noncompliance in New South Wales; and when there are allegations of Public Service corruption of the highest level in the Department of Primary Industries, we can say that nothing short of the independence and transparency of a judicial inquiry will do. This government has always stood up and fought for the Murray-Darling river system and the South Australian communities who depend upon it, and we will always continue to do so.

The Hon. J.M.A. LENSINK (14:44): I rise to make some comments in support of this motion and echo many of the sentiments that have been uttered already about the tragic circumstances in which the Murray-Darling has found itself in the past and in particular the impact on South Australia. Many of us who have been in this parliament for some time have spoken at length about the Murray-Darling and its calamities. In particular, I spoke about the impact on the areas close to the Murray Mouth in the Lower Lakes and Coorong when I spoke to the motion recognising Mr Henry Jones, who was a champion of the river system and a significant catalyst in ensuring that in 2012 the plan was developed and written into law.

The plan is the plan. It is the law. The Prime Minister has said a number of times that it will be delivered in full, and COAG has also recommitted, in recent meetings, to delivering it in full. It is

the law that 2,750 gigalitres be returned by 2019 and an additional 450 gigalitres, I understand, by 2024. It has been confirmed several times.

In terms of the checks and balances, I think we are all pleased that Senator the Hon. Anne Ruston is the assistant minister, who clearly represents South Australia. She is from Renmark and clearly understands the issues at a local level. The Hon. Neil Andrew is the chair of the Murray-Darling Basin Authority.

As Tracy Hill, who is a fisherperson near the Coorong, said quite recently in relation to the plan, 'It's the only plan we've got and people sweated blood for it.' I think that acknowledges the difficulty and that all parties, all states had to make sacrifices in order to reach agreement on the plan. I think there is no secret that there are some stakeholders upstream who would love to see the plan torn up, and constantly in their fantasies would like to revisit it.

I remember fairly early on in having this portfolio attending a Murray Darling Association AGM at Goolwa. Senator the Hon. Simon Birmingham was asked by one of the members there—and for the benefit of members, the MDA represents councils along the length of the river—about whether elements of the plan could be changed. He was unequivocal in saying that this was the plan and it was his government's intention to deliver it.

There was a Senate inquiry quite recently, which I think undermined the confidence in the plan. I would just like to quote from the local state member who represents the Coorong and Lower Lakes area, Mr Adrian Pederick, the member for Hammond. Referring to Senator Leyonhjelm, he said:

...on top of the disgrace that's happened in New South Wales...I attended the meetings at Goolwa in regards to the Senate committee and it was just farcical that the committee never took any notice of what was said and other submissions that were put in since then about the simple fact that Lake Albert and Lake Alexandrina have been fresh for over 90 per cent of the time. And the whole reason that the barrages went in was because of offtakes upstream, and they went in...90 years ago. It is just...the contempt that some people show, and you can see comments by Brewarrina, Broken Hill, you can see that New South Wales are pulling themselves apart from what's going on in regards to the alleged theft of water on cotton farms in New South Wales. And...we have to have a freshwater recovery for the River Murray to make sure that two million tonnes of salt annually gets flushed down so that everyone gets productive use. If Senator Leyonhjelm wants the River Murray to go back to nature, that would mean...not only pulling out the barrages but 3,500 other structures, putting in thousands of kilometres of man-made channels, and that wouldn't benefit any irrigator in the whole River Murray system throughout Australia. It is just a ridiculous statement that he keeps making.

He continues. He is clearly a very passionate advocate for his region. *Four Corners* has aired some very disturbing allegations about corruption and water theft in the Barwon-Darling water district, which is part of the northern systems. I think everyone is in full agreement that these allegations need to be fully investigated and prosecuted, if breaches of the law can be demonstrated. I might add too, that it is not just South Australia, it is also Broken Hill and the Menindee Lakes that are affected because that is where these particular river systems feed into.

The *Four Corners* journalist mentioned that they spoke to someone at a town called Louth who was worried about having water just to be able to shower and brush her teeth and water her cattle. I think that demonstrates some of the huge concern that people along the system have. It is for those reasons we believe the community's confidence rests in having an independent inquiry. I understand that, under the current rules, the state agencies investigate such allegations, but it certainly seems like Caesar investigating Caesar.

Phillip Glyde, who is the CEO of the authority, has referred to amendments to improve the legal system in terms of prosecuting. In light of all this, he said quite recently that they have done a review and in November last year the plan was amended to try to get better protection of environmental water, which has been out for public comment. All ministers signed on to the toolkit principles to better protect environmental water and he was obviously pleased with that outcome. He also made a comment, which I think underlines the need for an independent inquiry, saying:

The bottom line is, we can't have noncompliance with the rules that is corrosive and undermines trust in the plan.

I certainly agree with those sentiments. I think everybody is concerned that the current process may be being undermined. People can argue about whether the volume is significant or where it flows to,

but I think, for the sake of the entire system, and particularly in South Australia, we do need an independent inquiry and therefore we are supporting this motion.

In relation to the multiparty party that took place on the weekend with a range of cross-parties, the Liberal Party was the only one that was not invited. Just in case anybody is unsure as to why we were not part of that, it is because we were clearly left off the dance card. From our point of view, that is very disappointing. I do not think anybody even phoned anybody on our side of parliament to ask whether we might like to join them or not.

Clearly, the state Liberal Party has very strong support for the current basin plan. We have insisted many times that it be delivered on time and in full and we remain committed to that position.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:53): I rise to support this motion and I thank the honourable member for bringing it to us today. Many on this side, and indeed in this chamber, have fought long and hard to protect the River Murray. It is a fight that crosses over the colour of politics and right across this country. It unites us in a common purpose for the health of our river and the future of South Australia.

It was a long road to get the Murray-Darling Basin Plan as it was agreed to. As the Hon. Michelle Lensink said, it was not easy to get over different state's interests and to stop the fight between states, but it was done and it was done by working together. It was done by putting aside differences and uniting to protect the River Murray. No one state got absolutely everything they wanted, but what we did get is an historic agreement, a plan to protect the River Murray, a plan that sees the water flow, and a plan that supports irrigators. We got the Murray-Darling Basin Plan.

Sadly, that is under threat because of the short-sightedness of the federal Coalition, particularly the Deputy Prime Minister. Putting Deputy Prime Minister Barnaby Joyce in charge of the water portfolio has done a great deal of damage. It is selling out the river. You can say many things about former prime minister Tony Abbott in regard to Holden or in regard to building submarines overseas, but he never sold out the river to the National Party. Despite what he said in opposition about the river, as prime minister Tony Abbott did not hand the water portfolio over to a National Party member. He left it with the environment and not with the agriculture portfolio, and he did not leave the plan to a member of the National Party who has form in making statements not too dissimilar from what we have seen.

It is the current Prime Minister who has put the Murray under threat because he put Deputy Prime Minister Barnaby Joyce in charge. Very early on we all had a taste of what Barnaby Joyce thought of the River Murray and of South Australia. In 2010, in response to South Australian concerns, Barnaby Joyce famously recommended to South Australian irrigators that they, 'move to where the water is'.

Everyone knows what he thinks of this plan. It is no secret that he went up and down the river trying to stop the plan from getting up, telling different things to different people and whipping up fear. There is often contempt for the plan from Deputy Prime Minister Barnaby Joyce, and he continues to do all he can to undermine it. If anyone needed any further evidence, then they just need to look at what he said in a pub in Shepparton last week amongst what he thought were his irrigator mates. He said, 'The Murray-Darling Basin Plan, \$13 billion invested in it—we have taken water and put it back into agriculture so we can look after you and make sure we don't have the greens running the show.' He added:

That was a hard ask but we did it and we are going to try, and even last night, a couple of nights ago on *Four Corners*, you know what that's all about, it's about them trying to take more water off you, creating a calamity, a calamity for which the solution is they're going to take more water off you, shut more of your towns down and I am glad it is in our portfolio, the National Party portfolio.

This is what the federal Liberal Party has done. This is the person they have put in charge of the river, the river that crosses so many states around Australia.

Today, 2 August, we saw another damning media report emerge in New South Wales about the handling of this. Today's headline in the *Daily Telegraph* read, 'Nats and the water rats. Minister tries to change water laws after the farmers given extra river rights'. It is more worrying evidence of

the complete disregard there seems to be in New South Wales for the plan. It would appear that extends from the department through to the ministry and the government itself.

As has been suggested by some, an internal New South Wales department review is not sufficient, it is not nearly sufficient. A process review of the Murray-Darling Basin Authority, as has been suggested by the Prime Minister, is not good enough. What we need is nothing short of a full judicial review. That is what we, as a state government, have been demanding ever since the *Four Corners* allegations were aired; it is what the federal Labor Party is demanding, it is what the Greens, both federally and in this state, have called for, it is what Senator Xenophon and his state colleagues have called for, and it is what Senator Bernardi and the Australian Conservatives have called for.

It is what was called for at that quite unique and unprecedented joint press conference. It is what South Australian Labor is calling for. The only ones not calling for this are the Liberal Party in Canberra. I commend the motion.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:58): I rise to be, I guess, the second speaker on behalf of the opposition in relation to this motion, and indicate that we obviously fully support the intent of the matter we are debating today, although the urgency motion is a strange mechanism because it is not a motion we vote on. I did suggest to the Hon. Tammy Franks that if we had more time perhaps a different mechanism may have been to suspend standing orders and have a motion where we actually voted. The motion may have indicated that we convey, by the Clerk or the President, the wishes and sentiments of this council to the federal government, the Prime Minister and minister Joyce. However, we could not change things in the short time frame available.

We are all aware of the importance of the River Murray to South Australia—it has been so ever since we have been settled—and also, of course, its importance to our regional and rural communities especially, and to Adelaide. I was interested in the Leader of the Government's comments that this particular issue crosses over all politics. I remind members of the Hon. Michelle Lensink's comments that, if the issue crosses over all politics, it seems a little strange that an offer, at least, was not made to the state opposition to be part of the press conference that was put together over the weekend. It is interesting, Mr President.

It is vitally important to South Australia that the Murray-Darling Basin Plan is implemented in full and that everybody sticks to the rules. It is vitally important that that happens. However, it is interesting that, at the first opportunity, this state government decides to exclude us from that particular press conference, which shows, sadly, that at every opportunity they are prepared to play politics, rather than actually address the major issues.

I watched the *Four Corners* program at home and was alarmed, like everybody else who saw it, by the allegations made in the report, which were alarming. We do not know their veracity, but certainly, from what I saw on that program, I think it gives us all some significant cause for concern that people have been taking and diverting water that they have not been entitled to. The plan has been endorsed by all state governments, yet, as my colleague the Hon. Michelle Lensink points out, there are people upstream who would like to tear it up—they do not like it. But, at the end of the day, we have signed up to it.

I listened to the honourable Minister for Police talk about drought, and I think that one of the sad things we always have to bear in the back of our mind is that, no matter how robust our plan is and whatever punitive penalties we have in place, we will, unfortunately, have another big drought at some point in the future. Some of the things he spoke of will be because of drought. There is a plan, but I expect that, at some point in the future, the plan will be criticised because we have run out of water because we are, as Dorothea Mackellar once said a couple of hundred years ago, a land 'of droughts and flooding rains', and we will always be that. So, we have to bear in mind that we should have a plan that can manage, as best it can, the river with the flows resulting from the rainfall that is around.

I always think we have to be careful that we do not think we have a mechanism that will solve every problem. I think the Hon. John Dawkins was involved in agriculture before coming to this place, but looking around, I think I am the only farmer who was a full-time irrigator—obviously not from the Murray, but from the underground basin in the South-East—before coming to this place. I am well

aware of how important that particular access to the resource is for both economic activity and the environment.

I spoke to somebody recently at an agribusiness lunch, as we left, a South Australian company. I will not name them because I suspect they are probably not prepared to go public with this yet. But they have a technology to actually measure, on a daily basis, all water consumption across the entire basin. I am hopeful that, once we get to 2019 and the plan is implemented in full, we look to the latest technology because if somebody is doing something wrong and it is monitored on a daily basis, we will know on a daily basis. However, with the remote metering we have now it is somewhat difficult to tell.

As I said, the plan has been endorsed by all, and I live in hope that we get to a point where the plan is fully implemented in 2019. I hope we use the latest technology to give us all comfort that every user and everybody who accesses the river, whether it is for environmental, irrigation or urban use, takes the share they are entitled to and nobody exploits the resource that is there. We absolutely do need a transparent inquiry. That is one of the things I have learned in the last 15½ years in this place. The state government that I sit opposite to has had a whole range of inquiries—some have been very thorough and have probed a whole range of issues, and some have not.

I think the community loses trust in the government if you do not have a transparent inquiry, so I urge the Prime Minister to make sure that we have a transparent inquiry that gives all people who access the Murray-Darling Basin comfort that all the issues are being looked at. I think we should also never forget—and I will certainly be sending a copy of what is said today to some of my federal colleagues—what the contribution of the river is. Obviously, there is a big component that tourism (I am the shadow minister for tourism) makes to the economy of South Australia and the region. It is significant that the Riverland and the Murraylands are important parts of our tourism assets and really do add diversity to our tourism offering.

It is interesting to see some stats on food and export out of that region. I think it is important to reinforce to everybody why it is so important. The current gross revenue estimate for the Murraylands and Riverland region is \$2.1 billion of South Australia's \$15 billion, so it is a significant contributor. If we look at some of the stats, we have 37 per cent of the state's vegetables grown in those areas; 58 per cent of the state's fruit production; 52 per cent of the state's total value of grapes, so a huge contribution; 18 per cent of the value of cereals for grain; 99.94 per cent of the total value of oranges; 58 per cent of the value of potatoes; 28 per cent of the total value of milk; 89 per cent of the total value of almonds; and 20 per cent of the state's livestock products and slaughtering.

If you look at that livestock one, people do not often think about animals being reliant on it, but the Murraylands and Riverland, I think, currently produce more than 50 per cent of South Australia's broiler chickens and host the only state-based broiler chicken hatchery. The region produces more than 50 per cent of the state's pork production, and there are many opportunities to grow in beef and lamb in intensive ways with feedlots in that area.

So, we on this side certainly do not underestimate the importance of a viable, healthy river for South Australia. It is vitally important. It is important that we do not tear up the plan, and it is important that we have endorsed it and that the plan is implemented in full and that all Australians respect that plan. With those few words, I commend the motion to the chamber.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:06): The *Four Corners* program that aired on 24 July has raised some very serious concerns and some very serious questions about the commitment of the New South Wales government and our commonwealth government to the Murray-Darling Basin Plan. It has been over a week since the program aired, and every day new allegations and concerns are being raised which involve the New South Wales government, high-ranking officials from the New South Wales department with responsibilities for water and, perhaps even more concerning, the lack of any commitment from our national water minister or indeed Prime Minister to properly investigate the claims of corruption and theft as outlined on the *Four Corners* program.

To briefly recap, since the program aired the New South Wales government has announced a sham of an investigation with pathetically narrow parameters. I think my leader mentioned that the

parameters include specific dates for which an investigation would occur: between 1 and 5 June 2015 (four days); 20 August 2015 in relation to one property called Miralwyn; and 13 February 2016 in relation to another property called Rumleigh. That is just insufficient. If you do not want to get an answer to an inquiry, I guess what you do is try to truncate the terms of reference for such an inquiry.

Additionally, Ms Perin Davey, Barnaby Joyce's—the Deputy Prime Minister's—latest appointment on the Murray-Darling Basin Authority, has been linked to the secret phone recordings which were aired on *Four Corners* where it was stated there was a plan B to walk away from the basin plan and where it was reflected that plan B was fun and that there was a plan C that was scary. If plan B, to walk away from the basin plan, was fun, I shudder to think what plan C would have been.

It has been put to her, I understand, on some authority that she was a participant in that telephone hook-up—Ms Perin Davey, the Deputy Prime Minister's latest appointment for the Murray-Darling Basin Plan and a former National Party staffer—and apparently she has said to the media who asked the question that she cannot confirm or deny.

Barnaby Joyce, the Deputy Prime Minister, stood up with the media, in Canberra I think but perhaps elsewhere, and declared this issue to be solely a state based matter. Then he heads off to a pub in Shepparton to proudly announce to all assembled that the National Party took control of the water portfolio, and to quote:

We've taken water and put it back into agriculture so we can look after you and make sure we don't have the greenies running the show...

Just today, the front page of the *Daily Telegraph* in New South Wales has this story:

A Nationals minister is pushing cabinet colleagues to change irrigation laws to retrospectively justify a decision by his department to give a major political donor and cotton farmer more rights over the precious Barwon-Darling River.

Every day there is a new allegation. There is much more to be discovered in relation to this story and that is why the New South Wales sham inquiry has very little work to do. They do not want this to come to light. The National Party minister those allegations are levelled towards is the very same minister who is overseeing an inquiry that has deliberately ensured that it will only look at those allegations of water theft occurring over a four-day period in 2015 and those two other dates, when in fact there are claims of systemic and long-term gaming of the water rules and compliance in New South Wales.

This inquiry will not be able to determine whether there is material evidence of water being taken without legal authority in the Barwon-Darling since the commonwealth Water Act of 2007 took effect, and, of course, that is exactly what New South Wales wants—the New South Wales government in this instance.

On the heels of this pathetic promise to investigate four days of water use only, and those other two dates that I mentioned, came a joint statement released by Deputy Prime Minister Mr Joyce and Prime Minister Malcolm Turnbull. They want a national review to be run by the Murray-Darling Basin Authority to investigate if there have been any breaches of state laws governing water use, but I note from the Prime Minister's statement that he said they will be asking jurisdictions to cooperate. We already have plenty of evidence from the *Four Corners* show that at least one jurisdiction has not been cooperating at all. Why would we think they would cooperate again?

This is a very convenient solution, considering the Deputy Prime Minister, Mr Joyce, has been appointing his mates to the Murray-Darling Basin Authority, an authority the Prime Minister said should be 'expert and independent'. He recently, as I said, nominated the former National Party staffer and member of the National Irrigators Council as a member of the authority. It is this council that has been lobbying the Deputy Prime Minister, Barnaby Joyce, not to deliver the full plan, notably the 450 gigalitres of water agreed to by all ministers and the Prime Minister.

We have Ms Perin Davey, Barnaby's personal appointee, on record in April this year saying that she thinks delivering the 450 gigalitres critical to South Australia is impossible—impossible, in her words. She was quoted as saying, 'I will be emphasising that the 450 gigalitres of upwater attached to the basin plan cannot be delivered without devastating impacts.' That is Barnaby Joyce's

most recent appointee to the Murray-Darling Basin Authority, an independent and expert authority, supposedly.

Devastating impacts to whom? To the cotton growers in northern New South Wales that she represents? That is probably who she was thinking of. What about the devastating impact of a dying river on our economy? What about the devastating impact on our biodiversity and our Coorong and our Ramsar-listed wetlands? What about the devastating impact on the 3.4 million people who either live in the Murray-Darling Basin area or rely on the river for their livelihoods and for drinking water?

Ms Davey also said that we need political stability along the river to stop the impacts of the removal of water. The Deputy Prime Minister is clearly of this view as well, but his way of getting stability is by stacking the Murray-Darling Basin Authority with his mates so that they can collude and conspire behind the scenes to get the outcomes that he really was after all along. Stacking the MDBA is dirty politics for the benefit of a very, very few at the expense of irrigators up and down the river and all the communities that depend on the River Murray. It is at the expense of the 2.1 million people who live along the Murray-Darling Basin system and an additional 1.3 million Australians who rely on its water. That is 3.4 million people disadvantaged so that a couple of industrial sized cotton growers can make even more profits.

Even my old friend in the other place, Mr Steven Marshall, the Leader of the Opposition, the member for Dunstan, has previously condemned politically motivated appointments. In 2011, he told FIVEaa that appointments to the former Murray-Darling Basin Commission should definitely, unequivocally have been independent of politics. We all say we agree with that. But I have to say that, while we can agree with that and we welcome the state Liberals' support today, I do need to respond to comments made by both Liberal speakers in regard to not being invited to the event on Monday.

The Hon. J.M.A. Lensink: You're going to rewrite history now, are you?

The Hon. I.K. HUNTER: Well, it is not a revision of history. It may pass your understanding, that is potentially understandable. The people who were convened by the Premier on that day were South Australian senators. The Premier was making a political point to the Prime Minister that we have some clout in this business in the Senate, in which he requires—the Prime Minister, that is—some cooperation in the Senate to pass his legislation.

So, the Premier brought together South Australian senators. He did not bring together the Hon. Tammy Franks, the Hon. Mark Parnell, the Hon. Kelly Vincent, the Hon. Dennis Hood or the Hon. Mr Darley. He did not bring them together because they are not senators. He invited the senators of South Australia.

As I said in response to a question yesterday from the member for Bright in estimates, it was contemplated all along that we would invite the Liberal senators, but I decided that: (a) clearly, as members of government and ministers in the government, they would find it very uncomfortable to come along and criticise their own government and, by extension, themselves, I suppose; and (b) I decided that inviting them to set them up like that and publicly make it known that I invited them and that they were not there would be more embarrassing to them, so I did not do it.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: I thought that was the best course of action. I apologise profusely. Today is a day for you to stand up; today is a day for you to stand up and join the government and join all of us together to send a very strong message that we as a state parliament require the federal government to instigate an independent judicial inquiry.

This is the other point I wanted to make about the contribution from Liberal members. I do not think that at any stage—and I will go back and check the *Hansard* to make sure—they actually used that phrase. I do not think they called for an independent judicial inquiry; I think they called for an independent inquiry. That is the point of concern, and I express to them, to clarify this—

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

The Hon. I.K. HUNTER: No, it is only a judicial inquiry that will get to the bottom of these allegations. It is only a judicial inquiry that will have the power to compel witnesses—

The Hon. J.M.A. Lensink: Would you like a copy of David Speirs' media release from Monday?

The PRESIDENT: Order! The Hon. Ms Lensink will allow the minister to finish his contribution.

The Hon. I.K. HUNTER: Only an independent judicial inquiry has the power to compel witnesses, to call for evidence and documents and to give some form of protection to witnesses who want to come forward as whistleblowers, not some other inquiry, independent or otherwise. New South Wales said that its inquiry is independent, but clearly it is not and it is insufficient. I say to our Liberal colleagues here, who are joining us in support of this motion: please make sure you are calling for an independent judicial inquiry because that is the only thing that will get to the bottom of these allegations.

There are other allegations that I will quickly gallop through that need to be brought to light. There was, in addition to the ones we are dealing with now, allegations that in 2016 a decision was made to grant extra irrigation rights to a cotton farmer in the New South Wales area. The *Daily Telegraph* has obtained another document, I am advised, showing that former water minister, Ms Katrina Hodgkinson, changed the water sharing plan to benefit irrigators after they lobbied her to do so. This is industrial-scale water theft, and if these allegations are borne out it amounts to a conspiracy at the very highest levels of the New South Wales government.

This could turn out to be one of the biggest public policy scandals that any of us have seen in our time in this place. These are serious allegations of fraud, theft, collusion and conspiracy. This is \$13 billion worth of taxpayers' money, and it is vital to everybody who depends on the Murray-Darling Basin. At the very least, it is our drinking water supply that we rely on in this state. The Murray-Darling Basin could not be of more significance to the nation. We have heard speakers confirm that, and it goes without saying.

South Australians can no longer trust Deputy Prime Minister Barnaby Joyce with handling the water portfolio. These allegations raise very serious concerns and very serious questions about the integrity of the National Party at a national level. The extent of this deception goes much further than we realised, on the basis of allegations being raised on the front page of the *Daily Telegraph* today, reaching all the way to the top of the New South Wales government and the National Party at a national level.

Deputy Prime Minister Mr Joyce says one thing about the Murray-Darling Basin Plan when he is speaking to the national media—platitudes, it turns out, because he says completely the opposite when he is in pubs and thinks he is off the record, not being recorded and speaking to people he thinks are supportive of his position. He is actively undermining the Murray-Darling Basin Plan, and actively undermining his own Prime Minister's position on a policy that impacts millions of Australians. He is incapable of delivering the basin plan, and Prime Minister Turnbull must replace him in that portfolio, for the good of all Australians who care about the sustainable future of our vital rivers.

We need national compliance and enforcement arrangements to provide the confidence that stated-based water resource planning arrangements are being implemented with integrity, and that commonwealth environmental water in the basin will not be diverted away from the river for private gain. The Prime Minister needs to stop pandering to Mr Joyce and his National Party cronies and commission a full judicial inquiry to look into allegations of more than a billion litres of water stolen from the Murray-Darling river system and allegations of Public Service conspiracy that go all the way to the highest level of the Department of Primary Industries in New South Wales.

Finally, I want to leave you with some words from two long-term farmers who rely on the river, one from New South Wales and one from South Australia. Let these words resonate across this chamber. On Monday, Mr Robert McBride spoke at an unprecedented gathering of senators from across the political divide calling for an independent judicial inquiry. He got up at this press conference and said:

Our family have proudly been farming for 162 years in our nation. We're not fly-by-nighters, we're pretty proud of our history and I think we are looking for the next generation and we're looking at sustainability...we're warning you that your Murray-Darling Basin system is about to collapse, it is a catastrophe.

He went on to say:

We're pretty humble people from the western division of New South Wales; we're very proud of the Murray-Darling Basin. We watched your river die for eight-and-a-half months last year and that's a catastrophe, and it is your catastrophe, it's my catastrophe.

The river system will collapse over time if it's not managed effectively. In this week we're fortunate enough to have the allegations from Four Corners, and isn't it great for a free press. It's the tip of the iceberg; we've dealt with it for many years so it's not new to us.

What is critically important is the bipartisan support we're receiving, it's your river and it's not going to last for much longer unless it's protected accordingly. So please ladies and gentlemen, do take this very seriously.

That is the New South Wales heartland talking, pleading for Mr Joyce and Mr Turnbull to hear their voices, too, about their farm and their business, which will not be around if we do not manage the river system sustainably into the future. Then we heard from Sam Dodd, a dairy farmer and irrigator in the Lower Lakes. He said:

I have a long family history on the Lower Lakes and Coorong, and our primary position in life as farmers is environmental outcomes, seeking environmental outcomes for our backyards because if we don't have water in the lake not only don't we have somewhere to live, we certainly won't be irrigators.

...Four Corners yet again have scratched the surface on corruption or misappropriation of water in the basin. So yes I certainly support the Minister and Premier and others, support for a judicial inquiry...

They are the words of two very passionate farmers who simply want a fair deal on water for everyone for a sustainable river for the future. I echo those words and the joint statement made on Monday. I commend the motion and the instigator of the motion for bringing it forward.

The Hon. D.G.E. HOOD (15:22): I rise to support the motion and I take this opportunity to commend the mover of the motion and for bringing it to the chamber's attention. My contribution will be brief because our position has been outlined in some detail by Senator Cory Bernardi at the press conference on Monday morning of this week, I believe, which a number of speakers have mentioned.

In short, the Australian Conservatives support this motion and particularly support the call for a judicial inquiry. We must ensure that South Australia is receiving a fair deal and that the Murray-Darling Basin Plan is being upheld with integrity and transparency. We therefore call for an independent judicial inquiry to investigate the allegations of water theft in New South Wales from the basin as a matter of urgency and national significance. We call on the Prime Minister to commission an independent judicial inquiry or appoint a judge of national standing to report within 30 days. A healthy Murray-Darling Basin system is important for the nation's prosperity, which is why these allegations must be investigated without delay.

I will make one final comment in my very brief contribution in support of this motion: I think it is important that all political parties represented in this place act in the best interests of South Australia in pursuing this endeavour, rather than letting differences across the chamber influence the outcome. It is a significant thing for our state and it really is the lifeblood of South Australia, and I call on all members of this place and the other place to act as one in supporting this motion and, I believe, a similar motion in the other place, such that the federal authorities will take note that South Australia is determined to achieve an outcome on this issue.

The Hon. J.A. DARLEY (15:24): I rise to commend the Hon. Tammy Franks for bringing this motion to the chamber. I saw the *Four Corners* program on Monday 24 July this year, which outlined the alarming allegations that were made, and I fully support the calling for a judicial inquiry into this matter. I support the motion.

The Hon. K.L. VINCENT (15:25): I will also be very brief in indicating the Dignity Party's support for this motion, not only because the majority of what needs to be said has been said by the speakers, but also because I do not think anyone needs to have it explained to them why the Murray is important, not only to the state of South Australia but indeed to the whole country of Australia. Whether you learned about the environment at school, or you are in an agricultural business, or you

live in an area that is particularly dependent on the river, or you just need water to brush your teeth and have a shower, all of us depend on the River Murray, and not just, of course, in South Australia.

It is really important that we work together because one thing that is perhaps different for some people in the community is that the community depends on people like us in this chamber here today to do whatever we can to defend the River Murray. As other speakers have said, let's put political differences aside and work together on this very important issue. I would also like to thank those who worked on the *Four Corners* story because we often rely on the media to bring matters of public interest and importance to the attention of the community so that we can get actions like this that we are seeing today. With those few brief words, I commend the motion.

The Hon. M.C. PARNELL (15:26): I, too, will briefly rise to support the motion. I congratulate my colleague the Hon. Tammy Franks for putting it on the agenda, and I note that my federal colleague Senator Sarah Hanson-Young has also put this on the Senate agenda. Just an hour and a half ago, the Premier made a statement in another place effectively putting on the agenda of the House of Assembly tomorrow a very similar motion to the one that we are debating now.

I note, of course, the leadership of the Legislative Council in these matters. No-one could accuse us of not taking the very first opportunity to debate this matter of national importance. In fact, we have even suspended question time to do so, which is not something that we would do lightly, but I also note that it is not a tool that has been abused too often. My colleague mentioned before that the Hon. Rob Brokenshire was the last person to use this tool back in 2008, to again debate a matter of national interest, being the fate of the River Murray.

The Hon. Kelly Vincent in her remarks commented on the good work that was done by the *Four Corners* team. I would add three things to that: first of all, the importance of an independent national broadcaster comes to the fore when we see programs like that particular show. I am also minded to note that two of the organisations that featured in that program are organisations that I have had the privilege to work for: the Environmental Defenders Office New South Wales featured, as did the Australian Conservation Foundation. Collectively, I have spent 14 years of my life working for both of those organisations and, whilst it is not the place now to weigh in to another debate on the tax deductibility of donations to organisations such as that, it just shows that, through advocacy work, they are doing this country a great service.

The particular aspect that I am looking forward to an independent judicial inquiry getting into are the allegations of maladministration, misuse of authority, conspiracy and corruption. Anyone who saw the program would be aware that there are serious question marks over the behaviour of senior officials through the, I presume, secretly tape-recorded telephone conversation. We have government officials offering to hand sensitive information over to irrigator lobbyists and, as has been mentioned before, a number of people who participated in that conference call delighting in the prospect of the Murray-Darling Basin Plan collapsing altogether and New South Wales withdrawing from it, so I would like to see that emphasised in the inquiry.

Something we are not allowed to talk about in South Australia, but they are in New South Wales, is ICAC. I note, from media in the last couple of days, that at least two people have been referred to the ICAC in New South Wales, namely, a former water minister and the New South Wales water bureaucrat who featured in the program.

I mention that not because that is any substitute for an independent judicial inquiry but just to make the point that some people in New South Wales are taking these allegations seriously and looking at what tools are available within their jurisdiction to deal with them. I agree with the comments that others have made that the New South Wales internal inquiry just does not cut it. It is limited by its terms of reference and particularly frustrating is that it is limited in terms of the dates on which potential incidents can be investigated.

If we got nothing else from the *Four Corners* report, it is the fact that, where there is smoke there is very likely to be fire. The fact that they might have uncovered one or two cases of meter tampering suggests to me that that may just be the tip of the iceberg. A fully independent judicial inquiry with powers to compel witnesses and which gives, as the minister said, protection to whistleblowers is absolutely critical if we want to get to the bottom of it.

I am hoping that by the end of tomorrow all 69 members of state parliament would have had a chance to debate this matter of national interest. The message going to the Prime Minister will be loud and clear that South Australians are determined to protect the health of the River Murray for the environment and for all river users.

The Hon. T.A. FRANKS (15:30): Mr President, I thank everyone who has made a contribution today and look forward to action from this, and seek leave to withdraw the motion.

Leave granted; motion withdrawn.

Matters of Interest

VENEZUELA

The Hon. J.A. DARLEY (15:31): I rise today to speak and raise awareness of the current situation in Venezuela. In 1999, Venezuela elected a new president, Hugo Chavez, who drastically reformed the country's economy. Being one of the biggest oil-rich nations in the world, high oil prices meant that Chavez could redistribute wealth and reduce poverty through a number of government funded programs which provided medical care, education, food and housing to the nation's poorest.

Upon his death in 2013, his successor, Nicolas Maduro, has attempted to continue these nationalised programs. However, long-term government mismanagement of oil facilities has resulted in a dramatic decline of oil production. Combined with the reduced price of oil globally, this has seen Venezuela go from one of the world's richest countries to having the worst economic growth and inflation.

Poverty has spiralled out of control, with 80 per cent of the population living in poverty. In the past five years, the national currency has lost 99.8 per cent of its value, with \$100 in 2012 now worth a measly 20¢. High demand has seen food become the biggest commodity on the black market. People cannot gain access to even basic medical supplies, and in the past year three-quarters of the adult population have lost an average of eight kilograms due to the lack of food.

President Maduro's popularity has fallen, which has resulted in him trying to tighten his grip to retain power. President Maduro has been accused of trying to establish a dictatorship by gaoing opposition leaders and calling for a vote to amend the constitution to establish a constituent assembly. Currently, Venezuela's unicameral parliament is controlled by the opposition, and it is feared that a newly formed constituent assembly could be stacked with the President's supporters.

Adding to the controversy, on 29 March the country's Supreme Court announced that it would be taking over the National Assembly, which resulted in there being no separation of powers between the executive and the judiciary. The justification for this move was that the National Assembly had allegedly ignored previous rulings from the Supreme Court and the assembly was therefore in contempt.

Although this decision was later revoked, the damage had been done. The decision on 29 March was the final straw for much of the population, and the country has seen daily demonstrations against the government ever since. These protests often result in violence, as the military, which supports the government, has taken a heavy-handed approach to protesters, with the newly deposed head of the National Guard being charged with violating the human rights of protesters. Since March, 120 people have died and thousands more have been injured in the protests.

Hundreds of opposition supporters have been gaoled, with no indication of when they will be released. The recent occurrences in Venezuela are really something beyond imagination. On 27 June, a police officer stole a helicopter and fired at several government buildings as part of an anti-government protest. On 6 July, the military stormed parliament, set off fireworks inside the building and beat politicians with weapons. In early July, the country's Deputy Attorney General snuck into the Ministry of Justice in search of evidence of opposition corruption by hiding in the boot of a car. These actions really beggar belief.

On 16 July, the opposition organised an unofficial referendum to gauge the opinion of the Venezuelan people on the President's suggestion to establish a constituent assembly. This vote was organised in a few short weeks and attracted 7.5 million votes, including about 4,000 from

Venezuelans living in Australia. The result was overwhelming against any change; however the government have ignore the outcome.

On 30 July, the country held a vote to establish a constituent assembly. While the result of this vote was in favour of the government, Mexico, Colombia, Peru and the United States have all rejected the results of this election given the undemocratic manner in which the election was held and that the opposition boycotted the vote in protest. In the wake of the election, opposition leaders have been seized and gaoled and protests continue. The Venezuelan government seems to be ignoring millions of their people and, unfortunately, a peaceful resolution does not appear to be on the horizon.

WALK FOR A VETERAN MARCH

The Hon. A.L. McLACHLAN (15:36): This Saturday last, I joined the 2017 Walk for a Veteran march along Adelaide's beaches at its midpoint, joining the march at the Largs Bay RSL. Unfortunately, I was unable to join the march for the first half due to another commitment, but was able to walk the second half. The walk ended at the Henley and Grange RSL, where there were speeches by the member for Dunstan and the member for Colton, who is the local member.

The march is a 41-kilometre fundraiser for veterans and emergency services personnel suffering post-traumatic stress. All of the proceeds will be split evenly between Operation K9 Assistance Dogs, the Road Home Wellbeing Program, Largs Bay RSL, and the Henley and Grange RSL. Beginning from Seacliff at 5am and concluding at Largs Bay at 4pm, each kilometre walked was in remembrance of the 41 soldiers killed in Afghanistan. In true military fashion, extra weight was carried by some of the walkers to more closely resemble the load a soldier would carry.

My congratulations go to the event organiser, Mr Chad McLaren, for organising this great initiative. Despite the problematic weather, there was a great turnout, including soldiers from the 7th Royal Australian Regiment, as well as some emergency services personnel. The march was led by a mounted guard, magnificently dressed in World War I Light Horse uniforms. Former NRL player and professional boxer, Mr Joe Williams, also participated. He is a much sought after speaker on mental health issues. Mr Williams runs a suicide prevention and wellbeing education workshop, primarily for young people, called The Enemy Within. Mr Williams works with disengaged youth in primary and secondary schools, drug and alcohol rehabilitation centres, as well as correctional facilities.

One of the worthy recipients of the fundraiser was Operation K9, which is a joint program operated by RSL South Australia and the Royal Society for the Blind. These assistance dogs are provided to returned defence force personnel who have been diagnosed with post-traumatic stress due to operational service. These dogs are proving invaluable by supporting independence and social interactions for returned soldiers suffering post-traumatic stress. Trained to identify flashback episodes and divert veterans from the effects of depression, Operation K9 assistance dogs are instrumental in helping soldiers' recovery. The comprehensive training course these assistance dogs must undergo means that each dog costs in excess of \$25,000 to breed, raise and train.

Another worthy cause, The Road Home, was established by the Repat Foundation to raise awareness and support health and wellbeing research into a range of conditions. The Road Home is a national brand created in collaboration with the Hospital Research Foundation to strengthen their position as the leading health and wellbeing organisation for veterans, emergency services personnel and their families. Having built on the Repat Foundation's world-leading independent research over 20 years, The Road Home extends this excellence in wellbeing advocacy and research nationwide.

The Road Home has backed major research projects in mental health, cancer, patient wellness and rehabilitation. Currently underway is a project focused on investigating psychological disorders and symptoms amongst contemporary female Australian Defence Force members by analysing predictors for mental disorders and psychological symptoms amongst Australian servicewomen and female war veterans. The project is believed to be an Australian first.

In another example of high-quality research, a 2014 study by the post-traumatic stress unit of the Repat uncovered significant benefits to veterans who undertook weekly yoga sessions. It was reported that those who participated in the study saw significantly reduced symptoms of depression,

anxiety and stress as well as improved sleep quality and overall quality of life after just eight weeks of yoga.

I wish to extend my thanks and offer my congratulations to Mr Chad McLaren for his strong advocacy not only in veterans affairs but in Indigenous issues as well. As well as volunteering his time in remote Aboriginal communities, Mr McLaren is a managing director of Around the Campfire, a not-for-profit focused on improving Indigenous health in remote regions. Mr McLaren takes great pride in serving his community. Whether it is working as an on-site paramedic or in his past duties as a medic and soldier with the Australian Defence Force, Mr McLaren can always be trusted to lend a hand to those in the community who need it most.

I commend his fundraising and community service, and look forward to attending the next Walk for a Veteran march. Next year I hope to have the opportunity to complete all of the 41 kilometres. I also pray that the walk will never need to be lengthened, with Australian Defence Force personnel remaining safe on their overseas service.

OLDER WOMEN AND POVERTY

The Hon. G.E. GAGO (15:41): Recent reports confirm what we have known for some time, that women are not financially secure in their older life and retirement. Social workers and charities speak of the tsunami that faces this country as older people face a lack of retirement savings, restricted access to work and a sharp rise in housing costs. This is particularly true for older women, and is a reality that we are already facing.

In June 2014, the average male superannuation balance was \$134,800 compared to the average female super balance of only \$83,100. A recent study has shown that at retirement age women have barely half the superannuation savings of men. This problem is created by factors including relationship breakdowns, a more casualised workforce and the burden of unpaid domestic care and childcare work—all of which falls predominantly into the hands of women.

The ATO's most recent data shows that 70 per cent of single, retired women rely on the full age pension. According to Industry Super Australia, 40 per cent of retired women in Australia live below the poverty line. David Whiteley, Chief Executive of Industry Super, argues that the gap in super savings has been due to the system being designed around men working full time and being the principal breadwinner. Men receive 67 per cent of the super tax breaks, which is resulting in improved retirement security for a cohort of recipients that are the least likely to require it.

Deputy Chief Executive for Industry Super Australia, Robbie Campo, has stated that following on from this system, rather than accumulating wealth women are accumulating poverty. Annabel Spring, head of Wealth Management at the Commonwealth Bank, argues that the community needs to destroy the barriers for women to financial security and that the gender pay gap, reduced levels of workforce participation and lower superannuation balances are detrimental to our society as a whole, and that change would generate \$460 billion in savings for the economy.

This problem, as well as the growing number of women reaching very old age, has pushed older women into poverty and even more into homelessness. Almost 10,000 Australian women over the age of 55 accessed homelessness services in the last year, with charities reporting an increase of up to 44 per cent over the past five years.

While people over 55 make up 25 per cent of Australia's population, it is believed that they are unrepresented in the homelessness statistics because they are less likely to receive assistance from homelessness services, compared with a younger cohort. Despite the proportionally lower rate of presentation to these services, specialist homelessness services data collection through the Australian Institute of Health and Welfare reports that older clients seeking assistance has increased at a greater rate than any other age group.

The three major reasons for seeking assistance from older clients were housing crisis, domestic and family violence and financial difficulties. The rate of home ownership is declining among older Australians, and there is discrimination against older women in the rental market as they so often rely fully on the age pension for income. It has also been found that the largest proportion of older women suffering from housing crisis have led what is considered to be a

conventional life and have often rented while they worked and raised a family. Very few required welfare assistance previously and most were presenting to homelessness services for the first time.

Social researchers point out that there is a stereotype of older women who experience homelessness as being substance abusers, mentally ill or irresponsible and that this view often hinders the serious structural change needed to address this issue. While physical and mental health are matters that force older women into housing uncertainty, they are not the only factors. Financial independence is crucial if we are to support women into their old age. By closing the gender pay gap and addressing structural bias in the superannuation system, women will be more able to rely on their savings to support themselves.

With the number of Australians over 55 forecasted to increase substantially over the coming decades and a projected increase of 75s and over to multiply threefold, the issue of homelessness in older people must be seriously addressed. Older women are already at a starting point of financial disadvantage, but if you then add illness, loss of employment, relationship breakdown and increased housing and living costs it is clear that they are a demographic facing serious hardship. It is vital that governments across the country address the hardship that older women currently face and ensure that women do not face this disadvantage into the future.

INTERNATIONAL CHRISTIAN FAITH PERSECUTION

The Hon. D.G.E. HOOD (15:47): Not a week goes by without a new case of Christian persecution coming to light somewhere around the world. A recent alarming case of Christian persecution was brought to my attention by an organisation known as Middle East Concern, which is an organisation I have previously spoken about and commended in this chamber. Recently, as reported by Middle East Concern, Iranian Christian converts Yousef Nadarkhani, Mohammad Reza Omidi, Yasser Mossayebzadeh and Saheb Fadaie were detained and convicted for promoting Christianity and propagating house churches in their country.

The group was sentenced to an amazing 10-year imprisonment by the Iranian judiciary—10 years of gaol for simply promoting their new religion. Yasser, Saheb and Mohammad were arrested in May last year, alongside their pastor Yousef, while celebrating communion. They were charged with the consumption of alcohol for drinking the communion wine, and in September last year were sentenced to an astonishing 80 lashes. Their appeal against the sentence of 80 lashes remains pending at this date. It is understood that Yousef and Mohammad were also sentenced to two years' exile. Yousef is exiled to the city of Nik Shahr in Iran, which is 1,000 kilometres away from his family in Rasht, and Mohammad is exiled to the city of Borazjan, 2,000 kilometres away from his family.

As an Iranian Christian pastor and convert, Yousef is no stranger to religious persecution. Yousef was arrested in October 2009 on charges of apostasy. In September 2010, he was sentenced to death for renouncing his faith in Islam and converting to Christianity. I repeat, in September 2010 he was sentenced to death for renouncing his faith in Islam and converting to Christianity. Fortunately, in 2012, the conviction was overturned and Yousef was freed from prison, following widespread petitions and prayers from the Christian community around the world. Yousef's wife Fatima, who was sentenced to life imprisonment, was also freed from prison. Despite being acquitted in 2012, Yousef is now again being persecuted for his faith. An appeal on behalf of the four men is currently underway for their faith in Christ.

Iran's judicial authorities are notorious for their mistreatment of Christians. In prison, Christian prisoners are refused access to Christian literature. The Iranian judiciary is also known for issuing unjust and hefty sentences against Christian converts in particular. Since 20 June 2017, just six weeks ago, 11 Christians, including two church pastors, have been sentenced to lengthy prison terms of 10 years or more—just in the last six weeks. The group are charged with offences relating to acting against national security, but in reality their only crime is converting to Christianity.

Despite constant oppression by Iranian security forces, including repeated arrests, intimidation and imprisonment of Christians, the legal rights of those persecuted for their faith have not been denied because of the support of the Christian community worldwide and organisations such as Middle East Concern. Freedom of religion is a critical feature of a well-functioning society, and in particular a democracy, and should not be taken for granted.

It is my hope that the appeal against the charges is successful and that Yousef, Saheb, Mohammad and Yasser are acquitted and that the barbaric sentence of 80 lashes is overturned. It is astonishing to me that in 2017 we are still talking about countries issuing sentences of lashing their citizens. We also call on the Iranian judiciary to desist from intimidating Christian converts and respect the right of all in Iran to freedom of religion. The international community must press the government of Iran to uphold its obligations to respect the rights of its citizens to freedom of religion or belief as outlined in the International Covenant on Civil and Political Rights, to which it is actually a signatory—and it is in Iran's own constitution.

If members are wishing to have further details about this organisation that I have mentioned, Middle East Concern, and how they might add their voice to assisting in having some justice prevail in these countries where Christians are persecuted mercilessly, I would be happy to talk to them outside the chamber and give them the details of how they can be involved. It is as simple as putting their name to a letter whereby they write to the authorities in those particular countries, explaining their objection to a particular case, the details of which are provided by Middle East Concern.

Of course, there are many, many organisations doing that right around the world, some Christian and some not. There have been organisations like Amnesty International, not a Christian organisation, of course, but it has been very helpful in adding its weight to these sorts of issues where individuals around the world are persecuted merely because of their religious convictions. As I said, I am happy to talk to other members if they wish to know more details about this very important pursuit.

BANKSA STATE MONITOR

The Hon. R.I. LUCAS (15:52): Sadly, I rise to speak about the economic crisis that confronts the state of South Australia, I think best evidenced by the results of the BankSA monitor released today. This BankSA monitor, unlike many others, has monitored business confidence, consumer confidence and economic conditions in South Australia for more than 20 years. It is conducted by a reputable research organisation, currently Sexton research, and commissioned by BankSA.

Put simply, what this research released today indicates is that when asking South Australian consumers, the results show the lowest ever level of confidence about the future, the lowest ever level of state pride, the lowest ever level of mood and the lowest ever level of lifestyle stability. In particular, the key ones are confidence about the future and pride in our state.

When businesses were surveyed the results again showed catastrophic indications: the lowest level of business confidence since August 1998, almost 20 years; the lowest level of confidence about the future recorded in the last five years; the lowest ever level of state pride; and the largest decrease ever recorded in the BankSA monitor.

It is tragic reading and listening. There is much more that could be put on the public record, but I will not. It is certainly available on their website and on the Adelaidenow website, but it is a fair indication of the problems this state confronts after 16 long years of a Labor government in South Australia: the arrogance, the financial mismanagement, the incompetence and the negligence of Premier Weatherill, Treasurer Koutsantonis and their colleagues.

The government's response, sadly, after 16 years—and we have seen it now for the last half a dozen years under Premier Weatherill and Treasurer Koutsantonis—is that if anything moves, they want to whack a new tax on it. We have seen a doubling of the ESL tax in South Australia, we have seen government policy changes that have led to massive increases in water charges, we have seen an attempt to introduce a car park tax in South Australia, we have seen them lobby the federal government to see whether or not there would be support for an increase in GST from 10 per cent to 15 per cent, or failing that, to apply a GST to financial services, which clearly would impact on every customer in the state of South Australia, or in the nation, frankly, if that was to occur.

We have seen them float ideas of the reintroduction of a land tax on the principal place of residence, and in essence they have done that through the backdoor with the changes they have made with the ESL. Now we have seen, in the last two budgets, a taxi tax introduced, an attempt to introduce a foreign investor tax, and now the government endeavouring to introduce a bank tax in South Australia.

The government's response to the sort of economic figures that we see, that is, the highest unemployment rate in the nation and the consumer and business sentiment figures we have seen from the BankSA monitor, is simply to put their hands in the taxpayer's pocket and to indulge in a further spending splurge on taxpayer-funded government advertising campaigns. The Budget and Finance Committee established only last week that the government was prepared to spend \$2.6 million on Jay Weatherill's energy plan. They have given up the pretext that this is information provision; it is pure unadulterated party political advertising in the period leading up to an election.

Premier Weatherill fronts television ads, he fronts radio ads, he fronts social media ads. It is a desperate endeavour to put their hands in the pockets of taxpayers to fund what should be a party political advertising campaign. That \$2.6 million comes on top of the more than \$1 million being spent on the Job Accelerator Grant Scheme, and anyone who watches television at the moment will see a swamping of television and radio advertising at the moment, and half a million dollars spent on the move of the new Royal Adelaide Hospital.

It is no wonder that after 16 years there is such anger in the South Australian community towards Premier Weatherill and Treasurer Koutsantonis. I indicated that after the last election, Labor Party people told me that their own research indicated that Treasurer Koutsantonis was the most disliked politician, Labor or Liberal, in the state in the period leading up to the election. I am further informed that recent market research conducted by the Labor Party has confirmed that Mr Koutsantonis retains that unenviable position. Clearly, after 16 long years it is now time for a change of direction and a change of economic policy, and that will only be achieved by a change in government.

LOCAL GOVERNMENT

The Hon. J.E. HANSON (15:58): I want to speak again today about the important work undertaken by local government in order to provide amenities and services for residents of their cities. It is my consistent experience that the work of local government and its elected members makes a considerable positive contribution to the quality of life of residents within their cities. Often these can be small things that make enormous differences in daily life, but there are considerably larger matters as well. The jurisdiction of local government matters a great deal to residents and their experiences of life in their communities.

The City of Salisbury is one of the 68 councils that operate in South Australia. It is a city in which many residents and businesses face challenges as a result of the changing global economy and the changing South Australian economic landscape. I commend the City of Salisbury in particular for its exceptionally collaborative attitude in working with the state government and with our industry and academic sectors to ensure the best possible outcomes and the best way forward for the city, its people and its economy.

One way in which the Salisbury council contributes positively to the future of its citizens is to ensure that there is a supportive infrastructure in place for business development, for families and children and for overall social wellbeing. Over the coming year, the City of Salisbury will be undertaking several projects that will be of significant benefit to residents. One of these is the Para Hills community hub. Major works are being undertaken alongside the existing Para Hills Library and Positive Ageing Centre to create a new community hub.

The hub is strategically located within walking distance of the Para Hills neighbourhood shopping centre and Para Hills schools. It will offer business, cultural, education and recreational opportunities, and feature well-equipped facilities, including a multifunction space for up to 120 people and spaces for events, exhibitions and workshops. The cost of this, of course, is over \$4 million. It will create directly eight jobs and indirectly a further 10. The flow-on effect to the surrounding economy will be over \$1 million in indirect flow-on and over \$1 million in direct flow-on.

Furthermore, there is the Salisbury City Centre community hub, which has a cost of over \$30 million. The proposed Salisbury City Centre community hub brings together a range of community, civic and learning services within one vibrant, adaptable and multifunctional building. The hub will provide modern spaces for community use and have state-of-the-art technology that will improve how we work and how we engage with our community.

Furthermore, there is the upgrading of pedestrian and cycle access in the Mawson Lakes Interchange, a project that is being performed in conjunction with a grant from the state government of just under \$1 million, the total cost of the project being \$2.4 million. This joint project between the state Department of Transport, Planning and Infrastructure and the council will improve pedestrian and cyclist access to the Elder Smith Road Bridge and Mawson Interchange at Mawson Lakes. Works include the widening of the shared path on Elder Smith Road Bridge, installation of a shared path ramp and stairs on the north-western side of the bridge and installation of a shared path on the south-eastern side of that bridge.

Also at the cost of just under half a million dollars is the autism-friendly play space. The council is looking to establish the first ever dedicated autism play space within the City of Salisbury, located adjacent to the upcoming Para Hills community hub development, which I previously mentioned. Concept design has been completed, with the following features, including a picnic shelter, a drinking fountain and a kick-about space, with the whole area, of course, being fully fenced. The proposed play space equipment includes a sandy play area, swings and rocking and spinning equipment, with the larger pieces being a themed play structure and climbable elements.

It is clear, when considering these projects, that the City of Salisbury will be undertaking over the following financial year a very strong commitment to promoting wellbeing, safety and a high quality of life for all residents across its city. The City of Salisbury deserves to be commended for maintaining this commitment and for doing the utmost to realise good value for ratepayers in regard to the money spent.

Salisbury council does not deserve to be penalised for its conscientious fiscal management and for voluntarily keeping its costs and its service delivery in line with community expectations. This is the kind of penalty we have seen imposed upon New South Wales councils with rate capping. This is the kind of penalty that has seen higher fees and charges for services, decaying infrastructure and cost shifting between the various levels of government in New South Wales as future generations suffer the increased costs that rate capping has created there. I am glad this government continues to stand against such an ill thought out and detrimental policy.

ENERGY SECURITY

The Hon. M.C. PARNELL (16:03): I rise today to speak about energy security. South Australians, quite rightly, demand a secure and reliable electricity system. We expect power to be there when we need it and for the network to be robust enough to cope with all types of weather and to cope with predictable technical problems. The tornadoes that ripped through South Australia in September 2016, bringing down several high voltage transmission lines and blacking out the entire state, were a wake-up call to take energy security more seriously.

Also, the failure of gas generators to operate in hot weather, and the failure of gas generators to operate when they did not feel like switching on, are other wake-up calls. However, there is a lot of misinformation out there. The vested fossil fuel interests and their political backers in the old parties are scared of what new, renewable energy technology will mean for their profits.

That is why they are engaged in a desperate and misleading campaign to blame wind and solar for just about every problem in the electricity system, but they are being proved wrong. Adding storage to wind and solar generation is a game-changer that allows intermittent renewable power sources to deliver energy around the clock. It is a future that is happening now and it scares the pants off the incumbent coal and gas generators.

Policies that promote new gas as a transitional fuel are expensive and unnecessary, and they are blocking our path to a 100 per cent renewable energy future. Certainly, gas will be with us for a little while longer, but new gas power stations are likely to become white elephants long before the end of their useful lives. So, what are some of the things that we need to do to achieve energy security in South Australia?

First, we need to promote grid-connected battery storage that can provide both energy services and rapid frequency control to stabilise the grid. The Elon Musk Tesla battery is a good development for South Australia; it will improve our energy security. However, we also need to promote domestic and battery storage at the household and business level to help manage and reduce peaks in demand from the grid.

One energy storage technology that received a little bit of attention but appears to have faded is pumped hydro. We need to seriously look at locations and to invest in pumped hydro as a means of storing energy, which can be dispatched quickly at times when other generators cannot meet demand. Over the last couple of years, a number of members have spoken about a solar thermal plant at Port Augusta. That still is a good project that needs to be advanced.

Some time ago, the government introduced some energy security regulations. Those regulations were flawed. They were flawed because they unfairly and unnecessarily discriminated against renewable energy. They did this by insisting on real inertia rather than synthetic inertia. To put it simply, they were preferencing gas ahead of renewable energy. The commentator, Giles Parkinson, writing on 30 May, congratulated the state government on pulling the regulations or, probably to be more accurate, delaying them. He wrote:

The South Australian government is expected to rethink the draft legislation of its planned energy security target after being told its current design will end up simply providing a multi-billion dollar subsidy to gas, and will do nothing to lower prices for consumers or increase energy security.

The draft legislation for the energy security target was released earlier this month, and...its decision to grant incentives only to 'real inertia' appeared to effectively rule out battery storage, and put a question mark over future wind and solar developments in the state.

Energy minister Tom Koutsantonis has been told that if the draft is not changed, the legislation would effectively put a cap on renewables, raise the cost of wholesale electricity and likely fail to deliver any more energy security.

The only thing it would deliver, critics say, is a \$3.5 billion subsidy to the owners of the state's gas generators, the very people who have caused prices to jump because of the rising cost of gas, and what the Australian Energy regulator notes is the 'region's relatively concentrated generator ownership...and (their) bidding behaviour.'

These regulations have been postponed, but they have been postponed until 1 January and that creates a big problem for this parliament. The problem is that, if the regulations are still defective, there will not be any ability for us to disallow them until parliament resumes after the election, which could well be in May of 2018. So, the regulations could do some damage before parliament gets to them. I would urge the government to introduce the regulations earlier and to rethink their content.

Motions

PALESTINE

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

That this council—

1. Acknowledges that Palestinians have suffered denial of their right to self-determination for a century;
2. Recognises that Palestinians have been the victims of massive dispossession for 70 years;
3. Acknowledges that Palestinians have suffered under an Israeli occupation for 50 years;
4. Observes that awareness is growing internationally and, therefore, the greatest hope for change is international pressure on Israel to end its occupation of the Palestinian territories;
5. Is aware that the Australian government is committed to a two-state solution to this Israeli-Palestinian conflict and unless urgent measures are taken this option will vanish;
6. Affirms that the continuation of settlement building is in violation of the Fourth Geneva Convention and various resolutions of the United Nations Security Council, the most recent being resolution 2334 (2016), and constitutes a major obstacle to peace;
7. Believes that the support for a two-state solution and for self-determination for both Israelis and Palestinians requires taking active measures by the international community; and
8. Calls on the commonwealth government to recognise the state of Palestine as we have recognised the state of Israel.

(Continued from 5 July 2017.)

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive

Transformation, Minister for Science and Information Economy) (16:09): I move the following amendment:

Leave out all words after 'That this council—' and insert the following:

1. Notes that the Australian government is committed to a two-state solution to the Israel-Palestine conflict and that unless measures are taken this option will vanish;
2. Affirms that the continuation of settlement building is in violation of the fourth Geneva Convention, and various resolutions of the United Nations Security Council, the most recent being resolution 2334 (2016), and constitutes a major obstacle to peace;
3. Believes that support for a two-state solution and for self-determination for both Israelis and Palestinians requires taking active measures by the international community; and
4. Calls on the commonwealth government to recognise the state of Palestine (as we have recognised the State of Israel) and announce the conditions and timelines to achieve such recognition.

The Hon. A.L. McLACHLAN (16:11): I rise to speak to the motion of the Hon. T. Franks. I speak in my own personal capacity. I will not be supporting the motion of the Hon. T. Franks. I note that the honourable Leader of the Government has just moved an amendment to that motion. While those amendments, if they prove successful, will in my view be an improvement, I still find that I cannot support them, and I am also seeking to amend the motion. I will move that amendment now and then I intend to speak. I move:

Leave out all words after 'That this council—' and insert the following:

1. Notes that the Australian government is committed to a two-state solution to the Israel-Palestine conflict;
2. Calls on both sides to resume direct negotiations in good faith; and
3. Calls on the commonwealth government to recognise the state of Palestine once the two sides have successfully negotiated a two-state solution, as required by international law as set out in the Oslo Accords.

My comments will largely address my concerns regarding the motion moved by the Hon. T. Franks and, in effect, the alternative motion moved by the Hon. Kyam Maher. In doing so, I ask honourable members to also look favourably upon my own amendments that have been tabled by me in the spirit of goodwill to have a motion drafted in a manner that every member in the chamber can support.

The motions of the Hon. T. Franks and the Hon. Kyam Maher call on the commonwealth government to recognise the state of Palestine. This cuts across the federal Liberal government's position of support for a two-state solution but does not recognise a state of Palestine at this time. The federal Liberal government encourages peace in the region and acknowledges that it is for the parties to negotiate a settlement.

The amended motion, as put forward by the Hon. Kyam Maher, reflects the evolving policy position within the Labor Party that we have seen unfold, as reported in the media. Should this or some similar position take firm hold in the Labor Party then we may see a significant gulf between the major parties on this issue. This will be a disappointing outcome because Australian foreign policy has been largely bipartisan, derived from the shared values that bind our community.

In my life, I have not had the opportunity to visit the region, which has so much significance to the faith of so many Australians, including myself. I do not profess to be an expert on the history of the region or its modern politics. For this debate, I am informed by my own readings and interest in this issue. I have taken time to consider the submissions from the bodies that represent the communities that are at odds with each other in the region. I have also considered other submissions by those interested in securing peace in the Middle East. I am not the first to find the issues in the Middle East confronting, challenging and very complex.

In this parliament, I am a co-sponsor of the South Australian Parliamentary Friends of Israel. The other sponsor is from the Labor Party and is the member for Taylor in the other place. I agreed to take on this role from a Liberal member, also in the other place. I do so because I have a great admiration for the nation of Israel. In a land of questionable regimes that are often founded on intolerance, Israel has a vibrant democracy that operates under the rule of law and is innovative and prosperous. It is also a country that has much in common with our own

My support and admiration for the accomplishments of the Israeli peoples should not be interpreted as my being against the Palestinian peoples. I believe that for Israel to have security, it needs a viable Palestinian state—a Palestinian state that recognises Israel and rejects violence against the Jewish people, where trust exists between the two peoples.

In my readings, I have been influenced by many arguments by those with a greater intimacy with the issues than I have. I have attempted to understand the issues from both perspectives, Israeli and Palestinian. For the purpose of this debate, I will bring to the attention of the chamber two that I found considered and persuasive. They were the recently expressed views of the Hon. Kim Beazley, a former Labor federal minister and ambassador to the United States, and the views expressed by Israeli diplomat Mr George Deek, who is of Arab descent and of the Orthodox Christian faith.

Mr Beazley makes the argument that Palestinian leaders have become very comfortable applying moral pressure on Israel but have not reflected on the difficult decisions they must make to achieve a lasting peace. Recognition will remove an incentive to reach agreement with Israel. He describes calls for immediate and unconditional recognition as 'gesture politics and is simply not helpful', with little regard to the realities on the ground.

Mr Beazley points out that there is a recognised set of criteria that brings about diplomatic recognition and that Palestine at this time does not meet such criteria. Recognising a state should only occur when the territory in question has the basic requirements of a state. Through no fault of the Palestinian people, this is not the circumstance currently on the ground. I find this line of reasoning persuasive.

While the motion before us does not demand immediate recognition, it is equally unhelpful, based on the same reasoning. The motion calls on the commonwealth government to recognise the Palestinian state when we do not know what it will actually entail. It is equally redundant to then require conditions and time lines. This will be a matter for the government of the day having regard to the circumstances between the parties. This approach could lead to premature recognition of Palestine and give false hope to the people. The move for recognition is hollow symbolism at best, a trademark of left politics, because it eschews any attempt to understand complex situations and, most importantly, seek lasting and meaningful solutions.

Mr Deek provides us with a unique perspective of modern Israel and hope for the future. He strongly acknowledges that every culture and religion is unique and therefore irreplaceable. He does not excuse Israel but extols a vision that is forward looking and full of hope for change and founded on shared humanity. He argues, as has Mr Beazley, that there needs to be self-criticism in the Palestinian mainstream today about the use of terrorism. He is also dismayed by the lack of tolerance towards Jewish people being passed on to Arab youths. Both Mr Beazley and Mr Deek argue for a change in political culture of Palestinian leadership as well as the building of its communities. Both are needed to secure a lasting peace.

I have read carefully the contributions made on a similar motion in the other place and in this chamber. I do not accept many of the assertions by those supporting the motion nor their reading of history, which in some instances is misguided or selective in its emphasis. I point out to honourable members that the United Kingdom did promise to create Arab states between the Mediterranean and Arabian seas. The League of Nations also gave control of the Palestinian mandate with the view to creating a Jewish state. The large part of this land became Jordan. I strongly reject the assertion by the member for Fisher in the other place that Israel was a solution to the suffering from Nazi persecution.

The Balfour Declaration and the British mandate both pre-date the evil we saw in the 1930s and 1940s. I especially draw to members' attention that suggestions such as this are considered extremely objectionable by the Jewish community. The UN resolution 181 calling for partition, if accepted, would most likely lead to two states existing side by side. It was rejected by the local Arabs. The events that followed this rejection were of tragic proportions, resulting in large-scale dislocation of peoples.

The 1967 war was one of a defensive nature and Egypt occupied Gaza, Jordan, the West Bank and Jerusalem. It was not an attempt by Egypt to create a new state for the local peoples, and

Jews were expelled. There have been repeated attempts by Israel to seek peace, including from the current Israeli Prime Minister. It is a tragedy that peace has not come from the Oslo Accords.

There is a part of this motion that seeks to address the issue of settlements; indeed, both motions that have been put to this chamber have done so. I acknowledge that this is an extremely sensitive issue for Palestinians. I acknowledge its complexity and importance to the peoples impacted, but I strongly reject the account by the member for Fisher in the other place. I question her perspective on this issue and find her hyperbolic statements unhelpful and not conducive to a reasoned discussion and debate.

I have seen numerous expert opinions on international law. I am not going to add my opinion to the many. I know that the assertions in the motion before us are strongly contested by Israel and other member states in the international community. Further, many of the UN resolutions are considered one-sided and not conducive to the successful conclusion of negotiations. I refer to recent reported comments by the Foreign Minister, the Hon. J. Bishop, and the Prime Minister on this issue.

I wish to raise one cautionary note. I would like to think that the debate of this issue, both in this chamber and outside of it, will not lead those with weaker natures to justify anti-Semitism. Debate is necessary and healthy for the community, but discussion of issues such as these should not be allowed to poison the valuable multicultural community compact we have achieved in this state. We have seen some dark shoots of bigotry in Australia in recent times. There have been movements to boycott businesses and individuals. All of us, as community leaders, must be clear that we will not condone behaviours that unfairly single out the Jewish community or constitute anti-Semitism.

I have moved an amendment to the motion. In doing so, I do not seek to paint Israel as a perfect democracy which is without fault. Our democracy has its own blemishes and imperfections. A friend of Israel is not to be an enemy of Palestine. Like everybody in this chamber, we wish for all in the region to find a way to coexist peacefully. In my own lifetime, I dream of seeing a state of Palestine working cooperatively and collaboratively with its neighbour Israel to advance the lives of those who live in the Middle East, a Palestinian state that has democratically elected leaders, respects the rule of law, rejects terrorism and promotes religious tolerance.

I know that my position on the original motion and the amended motion by the Hon. Kyam Maher, if successful, will disappoint many in South Australia who believe recognition for the state of Palestine should occur to facilitate peaceful negotiations. I thank them for their constructive engagement with me on this issue. My argument is that Palestinians of all factions must reject violence, and that the Israelis must negotiate in good faith. I acknowledge the risk so many have taken to secure peace in the past. I acknowledge the frustration of all in the South Australian community who are engaged on this issue at the impasse and failure to find a peaceful settlement. This is my rationale for amending the motion to a simple proposition that can be supported by all in this chamber.

Debate adjourned on motion of Hon. G.E. Gago.

SIGNIFICANT TREES

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

That this council—

1. Notes the importance of significant trees to our urban environment and amenity;
2. Notes that over 1,100 South Australian citizens have signed a petition calling on the state government to change the law to prevent the unnecessary destruction of significant trees and force property developers to incorporate important vegetation into their projects for the benefit of the environment and the wider community; and
3. Calls on the state government to take action now to protect more of the significant and regulated trees on the former Glenside Hospital site.

(Continued from 15 February 2017.)

The Hon. A.L. McLACHLAN (16:24): I rise to speak in support of the motion moved by the Hon. M.C. Parnell concerning significant trees. The motion notes the importance of significant trees to our urban environment and amenity; notes that over 1,100 South Australian citizens have signed

a petition calling on the state government to change the law to prevent the unnecessary destruction of significant trees and force property developers to incorporate important vegetation into their projects for the benefit of the environment and the wider community; and calls on the state government take action now to protect more of the significant and regulated trees on the former Glenside Hospital site. I find great favour with the matters raised by the Hon. Mr Parnell when he spoke to his motion.

I will not dwell on the Glenside development. I had the good fortune at one time to live near what was then the hospital precinct and I know the area well, and I too question why 83 trees should have to be removed to facilitate a development. I know the local community is enraged by the loss of these trees. I can advise the chamber that the issue has reached even as far as Mount Gambier, with the local member in the other place, Mr Troy Bell, also advocating strongly on behalf of concerned constituents.

The Glenside development is an instructive example of what is wrong with our development processes. I have never seen the compelling need to turn land into a desert before redevelopment commences. There rarely seems to be any desire by those seeking to develop land to value significant trees and incorporate them into the building on site. Trees seem to be an enemy of the developer. There is no hesitation or reluctance to remove a tree; rather, trees are treated as living organisms that are unworthy of existence and which are to be exorcised as soon as possible.

I acknowledge that there are many legitimate circumstances where trees must be removed, but the removal of trees always seems to be the starting point in a development consideration, not the reluctant end point. Developers rightly have a keen eye on profit; however, developers appear to fall before this idol and rarely reflect on the importance of trees to their surroundings and to the community at large. Instead, they build us boxes to live in—or should I say imprison us in—surrounded by low maintenance and unattractive shrubs, convenient to maintain but cruelly unfit for native fauna. This in turn keeps people shielded from the joys of nature and from understanding their place within it. Residents' eyes are now just affixed to screens and their minds occupied by their virtual fixations. The connection with nature herself is broken.

I have often queried the role of the architect in all this. I suspect it is not just margins nor the lack of imagination of the commissioning client, but also the inability of our architects to rise above the mediocre creations they seem to worship in this city and incorporate a landscape along with its trees. I know it can be done better. You need only go to Victoria, which seems to revel in great architecture, both public and private.

Our urban society seems to resent the tree as some sort of interloper on our domestic landscape. We cannot leave alone even the old trees in our parklands. They too seem to have lost their ancient right to be left alone to peacefully grow, to provide a place for wildlife to harbour safely, and even to provide shade for the weary traveller on their city commute.

It was not always that we disrespected the tree. There was a time when trees were not just valued by us but were worshipped. Trees have long had a symbolic significance in our cultural heritage. From the Tree of Knowledge in Eden to the blessed trees of the Celts, trees have played a central part in the cultural life of our societies. For Buddhists and Hindus the banyan tree is sacred, and in Africa it is the baobab. The sycamore was important for ancient Egyptians, and oak trees have featured prominently in ancient mythologies across Europe. For the Celts, oaks are the foremost amongst the venerated trees.

The avenging power of the oak is particularly famous in Somerset, where they were considered to possess great powers. It was once a widely held belief that oaks resented being cut down and townsfolk would diligently avoid walking by oak coppices. We have not completely lost our cultural connection with trees. Today, trees are at least used as symbols of countries and cities. I believe we must revisit the past and recast our relationship with trees and see them once again as sacred, rather than an encumbrance to poorly designed homes, empty gardens and petty profits.

We must also not just see trees as a resource but as an important partner in our life on this planet. Trees should be central to our urban environment, not ancillary. The value of a tree should be greater than a building. A tree takes years to grow to maturity. Buildings can be constructed and demolished many times in the life of a great tree. We must explore the ideal of urban forests, rather

than the concrete jungle. We must work against the desire of development advocates to remove us from nature.

According to the 2014 report, titled Benchmarking Australia's Urban Tree Canopy, conducted by the University of Technology Sydney, Adelaide has the unenviable honour of having the lowest level of tree canopy cover compared to all other Australian capital cities. At 27 per cent, our tree coverage is less than half than that of Hobart, the country's greenest city, and 12 per cent below the nation's average. A recent Charles Sturt council-commissioned study revealed that tree canopy cover in the local government area declined by about 690,000 square metres since 2008.

However, I am a realist. I suspect that my appeals for our community to rediscover and revalue their relationships with trees will not be heard, given the modern obsession with the virtual world as well as the brutal realities of the business of development. I am therefore enamoured with the suggestion made by an inner-city Perth councillor that we assign a monetary value to urban trees, weighted according to their economic, environmental and health benefits, which must be taken into account in planning decisions. If some in our community are unable to love trees, they can at least value them.

The University of Adelaide has estimated the gross benefit of a typical Adelaide street tree to be worth over \$422 per annum. This is derived from energy savings from reduced air conditioning use, air quality improvements, stormwater management, improved aesthetics, capital appreciation and carbon sequestration. There is also the possibility of creating a tree commission. In some parts of the United States they have a shade tree commission. Its role is to work with residents to watch over the health and diversity of forest and street trees. This includes growing the community green areas and promoting public awareness of proper tree care.

I am sure there are other initiatives to not only protect the urban tree from felling, but also to encourage the community to place greater value on the trees in their lives. Even with all the regulatory protection, we as a community need to reconnect with the earth and the life that comes from it. We must redefine our relationship with Gaia and build communities that are healthy, sustainable and aesthetic. We must restore the significance of the tree in the life of our communities. I will leave you with a short quote from William Blake who, in 1799, wrote in one of his letters:

The tree which moves some to tears of joy is in the eyes of others only a green thing that stands in the way. Some see Nature all ridicule and deformity...and some scarce see Nature at all. But to the eyes of the man of Imagination, Nature is Imagination itself.

I commend the motion to the chamber.

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

Bills

STATUTES AMENDMENT (HEAVY VEHICLES REGISTRATION FEES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 June 2017.)

The Hon. J.M.A. LENSINK (16:35): I rise to indicate opposition support for this bill, which is part of the harmonisation of national laws which relate to heavy vehicles. In particular, this bill amends the Highways Act and the Motor Vehicles Act so that South Australia can meet its obligations under the Heavy Vehicle National Law (South Australia) Act 2013, which contains the national law as a schedule. This bill provides for the creation of a national heavy vehicle regulator. For the benefit of readers, heavy vehicles are defined as trucks with a gross vehicle mass of 4.5 tonnes or more.

The section relating to registration of the national law has not commenced yet, so heavy vehicle registrations remain under state legislation; however, those jurisdictions which are participants, which I understand includes all states and territories except for the Northern Territory and WA, are governed by model law approved by the national Transport and Infrastructure Council, made up of state and territory ministers. Vehicle registration charges are currently calculated on the basis of road user charge and regulatory charge components.

Participating jurisdictions have agreed that the revenue which is collected will be transferred to the regulator to undertake its duties. Amendments to the Motor Vehicles Act clarify that deductions from concessional registration charges for people living in remote areas and from primary producers will be taken from the roads component rather than the regulatory component of the fees provided to the regulator's fund.

This bill is, in effect, a stopgap to cover arrangements until the other arrangements are completed. I am advised that registration fees will not increase, but a portion will be provided to the NHVR instead of going to the Highways Fund. With those comments, I commend the bill to the house.

Debate adjourned on motion of Hon. J.E. Hanson.

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. J.A. DARLEY: I rise to put my contribution on this bill on the record. I understand that it is unconventional for these remarks to be included during committee rather than the second reading, and I want to thank the chamber for its indulgence. The opportunity for me to contribute to the bill during the second reading was taken out of my hands when the government decided to progress the bill, notwithstanding the fact that I had indicated that I was not ready to progress yet.

The reason I was not ready to progress with the bill was that I was still in discussion with the member for Kaurua, who had carriage of this bill on behalf of the government. I want to thank the member for Kaurua and his staff, who have been of great assistance on this matter, and I want to acknowledge the hard work they have put into this issue.

The bill itself is relatively simple, in that it outlines that councils must grant a permit for mobile food vending businesses and that they are able to attach conditions to it, which will be outlined in the regulations. If a business breaches the conditions then the bill provides for the cancellation of a permit by council. That is the full extent of the bill but, as in the case of many bills, the devil is in the detail or, in this case, in the regulations.

The member for Kaurua has kindly provided me with a copy of the proposed regulations and has consulted with me broadly and accommodated many, if not all, of my requests and concerns. The regulations outline a number of matters. For example, councils cannot restrict the type of food sold and can only charge a maximum of \$2,400 per annum for a permit. Permit holders must abide by conditions to not impede traffic and abide by environmental food safety laws and the like. Councils are also required to establish location rules for their council area, which will outline where mobile food vendors are able to trade.

One of my primary concerns over this bill is the effect that mobile food vendors could have on existing businesses. In establishing the location rules, councils will need to take into account the location, number and operating hours of existing fixed food businesses in the vicinity. It concerned me that existing businesses might be adversely affected by the location rules and as such I asked the member for Kaurua to insert a review mechanism into the regulations.

While the member for Kaurua was happy to oblige this request for a review mechanism, upon consideration of this issue I have decided that the right for review should be inserted into the bill so that any changes to this arrangement would need to come before parliament. It is very important to me that existing businesses will have a way to be heard if they are grieved by the location rules, and I have filed amendments to address this.

I want to put on the record that I have tried to find a middle ground for stakeholders. However, this has been very difficult, as stakeholders did not want to be engaged. I provided the Property Council, representing bricks and mortar businesses, with a copy of the draft regulations for comment. Despite repeated requests for feedback, nothing has been provided to me or my office. I can only assume from this that they are not interested in and have no concerns about the matter, as I have

previously been lobbied by the Property Council when they had concerns about an issue. They are not usually backward in coming forward, but in these circumstances they have provided nothing.

I have consulted with the Local Government Association representing councils, but have found the experience to be frustrating. Their position has been clear that they oppose this bill because they see it as the state government putting an additional regulatory burden on councils without financial compensation for this. Given councils will have the opportunity to recoup up to \$2,400 per year per permit, I do not see how this can be argued.

The LGA has also advised that councils can develop their own rules currently without the need for legislation. This is certainly the response I received when I spoke to a number of councils myself. They did not want to be hit with a big stick because they would do it of their own accord. However, an investigation by my office could only find a handful of councils that had developed a policy on this matter. So, notwithstanding the fact that I have been told by the most senior staff at councils that they are supportive of mobile food vendors and encourage them to their council area, the council has done nothing about issuing permits.

When called to provide more information, this council advised that individuals should purchase their food truck first, make application, pay the fee, receive the permit and only then would they be told when and where they could trade. This is nonsensical. When questioned as to why more councils had not developed a policy, the response from the LGA was that it was because the current act did not require it. This response is contrary to the advice they had previously given to me.

I also make the point that I have not been contacted by any bricks and mortar businesses about this proposal. I have received feedback from a couple of landlords; however, the number of actual business owners who have contacted me is zero. In contrast, I have been contacted by several mobile food vendors who have pleaded with me to pass this legislation, as without it their ability to plan and run their businesses is severely hampered.

Ultimately, it is giving the ability for people to plan for their business that pushed me over the line. I do not believe in legislating matters where it is not necessary; however, in this case I see a need. The exercise undertaken by my office highlighted to me how difficult it is for people who want to establish a mobile food vending business. Answers from councils were slow and the information provided was scarce. It is no wonder that South Australia has a reputation for stymying business. It is all just too hard.

If people want to see where they can trade in a particular council area, they should be able to access this information easily rather than have to jump through hoops to find out. If they do not like the rules that council have posted, they can make an informed decision not to apply for a permit for that area.

Whilst I have previously strongly indicated that I will not be supporting this bill, I believe I have had a number of wins in inserting safeguard provisions for existing businesses. The amendments I have filed reflect what the government previously agreed to and has inserted into the regulations, so I expect there will be support for my amendments, too.

This bill will allow small business owners to operate their businesses more effectively and, more importantly, will make the rules available for those who are thinking of starting up their own business, rather than frustrate people with a plethora of red tape. This can only lead to growth in our economy and provide employment opportunities for the community.

The Hon. K.J. MAHER: I thank the Hon. John Darley for his comments at clause 1 in relation to the bill and the scheme in general, and for his support for the bill on the basis of, as he has outlined, discussions and negotiations with the member for Kaurana, who has had carriage of this bill for the government, and for what sounds like the very sensible way it has been negotiated in looking at what is in the regulations and what is in the legislation.

I know the Hon. John Darley has spent a great deal of time considering and consulting on this bill over the past six months and, on behalf of the member for Kaurana and the government, we thank him for the work he has undertaken, as we do with the Greens, the Hon. Kelly Vincent and others who have spent a lot of time considering this bill.

The government has agreed with the Hon. John Darley that the bill will include a system for handling disputes over a council's location rules through the Small Business Commissioner. The approach is two tiered: parties dissatisfied with the location rules may approach the Small Business Commissioner to investigate and make recommendations to that council. If the party is still unhappy with the council's rules after this process, they may then apply to the Small Business Commissioner, who may issue a direction for that council to amend their location rules.

There will be a penalty of up to \$5,000 for councils that fail to comply with the direction of the Small Business Commissioner. This process, and the penalty provision, will be introduced into the bill through amendments put forward by the Hon. John Darley. The types of things the council should be aware of when drafting their location rules have been made clearer, such as proximity to fixed premises businesses.

Through the discussions and consultations with the Hon. John Darley, a number of other matters have been addressed and were raised through the consultations with councils, through the LGA, including that councils should have the flexibility to allow locations at different opening times, depending on the local circumstances, and an amendment to allow expiation notices.

I thank all those who have been involved with this bill and, when we finish the committee stage tomorrow, hopefully, I look forward to the bill passing as the amendments that have been put forward are considered during the committee stage.

Clause passed.

Progress reported; committee to sit again.

CRIMINAL LAW CONSOLIDATION (CRIMINAL ORGANISATIONS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:51): I move:

That this bill be now read a second time.

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

Leave granted.

The Criminal Law Consolidation (Criminal Organisations) Amendment Bill 2017 amends Part 3B, Division 2 of the *Criminal Law Consolidation Act 1934* ('CLCA'). That Division contains a scheme that responds to serious and organised crime in our community.

Background

In 2015, the *Statutes Amendment (Serious and Organised Crime) Act 2015* ('2015 Act') was passed. The 2015 Act inserted Division 2 into Part 3B the CLCA. Division 2 is headed 'public places, prescribed places and prescribed events'. It is directed toward participants in criminal organisations. It prohibits such people from:

- being knowingly present in a public place with 2 or more other participants in a criminal organisation;
- entering a prescribed place or attending a prescribed event; or
- recruiting another person to become a participant in a criminal organisation.

For the purposes of Division 2, 'criminal organisation' is defined in three ways. Criminal organisation means:

1. an organisation of 3 or more persons who:
 - have as their purpose, or as 1 of their purposes, engaging in, organising, planning, facilitating, supporting, or otherwise conspiring to engage in, serious criminal activity; and
 - by their association represent an unacceptable risk to the safety, welfare or order of the community; or
2. a declared organisation within the meaning of the *Serious and Organised Crime (Control) Act 2008*; or
3. an entity declared by regulation to be a criminal organisation.

For the purposes of the third limb of the definition, the Criminal Law Consolidation (Criminal Organisations) Regulations 2015 declare 10 entities to be criminal organisations. Those Regulations are not a product of the usual regulation making process. They were contained in a schedule to the 2015 Act and converted to regulations on its assent.

The process that must be followed in order to declare any additional organisations for the purposes of the third limb of the definition of criminal organisation is detailed in section 83GA of the CLCA. There is scope for a report from the Crime and Public Integrity Policy Committee, there is scope for the Minister to consider any information suggesting a link between the entity and serious criminal activity, relevant convictions, and a range of other information. A regulation declaring a criminal organisation may be disallowed by resolution of either House of Parliament. In this way, the Parliament retains control over which further entities, if any, are declared to be criminal organisations.

Removal of no criminal purpose defence

In relation to each of the offence provisions in Part 3B, Division 2 there is a 'no criminal purpose' defence. It first occurs in section 83GC(2), which provides that:

It is a defence to a charge of an offence against subsection (1) for the defendant to prove that the criminal organisation in which it is alleged that the defendant is a participant is not an organisation that has, as 1 of its purposes, the purpose of engaging in, or conspiring to engage in, criminal activity.

Where the no criminal purpose defence is raised, the prosecution is required to disprove it. This means that the prosecution is required to prove that the criminal organisation had, at the relevant time, the purpose of engaging in or conspiring to engage in criminal activity.

The no criminal purpose defence is problematic where an entity has been declared to be a criminal organisation, particularly under the third limb of the definition of criminal organisation. In those circumstances, where the no criminal purpose defence is raised, the prosecution will be required to adduce complex evidence about the purpose or purposes of the criminal organisation that would not otherwise be required in the proceedings.

In the view of this Government, the prosecution should not have to prove the criminal purpose of an organisation that has already been declared by the Parliament to be a criminal organisation. Once an entity falls within the scope of the definition of criminal organisation, and participants in the entity engage in conduct that is prohibited by Part 3B, Division 2 of the CLCA, the offence provisions should be readily enforceable in relation to members of that criminal organisation.

For these reasons, this Bill deletes the no criminal purpose defence where it occurs in Division 2 of Part 3B of the CLCA. Depending on the circumstances, common law or statutory defences may be available to an accused.

The Government believes that the removal of the no criminal purpose defence will improve the practical workability of Division 2 of Part 3B of the CLCA and will ensure that it remains a useful tool in the suite of responses that this Government has implemented to combat serious and organised crime.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of section 83GC—Participants in criminal organisation being knowingly present in public places

This clause amends section 83GC of the Act to remove the defence contained in subsection (2). Currently, subsection (2) provides that it is a defence to a charge of an offence against subsection (1) for the defendant to prove that the criminal organisation in which it is alleged that the defendant is a participant is not an organisation that has, as 1 of its purposes, the purpose of engaging in, or conspiring to engage in, criminal activity.

4—Amendment of section 83GD—Participants in criminal organisation entering prescribed places and attending prescribed events

This clause amends section 83GD of the Act to remove the defence contained in subsection (3). Currently, subsection (3) provides that it is a defence to a charge of an offence against subsection (1) or (2) to prove that the criminal organisation is not an organisation that has, as 1 of its purposes, the purpose of engaging in, or conspiring to engage in, criminal activity.

5—Amendment of section 83GE—Participants in criminal organisation recruiting persons to become participants in the organisation

This clause amends section 83GE of the Act to remove the defence contained in subsection (2). Currently, subsection (2) provides that it is a defence to a charge of an offence against subsection (1) to prove that the criminal

organisation in which it is alleged that the defendant is a participant is not an organisation that has, as 1 of its purposes, the purpose of engaging in, or conspiring to engage in, criminal activity.

Schedule 1—Transitional provision

1—Transitional provision

This clause provides a transitional provision such that an amendment of the *Criminal Law Consolidation Act 1935* made by this Act will apply only in respect of an offence alleged to have occurred after the commencement of this Act.

Debate adjourned on motion of Hon. A.L. McLachlan.

At 16:52 the council adjourned until Thursday 3 August 2017 at 14:15.

*Answers to Questions***MOTORCYCLE LANE FILTERING**

In reply to **the Hon. M.C. PARNELL** (29 March 2017).

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

The changes apply to motor bike riders only. Bicycle riders can already filter, but not within the meaning of the term lane filtering as defined in the regulations.

The honourable member envisages cycling on a multi-lane road with one of those lanes being a dedicated right hand turn lane. A number of Australian Road Rules are relevant to this situation:

- The requirement to signal a right change of direction (rule 48).
- The requirement to drive or ride within a single marked lane or line of traffic (rule 146).
- The prohibition on moving from one marked lane to another marked lane across a continuous line separating the lanes (rule 147).

Unlike motor bikes, bicycle riders are already allowed to overtake on the left because the prohibition of overtaking on the left does not apply to them. Neither are they required to signal left under rule 46, because bicycles are not fitted with indicator lights, and there is nothing stopping them from sharing a lane with another vehicle. However, rules 48, 146 and 147 still apply. This means that bicycle riders are currently permitted to filter where there is enough space to overtake without leaving a marked lane or crossing a continuous line, and as long as they signal right when necessary.

Bicycle riders making a right turn also have the option of performing a hook turn at any intersection unless it's prohibited. This manoeuvre allows riders to turn right from the left hand side of the intersection, and can be particularly useful in situations where traffic is backed up and there is no room to overtake stationary vehicles to enter the right hand turn lane. Rule 35 outlines a sequence of five steps to execute a hook turn properly. Such turns are generally more appropriate than filter turns for bicycle riders who are typically unable to travel at higher speed as motor bikes if required.

POLICE STATIONS

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (30 March 2017).

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

The Berri Police Station renovations commenced on 1 May 2017 and will continue for approximately seven months. A final plan was agreed with South Australia Police (SAPOL) and the contractor on 6 April 2017 after site visits and workflow considerations; this plan allows for most of the current Berri Police Station staff to remain on site during the renovation.

There will be some movement of staff away from the site to other Riverland locations however this has been minimised to the largest extent.

I am advised that the Berri CIB, Crime Scene Investigation and Family Violence staff will move temporarily to the Renmark Police Station. There will be no disruption or variation to their current service delivery. It is anticipated that their relocation will last for six months before returning to the Berri Police Station.

I am also advised that four highway patrol members will relocate to Barmera Police Station for a six month period prior to returning to the Berri Police Station. These moves alleviate some vehicle congestion at Berri during the works and allow for office space to be vacated to move police around the renovations with the least disruption.

No sworn staff have been removed from the Riverland area and local police numbers are regularly supplemented by visits from specialist and other police based in Adelaide.

The renovations are not linked to the resourcing of Murray Mallee LSA, they are being undertaken to improve the facilities at the Berri Police Station. SAPOL is not currently reviewing the resourcing of Murray Mallee LSA.

CYCLING SAFETY

In reply to **the Hon. M.C. PARNELL** (30 March 2017).

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

The Department for Planning Transport and Infrastructure ensure that all traffic control devices (including bollards that form part of traffic engineering projects developed by the department) are designed and installed in accordance with AUSTROADS, Guide to Road Design Part 6A—Pedestrians and Cyclist Paths. This national guide is quite specific in relation to the requirements of physical appearance and position of bollards.

Specifically, amongst other things, bollards are to be highly conspicuous creating contrast with surrounding environment by painting the device with white or yellow paint and applying reflective tape for detection at night. Pavement marking is to be installed to direct cyclists and pedestrians away from bollards.

The department's traffic control approval systems ensures a rigorous process for approving traffic control devices, by recognised traffic engineering practitioners, as part of the delivery of their traffic engineering projects to ensure that the aforementioned guidelines are appropriately accommodated.

The department also provides grant monies in partnership with South Australian local government authorities for the development of cycling and walking facilities through the 'State Bicycle Fund'. This funds management system ensures that local government authorities, that receive funding from the department, are aware of their responsibilities in relation to the need to accommodate national standards and guidelines as part of management of approved projects. I am advised by the department that the bollard installed at Goolwa Beach on local government infrastructure did not form part of a state bicycle fund project.

Notwithstanding the department's current processes, I will ensure that the Local Government Association of South Australia is communicated with by the department to ensure that all South Australian councils are aware of the importance to install bollards in accordance with the aforementioned national guidelines.

CYCLING SAFETY

In reply to **the Hon. K.L. VINCENT** (30 March 2017).

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

The Department for Planning Transport and Infrastructure ensure that all traffic control devices (including bollards that form part of traffic engineering projects developed by the department) are designed and installed in accordance with AUSTRROADS, Guide to Road Design Part 6A—Pedestrians and Cyclist Paths. This national guide is quite specific in relation to the requirements of physical appearance and position of bollards.

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The department's traffic control approval systems ensures a rigorous process for approving traffic control devices, by recognised traffic engineering practitioners, as part of the delivery of their traffic engineering projects to ensure that the aforementioned guidelines are appropriately accommodated.

Notwithstanding the department's current processes, I will ensure that the Local Government Association of South Australia is communicated with by the department to ensure that all South Australian councils are aware of the importance to install bollards in accordance with the aforementioned national guidelines.

SKILLED MIGRANTS

In reply to **the Hon. M.C. PARNELL** (12 April 2017).

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): The Minister for Investment and Trade has advised:

1. The State Nominated Occupation List is prepared and maintained annually by the Department of State Development. It is published annually in July following modelling, analysis and industry consultation.

The document is date stamped as current for the date it is downloaded. The availability indicators also update in real time as applicants apply for state nomination, to reflect the remaining availability of state nomination places. These availability indicators should not be interpreted as the volume of positions unfilled in the labour market.

2. The Department of State Development monitors publicly available vacancy data from the Federal Department of Employment.

The department also purchases data from SEEK Limited in order to gauge current industry demand for workers and skills. In future, both the Federal Department of Employment and the Department of State Development are looking at incorporating more real-time data to inform occupation lists, so that this can be responsive to changes in the employment market.

3. There are a range of activities that take place, both surveying and dedicated employment support services.

Immigration SA's Specialist Migrant Services provides a suite of employment related services relevant to skilled migrants. Feedback is regularly received from clients thanking the government for providing a valuable service, which has been directly attributed to helping migrants obtain skilled employment in a competitive market.

Clients are surveyed to ascertain their progress, including whether they have gained skilled employment and to facilitate their access to further services dependent on their need

At the state level, there are two forms of surveys across the state nominated cohort. Major surveys of skilled migrants were conducted in 2010 and 2015 and a short ongoing survey is sent to state nominated migrants at three months, six months, 12 months, 18 months and 24 months post-arrival.

At a national level, the Australian Government's Continuous Survey of Australia's migrants, covers both family and skilled migrant outcomes.

SKILLED MIGRANTS

In reply to **the Hon. T.A. FRANKS** (12 April 2017).

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): An analysis of labour market shortages and capacity takes place annually from February to May, with the information published in July each year when the new State Nominated Occupation List is released.

PRISON ADMINISTRATION

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (13 April 2017).

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

Prior to 2013, the Adelaide Remand Centre had instituted its own local operating procedure to ensure checking protocols were recorded. A standard operating procedure defining headcount and checking protocols was introduced by the Department for Correctional Services in November 2013.

This procedure outlines the requirements for supervision of prisoners to ensure accurate accountability of the entire prisoner population at all times. This procedure ensures that, during a period of lockdown, staff conduct a random visual observation of all prisoners at least once every two hours. These observations are conducted to verify that all prisoners are safe and showing no obvious signs of distress.

This procedure is consistent across the prison system however as each of our prison complexes are unique in facilities and structural layout, the functional conduct of such checks may vary to ensure individual prison operational concerns are addressed.

Institutional staff record all headcounts and random observations in departmental log books and include the time the check was conducted and the name of the responsible officers. These records may be monitored through the operational compliance framework at each prison location and the department's Internal Audit and Risk Management Branch.

SA WATER RECONCILIATION ACTION PLAN

In reply to **the Hon. T.A. FRANKS** (10 May 2017).

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): I am advised:

A new Executive/Research Officer has recently been appointed to the Aboriginal Lands Parliamentary Standing Committee and will work with the Clerk of the Legislative Council to progress the RAP.

WORKERS COMPENSATION

In reply to **the Hon. R.I. LUCAS** (11 May 2017).

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

As of 11 May 2017, I have not been advised of any concerns by the Department for Correctional Services regarding the transfer of workers compensation claims to ReturnToWorkSA. Further, I have not been advised by the department of any budget impacts to date.

INNOVATION VOUCHER PROGRAM

In reply to **the Hon. A.L. McLACHLAN** (30 May 2017).

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): I am advised:

Co-contributions by small to medium enterprises (SME) to research service providers for vouchers awarded under the Innovation Voucher Program are paid directly by the SME to the research provider. The Department of State Development requires that a formal agreement is in place for this payment to occur before releasing funding under the grant.

POLICE OFFICER OF THE YEAR AWARD

In reply to **the Hon. A.L. McLACHLAN** (30 May 2017).

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

For the 2016 award, ten nominations were received by the Rotary Club of Unley.