LEGISLATIVE COUNCIL

Wednesday, 9 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.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome our students from Trinity Gardens. It is lovely to see you all.

Bills

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:19): I move:

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

Motion carried.

Ministerial Statement

LESTER, MR YAMI

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20): I table a copy of a ministerial statement regarding Mr Yami Lester OAM made in another place by the Premier.

OAKDEN MENTAL HEALTH FACILITY

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20): I table a copy of a ministerial statement on the subject of the government's response to the Oakden review made in another place by the Minister for Health.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.E. HANSON (14:20): I lay upon the table the 50th report of the committee 2015-17.

Report received.

Question Time

CORRECTIONAL SERVICES OFFICERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Correctional Services about correctional services officers.

Leave granted.

The Hon. D.W. RIDGWAY: It was reported in *The Advertiser* this morning that prison officers found cannabis at the Cadell Training Centre, which prompted a search of the centre in which officers found a love letter relating to a relationship between a female officer and a prisoner. My question to

the minister is: has the prison officer been suspended? If so, with or without pay? What charges will be laid, if any, against this particular officer?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:21): I thank the honourable member for his question. I can confirm that on 9 August, the Department for Correctional Services was contacted by Channel 7 and Channel 10 in relation to information they had received about an alleged significant incident at the Cadell Training Centre involving staff and contraband.

It appears that the media has been provided with information relating to the following three incidents. On 1 June this year, during a routine search at the Cadell Training Centre, a quantity of contraband was found. As per the standard operating procedure, the contraband was taken to the officer in charge, where it was sealed in evidence bags and placed in the evidence cell. That evidence was in turn referred to SAPOL for testing and results are yet to be received.

As a result of the above contraband find, SAPOL, in conjunction with DCS, conducted a joint operation, which included DCS Operations Security Unit and also intensive SAPOL resources. The operation involved an extensive search of the Cadell Training Centre in June, resulting in a number of contraband finds.

On 3 July, during a routine patrol at Cadell Training Centre, a prisoner was found with contraband (namely marijuana) in a cell and that matter has been referred to the appropriate investigative agencies. Conclusions appear to have been drawn by some media outlets that the above three incidents were linked. There is no evidence to support such linkages or to support any links to the misconduct of staff, other than the incident outlined previously, the most recent one I referred to being on 3 July.

What is important here is to acknowledge a few basic facts, which I am sure all members of the chamber can appreciate. The first one is that prisons, by their very nature, are dangerous places and we know that there is no prison anywhere in the world that is contraband-free. All prisons globally seem to experience issues around contraband and our challenge as a state, as a jurisdiction, is to try to make sure we are doing everything we can to reduce the presence of contraband within the prison system, particularly around weapons, of course, which present an immediate threat to the safety of staff, and also inmates, but also drugs or illicit substances, which can undermine our objective to rehabilitate prisoners and, in turn, reduce reoffending.

Having acknowledged that, incidents do occur from time to time. What is important is that we provide relevant agencies—in this case DCS but also SAPOL—the resources to be able to ensure that they can conduct investigations and inquiries so that, where contraband is found, people are brought to justice as a result of that, whether that be inmates or indeed visitors or even, in the worst case scenario, if there has been some misconduct on behalf of staff.

I am satisfied that the appropriate investigative authorities have the resources they need to be able to conduct investigations. It would be my expectation that, where those investigations ensue, we get the best outcome we possibly can when it comes to people being held to account if they have broken the law.

CORRECTIONAL SERVICES OFFICERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): Supplementary: it relates to the substance of my question, which was really not about the contraband and cannabis but the relationship between the female officer and the prisoner. It is my understanding, and the minister might like to confirm this, that the prisoner has been shifted to Yatala and that the female officer has been stood down. My question again is: has the prison officer been suspended, with or without pay, and, if so, will any charges be laid, or what disciplinary action will be taken against that particular officer?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:26): Mr President, let me attempt to answer that component of the honourable member's question. My advice is that the officer—and presumably we are talking about the same event—has been stood down pending the investigation.

I think what is important here is that there is now an investigation underway, and we can't pre-empt the outcome of that investigation. There are a number of agencies or bodies that have the capacity to conduct investigations within prisons. Obviously, the Ombudsman has that capacity, and we have seen from time to time Ombudsman reports in respect of incidents or areas within the prison system. I do not think that would be a relevant authority in this particular instance.

The other ones, of course, are DCS, which has internal investigative capacities, and SAPOL, which also has a specialised corrections unit themselves. SAPOL has a suite of resources that are specifically allocated in a corrections context to be able to conduct investigations. Of course, another agency that has the capacity to conduct investigations in and around corrections is the Independent Commissioner Against Corruption.

Where there are investigations underway, obviously it would not be appropriate to comment on those as those investigations run their course, but I can say that I have been advised that in respect of the incident that I believe the Hon. Mr Ridgway is talking about, the officer has been stood down pending that investigation.

CORRECTIONAL SERVICES OFFICERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): Further supplementary: can the minister confirm that the prisoner has been shifted to Yatala, away from the Cadell Training Centre?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:27): I will have to take that part on notice. My advice is that the person has been stood down, but I am happy to seek clarity around exactly what 'stood down' does mean and whether or not Mr Ridgway's question has any relevance.

CORRECTIONAL SERVICES OFFICERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): Further supplementary: can the minister also provide some information, which he may have to take on notice, of how many prison officers have been suspended over the last 12 months on either drug-related or other matters?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:28): It will not surprise the honourable member that I don't have that information at hand. I am happy to make some inquiries as to what those numbers are.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE BOARD

The Hon. J.M.A. LENSINK (14:28): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation regarding the South Eastern Water Conservation and Drainage Board.

Leave granted.

The Hon. J.M.A. LENSINK: The South Eastern Water Conservation and Drainage Board has many functions and obligations, including to provide effective and efficient management of water and to assist and give advice regarding water conservation, drainage and management. The minister appointed Mr Frank Brennan as the presiding member of the South Eastern Water Conservation and Drainage Board in 2015. My question for the minister is: does he believe that conflict of interest exists between chairing the South Eastern Water Conservation and Drainage Board and the South East NRM Board?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:29): No.

FORENSIC MENTAL HEALTH

The Hon. S.G. WADE (14:29): I seek leave to make a brief explanation before asking a question of the Minister for Correctional Services in relation to forensic mental health.

Leave granted.

The Hon. S.G. WADE: Last month, the government released its response to the independent review of the South Australian Forensic Mental Health Service, a review that was completed two years ago. The review recommended the establishment of:

> …a dedicated multi-disciplinary Prison Mental Health Service to provide assessment, treatment and care services in custodial settings.

In its response, the government indicated that it was not in a position to support this recommendation as it required further consideration, and pointed out that a pilot prison in-reach service had concluded. In its response, the government said:

> The Pilot was successful in that it scoped demand and the scale of intervention required in the prison environment, and enhanced the communication and referral protocols between the [Forensic Mental Health Service] inpatient facility, the Prison Health Service and general adult mental health services.
>
> Further consideration with regard to resourcing is required for the Prison In-Reach Service, which will be undertaken through a business case process.

My questions are:

1. When did the pilot prison in-reach service commence and conclude?

2. Which agency conducted the pilot?

3. How much did the pilot cost?

4. Given that the government claims the pilot was successful in scoping demand, to what extent is demand met by the current level of service provision?

5. When will the business case for an ongoing service be completed?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31): I thank the honourable member for his question. As I am sure he can appreciate, the Forensic Mental Health report is principally the responsibility of the Minister for Mental Health, being of course the member for Taylor. I am happy to take on notice the specific components of the Hon. Mr Wade's questions for the honourable member in the other place.

What I can say is that I do believe that minister Vlahos is passionate about her role in this particular area. I firmly believe that she will continue to work for continuous improvements in forensic mental health in the state. I also note that minister Vlahos has overseen an increase in forensic bed stock from 40 to 60, despite substantial cuts in the area from the federal government. Nevertheless, I am more than happy to take on notice the questions from the Hon. Mr Wade that are relevant to the honourable minister's areas of responsibility and get back an answer as quickly as possible.

FORENSIC MENTAL HEALTH

The Hon. S.G. WADE (14:32): Just to clarify: does the Minister for Correctional Services act as a purchaser of services in relation to mental health services, or do you have another minister's officers working in your facilities?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:32): My understanding is that in respect to, for instance, James Nash House, that is specifically the responsibility of the Minister for Mental Health. I am not sure if we are talking about the same thing but I am happy to take the question on notice with respect to the procurement of mental health services within correctional facilities.

Of course, there are a number of different efforts that are undertaken within the Department for Correctional Services that speak to the mental health of its inmates, and they vary, but I am happy to take on notice the specific question asking if the Department for Correctional Services procures services from other agencies within the state government. However, as I said, this is not a simple area. There are a number of efforts that are undertaken within the department regarding mental health, so with regard to the specific nature of the honourable member's question I am more than happy to take it on notice.

FORENSIC MENTAL HEALTH

The Hon. S.G. WADE (14:33): I have a supplementary question which will be by the nature of reiteration because I would like to clarify that I was not talking about the forensic mental health facilities. My reading of the report was that it was talking about prison in-reach services, so that is within correctional services facilities. If I could ask the minister by way of supplementary: could the minister advise the council, if you like, of the funder purchaser-provider relationship as it is understood in the South Australian government, considering that some jurisdictions have explicit funder purchaser-provider contracts between even their public sector health providers and considering that in the end it is the Department for Correctional Services that has custody of these citizens and they need to hold health service providers accountable for delivery?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:34): I am more than happy to take that on notice.

BUILDING UPGRADE FINANCE

The Hon. T.T. NGO (14:34): My question is to the Minister for Climate Change. Will the minister provide an update on Building Upgrade Finance?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:35): I thank the honourable member for his very important question. Building Upgrade Finance is a key commitment of this government. Its aim is to help drive investment in our property sector, improve our building stock, help tenants cut costs and create jobs. For owners, building upgrades can reduce operating costs, increase yields, help attract and retain tenants and improve the value of assets.

For tenants it can help to reduce net operating costs and improve indoor amenity and staff productivity. There is also an opportunity for local manufacturers to supply materials needed for these upgrades, and there is also an opportunity, we hope, for local companies to set up and to offer a complete upgrade package to building owners.

The mechanism has been implemented to overcome the current barriers that exist that create a split incentive, as it is called, regarding such upgrades. That is a split incentive in that the building owner has to invest in the upgrades, but the people who benefit directly are usually the tenants. According to previous modelling undertaken regarding Building Upgrade Finance, there is the potential to create hundreds, if not thousands, of jobs into the future; to free up to half a billion dollars in potential CBD capital investments; and to save greenhouse gas emissions by up to 32 per cent.

In an Australian first, Building Upgrade Finance in South Australia will allow heritage work to be eligible under this mechanism. This includes modifications to heritage listed buildings to comply with the current building code and disability access requirements. I am very pleased to announce that the mechanism came into operation last Tuesday 1 August. The regulations have been proclaimed, and the no-worse-off methodology has been approved. On 8 August, the City of Adelaide became the first council to approve the use of BUF within their area, I am advised.

In the coming weeks and months, I look forward to other councils approving the use of BUF in their area, because it is applicable across council regions, not just confined to the CBD. I am advised there is a great deal of interest across the state already. While the department developed the regulations and the no-worse-off methodology, the government instituted an early adopter program. This program worked with the sector to identify buildings that might be financed under the program.

I am advised that nearly 30 projects have been registered through this work and that of these, nine have had business cases developed. These projects span metropolitan Adelaide and regional South Australia. I am advised that Eureka Finance, just one financier interested in BUF, has indicated they are committed to providing $100 million for building upgrades across the state.

It is important to remember that our mechanism incorporates a central administrator. This administrator will help councils to offer and facilitate BUF agreements. It is intended to avoid

administrative duplication between councils, to centralise expertise and to reduce barriers to council participation as well as to provide a one-stop shop for building owners and financiers. The mechanism is most easily explained, I suppose, in the words of some industry participants. Quentin Shaw from Eureka told *The Advertiser* on 15 March:

> BUF addresses this split incentive issue by allowing building owners to utilising the tenant energy savings to fund the upgrade programs. It makes economic sense and it also delivers true benefits to tenants, by way of lifting building performance and reducing energy use by as much as 60 per cent.

Mr Alistair Laycock, the managing director at CBRE, has also said to *The Advertiser*:

> For tenants, it also provides the opportunity to occupy more environmentally sustainable premises, something that is becoming a significant focus for major corporates in particular as they look at ways to attract and retain key talent.

And in the words of Mr Daniel Gannon, the executive director of our state's Property Council:

> As a scheme, it will reduce operating costs, increase yields, help attract and retain tenants, and increase asset values. In simple terms, it's a policy no-brainer at a time when vacancy rates are high and tenant demand is soft.

This mechanism has come about because of the hard work of many, many people over the years. I would like to thank Mr Daniel Gannon. The South Australian Property Council, the local government sector and the City of Adelaide have all worked with us cooperatively.

I also want to take a moment to acknowledge many of the staff in my agency, led by Ms Sandy Pitcher and Julia Grant, and Mr Richard Day, Acting Director of the Low Carbon Economy Unit, Department of the Premier and Cabinet, who have all seen the value of this program that has been incorporated into New South Wales and Victoria, I think. They have taken the best parts of their legislation and put it into a piece of legislation unique for our state.

Our staff, in particular Olessya Vitkovskaya, have worked tirelessly over a number of years to get this scheme operational and I am very pleased that now the regulations are in place, I can look forward to the early adopter program signing up some early adopters, and hopefully being able to report in this place on some of the various first steps taken by those wanting to take up the BUF in South Australia.

BUILDING UPGRADE FINANCE

The Hon. K.L. VINCENT (14:40): What level of disability access will be provided in these buildings? Will it be existing Australian standards or universal design or something else?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): I thank the honourable member for her supplementary question. I am not prescribing the sorts of standards that will be applied. It will be largely up to the building owner in terms of the standards they apply, whether they are the Australian standards, or whether they aspire to something even better.

The whole idea of BUF, I suppose, is to reach further than what everybody else is doing, to offer, by utilising this financing mechanism, something that is not available elsewhere in the city so as to attract more tenants. My understanding would be, all costs being equal, that the investment will be in areas that would actually make their buildings stand out, and if that means going that extra yard in terms of disability access, that is something they would consider.

BUILDING UPGRADE FINANCE

The Hon. J.A. DARLEY (14:41): Of the 30 applications made for these building upgrade grants, can the minister advise how many of those buildings are currently vacant?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:41): I thank the Hon. Mr Darley for his most important question and for working very closely with us, particularly on the methodology. I do not have that information about the current vacancy levels in the early adopter program or indeed on the nine that have had their business case done, but I will seek some answers for the Hon. Mr Darley on that and bring back a response.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome our students from St Aloysius. Good to see you here.

Question Time

DECRIMINALISATION OF SEX WORK

The Hon. J.A. DARLEY (14:42): I seek leave to make a brief explanation before asking the Minister for Police a question regarding a public meeting held at Woodville North last Sunday morning by the member for Croydon to discuss decriminalisation of the sex industry legislation.

Leave granted.

The Hon. J.A. DARLEY: I suggested at that meeting that it would be helpful if the member for Croydon would consider convening another public meeting at which he could arrange for the Minister for Police and the police commissioner to attend to answer questions on the issue. He responded by indicating that he was arranging such a meeting. Can the minister advise the council when, where and at what time this next public meeting is to be held?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:43): No, I am not in a position to be able to do that at this stage.

DECRIMINALISATION OF SEX WORK

The Hon. K.L. VINCENT (14:43): Supplementary question: is the minister not able to do this because it is being arranged, or because he is not arranging a meeting?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:43): No, I am not able to comment on it because I do not have the specific details on exactly the time and date and the venue of that particular meeting at this point in time.

POLICE CIVILIANISATION

The Hon. R.I. LUCAS (14:43): I seek leave to make an explanation prior to directing a question to the Minister for Police on the subject of civilianisation of SAPOL.

Leave granted.

The Hon. R.I. LUCAS: Last year, in the Budget and Finance Committee, Commissioner Stevens gave evidence in relation to the civilianisation of prosecution services within SAPOL. At that time, he indicated that they had employed seven civilian prosecutors, and he indicated where they were deployed, and he said:

> This is being run as a trial and I have to say it's been very successful.

He went on to say that the cooperation:

> …has been excellent…
>
> All of the indications are that this is a sound model and we would be looking to expand the number of civilian prosecutors to a degree as we move forward. We do not have a specific number on that at this point.

That was evidence given last year. The commissioner was also asked what the budget savings were in moving to civilianise prosecutions. He provided a partial answer to that in that he indicated the salary differential was $11,000, but he didn't indicate what the other savings were or that the value of the other savings that he acknowledged would be achieved. He also gave us examples of potential savings in relation to police housing in country areas, annual leave—which was two weeks less than for police prosecutors—uniforms and various other examples. My questions to the minister are:

1. Given the indication last year, can the minister update the council as to how many civilian prosecutors there are now and whether it is the commissioner's intent to continue over the forward estimates period to increase the number of civilian prosecutors?

2. Can he take on notice and bring back to the house not just the salary savings of $11,000 per civilian prosecutor that the commission achieves, but what the other estimated savings are that would be achieved for each additional civilian prosecutor employed by SAPOL in terms of accommodation, uniform, annual leave and any other costs?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:46): I am more than happy to take the Hon. Mr Lucas's question on notice, as requested. However, I am able to provide a bit of additional advice that may be of assistance to the Hon. Mr Lucas in regard to the prosecution unit.

I have been advised—and I am happy to confirm these numbers through the process of taking questions on notice—that SAPOL forecasts that by 30 June next year there would be an equivalent of 22 FTE positions in the prosecution role. From my information, I am assuming that would be 22 FTEs of non-sworn officers or civilians working in prosecutions forecasted for 30 June next year. I am more than happy to take the remainder of the Hon. Mr Lucas's question on notice, as suggested by him.

POLICE CIVILIANISATION

The Hon. S.G. WADE (14:47): Supplementary: could I also ask the minister to provide some data in terms of other savings that might have been made—for example, whether or not the civil prosecutors have a higher or lower propensity for cases to proceed—and any success data?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:47): I haven't been advised, to the best of my recollection, about any impediments that civil prosecutors within SAPOL would have in terms of being able to proceed matters any further than an ordinary sworn officer working within prosecutions would.

POLICE CIVILIANISATION

The Hon. S.G. WADE (14:47): Further supplementary: I understand that a civil prosecutor in preparation of a case may decide whether or not a case was going to proceed, because they are not matters handed down by the DPP. They might also have a better, or worse, success rate when actually before the court in dealing with matters. One would expect police prosecutors and civil prosecutors to have different cultures and different backgrounds. What that means in terms of propensity to prosecute successfully in the case and general handling might well also feed back into the cost savings. It might actually be more expensive if a prosecutor is more likely to pursue a matter than a police prosecutor—it may actually cost the police force more, not less.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:48): I don't have any data at hand regarding specifics in terms of analysis about likelihood of proceeding and so forth. I am happy to seek that information, if it exists. I would say a couple of things: the first thing is that the advice I have received regarding how this program is working—and this is something I have spoken to the police commissioner about on quite a few occasions—is that it is working exceedingly well and that there hasn't been any compromise in terms of the justice outcomes that occur as a result of this effort.

The PRESIDENT: Order! Can I ask the photographer over there to only take photos of people who are on their feet? Thanks.

The Hon. P. MALINAUSKAS: As a consequence, it is a small reform exercise that has worked exceedingly well. That has been the advice I have received up until this point. In respect of whether or not there is any specific data that demonstrates that, I am happy to seek it.

The second thing I would say with respect to this is that of course the most important thing to ask ourselves when reforms like this are being undertaken is: what is the justice outcome, rather than just the cost one? It is important that when we are talking about prosecutions being the responsibility of SAPOL, often there is potentially a victim involved and, of course, that person wants to see that they get the best possible outcome in terms of justice rather than realise a cost benefit in terms of whether or not a matter proceeds. It is about making sure we have the best justice outcome.

Like I said, my advice is that that has worked quite well up until this point, notwithstanding that there is a potential cost saving in having a non-sworn officer conduct matters such as these.

POLICE DOG OPERATIONS UNIT

The Hon. J.E. HANSON (14:50): My question is to the Minister for Police. Can the minister advise of any recent investment by the state government to protect SAPOL's working animals?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:51): I thank the honourable member for his excellent question, because there is work that is being undertaken by the government in order to protect working animals.

Recently, I had the pleasure of being able to visit the SAPOL Dog Operations Unit to announce that all SAPOL general duty police dogs will now wear protection vests. The vests now worn by general duty police dogs reduce the risk of harm being inflicted upon these animals that play a vital role in the fight against crime. Our police dogs are much loved and integral members of the front-line policing family, providing support to sworn officers in high-risk situations, as well as being able to detect drugs, explosives and other prohibited items that a sworn officer would not otherwise be able to detect.

I am sure all members of this council remember the 2013 case of Koda, the police dog that was stabbed in the line of duty. Following that terrible act, the parliament supported new laws to protect our working animals and increase the penalties for offences against them. To provide additional security to SAPOL's Dog Operations Unit members, namely SAPOL's 12 general duty dogs, they will now be fitted with the Mako harness. The vests cost approximately $1,300 each and, while they provide a superior level of protection for the dog, they also provide dog handlers with enhanced control and lifting assistance for operational deployment in the field.

The vests have stab and slash mitigating components within them and also provide for a low level of ballistic protection to protect the vital organs and vulnerable areas of our general duty dogs. The vest weighs a little less than a kilo and has been tested to ensure that it does not impede the agility, speed or mobility of the dog.

The state government believes that protecting all of our officers who seek to keep us safe, whether they are human, canine or equine, is vital and their safety on the front line is critically important. This government will continue to support our police force with the best technologies and resources required so they can continue the stellar work that has seen crime drop by almost a third under successive Labor governments over the previous 15 years.

I want to thank SAPOL's Dog Operations Unit for their service to our community. I am pleased that we have been able to provide additional protections to our working animals and acknowledge the parliament's effort to do the same with passing what has been affectionately described as Koda's law.

Finally, I hope we will never see an occasion where these vests serve their purpose, but I think the South Australian community will have a lot of confidence and take a lot of comfort in knowing that our police dogs have a degree of protection that is world-class so that when they go about their business of protecting us, we in turn are doing something about protecting them.

DRUG-RELATED CRIME

The Hon. D.G.E. HOOD (14:54): I seek leave to make a brief explanation before asking the Minister for Police a question regarding two drug investigations.

Leave granted.

The Hon. D.G.E. HOOD: A recent trial involving an alleged $151 million outlaw motorcycle gang drug syndicate was recently withdrawn due to SA Police's refusal to divulge information relating to GPS surveillance techniques. The accused were charged with drug manufacturing and trafficking and being members of a criminal organisation allegedly responsible for millions of street deals, two clandestine labs and a burial of large amounts of methamphetamine and ecstasy tablets.

SA Police apparently spent two years investigating the alleged drug syndicate. However, due to the lack of information that was decided to be provided by the police in the end in relation to the use of the GPS devices, the court was not satisfied with the veracity of the evidence, which forced prosecutors to withdraw the charges. My questions to the minister are:

1. Does the minister deem this a satisfactory outcome?

2. How will the government and SAPOL respond to the outcome of this case? Will there be any changes to the manner in which drug offences are investigated and prosecuted to prevent a similar outcome in the future?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): I thank the honourable member for his question. He will be pleased to know this is something that I have made inquiries of SAPOL about, upon learning of this particular instance. I can confirm that I have received a brief from SAPOL on this particular incident. I have to say that I understand the reasons why the prosecution decided to withdraw their case, under the particular circumstances.

Needless to say, and I am sure the honourable member will appreciate this, that being an issue of an operational nature that speaks to surveillance, particularly in the context of organised crime, in this case outlaw motorcycle gangs, there is a need to observe a degree of operational confidentiality so as not to compromise future investigative efforts. Having said that, I am sure the honourable member would be pleased to know this is something that I am intending to have a further dialogue with SAPOL about so as to prevent such instances occurring again in the future, where that is possible.

We want to make sure that, as a parliament, I would have thought, we are doing everything we can to support those men and women within SAPOL who go about the extraordinarily dangerous task of working in the section that investigates organised crime. They obviously need to deploy the best resources and technologies as reasonably can happen so that they are able to monitor suspects' activities and ultimately get a conviction.

I will be working with the police commissioner and the Attorney-General, if need be, to ascertain whether or not there is anything that needs to be done, in SAPOL's mind at least, in order to address this particular instance. This is something the government is keeping abreast of and has been working closely with SAPOL on so that where we can achieve successful convictions in respect to drug activity in particular amongst organised crime, that we are able to do so.

DRUG-RELATED CRIME

The Hon. A.L. McLACHLAN (14:58): Supplementary: is it your understanding that if they were willing to supply or give evidence on the methodology of investigation, however that may have taken place, that there would have been a prima facie case to secure a conviction? The article indicates that they decided not to give the evidence over and therefore the prosecution could not continue.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:58): The information I have received from SAPOL speaks to the reasons why a decision was made not to hand over that evidence, which is distinct from any brief or information that I received as to the veracity or likelihood of a successful conviction, had that evidence been handed over. In other words, the information I have received doesn't speak to the Hon. Mr McLachlan's specific question.

POLICE, SEXUAL HARASSMENT

The Hon. A.L. McLACHLAN (14:59): I seek leave to make a brief explanation before asking the Minister for Police a question.

Leave granted.

The Hon. A.L. McLACHLAN: My question follows on from the Hon. Mr Wade's question yesterday regarding the Equal Opportunity Commission's report. It has been recently reported in the media that 10 new investigations into sexual harassment or predatory behaviour within SAPOL have

occurred since the release of the Equal Opportunity Commission's report and two cases have been dealt with through managerial intervention and training.

Can the minister advise the chamber what is being done within SAPOL to ensure that those persons in leadership positions, which is a smaller class of individuals, do not perpetrate these behaviours themselves or continue the culture that has driven these behaviours that have been repeatedly complained of both before and after the release of the commission's report?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:00): I thank the honourable member for his important question. As I stated yesterday, the issue of sexual harassment and discrimination within SAPOL is something that I am very glad SAPOL's leadership is taking incredibly seriously, particularly the police commissioner himself, and as a result has instigated a number of efforts post the Equal Opportunity Commission's report to ensure that this is the case going forward.

I understand the commissioner himself has worked extensively with SAPOL's leadership team, particularly at a senior level, which I think is the context of the Hon. Mr McLachlan's question, to ensure that the entire leadership team is doing everything they can to make sure that the cultural change that may be necessary within SAPOL does indeed occur.

I can confirm that as of April this year, 95 per cent of all SAPOL staff, I am advised, have had direct engagement with the review, including its implications and application. I understand that one of the actions that has been completed, which arises out of the Equal Opportunity Commission's report, was to publish a statement that was endorsed by all members of the executive that acknowledges that sexual harassment and sex discrimination are unacceptable and apologises for the significant distress caused to victims and bystanders.

I would have thought that that is a significant step coming from all members of the executive of SAPOL—a significant step and an absolutely necessary and appropriate one, and nothing short of that would have been appropriate—but I think it does speak to the fact that the entire leadership team and executive within SAPOL are committed to this important cause.

ADELAIDE INTERNATIONAL BIRD SANCTUARY

The Hon. T.T. NGO (15:02): I have a question for the Minister for Sustainability, Environment and Conservation. Can the minister outline the benefits that the Adelaide International Bird Sanctuary and proclamation of the national park will have on tourism in this state?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:02): I thank the honourable member for his excellent question. Throughout the last financial year, 2016-17, we have continued our progress in a range of initiatives to encourage greater numbers of South Australians and tourists into our national parks across the state. We are raising the profile of the state as an excellent place to visit, especially for visitors seeking a nature-based tourism experience. A standout example is the Adelaide International Bird Sanctuary, stretching about 60 kilometres north of Adelaide, along Gulf St Vincent, along the coastline from Barker Inlet to Parham.

The bird sanctuary will not only protect vital habitat, of course, for migratory shorebirds but also offers an exciting nature-based tourism experience. Visitors can immerse themselves in nature and enjoy walking trails and birdwatching opportunities only 30 minutes from the centre of the city. In October 2016, I announced the formation of the Adelaide International Bird Sanctuary National Park—Winaityinaityi Pangkara. The park will become South Australia's first new national park in more than a decade.

The park has been co-named with a Kaurna name that means 'a country for all birds' and is a demonstration of our commitment to working with Kaurna people to create a place that many can identify with. As well as being one of our newest national parks, the bird sanctuary is also one of our newest nature-based tourism sites. We are currently looking at opportunities to maximise the bird sanctuary experience. These include hosting professional birdwatching guided tours, creating bilingual brochures and visitor maps, creating electronic inventories so that people walking past with their mobile devices can have information pop up on their screens about what they might be seeing, and also, of course, adapting that to other languages.

The bird sanctuary complements South Australia's many other outstanding coastal experiences. It includes the Adelaide Dolphin Sanctuary right next door and our extensive marine park network. The development of a tourism proposal for the area is being guided by a leadership round table for the bird sanctuary and they have called themselves 'The Collective'. The Collective comprises a diverse group of people from across the state and local governments, representatives from the local Kaurna community and the Vietnamese farming communities as well as avid birdwatchers. Also involved in that group are local business leaders, environmental, social and not-for-profits and other groups that have an interest in the future of the region.

This collective has identified the need for local people to be involved in developing future opportunities for the bird sanctuary and by working together the state government and the local community will create a national park and a bird sanctuary that will maximise the benefits to nature, people and the local economy. I think I have mentioned in this place before, these bird sanctuaries have now become an accepted part of the international East Asian-Australasian Flyway, recognising the birds that fly up through South-East Asia, through China and then into Siberia, and, I am advised, also up to Alaska.

As it develops further, in the fullness of time, this will mean, I hope, more jobs in Adelaide's north, particularly those around tourism experiences, including jobs that might be sought by engaging with the local Aboriginal community's cultural experiences—it is an area that is very important for local community—and hopefully employing Indigenous people who can talk to tourists and visitors from interstate and overseas about the cultural significance of the site and their stories about the animals that live there.

I believe the bird sanctuary is a model in how government is working in a new and cooperative and innovative way with our communities to create a better place for people and a more sustained environment for the animals that live in it. I look forward to seeing the bird sanctuary and the local community transform the northern plains of Adelaide with their innovative approach to attracting tourists, as I say, from interstate and overseas, to something that is going to be very, very unique.

LABOUR HIRE PRACTICES, D'VINERIPE

The Hon. T.A. FRANKS (15:06): I seek leave to make a brief explanation before directing a question on the topic of state government grants to create full-time jobs at D'VineRipe to the minister representing the Minister for Employment.

Leave granted.

The Hon. T.A. FRANKS: A secure job is life changing. It means security and economic prosperity for workers and their families. D'VineRipe was exposed by *Four Corners* in 2015 for its use of exploitative labour hire arrangements through which workers were being underpaid by as much as $5 an hour. After this, workers at Two Wells joined the union, and fought and won direct employment. However, the company has since returned to using labour hire again. This year, the labour hire company at D'VineRipe was in the media for freedom of association breaches and threats to deport seasonal workers for joining their union.

Indeed, labour hire and insecure work continues to be the model of employment at D'VineRipe, despite their commitments to the South Australian government and their ability to easily provide full-time employment to their long-term and loyal casual workforce. Indeed, D'VineRipe has now received close to $3 million in various grants from the Weatherill government for the creation of full-time jobs. In 2012, they received just under $1 million on the basis that they create at least 177 full-time jobs. Then, in 2014, they were awarded $2 million from a regional development grant to create 80 full-time jobs.

In that same year, the Premier toured the plant and announced 150 full-time jobs would be created at the Two Wells facility. However, I am informed by the National Union of Workers that today, only 70 permanent full-time jobs exist at this facility and when I met with some of the workers last week at a worker's house, they told me the story that reflects the other advice I have received from the National Union of Workers that there are 220 direct workers trapped in insecure work and an additional 100 labour hire and seasonal visa workers, with some of these workers having worked

at the site for over five years but remaining casual. These workers still do not have a secure full-time job.

My question to the minister is: will he undertake an auditing of the state government grants and other contributions provided to the D'VineRipe company (formerly trading as D'VineRipe, now Perfection Fresh) at the Two Wells site to ensure that the South Australian government's grant conditions for full-time employment have been complied with? Will he report urgently back to this council on the matter?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:09): I thank the honourable member for raising this most important question about the company D'VineRipe/ Perfection Fresh and any grant programs from the government that they have benefited from in terms of employment creation. I will undertake to take this question to the Minister for Employment and seek a response on the honourable member's behalf.

FLOOD RELIEF OPERATIONS

The Hon. J.S. LEE (15:10): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions about the Burns review and flood mitigation.

Leave granted.

The Hon. J.S. LEE: In January this year, the government received a report, led by former police commissioner Gary Burns, to examine the accuracy of the state's disaster preparedness and response to the extreme weather event which impacted South Australia in September last year. The report contained 62 recommendations that outline ways in which the government can improve its response to major storm events. Recommendation 21 of the report states:

> That consideration and resources be given to support the implementation of recommendations in the report prepared on behalf of Department of Environment, Water and Natural Resources…for flood warning classification of stream gauges and other locations.

My questions to the minister are:

1. How many recommendations out of the 62 have been implemented; more specifically, has recommendation 21 in the report been implemented?

2. Where are these stream gauges located?

3. What resources have been provided to develop relevant policy in line with the recommendation in DEWNR's South Australian Levee Bank Management Issues Paper, as outlined in recommendation 22 of the Burns review?

4. Can the minister outline whether a relevant management structure has been implemented in relation to levee management and flood mitigation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:11): I thank the honourable member for her most important question. As honourable members will know, the review has, amongst many other considerations, been looking at flood risk. That is an area where I have some level of agency responsibility. The review praised ISA standards for flood expertise that was provided by the Department of Environment, Water and Natural Resources to the State Emergency Service during the severe weather event to which the report pertains.

A great deal of work has been achieved collaboratively between DEWNR and SES in improving the capacity and capability for flood intelligence and warnings in recent years, despite the Hon. David Ridgway pooh-poohing our efforts in these matters and trying to be predictive in terms of, particularly, flash flooding. But it is important that we set up across the state data services that allow us to provide early warning to communities.

In 2015, the government commenced a flood warning and flood intelligence project, which is being jointly implemented by DEWNR and the State Emergency Service. This program embeds hydrologists and the SES state control centre to interpret meteorology, rainfall and river flow data,

flood studies and intelligence, and provide advice on potential and actual flood impacts. I am advised that this allows the SES to make informed operational decisions with regard to flood responses.

The 26 September floods were the first major flood event where a hydrology and mapping service was deployed from DEWNR to the SES. This was a significant step in providing real-time intelligence to the SES, and a number of lessons were learned, I am advised, on how this service could be improved. The feedback from the SES was uniformly positive. The review makes a number of recommendations, as the honourable member has highlighted in her question, that look to improve coordination across agencies and the authorities for flood preparedness, prevention and response and recovery activities across the state.

Touching on some of the relevant recommendations from DEWNR's perspective, recommendations 18 and 19, which were managing the structural safety of dams and reservoirs and having clear protocols in place when a dam is threatening to breach during a flood. These protocols are scheduled to be completed, I am advised, by the end of this year.

Recommendation 20 ensures that data is shared between emergency services, flood forecasters and reservoir owners, and spill management operations of reservoirs are integrated into emergency warnings and response.

Recommendation 21 is an examination of multiple networks of stream flow monitoring of various agencies, ensuring that during flood events the best available data is collected to advise emergency services to inform the community and respond.

While it is not currently possible to undertake significant investment in this area to the extent that we would like, DEWNR will continue to work with stakeholders to assess and prioritise flood risk and review existing monitoring networks to inform future resource allocation for improving flood warning infrastructure.

In relation to recommendation 22, which related to developing policies to ensure that levee banks, both public and private, are managed to minimise flood risk for all the people they protect, I am advised that a flood working group has been formed to oversee the flood recommendations of this review, including those relating to private dams, levees and watercourse management. It is chaired by DEWNR, as the flood hazard leader, and replaces the flood reform taskforce which was established at the direction of the State Emergency Management Committee in 2012.

SA Water has advised me that it supports the findings in the Burns report. It is already undertaking steps towards improving communication and collaboration with key stakeholders in times of emergency. SA Water has also advised me that it has established a small working group to determine how it responds to the recommendations made in the report. They will feed this response into other work that is underway, including, of course, that led by DEWNR.

SA Water has been very active, being a member of various flood reform groups with DEWNR and other stakeholders over time. In relation to recommendation 21, I understand that SA Water regularly shares information with other states and Australian government agencies to assist in the management of critical water assets and resources across the state. This includes the sharing of raw sensor data from SA Water assets, with the Bureau of Meteorology, I am advised, and communications from the bureau as required. I am further advised that following the severe weather events of September 2016, SA Water is actively working with the bureau to identify additional ways that information can be shared so as to improve the communication flow between these two organisations.

PRISONER REOFFENDING

The Hon. J.E. HANSON (15:16): My question is to the Minister for Correctional Services. Can the minister advise how the SA business community and the Department for Correctional Services are working together to reduce the rate of reoffending?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:17): Thank you, Mr President.

Let me thank the honourable member for his very important question, because he asked about something that is incredibly important when it comes to the government's objective to see a 10 per cent reduction in reoffending by the year 2020.

We know that male and female prisoners can face many barriers on the road to a successful reintegration back into the community that extends far beyond their original offending. Sometimes someone commits a crime and they do their time, and that sounds simple enough, but the reality is that for many prisoners it is when they complete their sentences that many other challenges begin. There is no bigger challenge, I think, for an ex-offender or an offender coming out of prison who aims to start a new life, than finding a new job.

Having a life free from criminal activity often necessarily means achieving gainful employment and how gainful employment can prove to be critical in reducing the likelihood of that person reoffending. It is also why the APC is a facility that exists and why we have committed to providing offenders with the skills and pathways to meaningful employment, to ensure that they are able to obtain employment as they seek to reintegrate into the community.

Every prisoner in the system, with the exception of the very worst of the worst, at some point is going to be released into the community. We need to ask ourselves: do we want them to return to the community job ready, employable and skilled? The answer for this government is unequivocally yes, and that is why we have committed $9.2 million in new funding in this year state's budget to invest in a program called Work Ready, Release Ready.

The Work Ready, Release Ready program is designed to improve and enhance education and vocational training for those in prison and support securing employment upon release through a job network provider. The state government and the Department for Correctional Services cannot go it alone, and creating employment and industry partnerships with the business sector is one of the six key strategies outlined in our plan to reduce South Australia's rate of reoffending.

On 21 July, I had the pleasure of attending the Department for Correctional Services' inaugural Adelaide Pre-release Centre Employment Expo. The expo hosted 60 representatives from South Australian businesses and provided prisoners and employers alike the opportunity to showcase the skills of the prisoners as well as the needs of employers. The businesses spanned horticulture, retail, manufacturing and smallgoods and provided a unique opportunity for prisoners, businesses and prospective employers to meet.

Furthermore, the expo enabled the Pre-release Centre to build on its existing off-centre work programs and employment opportunities, preparing and upskilling offenders prior to their release in order to make their transition to community as seamless as possible, with employers who require specialised skills. I want to thank all the employers who were present at the expo on 21 July. I thank them for putting their hand up to be able to make a real difference in these peoples' lives and having the courage to give these people a second chance.

As I have spoken about previously in this place, we know there are three key things that are critical in reducing the likelihood of an offender reoffending. The first is making sure they are not released into homelessness. Not all prisoners have access to ready accommodation post their release, and if a prisoner is released into homelessness there is every prospect they will end up in one of two places: either a hospital emergency department, which is probably the only place that is more expensive to house a prisoner in South Australia than a gaol, or in gaol itself.

The second element is making sure they have access to some basic community support networks, including social support networks, which are crucial to making sure that someone does not reoffend. A third one, which is probably in some ways the hardest, is making sure that prisoners are not necessarily released into a job straightaway but at least released into the community with the prospect of getting a job. This government is committed to making sure that we try to address each of those elements, particularly the two that government is able to influence more than the other element: a job and getting access to housing.

In the budget this year we announced $40 million of additional resources going to our effort to reduce reoffending, and two key components of that were the Work Ready, Release Ready

program and also the New Foundations program, which is aimed to make sure that people are not released into homelessness.

With the Work Ready, Release Ready program, though, it is going to be critical that we work with the business sector, particularly (obviously, the private sector). There are many employers out there who do not just see the hiring of labour as an opportunity to grow their business, although that is fundamental, but see using their power as an employer to also make an even greater contribution to our community by using employment in a philanthropic context. We have seen a number of employers commit themselves to increase the number of Aboriginals they employ, having Indigenous recruitment targets and so forth, but we also see some employers willing to take the extraordinary step of providing offenders with a second chance in the community.

Many employers I have spoken to who have done that have sincerely told me that the offenders they have given opportunities to are indeed some of their best employees, because some offenders take up that second chance with gusto and treat it as the precious opportunity that it indeed is. I want to thank those employers who have the courage to do that, and I would actively encourage many more to see ex-offenders, who have made the commitment to turn their lives around, as potentially good employees into the future.

Matters of Interest

ASIA PACIFIC WHISKIES AND SPIRITS CONFERENCE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:24): I rise today to speak to a matter of importance, that being the South Australian whisky industry. Last week, as some people may have been aware, and others maybe not, Adelaide hosted the first ever Asia Pacific Whiskies and Spirits Conference. It was a four-day event with the Icons of Whisky awards on the Thursday night; the actual conference on Thursday and Friday; and then the event known as Whisky Live on Friday night and Saturday.

The history of this event goes back several years when I met two gentlemen, Mr Doug Van Tienan and Mr Ken Bromfield, who put on the Whisky Live event and thought we should try to do more in South Australia. In August 2015, I think, with their support, I convened a forum in Parliament House about the barriers to entering the distilled spirits industry. At the time, Mr Tom Richardson from InDaily—and it is maybe not the word I would use—took the whisky out of the idea and thought it was just a little bit of a joke.

Interestingly, last week's conference was the first time the Whiskies and Spirits Conference has ever been held in the Southern Hemisphere. It often alternates between New York and London so we are very lucky to have had it here in this last week. We had the forum in 2015, came up with an issues paper, and there are a range of issues around tariffs, regulation and planning, and a whole range of issues that were probably beyond the scope of the group that met that day. Mr Bromfield and Mr Van Tienan put in a bid to come to South Australia. They were wanting to go to Perth or Sydney and I said, 'No, please come to South Australia.' Luckily the Adelaide Convention Bureau supported that bid and we were awarded the conference.

In May 2016, we had another gathering at the Adelaide Convention Centre and brought in industry people from across Australia to talk about the topics that the industry would like to cover in this convention. If we were going to have the first ever type of this convention in Australia, we should have the industry involved in what topics they would like covered. They set out to seek the world's best guest speakers, and they came up with a world-class international line-up of speakers from Australia, Germany, Japan and the USA, and they covered areas such as production, marketing, packaging, and the type of glass you use for these products.

Interestingly, while I think the numbers were probably somewhat less than initially anticipated by the Adelaide Convention Bureau and the organisers, more people attended this first conference in Adelaide than the first one in London or the first one in New York, so we have set a bit of a record. Also during the week, it was announced that the Distilled Beverages Institute was registered here and will operate here, although very much as a virtual institute when it comes to training, but they will be supporting the first ever distilled industries-based MBA for the industry, and I think it is something to be proud of that we will have a business degree behind this industry.

It is interesting that we have involved the university in all of these forums and discussions, and the University of Adelaide Waite Campus has released preliminary plans for an extension of their research winery and in that will be a still house, so we have the university wanting to be involved and supporting this particular industry. People might say that Scotland is the home of whisky, and Tasmania is definitely the home of Australian whisky, is there room for us in an international market?

Only a few days ago, it was said that despite all of Tasmania's production, which, as I said, is the home of Australian whisky, one large distillery in Scotland can produce that volume in one day. So, there is a huge opportunity to grow this sector in South Australia, not only whisky but spirits like gin and vodka, and there is even some interest in growing the agave cactus in South Australia to produce tequila.

At the centre of the awards night, Mr Gordon Broderick, from DSICA (Distilled Spirits Industry Council of Australia), a wonderful gentleman, was inducted into the Whisky Hall of Fame, which I think was a very fitting reward for a lifetime, some 40 years, commitment to the spirits industry. The awards were of interest too. These are awards that will go to the world championship in London, and there are some that I would particularly like to mention: best retailer outlet, Hurley Cellars, which we are all familiar with in Australia; and the best retailer, the duty free store at the Adelaide Airport, which is the Australia-wide winner. The really important one is brand innovator of the year, which is the McLaren Vale Distillery, which will go to the world awards in London. I hope this goes some way towards establishing, over time, South Australia as a centre of excellence for the spirits industry.

SA DAIRY AWARDS

The Hon. T.T. NGO (15:29): I rise to speak about the 2017 South Australian dairy industry awards gala held on Friday 4 August 2017, where I had the pleasure of representing the Premier and the Minister for Agriculture, Food and Fisheries. This event clashed with the Midwinter Ball, which most politicians and journalists were at, and I was happy to represent them all at this very important industry event. The SA chapter of the Dairy Industry Association of Australia organised the event. I thank the association's president, Mr Kym Masters, and his committee for a memorable night.

The dairy industry is vital to South Australia's regional economy. In 2015-16, it generated $937 million in revenue. Around $39 million of this revenue was from exporting finished food products to Japan, New Zealand and Korea. A considerable amount of South Australian milk also goes to interstate processors to be used in both export and domestic products. Honourable members may also be interested to know that the industry comprises 244 farms, producing roughly 550 million litres of milk a year from more than 80,000 cows.

South Australians should be proud that our average annual milk production per cow is the highest in Australia. It is roughly 33 per cent higher than the national average. Not all of the milk produced in South Australia remains as fresh milk. Around 60 per cent is made into cheese, milk powder, yoghurt, butter and other products. The SA dairy industry awards recognise the best of these products as well as the best fresh milk. There are awards for various types of cheese, including blue cheese through to Camembert, fresh products, ice-cream and chocolate, among other categories.

There is also a best innovation category. Interestingly, this category covers not only consumer products but also includes ingredients and other products benefitting the industry that have been marketed within the last 12 months. The awards gala was a wonderful culmination to the competition, which is run by the association and the Royal Agricultural and Horticultural Society of South Australia. The judging took place on 6 and 7 July. Gala guests had the opportunity to try a number of products. All of the cheese and other products I tried were delicious, and I dare not pick a favourite.

While the awards night recognised the achievements of many small to medium enterprise businesses in the industry over the past 12 months, we must not forget that the industry was facing hardship 12 to 18 months ago when the nation's two biggest processors lowered their prices and other factors almost drove the industry to the wall. I am told the prices have improved this year and, as a result, farmers have been able to increase production and reinvest in their businesses.

I would like to congratulate all the nominees and award recipients, especially: Beston Pure Foods; La Vera Fine Cheese Producers; Lion Dairy & Drinks The Heritage; King Island Dairy;

Woodside Cheese Wrights; Snowbrand Australia; B.-d. Farm Paris Creek; Montefiore Cheese Australia; Section28 Artisan Cheeses; Hindmarsh Valley Dairy; Parmalat Australia; The Yoghurt Shop; Fonterra-Cobden; Tweedvale Milk; Jersey Fresh; TasFoods; 48 Flavours; Beans & Cream; Gelista; Minlaton Chocolaterie; and Bracegirdles House of Fine Chocolates.

Congratulations to them all for taking out awards on the night. I thank the industry, farmers and business operators for their dedication and hard work in making this industry strong and, in turn, helping the SA economy. I encourage all honourable members to look at the catalogue of results and try some of South Australia's best dairy products. South Australians will also get the opportunity to try some of these fantastic products at the Royal Adelaide Show.

CHILDREN WITH DISABILITIES

The Hon. K.L. VINCENT (15:34): Children with disabilities represent a higher proportion of children in care than the broader population. There are a range of reasons for this. In some cases, children have disabilities caused by abuse and neglect. In other instances, parents make the heartbreaking decision to relinquish their child with a disability into state care because they lack support from family and friends and even government to properly support the young person, as well as themselves, in the home.

Studies show that children with disabilities are between two and four times more likely to be sexually abused than non-disabled children. South Australia has led the way with our Disability Justice Plan, and it is hoped that perpetrators of abuse against people with disabilities of all ages will be increasingly brought to justice in the future. This is in contrast to injustices of the past, where perpetrators could operate with minimal fear of being caught due to victims not having their evidence given in court. Because children with disabilities are at higher risk, we need to ensure that our reporting mechanisms reflect this increased likelihood and respond to it adequately. We must find a way to make this a matter of priority.

Currently, there is no way of a matter concerning a child with a disability specifically being flagged when trying to get through to the Child Abuse Report Line (CARL). This must change. I note that the rollout of the NDIS will make many current Disability SA employment positions obsolete. Staff who have a background in disability services should be pressed into service where their nuanced skill set will make a real difference. Both CARL and positions within the Office of the Public Advocate (OPA), for example, come to mind as places where we desperately need this kind of specialised knowledge at the front line. As the transition to the NDIS continues, it is imperative that these experienced people be offered positions within related areas, such as CARL and the Office of the Public Advocate.

The data that we currently have on the number of children in state care and children who are the subject of reports through CARL needs to be used to inform proactive, not reactive, best practice. Prioritising reports of any type of abuse and neglect against children, particularly children with added vulnerabilities such as disability, through CARL and through other staff interactions with families has to happen now.

COUNTRY SHOWS

The Hon. J.S.L. DAWKINS (15:37): I rise today to speak about the spring season of South Australian Country Shows, which commences this weekend with both the Crystal Brook show on Saturday the 12th and the Port Lincoln show on the 13th. The following weekend, 19 and 20 August, will see both the Kadina and Whyalla shows conducted. Then on 26 and 27 August, the show I have probably been to more than any other, the Gawler show, will be held, with horses in action the previous day.

In September, after the Royal Show, we have the Wudinna Districts show on the 16th and Wilmington on the 17th. The Murray Bridge show is held on the night of the 22nd and 23rd, with horses in action on the 24th. The Balaklava and Dalkey show is held on the 23rd, with horses in action on the 24th. The Kimba show is on the 23rd and Quorn is on the 24th. On 30 September is the Mount Remarkable (Melrose) show and also the Yankalilla, Rapid Bay and Myponga show.

On 1 October, we have the Kingston South-East show, with horses in action on the 2nd. Also on 1 and 2 October, we have the Loxton show. Strathalbyn also has show day on 2 October, with

horses in action on the previous day. Also on Monday 2 October are the Jamestown and Yallunda Flat shows. The two Wednesday shows that remain on the calendar are on 4 October, the Southern Yorke Peninsula show at Minlaton and the Pinnaroo Show and Field Day.

On 7 October, the Burra, Keith and Mil-Lel shows will be held. On the weekend of 7 and 8 October, the Port Elliot show will be held, and I wish them very good weather because that show was cancelled last year. On 14 October, both Clare and Cummins will conduct their shows. Also that weekend, 14 and 15 October, is the Naracoorte show. On 20 and 21 October, there is Mount Gambier's annual show. Also on 21 October is the Coonalpyn show. On 28 October are both the Kapunda and Light and Kingscote shows. Penola conducts their show over that weekend, 27 and 28 October, and on 29 October is the Callington show.

Into November, the Millicent show, a three-day show, is on the 3rd, 4th and 5th. Uraidla is held on the 5th, Parndana on the 11th and Eudunda (one that I have gone to many times) is on Sunday the 12th. Completing that program for spring shows is the Bordertown show, which is held on 11 and 12 November.

The country shows in South Australia have had an important revitalisation in many cases through the involvement of the Next Generation Group, which is a group of young people who have been young rural ambassadors or rural ambassadors at country shows throughout the state. It is a very creditable organisation which has brought together those young people, not only into a group around South Australia to work together but also to play an invaluable role in the leadership of their own local shows.

I would be remiss if I did not give a bit of an extra mention to the Gawler show, the 161st Gawler show, which is, as I said earlier, on 26 and 27 August. It is one that I have attended, I think, every year of my life, except one. It is the largest country show in South Australia, which given good weather can attract about 30,000 people over the two days. I will again this year have a stall at that show, along with the member for Schubert, and look forward to seeing many people come along to see us at what is a wonderful South Australian event.

COUNTRY WOMEN'S ASSOCIATION

The Hon. J.A. DARLEY (15:42): I rise today to speak about the South Australian Country Women's Association. The SA Country Women's Association was established in 1929, just outside of Burra in South Australia. As a not-for-profit, non-party political and nonsectarian volunteer organisation, it has been serving the community for the past 88 years by promoting the welfare of South Australian women.

Whilst the SA Country Women's Association is famous for its jam and scones, there is much more to the organisation. Fundraising is undertaken continuously throughout the year to help the community. The association's emergency aid fund provides essential assistance to victims of family violence or those struggling with the general cost of living. In times of disaster, such as the Pinery and Sampson Flat bushfires, the SA Country Women's Association not only raised money for those who have been affected but also distributed 'buckets of love', which provided basic household provisions such as cleaning products and toilet paper.

The association is also known for its baby parcels, which contain handmade goods such teddies, clothing and blankets, along with nappies and other essentials. These parcels are given to new mothers who are in need. Grants are also provided to rural students to assist with their education through the Dorothy Dolling Memorial Trust. For the past 50 years, the trust has provided support to hundreds of rural students by assisting with the cost of textbooks or relocation to urban areas so they can continue their studies.

As part of their fundraising efforts, the association has recently released a new Calendar of Cakes cookbook, which provides a different cake recipe for each week of the year. The previous Calendar of Cakes was produced over 65 years ago, and the updated version is a perfect, uniquely South Australian gift for international and interstate visitors.

For the past 88 years, the SA Country Women's Association has also provided a vehicle for friendship and support for women who may be socially isolated due to their geographical location. Whilst the organisation may have started in the country, it has grown to now include women from all

around the state, including the metropolitan area, and although the stereotypical vision of an SA Country Women's Association member may be an elderly woman, the association is growing in popularity among young women who want to learn heritage skills, and is inclusive of all cultures. Workshops range from knitting and sponge cake making to fashion styling and Nepalese dumplings. It is great to see a resurgence in membership so that the good work of the association can continue in the future.

A major event on the SA Country Women's Association calendar is the Royal Adelaide Show. Many members and family of members participate as entrants to the various craft, cooking and agricultural competitions. In addition, the SA Country Women's Association operates a handicraft market and the Country Cafe. The handicraft market gives the public the opportunity to purchase goods handmade by SA Country Women's Association members, such as aprons, jams, teddies and tea cosies. The Country Cafe offers homestyle snacks and meals, and often offers the best value for money at the Show when it comes to food. All handicraft goods are donated by members, and profits from the Show are returned to the organisation to assist with community projects. I urge everyone to visit the SA Country Women's Association at the upcoming Royal Adelaide Show for a cup of tea and some scones.

SOUTH AUSTRALIAN NATIONAL FOOTBALL LEAGUE

The Hon. J.E. HANSON (15:47): Today, I visited an exhibition at the State Library of South Australia with Katrine Hildyard, the member for Reynell, Michael Atkinson, the member for Croydon, and also Tim Whetstone, the member for Chaffey. The exhibition celebrates 140 years of the South Australian National Football League in an exciting exhibition about South Australia's much loved game.

The exhibition celebrates how the SANFL has evolved throughout the years, celebrating the characters and icons of the sport through rare and cherished memorabilia, trophies, scrapbooks from members of the public and football clubs, many of them held together with decades of old sticky tape, pictures of players from well-known and celebrated clubs, including, for instance, the Adelaide Crows. The photographs of players past and photographs of the teams, spectators, Football Park and Adelaide Oval showcase our loved game in South Australia.

Of particular note, of course, was the little known fact that the Adelaide Football Club was in fact the first registered club in South Australia. The exhibition displays 50 Magarey medals, which are unique in their design. The medals were all handmade and individually designed by a local South Australian jeweller until 1990, when a standard design was adopted. The collection is almost complete, with only around six medals missing from the collection.

The exhibition at the State Library of South Australia allows the public to relive and fondly remember some of the great moments of the game with archival footage of SANFL matches, including grand finals. This display allows you to listen to recorded footy conversations and hear some of the past legends of the game. The exhibition also provides an insight into social change in South Australia. One example of this is a rule book from approximately 1956 that asks female spectators to adhere to strict guidelines while at the football. I am very glad that times have changed for the better in this respect.

The photographs display the true spirit of the game and what it meant to be a passionate supporter by showcasing the images of the crowd from years past. How times have changed, with mainly men, all formally dressed in their Sunday best and hats to watch a local game of football. The exhibition celebrates all levels of the game. Juniors, Indigenous teams, woman's football and country leagues are all celebrated. This display of football memorabilia would not be possible without the dedication and passion of local football fans, who over the years have been meticulously collecting the football guides, badges, playing cards, scrapbooks and photographs.

The staff at the SANFL and the State Library must also be thanked and recognised for their hard work in restoring and digitising many of these priceless items, with some of these items being more valuable than others, depending, of course, upon what football team you might support. The exhibition entitled 'Straight Through the Middle—Football in South Australia' is on until 13 August and the Treasures Wall at the State Library of South Australia is where it is located. The exhibition

is free and brilliantly displays South Australia's rich football history by showcasing a great collection of sports memorabilia, photographs, guernseys, medals and trophies.

GOVERNMENT CAMPAIGN SPENDING

The Hon. R.I. LUCAS (15:50): I rise to make some comments about the obscene expenditure of taxpayers' money in the period leading up to the state election in a desperate endeavour by a 16-year failing Labor government to try to see itself re-elected in March of next year. We have seen the outrageous example of the $2.6 million now admitted to be spent on the Jay Weatherill energy plan, a television and radio multimedia campaign, which features the Premier on television and on radio highlighting his energy plan and his solution as he sees it for the future, because clearly their research tells them that whatever they have been selling for 16 years, the public has not been buying.

We also see the Job Accelerator Grant Scheme, originally intended to be $500,000 in terms of advertising, was then increased to $1 million and, given the penetration of ads on free to air television in recent weeks, it would appear that it certainly has been increased even further beyond the $1 million budget. We have also seen the nearly half a million dollars admitted to be budgeted for expenditure in relation to the new Royal Adelaide Hospital. I distinguish that from the advertisements that SA Health runs in terms of trying to discourage people from going to emergency. One accepts the need for that sort of campaign on a regular basis, particularly in winter.

What we see in just those three campaigns is more than $4 million of taxpayers' money being splurged in a desperate endeavour to ingratiate Premier Weatherill and his ministers and the government to the community, because clearly their research has shown that they are on the nose, to use a colloquial expression, and clearly they have decided they will stop at nothing in terms of taxpayer spending to try to convince people that they should be re-elected.

The final straw in relation to this was the revelation earlier this week—still uncosted—of a mass doorknock of 18,000 households, which just by happenstance commences in February of next year, just six to eight weeks prior to the state election day. What we know from this tender, which commences in February 2018, is that:

> The project aims through holding collaborative conversations with householders to influence shifts in personal transport behaviour specifically towards a reduction in car use and car reliance whilst providing benefits to the householders…
>
> Trained conversationalists will speak directly with householders about their car use…and work collaboratively with them to identify ways they can reduce their car use.

A team of 15 trained conversationalists, or doorknockers, two phone operators and two supervisors will be put together to manage this program. The government was not prepared to defend this publicly. They sent out a poor public servant, Mr Kermode, to defend it. It would not be an understatement to say that he was skewered on morning radio in terms of trying to defend this indefensible expenditure of taxpayers' money.

Their defence the next morning was that the choice of February was because this program was really all about trying to coincide with children being trained to ride safely to school at the start of the school year in February/March. I have just read the background and context. I am not sure how many schoolchildren are driving cars to school and are going to be encouraged by this doorknock of 18,000 households to stop driving their car to school and to hop on a bike or to walk to their neighbourhood school.

The goals in this are the reduction in the number of VKT, which are vehicle kilometres travelled, as the way for judging the success or otherwise of this particular program. It is clearly all about trying to laud the virtues of the state government's public transport policies, one suspects, in a number of either marginal or key Labor areas for the government. This spin that in some way it was intended to concentrate on encouraging students to ride safely to school in February and March is clearly spin and not justified by the tender document that has gone out to tenderers.

The other thing is the public servant was unable to indicate at this stage, or refused to indicate, (a) the cost, which should be revealed, and (b) the areas where this particular doorknock is going to occur. When asked by David Bevan on morning radio as to whether, for example, people

would be asked in the north-eastern suburbs, where this brand-new O-Bahn project is which the government has built, whether or not they had contemplated getting out of their cars and using the O-Bahn project, the answer was, 'No decisions have been taken yet as to where this doorknock would occur.' It is a disgrace. It is an obscene waste of taxpayers' money, and the government should be held to account in the period leading up to March of next year.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (REGULATED TREES) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (15:56): Obtained leave and introduced a bill for an act to amend the Planning Development and Infrastructure Act 2016; and to make a related amendment to the Development Act 1993. Read a first time.

Second Reading

The Hon. M.C. PARNELL (15:57): I move:

That this bill be now read a second time.

This is a simple bill that seeks to bring some common sense to the law around significant trees in South Australia. Our state has had laws to protect large trees for many years. However, these laws are not working as well as they could.

The impetus for this bill was the situation at Glenside Hospital where an application was made to remove 83 significant and regulated trees. Normally, these matters only involve one or two trees, so this application was a big one. The situation at Glenside was that the debate in the community and in the parliament over whether it should remain a mental health facility or be zoned for other purposes had resolved eight or so years ago. The land was rezoned for a range of purposes, including housing. It has been rezoned since then as well, but it is still zoned for housing.

The government negotiated to sell the land to private developers who would be encouraged to develop the site for housing. However, before the land had changed hands and before any firm plans for housing were submitted, the developer went along to the Development Assessment Commission and sought permission to remove the 83 trees. In fact, there were hundreds more trees that were to be removed but they were smaller and they did not require planning permission in order to remove them.

The developer's argument was that the land would ultimately be developed for housing and that the trees were in the way and would need to be removed. But this is where it gets interesting. The developer had not yet submitted any plans for housing and had no approval to build any houses. Building apartments was certainly what the government wanted to happen, but there was no certainty because there was no application lodged. Apartments might be built some time in the future but not now. The developer just wanted the trees removed.

In addition, there were some dodgy claims about land contamination and the argument was put that the trees had to go in order to clean up the site. However, that is a circular argument, as well. There is no need to remove soil from the site unless a new development is proposed, and no such development has been approved. So, quite reasonably, some of the local people, including residents and other businesses on the Glenside site, said that it was premature to remove the trees until we knew exactly what was to be built in their place. Most people realise that many or even most of the trees would probably need to go eventually, but which ones? Until you have an approval for a subsequent development, you cannot tell which trees might have been spared.

If you fast-forward to today, most of the trees have now gone and there is still no approval for the apartment blocks and the townhouses that are to go in their place. Whilst it might seem unlikely, perhaps nothing will happen on the site in the foreseeable future. Think about the old Le Cornu site in North Adelaide. It has been rezoned, it has had multiple development approvals over the years but still nothing has happened. Is that the fate that we want for places like Glenside?

If the bottom were to fall out of the apartment market or some other economic calamity were to befall the project or the developer, then we could end up with a situation where the trees were removed either completely unnecessarily or, at best, significantly prematurely—which brings me to this bill. The operative provision of this bill is that a significant or regulated tree removal application cannot be granted unless the replacement use or replacement buildings have also been approved. It is that simple. No more clearing of significant trees and then worrying about what to replace them with later. The two decisions must be dealt with together or the tree decision must be made after the building decision and not before.

The current situation is very poor planning practice and it brings the whole system into disrepute. Of course, I will add that there is one clear exception that we need to consider, and that is in situations where the tree needs to be removed because it is dangerous. We know that as trees get older they can shed branches, they can become unstable and they may need to be removed to protect public safety or to protect buildings. In those situations then, of course, an approval can be given because it is not a case of the tree being in the way of future development: it is a case of the tree being dangerous. I commend this bill to the council.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (STATE PLANNING POLICY) (BIODIVERSITY) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:02): Obtained leave and introduced a bill for an act to amend the Planning, Development and Infrastructure Act 2016. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:03): I move:

That this bill be now read a second time.

This bill is a very simple measure that gives effect to one of the key recommendations of the report into biodiversity in South Australia conducted over a number of years by the Environment, Resources and Development Committee of this parliament. The unanimous recommendations of the committee included the following:

> A State planning policy on biodiversity should be made by the State Planning Commission, to ensure that biodiversity outcomes are appropriately considered in the context of planning and development under the Planning, Development and Infrastructure Act.

So, that is precisely what this bill does. I do not propose to go through all of the evidence that was presented to the Environment, Resources and Development Committee inquiry because members can read that for themselves in the report, and they can download the submissions from the committee's webpage. However, I do want to make a few observations about why the committee thought this reform was necessary. The starting point was the terms of reference for this inquiry. The first term of reference was:

> Whether the provisions of the current environmental and planning legislation provide for biodiversity outcomes…

The committee had no difficulty in agreeing that legislation was critically important, and the report notes the following:

> Legislation can impose obligations or confer rights, create frameworks to support or underpin voluntary action, and implement policies or drive policy-making. None of these functions of legislation can by themselves improve biodiversity outcomes, as they cannot by themselves change attitudes towards biodiversity. However, they are all essential elements in promoting, encouraging or requiring the changes in behaviour that will in the longer term change attitudes and ultimately, improve biodiversity outcomes. The legislative framework is a strong signal to the community about the things that should be valued, and by how much.

Having agreed that legislation is important, the question then was whether the existing laws were up to the task of protecting and ultimately enhancing South Australia's biodiversity. The conclusion that the committee reached was that existing laws were mostly not up to the task. Again, according to the report:

> …South Australia's current legislative framework does not provide for optimum biodiversity outcomes.
>
> Three key issues contribute to this—
>
> - an out-of-date suite of environmental legislation that lacks cohesion and consistency, particularly regarding enforcement and compliance provisions;
> - inadequate and incomplete processes for identifying and protecting at-risk elements that need special measures (e.g. for protection of specific threatened species and ecological communities); and
> - inadequate consideration of biodiversity conservation in legislation that regulates human activities. In particular, there is a lack of cohesion between the environmental, legislative and policy framework and land use planning, assessment and approval.

Now, I know that sounds like a mouthful, but it is the third of those limbs that is most important here, because land use planning, assessment and approval processes are regulated by the Development Act and by the replacement to that act, the Planning, Development and Infrastructure Act 2016, and that is the act this bill seeks to amend. The South Australian government acknowledged this problem in its submission. It said:

> Human activities continue to impact our biodiversity, causing habitat loss, fragmentation and degradation through the impacts of invasive species, land management practices, climate change and new developments.

In response the committee noted that:

> The fact that almost all of these activities are regulated by South Australian laws, yet continue to contribute to the degradation and loss of biodiversity, is a clear indication that the form that the regulation takes is inadequate.

There was pretty much no-one who thought the current legislative regime was perfect. In fact, whilst a lot of attention is paid to not making things worse, a number of submissions pointed out that that was setting the bar too low and that we should be looking in legislation and in policy to improving biodiversity, not just addressing the decline. For example, Professor David Paton emphasised the importance of restoring habitat as well as protecting it. He said:

> The Planning Act needs to reflect the need to put back habitat if the biodiversity that we have today is to survive into the future. At present biodiversity appears as a protagonist for proposed human developments. Biodiversity needs to be lifted to the first tier of our planning acts and policies as something that we have to plan for and plan for in a positive and active manner.

I have taken that concept, and I have incorporated it into my bill. The operative words in the bill are:

> The minister must ensure that there is a specific state planning policy (to be called the *biodiversity policy*) that specifies policies and principles that are to be applied with respect to enhancing biodiversity and minimising adverse effects of development on biodiversity within the state.

So, that brings us back to the start—the committee's recommendation that:

> A state planning policy on biodiversity should be made by the State Planning Commission, to ensure that biodiversity outcomes are appropriately considered in the context of planning and development under the Planning, Development and Infrastructure Act.

That is exactly what this bill does: it incorporates that policy. I note that my bill refers to the minister ensuring that there is a policy. In reality, the job of preparing these state planning policies is jointly held between the minister and the State Planning Commission, and it is the commission which will drive the process and the consultation program.

Just to remind members, these state planning policies are high-level documents that will in turn guide the planning documents that are used to assess individual development applications. These documents, these state planning policies, will not be used directly, but they will have a powerful impact on the actual working documents that planners will use to shape and make decisions about our cities, towns, suburbs and regions.

I would also remind members that the Legislative Council has already proposed a number of these state planning policies which have been accepted by the government. As well as the policies that were built into the original Planning, Development and Infrastructure Bill, we had three additional policies that were added by this chamber, all of which were unanimously agreed to be positive additions to the planning regime. We had the Hon. Kelly Vincent who proposed a state planning policy on universal design; the Liberal Party, I think the Hon. Michelle Lensink or maybe her—

The Hon. J.M.A. Lensink: I was on maternity leave.

The Hon. M.C. PARNELL: She was on leave, but she was with us in spirit, as her colleague, I think the Hon. David Ridgway, proposed a state planning policy on adaptive reuse of old buildings and that was accepted. I successfully incorporated a new state planning policy on climate change. But back when we debated the original bill, I did not include a biodiversity policy because we were still debating that matter in the Environment, Resources and Development Committee. I should in all fairness acknowledge the Hon. Michelle Lensink, who brought the topic to that committee and kickstarted the biodiversity inquiry.

I suspect that had I moved that a biodiversity policy was a good idea when we were debating the original planning legislation, it would probably have been accepted then, but I think it did make sense to wait until the committee had concluded its deliberations. Now that it has, it is timely to make this change now. It is also timely because the State Planning Commission has just been established and is now commencing work on these new state planning policies, and it is hoped that the first of those policies will be completed by the end of the year. I attended a presentation during the week conducted by the Adelaide Sustainable Building Network on the topic of adaptive reuse, and it was interesting to hear that work is already underway in relation to these new state planning policies.

Finally, by way of declaration, I should declare that I won the raffle that was conducted at the Adelaide Sustainable Building Network meeting. In fact, I won first and second prize, but I did insist on a redraw. At the second prize I thought, 'No, that's just being greedy.' I will point out that, as a consequence, I am now the proud owner of two strawberry plants that might not add a lot to biodiversity, but they will certainly be a welcome addition to my veggie patch, and hopefully will feed my family and not just the millipedes that got most of my crop last year.

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

Parliamentary Committees

SELECT COMMITTEE ON SKILLS FOR ALL PROGRAM

The Hon. J.M.A. LENSINK (16:13): I move:

That the report of the committee be noted.

I would first of all like to acknowledge the members of the committee, the Hon. Mr Darley, the Hon. Ms Franks and the Hon. Ms Lee; our secretary, Anthony Beasley, and our research officer, Stephen Atkinson; and to particularly thank the Hon. Ms Lee for chairing the committee in my absence. I make those acknowledgements at the start to ensure that I do not forget. The Select Committee on Skills for All was established on 3 June 2015, obviously to look into the Skills for All program.

It had some 10 or 11 terms of reference that were quite explicit and are available for anybody to read. This particular program, I think, will have to go down in the annals of history. It could easily be the subject of one of those satirical programs that are often on the ABC in the tenor of *Yes Minister*, given how poorly managed it was—a classic case of over-promising a huge amount of money that was expended not in accordance with any particular outcomes and was hastily called to an end to the detriment of the training sector, particularly the non-government training sector in South Australia.

The original Skills for All white paper promised the creation of 100,000 new training placements with 'the largest investment in skills in the state's history', which was supposed to be $194 million over six years. In anyone's language this is a whole lot of moolah. The key goal was to increase our labour force participation by between, as it stated, two and three percentage points, which was in order to meet an Economic Development Board growth rate of 3.2 per cent. The program was shut down three years ahead of schedule, and the government quite boldly stated that this was because the targets had been met. The key target, of course, being that it had spent all the money.

We had a very unedifying situation in May 2015, where a whole lot of registered training organisations had scaled up to meet the program targets to design new programs, put on new staff, have students enrolled and so forth and were given next to no warning about the fact that the program was being axed and that the funding would cease. Clearly, that had a range of negative impacts on

those training providers and on the students who would have liked to participate in those programs. What we also discovered was that the funding that was still available was being very much directed towards the TAFE sector, so that TAFE was receiving money at the expense of non-government providers.

We heard from a large number of witnesses. The evidence was very consistent that there was a distinct lack of controls on the original program, which led to some courses having no enrolments at all. There was poor matching between the types of courses that were offered to particular employment outcomes, and general chaos ensued as a result of the manner in which the government had let the money flow out and then had cut it short without any warning at all. Regional providers, I think, were probably particularly disadvantaged. There were issues for the agricultural skills sector. A lot of non-government providers, I think, were also subject to unfair competition from TAFE, which scoped their activities and then provided very similar courses and was able to drop its prices to try to attract those non-government provider students.

At the same time, there have also been internal difficulties within the TAFE system with ongoing negotiations between the particular union and TAFE itself. I would have to say that TAFE were very unimpressive witnesses. We had a difficult time with them. Even though they were the key stakeholder, the major stakeholder in terms of this inquiry, they did not actually provide a written submission to the committee, which I think was unsatisfactory.

We had quite an exchange with the chairman of the TAFE board and then, when we asked particular questions in the follow-up that we requested as a committee, those replies were very tardy in coming forth. We just about had to threaten the TAFE board with being in contempt of parliament if they did not produce the information that we requested. That was the means by which we eventually were able to obtain that information. I would have to say that they did not cover themselves in glory in many ways as witnesses to this committee.

There are a number of recommendations, quite a large number of recommendations for a committee: 29 in total. I would like to thank everybody who made a submission, either in person or a written submission to the committee. I commend this report to the council.

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

STATUTORY AUTHORITIES REVIEW COMMITTEE: TAFE SA

The Hon. J.E. HANSON (16:21): I move:

That the report of the committee, on TAFE SA, be noted.

TAFE SA is an integral part of South Australia's vocational education and training sector. In recent years it has undertaken very structural and operational changes to improve its efficiency and contribute to the state government's two vocational education and training reform strategies: Skills for All and its successor, WorkReady.

In light of these changes, the Statutory Authorities Review Committee considered that it was timely to inquire into TAFE SA. The terms of reference for the inquiry reflected the committee's statutory functions. At this point, I would like to note that I came in very much on the end of what was considered by the Statutory Authorities Review Committee. I very much just tacked onto the end of it.

The committee received evidence from a wide range of stakeholders, including local government, registered training organisations, business groups, employers, the Department of State Development, the Australian Skills Quality Authority, TAFE SA and, of course, other interested individuals. The committee also conducted a hearing in Mount Gambier after receiving a number of concerns from the Limestone Coast region.

Throughout the inquiry, I am reliably informed, it was apparent that TAFE SA is a respected provider of vocational education and training in South Australia. Its extensive presence in regional and rural communities is particularly valued. However, the committee received a number of concerns regarding TAFE SA's role as the state's public provider and the quality, relevance and currency of its training for some industries. The committee also received concerns regarding the centralisation of

TAFE SA's trade training at metropolitan campuses and the challenges that this has posed for regional students.

During the inquiry, the committee took evidence from TAFE SA and the Department of State Development regarding the implementation of the WorkReady strategy. Based on this evidence, the committee has reservations regarding TAFE SA's capacity to compete at parity with other training providers for commercial training activity within the next two years. The committee believes there should be more robust, transparent and timely consultation between the Department of State Development and key stakeholders such as TAFE SA about WorkReady's implementation.

The committee also believes that all training providers would benefit from more timely releases of the subsidised training list and greater certainty about the future scope of commercial and contestable VET funding. The committee's report contains nine recommendations for TAFE SA and the state government to consider regarding WorkReady, TAFE SA's role as a public provider, its campuses and, of course, its engagement with industry.

On behalf of the committee, and very much noting that I arrived at the very end of it, I would like to thank everyone who has provided evidence to the inquiry. I would also like to acknowledge and thank the following members who have served on the committee during the inquiry: the Hon. John Gazzola, who served as presiding member, the Hon. John Darley, the Hon. Tammy Franks, the Hon. Dennis Hood, the Hon. Gerry Kandelaars, the Hon. Rob Lucas, the Hon. Terry Stephens and the Hon. Stephen Wade. Finally, I would like to thank the committee staff for their assistance and I commend the committee's report to the council.

Debate adjourned on motion of Hon. J.A. Darley.

NATURAL RESOURCES COMMITTEE: FLEURIEU AND KANGAROO ISLAND REGIONAL FACT FINDING VISIT

The Hon. J.S.L. DAWKINS (16:26): I move:

That the 123rd report of the committee on the Fleurieu and Kangaroo Island Regional Fact Finding Visit, 7 and 8 June 2017, be noted.

This is the 123rd report of the Natural Resources Committee. Over two days in June of this year, the Natural Resources Committee visited a range of sites in the Adelaide and Mount Lofty Ranges NRM region, the South Australian Murray-Darling Basin NRM region and the Kangaroo Island NRM region. The visits described in this report are part of the committee's regular schedule of visits to the state's NRM regions. The committee tries to cover all of the NRM board regions and the various sections of those boards, particularly the ones that cover the outback, during each four-year parliamentary term. Indeed, the committee is still hoping to go to the far north-east of the state in the South Australian Arid Lands NRM region later this year.

On this visit, the Presiding Member, the Hon. Steph Key, was accompanied by myself, the Hon. Robert Brokenshire, the Hon. John Gazzola, Mr Jon Gee MP and the member for Flinders in the other place Peter Treloar MP. We were also pleased to be joined by the member for Finniss in the other place Mr Michael Pengilly on the Kangaroo Island section of the tour.

Over the two days of the trip, the committee visited a range of sites, including the swamp and nature play area at Mount Compass Area School and Harvest the Fleurieu, a relatively new local business at Mount Compass dedicated to showcasing and supporting local produce and producers. Other sites included a DEWNR-funded low flow bypass device being trialled on a private property at Mount Jagged and Smith Bay on Kangaroo Island, the site of the proposed KIPT timber export wharf facility.

Also, members visited the adjacent Yumbah Aquaculture abalone farm at Smith Bay, which I had visited some years ago. Members were very impressed by the work that Yumbah Aquaculture had done to establish its multimillion dollar business, employing a significant number of local people in that venture. Members of the committee look forward to keeping updated on the Development Assessment Commission process underway for the proposed KIPT wharf, because I think all of us noted the value of the aquaculture business, which is right next to that proposed site.

It needs to be said that everyone, I think, we spoke to on the island was in agreement that a way to clear and export the former managed investment scheme timber plantations on the island needs to be found. As the committee has heard previously, these plantations have been left largely unmanaged on the island and provide a refuge for feral animals and overabundant native species, as well as having a number of other undesirable effects.

It is clear, though, following the committee's visit and speaking with many local people, that the KIPT's preferred location for the timber export wharf at Smith Bay is not by any means universally supported. During the trip, members also visited farms at Wirrina in the AMLR NRM region and Bella Vista on Kangaroo Island, both of which are practising and demonstrating a range of yield enhancing sustainable agricultural techniques supported by their respective NRM boards and DEWNR.

Throughout the trip, committee members had the opportunity to speak with many DEWNR staff, as well as members and staff from local government and a number of interested community members. At Harvest the Fleurieu in Mount Compass, the committee met with local irrigators, together with DEWNR and Natural Resources SAMDB staff.

Members heard a range of perspectives on water resources management, including arguments both for and against low flow bypass devices from local irrigators and DEWNR officers. Members of the committee look forward to teasing out some more detailed evidence on some of the issues that were raised with us at Mount Compass in what was a fairly informal setting when the committee returns to the Fleurieu to take formal evidence with Hansard on 21 and 22 September this year. The committee thanks the Alexandrina Council mayor, Keith Parkes, for the invitation to return and the generous offer of providing the council chambers as a venue for that hearing.

The committee also intends to use its September Goolwa visit, following an earlier visit later this month, to delve into community perspectives on water resources management in the Murray-Darling Basin. Among those accompanying the committee on the various legs of this visit and providing comprehensive background information were the Natural Resources Kangaroo Island regional director, Damian Miley; the KI NRM board presiding member, Richard Trethewey; Natural Resources AMLR regional director, Brenton Grear; as I said earlier, Alexandrina mayor, Keith Parkes; the Kangaroo Island mayor, Peter Clements; and board members and staff from the various regions.

Fact-finding visits such as this have many benefits, not only allowing the committee to see the work done on the ground by regional staff and giving those staff and NRM board members the opportunity to communicate directly with the committee, but also giving us the opportunity to see the work that volunteers do in relation to the efforts of the boards around the state. This work is often done under challenging conditions.

In conclusion, I commend the members of the committee for their contributions to the work of the committee. I would also like to thank the staff for the work they have done towards this report. I would like to say a particular thanks to Ms Barbara Coddington, who has been the research officer for the committee for the last couple of years and has done a terrific amount of work, particularly on the inquiry into fracking, but on a range of other issues, and has been a very valuable staff member. She is not lost to the parliament; she has now gone to work as a research officer in the library here. I am delighted that we have been able to keep her in the parliamentary system. With those remarks, I commend the report to the council.

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

Motions

LABOR MEMBERS OF PARLIAMENT

The Hon. R.I. LUCAS (16:36): I move:

That this council notes with concern the actions taken by Labor MPs and statements made by Labor MPs both inside and outside the parliament.

The motion that I have moved this afternoon has been brought on by the arrogance and hypocrisy that I and other members have witnessed from Labor ministers and members over a long period of time. I have to say that after 16 long years in government, in my judgement, it is now worse than it

has ever been at any time in the 16 years, and, I also have to say, at any time under previous governments, both Labor and Liberal, in all my time in the Legislative Council.

At question time on a daily basis we see the arrogance of ministers in the way they treat, or more accurately, dismiss, genuine questions from opposition members. We regularly see reasonable questions being asked and either no response being given or abuse of the particular questioner or a deflection to an abuse of a third party such as the federal government or some other body, agency or organisation completely unrelated to the responsibility of the minister and the government.

Sadly, we have also regularly seen abuse of opposition MPs when they put questions. Regularly, we see in this council that opposition MPs are accused of having made up the story, not telling the truth in relation to the story, or quoting something out of context, when it is a direct quote from either a parliamentary committee or from a media transcript that the government's own services have provided. There are claims that nothing can be believed from members of the opposition or opposition parties, and claims that it is an abuse of parliamentary privilege or a defamation that is being used in disguise as a parliamentary question. I will explore some of those claims later on in my contribution today.

In aggregate, as I said, it is as bad as it has ever been and the arrogance and hypocrisy of the government knows no bounds. I want to explore, in particular, some of the hypocrisy of the government and its ministers in this contribution this afternoon. The first area that I want to look at, in terms of a recent example of hypocrisy, was the story that the Labor government managed to get up earlier this year in *The Advertiser* in relation to a staff issue between the member for Bright and a staff member.

The journalist that was used for that particular story was an ex-staffer for Kevin Foley who still has very close contact with Labor ministers, MPs and staffers. Confidential information in relation to the settlement of that particular claim was leaked to that particular journalist and other information was provided in relation to that particular story.

Subsequent to the story being successfully put up, I have to say, knowing a little of the background, that this particular journalist had been trying to get this story up out for a number of weeks prior to its subsequently running in *The Advertiser*. It was able to be subsequently run because eventually he was given the amount of the payment that was made to settle that particular staff issue.

What we saw immediately after that was the Leader of the Government in this chamber, Hon. Kyam Maher, quoted in the *Sunday Mail* on 29 January this year, and he did radio and television on that weekend as well. The headline of the *Sunday Mail* was 'Marshall "must sack colleague"':

> Liberal Leader Steven Marshall should be as good as his word and sack a rising star of the party at the centre of a settlement for a bullying and harassment claim, a state minister says.

Further on, it states:

> Employment Minister Kyam Maher said yesterday Mr Marshall must answer 'important questions' over his decision to stand by Mr Speirs and that 'no one should condone bullying'.

I note the clear inference that in some way Mr Marshall's defence of Mr Spiers was condoning bullying in some way. Returning to the quotes:

> 'He made a very clear statement (in a 2016 tweet) that if one his Cabinet colleagues abused a work colleague he would dismiss them,' Mr Maher said.
>
> 'Mr Marshall has to come forward and say if he doesn't think he should sack his Cabinet colleague, exactly why?'

As I said, he made similar and more inflammatory comments on the radio and television on that weekend along the lines of that *Sunday Mail* article. At the outset, can say I accept that on both sides of the political fence over many years there have been examples of breakdowns between MPs and staffers. Sometimes the greater weight or fault was with the MP, sometimes the greater fault rests with the staff member, and sometimes it is equal mixture of both—that is, there are just irreconcilable differences between both parties.

I think the wisest counsel is it is best to listen to both sides. Certainly in the case where there has been a single breakdown in a relationship between a member and one staff member, that is in

one category. If there is a pattern of behaviour where more than one complaint is lodged, more than one claim settled, clearly that enters a different realm.

Again, it is best to at least acknowledge that there are two sides to any dispute. I think, as I said, I am aware of over the years on both sides of the political fence, single disputes between an employer and an employee not having been able to be resolved and having been settled either by way of payment or by managing to find a job in another part of government.

There has been an example that has not been highlighted publicly. A relationship between the member and the staff member broke down and this current government found that particular staff member a job in a government agency. I know under the former Liberal government of at least one example where the same thing happened in terms of resolving an issue but finding alternative employment for the staff member.

Most of those examples have not seen the light of day and we have certainly not seen the third most senior member of the ministry leading the charge, calling for the sacking of the individual first-term member in parliament and trying to place the political heat on the Leader of the Opposition and on that particular individual.

It was clearly a calculated, strategic decision by the Weatherill Labor government to go for broke. It was clearly a cold-blooded, calculated decision to get the story up, to leak enough information to get the story to run, and to ensure the damage was done not only to the individual MP but also to the opposition.

I think it is symptomatic of where this government is after 16 long years that political tactics and strategies–and I referred to those in my grievance earlier today—mean that conventions and the rule book seem to have been thrown out in relation to political advertising, political doorknocking and the like. Clearly, the government seems to have gone for broke in relation to its political judgement on a whole range of issues.

Let's call this as it is: a cold-blooded strategic decision by the powerbrokers in the Labor Party to ensure that this particular story got up and to seek to do political damage to the Liberal Party and to the Liberal member in particular. This would not surprise the Hon. Michael Atkinson, who has a not insignificant number of enemies within the broader Labor movement and within the Labor caucus. I think Labor MPs would be well aware of that.

Soon after that story raged in January this year I was certainly provided with information by one Labor MP that indicated that I should take a close look at what had been going on with Michael Atkinson. Subsequent to that—that was clearly not enough to substantiate anything further than locking it away in the memory bank—I was contacted by a public sector source. I guess the best way of describing this is that there were some others with a very close understanding of the workings of the office of Michael Atkinson who provided much more detailed information in relation to the issues that I have now publicly revealed.

As a result of all that information, particularly in light of the strategic decision the Labor Party had taken, I made the judgement that I would lodge freedom of information requests with both Premier and Cabinet and Treasury in relation to a number of issues. The freedom of information requests were quite specific: that they provide a copy of the workers compensation claim lodged by (I named the individual)—unlike the Labor Party, who named the staff member, I do not intend to do so—in June 2013, which includes a claim of bullying against Michael Atkinson MP.

I lodged a similar freedom of information request, which was a copy of a workers compensation claim lodged by a second staff member in October 2015, which includes a claim of bullying against Michael Atkinson MP. Both of them were then referred from Premier and Cabinet to Treasury, and Treasury responded as follows:

> The purpose of this letter is to advise you of my determination. One document was identified as answering the terms of your application and I have determined to refuse access to the document.

There was also a similar response to the other freedom of information request. Clearly there Treasury had confirmed that it had a document, which was a workers compensation claim lodged by these two particular staff members on those particular dates, both of which included claims of bullying against Michael Atkinson MP.

Similarly, I lodged freedom of information requests for total payment, if any, to these two particular staff members to help settle a workers compensation claim lodged on those two particular dates referred to earlier. Again, Treasury responded, stating:

> The purpose of this letter is to advise you of my determination. One document was identified as answering the terms of your application and I have determined to refuse access to the document.

Again, Treasury confirmed that there had been workers compensation claims lodged in the terms that I had indicated. There had also been payments made in terms of settling that particular dispute but Treasury again, for the reasons they outlined in the refusal, refused to provide information.

I will say that at the same time I lodged two further freedom of information applications in relation to another Labor MP, and that particular application read as, 'Copy of a workers compensation claim lodged by'—a particular staff member at a particular time—'which includes claims of insulting language and spreading rumours against'—a particular Labor MP. I do not propose at this stage to say anything further about the case. It is only a single example. I would judge that it is certainly at a lower level to claims of bullying. It is certainly not backed, at this stage and to my knowledge anyway, by further evidence of multiple claims being made against the member.

I repeat again that, from my viewpoint and based on my past experience with these things from both sides of the fence, I do not prejudge the guilt or otherwise of members who are accused in relation to these issues, unlike the Labor Party and unlike the Leader of the Government in this chamber, the Hon. Kyam Maher, who rushed to judgement and demanded that a particular MP be sacked.

What I have said in relation to this is that, given that the Labor government leaked the cost to taxpayers of settling the first claim, the government should release the cost to taxpayers of settling these claims and, in particular, the two claims against the Hon. Michael Atkinson MP. If the government believes it was in the public interest to leak that information in relation to one then it is certainly in the public interest to provide the information in response to these questions and revelations as to what the cost to taxpayers has been in relation to these particular claims.

I think most people who know the Hon. Michael Atkinson would know that he would be, to understate it, a difficult person to work for. He has eccentricities, which are entirely his prerogative. His legendary pedantry in relation to spelling and the like is known to all members in parliament, and I suspect that is also reflected in the workplace, and other members in the caucus and the parliament would be aware of that.

Clearly, on some of the information, he has very tough requirements on his staff in relation to what he expects of them and, again, I make no criticism of that. That is a judgement call for an individual member in terms of whether they expect end-of-day reports on the number of telephone calls and what has been done. I make no criticism. Each to their own. That is an issue for an individual employer and the individual staff member to work out in and amongst themselves.

I think some of the other issues that have been raised do raise some more significant issues. Certainly, in the complaints that were lodged with me, trainees were being sent out to letterbox in 40º heat when they felt that that was unreasonable and a staff member regularly cooked lunch for the Hon. Michael Atkinson MP from the electorate office kitchen.

The major complaints clearly related to what both complainants described in their claim as 'bullying that was aggressive behaviour and yelling directed at staff'. One particular staff member said that on occasions the Hon. Mr Atkinson had become red in the face and frothing at the mouth, causing her and others in the workplace to be terrified. Another staff member, who is not one of the two who has lodged a complaint, indicated that that staff member had been upset at the Hon. Mr Atkinson's treatment on a number of occasions, causing that particular staff member to burst into tears on a number of occasions.

There was a complaint which is a bit more serious—and, again, these are difficult issues, so on this particular one I make no criticism of the member, having seen it occur in other workplaces—of inadequate management of a complaint of sexual harassment against a volunteer, that is, the staff member was complaining that the volunteer was sexually harassing the staff member and the staff member felt that that had not been adequately managed. Again, having seen and observed various

ways of treating claims of sexual harassment, some which involve volunteers who come in and out of workplaces, I accept that that is a difficult issue and I place no great store on that.

I think the issue for the Hon. Mr Atkinson, as opposed to some of the others in this is that this is not a single complaint. There are a number of staff, two of whom have been pushed to the edge of lodging bullying complaints against the member, but there are others who have complaints as well. It is ultimately an issue for management between both the member and the staff members, but also for electorate services in terms of how these particular issues are managed.

I conclude all of that by saying that these are issues which by and large—I mean, clearly once they go over a certain step, they take on a greater seriousness—in the past have been generally managed and handled by electorate services, which is the representative arm of Treasury, or I think it is now Premier and Cabinet, the member of parliament, whether it is Liberal or Labor, and staff members. As I said, there have been various resolutions, some which have involved payments but some which have involved the transfer of staff to other positions.

It is the decision of this government in what they did earlier this year, led at the very highest level by the Hon. Kyam Maher and other strategists within the Labor Party, to seek to make political capital or advantage out of this particular issue which has led to the set of circumstances where in the first instance a Labor MP spoke to me, and then a Public Service source, and then, as I described it, 'others with a close knowledge of the operations of the office of the Hon. Mr Atkinson'. These are the sorts of issues in terms of hypocrisy that ultimately rest with this government.

I now turn to some other examples of the sorts of hypocrisy that we have seen from government ministers over the years in terms of issues that have been raised in the parliament. I refer to a couple of statements the Hon. Kyam Maher has made in this chamber when issues have been raised. I refer to a ministerial statement he made on 30 March this year, and let me quote it:

> The Hon. Rob Lucas regularly demeans his position, this parliament and all of us who serve here. The Hon. Rob Lucas regularly uses parliamentary privilege to harass, insinuate wrongdoing or lay fanciful accusations against members of the public and members of the Public Service, who have little opportunity to respond. These are the actions of a bully and a coward.

He then goes on:

> The Hon. Rob Lucas regularly tries to hide behind weasel phraseology, such as 'sources close to the matter have informed me' or 'an anonymous fax to Liberal Party headquarters', in an attempt to try to distance himself from the vitriol that he is making up.

Earlier, on 24 March 2016, in a similar vein—and we have had many examples of this, not just from the Hon. Kyam Maher but from the Hon. Gail Gago and, before that, the Hon. Paul Holloway in relation to accusations made against members—the Hon. Kyam Maher again said:

> Nearly all of us act with the dignity and respect, I think, which most of the public expect from elected representatives. Certainly, I know my apprenticeship before coming to parliament, working for the Hon. Terry Roberts, was a good example of how to conduct yourself and how to gain the respect of others.
>
> Sure, in the rough and tumble of the day-to-day of politics, certainly the views will be put in a forthright way. I probably don't always live up to the example the late Terry Roberts set in doing that; however, I object regularly to the way in which the Hon. Robert Lucas uses parliamentary privilege in this place—a privilege that we all enjoy. Regularly, his contributions, and particularly his contribution late last night, would almost certainly see him on the wrong end of a defamation suit…One thing that I am sure most people will remember Rob Lucas for is being a coward—an absolute coward—regularly singling out and naming individuals who can't defend themselves, often on the basis of made-up rumours or, as he did last night...

And there is more of the same. It is not limited to the Legislative Council. In the House of Assembly we have seen similar attacks and claims made by members such as the Hon. Mr Atkinson, the Hon. Tom Koutsantonis and, indeed, many others in the House of Assembly. Time will not permit me to go through the many examples, but let me give one oldie but goodie that was dished out by the Hon. Michael Atkinson back in 2006, when he was the attorney-general:

> Another example of the cruel effect of media reporting was the vile insinuations made under parliamentary privilege by the Hon. Robert Lucas against the former Attorney-General Chris Sumner. Let's make no mistake. Lucas was the man who did it. It was a long time ago now—about 17 or 18 years ago. He has never apologised. There was a $1 million-plus inquiry into the attorney-general and, again, he was exonerated. I was at dinner with a QC—who I think subsequently became a judge—and, over the table, he said, 'Oh yes, Sumner was mixed up with the mafia, wasn't he?' Because it sticks. Rob Lucas knows it sticks. Mud sticks, and he has never apologised. I wish Rob Lucas

was required to come into the chamber and withdraw some of the vile falsehoods he has told in the house over many years. So, I am minded to give due consideration to the member for Mitchell's proposal.

Just on that particular claim, I might add that, as with many of the claims that have been made, that particular claim by the Hon. Michael Atkinson was palpably wrong. He also made the mistake of making a similar claim on 5AA in an interview with Bob Francis, which, if I was the litigious type, I could have financed a nice house extension with. However, over my long period in parliament I have not yet sued anyone. I am prepared to give as good as I take, but the Hon. Mr Atkinson knows that the claim he made in parliament on a number of occasions is demonstrably wrong. He also made the error of making the claim on Bob Francis's program one night on 5AA.

Just to clarify that—newer members would have no knowledge of this particular period—the inference in the question that was asked during that period of Chris Sumner was actually asked by the government's great mate, the former member for the Mallee, Ivan Peter Lewis. It was referred to as question 148 and was the question that set Chris Sumner off in terms of his concerns. It was not a question that I asked; it was not a question I had anything to do with. The Hon. Mr Atkinson's memory is faulty in that respect.

I might note that all of those clearly defamatory statements made by ministers and members—if they were made out in the community—rely on parliamentary privilege to make those particular statements and claims. As I indicated before, I accept the robustness of parliamentary debate. I give on occasions, but I certainly take more than my fair share in terms of the debate.

I also note that, with regard to the warning I was given by the President about injurious reflections under section 193, I pointed out that that was a substantive motion and that, therefore, an injurious reflection on another MP could be made. All of those statements from the Hon. Kyam Maher and the Hon. Mr Atkinson I referred to earlier were not made on substantive motions. They were either made in ministerial statements, responses to questions or in debate.

I reject the government's views that the Liberal Party and its MPs regularly abuse parliamentary privilege and make defamatory statements without care or consideration in the parliament and without consideration of the consequences. I also reject the government's claim, in essence, that Labor MPs are lilywhite and never engage and never have engaged in such behaviour and are therefore beyond criticism in relation to the give and take of politics.

I want to highlight a number of issues where government MPs can be called to account over many years—and there are many others I could refer to—but I do at the outset refer to a very small issue, which is the constant claim from the Hon. Kyam Maher and others that part of my political epitaph was going to be 'the campaign genius that oversaw the Fisher by-election and the loss in the Fisher by-election'.

As I highlighted in an explanation in the council, the Hon. Kyam Maher knew at the time he made that particular statement that at the time of the Fisher by-election I was actually with my mother in her final days before her death and my only involvement in the Fisher by-election was subsequently, during the recount, when I was asked by the party to head the team of people and to be the public face of responding during that particular period.

I make that clarification because, again, here is a clear case of the Leader of the Government making up that story because it suited his political purposes. He knew it to be untrue but has nevertheless continued to prosecute that particular case. The more substantive issue that I want to refer to is that he, in one of those statements, said that we should all follow the political lead of the Hon. Terry Roberts, his former boss, with the clear inference that the Hon. Terry Roberts would never be engaged in such behaviour.

By way of supplementary question, I referred him to statements and claims that the Hon. Terry Roberts had made about a former federal Liberal candidate, Alan Irving. I refer the Hon. Kyam Maher to the *Hansard* record and the particular contribution from the Hon. Terry Roberts on 18 February 1993, where he made a series of claims about a Liberal candidate leading up to the then federal election. He said:

> Here we have a company director not only with defunct companies but people who dishonestly moved money to him and his wife as directors so the company's assets could not be used to pay creditors.

He then went on to say:

> …there are ways in which people are able to avoid their responsibilities and hide the circumstances of the situation in which they find themselves.

Further on he says:

> They take the easy way out and use other people's money to improve their own position and cushion themselves against any liquidator's orders that come at a later date.

He made accusations about a failure to lodge annual returns. He then says:

> There is another tale of an Irving plane in Queensland that mysteriously caught fire.

It goes on and on. Then he said:

> I suppose, dubious activities of some companies that resort to these tactics would be avoided. The other concern is that the businessman involved in all those companies, Alan Irving, is a candidate for the next Federal election. I guess that is a matter for public concern as well.

What he had done was talk about an unnamed businessman for a long period of time in the contribution and then, at the end of it, named the businessman as the Liberal candidate in the federal election. Again, I refer the Hon. Kyam Maher and others to 2 March 1993 and the rebuttal of that from the Hon. John Burdett, who said:

> Mr Irving, after the Hon. Mr Roberts statements under privilege of incorrect facts in this chamber, wrote to the liquidator, Bruce Carter, and said, 'In view of the political consequences arising from statements made in the Legislative Council last week by Terry Roberts MLC under parliamentary privilege, I ask you to provide me with answers to the following questions.'

The liquidator was actually Bruce Carter, and he said:

> In response to your questions I advise as follows: I have no evidence of any payments being made by Hay to any of the directors of the company.

And two and three says, 'I am unable to comment in respect of those questions.' So, Bruce Carter rejected a number of the serious allegations made by the Hon. Terry Roberts. John Burdett then went on into detail and concluded his contribution by saying:

> A series of damaging and alarming allegations have been made against a candidate in the forthcoming Federal election, without any justification whatever and without checking the facts, and under Parliamentary privilege.

So, the role model the Hon. Kyam Maher referred us all to follow (that is, his former boss) has dirty hands, as many others in politics have had over the years in relation to that particular issue I have just highlighted. There have been many others over the years and I do not have time today to go through all of them.

Former member Colin McKee referred to a Liberal MP as the Freddy Mercury of the Liberal Party, with a clear inference behind that particular attack on that particular member at that particular time. A former president of the Legislative Council, the Hon. Bob Sneath, in one of the more appalling examples I saw of questioning in a parliamentary committee during issues that related to the Select Committee on Allegedly Unlawful Practices Raised in the Auditor-General's Report, which is the Crown Solicitor's trust account issue.

The former CEO of the justice department, Kate Lennon, was giving evidence and part of her evidence was that she had done certain things on the basis of advice from the former crown solicitor, Mike Walter. The Hon. Bob Sneath put a question to Mike Walter in the parliamentary committee as follows:

> I have a few questions. Do you have anything other than a professional relationship with Kate Lennon?

So, here is the Labor Party putting a question to the former crown solicitor about his relationship with the former CEO of the justice department because the crown solicitor had supported the former CEO's view in relation to the issue and it contradicted the Hon. Michael Atkinson's position in relation to the Crown Solicitor's trust account. Later, the Hon. Bob Sneath went on to say:

> Have you ever attended any meetings or had any discussions with Mr Lucas or his staff in Parliament House building about any matters concerning the use of the Crown Solicitor's Trust Fund?

Here is the response from Kate Lennon, the former CEO:

No, I got rung last night at quarter to 11 to be told two things; first, that I was seen sneaking out of your office—

that is me—

late one night from parliament; and the other was that you and I have been dining out and around town. Given that I have already had put to me that I have been having an affair with Mike Walter, I had said to my husband this morning that clearly I am the Mrs Blunkett of the South Australian public sector. My husband is sitting here: we have been married for 32 years; I have not had an affair with anybody, and that is no offence to anyone sitting in this room.

Further on, she said:

It was seen by everyone that I was having an affair. I must have had at least 60 phone calls. It upset my family and the people at the church. His partner rang me in no uncertain words, and it was taken universally.

As I said, there have been many, many other examples over the years where Labor MPs, Labor ministers, etc., have used the parliament and parliamentary committees and have gone, in my judgement, further than I would have gone. The questions the Hon. Bob Sneath asked of Kate Lennon and Mike Walter, I think, were beyond the pale and should never have been asked. They had a clear inference. Journalists were being backgrounded by the government's media advisers at the time that Kate Lennon had been seen sneaking out of my office late at night and that she had been having an affair not only with Mike Walter, the crown solicitor, but also with me.

So, the Labor Party, Mr Acting President, as I am sure you would be aware, cannot come to the debate in this chamber saying, 'We are lilywhite in relation to all of these issues. We have never offended in relation to what can clearly be seen as abuse of parliamentary privilege and defamatory statements.'

There are two final issues that I want to refer to. One is an issue that is probably only of great interest to the Hon. Kyam Maher and myself, because he seems to return to it often. The Hon. Kyam Maher often refers to the fact that not only do I make up things but I always rely on anonymous faxes and the like to make things up and not tell the truth. For the interest of members, this issue of anonymous faxes goes back to the issue in relation to whether or not Ralph Clarke, a former deputy leader of the Labor Party, had been offered board positions to drop defamation action against the Hon. Michael Atkinson.

What happened at that time was that back on 8 July 2003, I indicated in the parliament that an anonymous fax had been provided, not to me but to the Liberal Party, and that it had been forwarded to the police inquiry that was being conducted at the time. That anonymous fax read as follows:

Today's story on page 5—spot on except the issue of costs arose. MA—

that is Michael Atkinson—

would not pay out a penny. It is then…in place of costs…that the board story gets legs, real legs. Made by MA—

Michael Atkinson—

passed on by RA—

who was Randall Ashbourne, the government's key adviser—

one appointment for costs—the other for compensation.

When the issue was raised in parliament, the Hon. Paul Holloway, who was then the acting attorney-general because the Hon. Michael Atkinson had had to stand down for the duration of inquiry, then launched into a tirade, which said that the leader of the opposition was abusing parliamentary privilege, etc., supposed anonymous letters to make accusations.

Just to put this story to bed for all of those who do not understand the Hon. Kyam Maher's reference to anonymous faxes, in the evidence to subsequent inquiries and also to the parliamentary committee, a gentleman by the name of Gary Lockwood, who will be very well known to members of the Labor Party—a veteran member of the Labor Party in the north-eastern suburbs, a rusted-on supporter of people like Ralph Clarke, and at varying times, I think, worked for Robin Geraghty and Frances Bedford—knew where every skeleton was buried within the Labor Party.

Gary Lockwood indicated that he indeed had sent that fax. It was genuine and he had sent that fax, because he was actually supporting Ralph Clarke's contention, and he was vigorously disagreeing with the Hon. Michael Atkinson's claim that there had never been a discussion about giving Ralph Clarke board positions in response to dropping a defamation action against Michael Atkinson. These constant references to faxes as if they have been made up are blown out of the water. The only reference to a fax is actually one delivered by a member of the Labor Party by the name of Gary Lockwood, and he subsequently confirmed publicly in various inquiries and before the parliamentary committee that that particular fax was accurate.

Let me conclude by making one final general point, and that is that a lot of the criticisms that the government makes of issues that are raised by opposition members relate to issues such as nepotism. They relate to appointments within the public sector, and that is abuse of process, where jobs for the boys and jobs for the girls are given and people with known connections to the Labor Party are given jobs, where in some cases longstanding loyal public servants who have served both Liberal and Labor governments over 20 plus years are kneecapped and then replaced by people with known connections to the Labor Party, and where you have the position of ministerial staffers being parachuted out of contract positions in the ministerial office into five-year contracts in the public sector, particularly in the period leading up to a state election.

These are the sorts of issues that are raised in this house on a number of occasions. Members who have been in this chamber for a number of years will remember that way back in about 2005, I first raised with the then leader, the Hon. Gail Gago, issues in relation to an appointment that Karen Hannon, someone with known connections to the Labor Party, had received in terms of an appointment to the Residential Tenancies Tribunal. I asked questions a number of years ago—and I continued to ask them over a number of years because they did not get answered. Those questions were essentially:

1. Was it correct that Ms Hannon applied to be a member of the tribunal, was interviewed by a properly constituted panel and was not successful in an application to be a member of the tribunal?

2. Did the minister personally intervene and direct that Ms Hannon not only be appointed as a member of the tribunal but also be given the plum job of presiding member?

3. Will the minister take advice on the number of hearings the last presiding member, Pat Patrick, participated in each of the financial years 2007-08, 2008-09, 2009-10 and how many hearings has the new presiding member participated in for each month since October, since her appointment?

The minister then entered into a diatribe about how this was stooping in the gutter, that this was outrageous, that it was an abuse of privilege and all those sorts of things, but in the years since those questions were first asked, the government's subsequent ministers have never come back with a rebuttal or response. I would have thought that if you were to make a claim and if the government were to establish that it was incorrect, they would come charging back into the chamber and say, 'Here are the facts in relation to this particular claim.'

There are many others of a similar nature. I raised questions about a ministerial staffer to the Hon. Paul Holloway, in relation to George Vanco's involvement in a transaction in the department. That has never been answered. I raised issues in relation to the reclassification of a staffer in the then attorney-general's office, Loula Alexiadis, and I gave a long history of it being refused by the department and former CEOs like Kate Lennon, which is one of the reasons she fell out of favour. The reclassification was then given by the new CEO. Again, none of those questions have been answered, or if the government believes they were wrong, they have not come back to rebut it.

I raised in the parliament issues in relation to the nepotism accusation made against the former CEO of DPC, Warren McCann. I raised issues, with detailed claims that I made, in relation to a meeting between former premier Rann and Warren McCann when the premier yelled at Warren McCann and said, 'You were told to ensure that Mark Johns got the job as CEO of Justice. You have failed,' because there had been a number of panel processes and the panels kept saying they would not support Mark Johns as the CEO of the justice department. The government continued to refuse the panel recommendations until eventually they got their way in terms of that particular appointment.

All of those questions are valid questions that have been asked. If the government—other than the diatribe about an abuse of privilege, a defamation or whatever—actually came into the house and said, 'Okay, here are the facts and we now rebut them,' then they would be in a much stronger position to make this particular accusation.

Recently, when I raised a series of accusations against Leon Bignell in relation to a Crows function, the minister here said, 'Go and say that outside the house.' I did radio interviews on all the radio stations the next morning, but the minister would not enter into the radio conversations or debate. I was quite happy to raise those issues and debate them in the media.

There are issues which in the robustness of political debate would be defamatory if you said them out in the public arena. The minister saying that you cannot believe anything an individual member ever says because he always tells lies and makes up stories, would be clearly defamatory out in the community. Others might not, but I certainly accept that as part of the robustness of parliamentary debate.

I think it is going over the top in terms of response. It is not the sort of response I would like to see from a government minister. However, there is the hypocrisy of the government where on the one hand they accuse the opposition of making defamatory statements yet regularly they defame members of the opposition and use parliamentary privilege to their own purpose. They certainly do not do it under substantive motion.

Again, I do not insist on that. I accept the robustness of political exchange in this particular chamber, but I do not think you can have the situation where you have the government wanting to attack opposition members and then they squeal like stuck pigs when the same measures are used against them on occasion in terms of holding them to account and ensuring there is accountability and transparency in some of their decision-making. With those significant number of words, I would urge support for the motion.

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

Parliamentary Committees

SELECT COMMITTEE ON STATUTORY CHILD PROTECTION AND CARE IN SOUTH AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:28): On behalf of the Hon. Stephen Wade, I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

SELECT COMMITTEE ON SALE OF STATE GOVERNMENT OWNED LAND AT GILLMAN

The Hon. R.I. LUCAS (17:28): I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

SELECT COMMITTEE ON ELECTORAL MATTERS IN SOUTH AUSTRALIA

The Hon. D.G.E. HOOD (17:29): On behalf of my colleague the Hon. Robert Brokenshire, I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (17:29): I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

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

The Hon. J.A. DARLEY (17:29): I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:30): On behalf of my colleague the Hon. Steven Wade, I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

SELECT COMMITTEE ON CHEMOTHERAPY DOSING ERRORS

The Hon. A.L. McLACHLAN (17:30): I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

SELECT COMMITTEE ON STATEWIDE ELECTRICITY BLACKOUT AND SUBSEQUENT POWER OUTAGES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:31): I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

SELECT COMMITTEE ON ADMINISTRATION OF SOUTH AUSTRALIA'S PRISONS

The Hon. T.J. STEPHENS (17:31): I move:

That the time for bringing up the committee's report be extended until Wednesday 29 November 2017.

Motion carried.

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 disposition for 70 years;
3. acknowledges that the 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 the Israeli-Palestine conflict and that 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.

to which the Minister for Employment moved to leave out all the words after 'That this council—' and insert the following:

1. notes that the Australian government is committed to a two-state solution to the Israeli-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.

and to which the Hon. A.L. McLachlan moved to 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 Israeli-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.

(Continued from 2 August 2017.)

The Hon. J.A. DARLEY (17:32): I rise to give a short contribution to this matter and, in doing so, indicate that I will be supporting the Hon. Andrew McLachlan's amendment to the motion. I understand that, by doing so, people from both sides of the debate will be disappointed that the motion does not go far enough, but I think the most important thing to advocate for in this situation is peace.

I have sympathy for the Hon. Tammy Franks' original version and also for the Hon. Kyam Maher's amended version and was originally minded to support the amended motion. I want to make it clear that my support would have been in support of the people of Palestine because I am troubled supporting the Palestinian authorities. However, in speaking with stakeholders from all sides, I believe the Hon. Andrew McLachlan's amendment is much more measured. No matter who I speak to, the overwhelming desire is for peace in the region. There has been enough bloodshed and, for the sake of everyone in the region, I hope there is a resolution soon.

The Hon. M.C. PARNELL (17:33): I am also going to be fairly brief in my contribution. At the outset I want to put on the record my thanks to my colleague the Hon. Tammy Franks for putting this on the agenda. I want to make a few remarks about the broader issue of Palestine, the Middle East and the role of—let's be fair here—small, provincial parliaments like South Australia in these global debates.

The first thing I would say is that there are two books that have been quite influential in my life in thinking about this issue. The first one was a book that I read, I think as a 14 or 15 year old, and it was Leon Uris's book *Exodus*. That was written a year before I was born, so it was written in 1958. It topped the bestseller lists for month after month and sold millions of copies. As a teenager reading that, how could you not but be a wholehearted supporter of Israel? The Palestinians were the bad guys, Arabs were bad guys, people who were not Jewish were the bad guys, and that made sense to me as a 14 year old.

Fast-forward 40 years, and I have another book on my bookshelf: this time it was a book by South Australian barrister Paul Heywood-Smith QC called *The Case for Palestine: The Perspective of an Australian Observer*. I found Paul's book most interesting, because it did help answer one of the questions that I have had—and I posed it briefly before. What is the point of people on the other side of the world, who perhaps have never been to the Middle East—why should we be weighing into these issues?

I think Paul makes the point that the case of peace in the Middle East, the case of Palestine, the issue of the conflict that has existed for decades is in fact a litmus test for the whole of our society. It is a case study of the failure of the system of international law—the fact that the United Nations can pass resolution after resolution that appear to have no impact at all on the ground. So, I think it

is actually incumbent on us, even though we are not in the Middle East, and many of us have never been and may never go, though we might know some people who are from there, to pay attention, because this issue is of significance globally.

It is not the only one. We can all think of issues of conflict that are unresolved, whether it is Uighurs in China or ethnic minorities in Burma. But in some ways similar to the apartheid debate in South Africa, the position taken by the international community can ultimately result in better outcomes than simply leaving it to local people to resolve, because it has not been resolved, and it is unlikely to be resolved without international input.

So, whilst no doubt people will say that in the South Australian parliament there are more important things we should be debating, I am happy that this has been put on the record, and I am happy that we get a position and to have our say. As the Hon. John Darley mentioned before, most of us, I think, agree that what we want is peace, we want respect for human rights and we want to stop bloodshed on all sides.

But having said that I think there is no doubt about the culpability of Israel in relation to the blockade of Gaza, in relation to the wall, in relation to the illegal settlements. That is not to say that people on the other side come with clean hands either, but ultimately there is a power imbalance, and the power is overwhelmingly on the side of Israel, and they have not exercised that power properly. The international community has condemned them on a number of occasions and I think needs to continue to do so. At the end of the day the objective has to be peace. It has to be the civil rights of all people who live in the region, and I think this motion is part of the international debate.

In terms of the three options before us, I was inclined to support the original motion unamended, but as I have a look at what the Minister for Employment has put forward, it does include most of the salient elements, so I think I am happy to support that as well. The Hon. Andrew McLachlan's motion is watered down a little bit further, and whilst I support the calls that are made in there, I think it does need to go further. So, if this matter does end up coming to a vote, I will be supporting the amendment moved by the Minister for Employment. But the main contribution I wanted to make was to say this is an important global issue, and we might be a long way away, but South Australia does need to take a stance in support of human rights.

The Hon. S.G. WADE (17:38): I want to talk very briefly on this motion. I consider that this council and this parliament should be cautious in engaging in foreign policy issues. Under our federation, foreign affairs and defence are matters for the commonwealth government and the commonwealth parliament. I understand that both the Prime Minister and the federal Leader of the Opposition support the existing Australian position on the Israel-Palestine conflict—that is, to withhold diplomatic recognition until a two-state solution is actually negotiated.

I welcome the fact that all three proposed forms of today's motion affirm the need for a two-state solution. Consistent with my cautious approach, I intend to support the amendment to the motion put forward by the Hon. Andrew McLachlan. I share concerns that the opportunity for a two-state solution may pass without real progress in the near future. I urge all parties not to act in a way which makes a two-state solution harder to achieve. In particular, I hope that Israel may step back from settlement building and other activity which is inflammatory to the Palestinian community.

I am also concerned about the respect for human rights and the rule of law in both Israel and Palestine. All these matters demonstrate the good faith that the Hon. Andrew McLachlan's amendment calls for. I indicate that I will support the amendment by the Hon. Andrew McLachlan.

The Hon. D.G.E. HOOD (17:40): I begin my contribution today by stating my preference that we not be dealing with this, as I believe the subject matter, as the Hon. Mr Wade said, 'falls outside the legitimate interests of a state parliament'. However, I understand there is great personal passion on these issues and can understand why individual members would be motivated to bring them to the parliament's attention, but I do believe it is more properly dealt with by the commonwealth. That said, as the matter is now before us, we will address it for the sake of putting our position on the record, and that is that the Australian Conservatives support the motion as amended by the Hon. Andrew McLachlan.

We support Israel's right to exist peacefully within its borders and we support the right of the people of Palestine to live in peace. I reflect on the comments made by the Hon. Mark Parnell and

the Hon. John Darley that I thought were both thoughtful and balanced contributions. The Hon. Mark Parnell, in particular, mentioned a number of books that have influenced him. I also have done a good deal of reading on this topic over the years, and whilst there are strong arguments on both sides there is a book that shaped my thinking quite substantially. It is called *The Case for Israel* by a gentleman by the name of Alan Dershowitz, and it is quite compelling in parts and I recommend it to members as interesting reading.

The Israeli-Palestine conflict has been ongoing for over half a century. Numerous attempts to achieve long-term peace between the Israelis and Palestinians have failed, of course. In recent times, however, critics are quick to blame Israel for the lack of peace in the region, and they are not without blame. But it is unjust to blame them alone, of course, because it disregards the long history of hostility against Israel. Peace requires both the Palestinians and the Israelis to negotiate in good faith, as I believe the amended motion rightly requires. Palestine's governing bodies do not serve their people well. I have no doubt that the people of Palestine desire peace, and yet we see that the Palestine Liberation Organisation and the Palestinian National Authority are each controlled by the political group Fatah.

In reality, however, although the PLO governs the West Bank, Gaza is governed by Hamas, an Islamist fundamentalist organisation. Both Fatah and Hamas have been, throughout history, openly hostile to Israel and even towards each other on occasions. This is in itself a significant barrier to peace. The lack of unison within the Palestinian representatives is a significant complication that hinders any meaningful negotiations with the Israelis. It is a matter of historical fact that in the first decades after its 1964 creation (that is the creation of the PLO, not Israel) the PLO sought to destroy Israel and replace it with a Palestinian state. Fatah's founder, Yasser Arafat, employed military tactics towards this end, including attacks on Israeli civilians.

This finally changed in 1993 when the PLO accepted Israel's right to exist in exchange for Israel recognising it as a legitimate representative of Palestinians and began peace negotiations with Israel, a welcome development. So, that is the Palestine Liberation Organisation, which has come to seek what I believe is a genuine peace, but on the other hand, Hamas from its very inception has resorted to appalling acts of violence and even terrorism in pursuit of totally wiping Israel from existence. The military wing of the same Hamas that governs the Gaza Strip is listed by many nations, including Australia, as a terrorist organisation.

Hamas agitates for a Palestinian state and has historically resisted a two-state solution, which I believe does not serve the Palestinian people well at all. To this end, Hamas has continuously launched attacks on Israel, including rocket attacks against Israel. Indeed, I was in Israel when a rocket was launched from the Gaza Strip and landed less than a kilometre from where I was at that time, and I can assure members that it is a terrifying experience. It has included suicide bombings, kidnappings, killings of political rivals and several attempts to derail peace talks.

Hamas's very own charter has advocated for the destruction of Israel and the killing of Jews. This is in writing and not in dispute. The charter stated that through jihad Hamas will uproot Zionism, although Hamas's more recent charter, which thankfully was updated earlier this year, is less radical. Hamas is still unwilling to recognise Israel's right to exist. I do not believe peace can ever be achieved whilst they refuse to recognise Israel's right to exist.

After Israel unilaterally withdrew from Gaza in 2005, instead of building the foundation for a viable state, Hamas turned the territory into a rocket launching territory for its offensives on Israel. It is estimated that since 2001 approximately—and this is a very precise approximation, but these are the best figures we have—18,928 rocket and mortar attacks have been launched from Gaza into Israel. That is over 1,000 attacks per year, on average, or, put another way, three missiles or mortars per day every day, on average. I am sure members would agree that that is absolutely no way to negotiate peace.

Only when the Palestinian leadership, and particularly Hamas, unequivocally renounces terrorism and condemns those who preach violence against Israel and hatred of the Jewish people can there be real hope for peace. Again, I have no doubt that that is exactly what the Palestinian people want, and the Australian Conservatives support them in that legitimate quest. However, they are being poorly led and, I believe, misled.

There is no shortcut to peace. Ending the conflict requires the Palestinian leadership to recognise Israel's right to exist as an absolute, fundamental requirement and to renounce violence and transform its destructive culture of intolerance—that in some cases actually glorifies terrorism and pays a pension to so-called martyrs who suicide bomb Israeli soldiers and civilians—into a constructive culture of understanding, peace and mutual respect as well as coexistence with Israel in order to put an end to the conflict. While the Palestinian authority merely accepts Israel's presence, it has yet to recognise Israel as the legitimate nation state of the Jewish people.

Israel is the one true democracy in the Middle East. Israel has a right to exist and to defend itself when necessary. It has a documented history of offering peace agreements and accords to the Palestinians, who have an equally well-documented history of rejecting them. Again, I blame the leadership, not the people.

In closing, the Australian Conservatives will be supporting the amended motion by the Hon. Andrew McLachlan, as I said. However, we will not partake in or contribute to attacks on Israel that do nothing to promote peace in the region. Both the Palestinians and Israelis—not just the Israelis—must make critical concessions and commit to ending all further claims for the sake of peace and to advance a two-state solution.

I am an optimist and I believe peace is possible in this region. I think there is a groundswell of movement within Palestine itself to impact on their leadership. I also believe that there is significant movement within Israel itself to do whatever it takes, within reason, as long as they are recognised and can live safely to reach a genuine peace accord with the Palestinians.

The Hon. K.L. VINCENT (17:47): I would like to briefly add my position on this important motion, which will echo many of the sentiments that other members have already given. As we debate the clauses of this motion and any amendments that have been put forward calling on the council to petition the commonwealth to join with most of the rest of the international community to recognise the statehood of the long-suffering people of Palestine, I wish, as the member of the Dignity Party in this place, to make a heartfelt appeal to all members of this chamber, as others have done before me, to consider the just requirements of simple human dignity for all people.

At this point, can I also acknowledge the many submissions, emails and phone calls made to my office by people on all sides of this debate and make clear that, for me, supporting this motion is not about hating Israel nor about negating the rights of the Jewish people of Israel. I do not like hearing about any South Australian—or any person, for that matter—of any faith being targeted with angry, violent or hateful language or acts. I will not condone that, no matter what cause those acts are being perpetrated for. Whether you are of Christian, Muslim, Jewish or any other faith, or indeed of no faith, you should be able to go about your daily life—including peaceful, faith-based activities at places of worship—without fear or harassment from others.

However, since before 1948, the Asian indigenous people of Palestine have been disgraced in squalid refugee camps and periodically massacred by a settler society with a European history not unlike our own. As with the Australian first people, enough is enough. The international community has connived at this for too long and it is time to accept responsibility. It is time for remediation and it is time for recognition of the people of Palestine and a two-state solution.

Australia indeed has historical obligations in respect of the Palestine and Israeli conflict. This is the centenary year of the Battle of Beersheba where the Australian Light Horse Brigade participated in the British imperial conquest of Palestine. This is not a matter for military pride or futile breast-beating or shame: this is a matter of historical fact. From the facts flow our obligations. This is especially so because of Dr Evatt's important role in the tragic 1947 partition plan that divided the country.

Like other speakers, I am not going to pretend that one side of the conflict has been perfect and the other not and I have no interest in dodging people based on their faith, ethnicity or culture, but I will judge people based on their actions and whether those actions are kind, fair or justified. I think it is fair to say that the actions in the Israeli-Palestine conflict have not been fair, kind or justified and it is time to find a peaceful way to a two-state solution.

In conclusion, I again emphasise that this is not about racism or anti-Semitism, but there are no arguments against having a moral duty to all people, including both Israelis and Palestinians, in

this matter, and that has to be a two-state solution. It is sometimes mischievously suggested, I think, that the Palestinian people are entirely the authors of their own predicament. I believe such arguments are nothing but an attempt to shift responsibility. As members of the international community, it is up to all of us to take responsibility to look for a peaceful solution.

I do not believe that the recognition of Palestinian people must be conditional in the way that some people would suggest, and to prevent the rewarding of the treatment of the people of Palestine, such arguments are nothing less than an attempt, I believe, to rub salt in the wounds of people who are already hurt and offended and whose human rights have been serially abused already. We must find a way that is peaceful, a way that is without racism and a way that is without unnecessary blaming of the Israeli people as a whole.

Before I conclude, I might say why I am a member of the Australian Friends of Palestine Association (AFOPA): because I believe firmly in a peaceful two-state solution. Once I finish my remarks this evening, I am off to attend a dinner with the Friends of Israel Association to hear a guest speaker, because I believe in hearing all sides of this debate and that that has to be part of finding a peaceful solution. With those words, I again place on the record my plea for a peaceful solution and a peaceful approach by all sides to this conflict.

The Hon. J.M.A. LENSINK (17:53): I will be supporting the particular amendments of my colleague the Hon. Andrew McLachlan. The reason I do so is that they propose that Australia supports the establishment of a Palestinian state arising out of a binding peace agreement between the Palestinians and Israel, which is what the two sides previously agreed to in the Oslo 1 and Oslo 2 accords in the 1990s and in the 2003 Roadmap. It is what international law and common sense requires and what the United Nations has called for.

I would also like to add to previous speakers' comments that I do not think that the South Australian parliament is necessarily the correct venue for these sorts of motions. I think it is really the purview of the commonwealth Parliament of Australia and that each parliament ought to, as much as possible, stick to their own areas of responsibility.

I understand that Israel is not opposed to the creation of a Palestinian state. It has entered into agreements with the Palestinians that provide for the establishment of a Palestinian state as an outcome of a comprehensive peace treaty between them. So the real issue is not whether there should or should not be a Palestinian state: the real issue is whether we should support the establishment of a Palestinian state in the absence of such a peace treaty.

Some assert that the absence of a peace treaty is all Israel's fault, because of the construction that has continued to occur with Israel settlements on the West Bank, which I think is an oversimplification. Support for establishing and recognising a Palestinian state should be an outcome of and made conditional upon the conclusion of a peace treaty between Israel and the Palestinians, which is something we all dearly wish to see.

We do not generally impose conditions on the recognition of already established states, especially those with which we have had long diplomatic relations. When new states emerge, especially when they emerge out of conflict, it is frequently the case that conditions are imposed on their recognition by other states. For example, in the 1990s, after the collapse of the Soviet Union and Yugoslavia and the states that arose from them, the European Union and other countries imposed a string of conditions on the recognition of those new states. The main condition being that those new states would enter into legally binding commitments that the conflicts in which they had been involved were at an end and that they would cease all hostile activity, including hostile propaganda. The international community absolutely insisted that the recognition of the new states would mark the end of conflict and bloodshed and not the beginning of more.

Given their history of rejection of any kind of Jewish self-determination anywhere in the Holy Land, despite the internationally recognised connection of the Jewish people with that land over more than three millennia, the same kinds of conditions must be demanded in this situation. There must be a declaration of an end to the conflict and the calls for Israel's destruction must also end, including revoking and rewriting both from the PLO and Hamas charters. All UN resolutions must be accepted, rather than selective choosing of which resolutions are supported. Customary international law itself demands that a proposed new state must fulfil certain minimum criteria before it can qualify, and one

of these is that it must have a government that is capable of enforcing law and order over the whole of its territories.

The two warring factions, that is, the Palestinian authority and Hamas, which control different parts of their claimed territory settlements, are indeed a core issue of the conflict, as the Israelis themselves have acknowledged, along with Jerusalem, refugees, borders and water rights, but it is false to suggest that the settlements themselves are the only issue. There were no settlements prior to 1967, yet many of Israel's neighbours went to war against seeking its annihilation in 1948 and 1967. With those comments, I conclude my remarks.

The Hon. T.J. STEPHENS (17:57): I will be brief. I agree with the Hon. Stephen Wade and the Hon. Dennis Hood in that, to me, this is an issue for the federal parliament: it is not an issue for the Legislative Council of the Parliament of South Australia. I think we should be dealing with issues that affect the lives of South Australian people, in particular jobs and the economy, which is always my focus. Having said that, I absolutely support the work the Hon. Andrew McLachlan has done on behalf of Liberal members. I fully support him and will be voting for his amendment.

The Hon. T.A. FRANKS (17:58): Briefly, in summing-up, I would like to thank those members who have made a contribution, both previously in the debate and this evening: the Hon. Kyam Maher, the Hon. Andrew McLachlan, the Hon. John Darley, my colleague the Hon. Mark Parnell, the Hon. Dennis Hood, the Hon. Kelly Vincent, the Hon. Michelle Lensink, the Hon. Terry Stephens and the Hon. Stephen Wade.

It is my intention to support the amendment moved by the Hon. Kyam Maher, which is a reflection of the words passed in the other place. The member for Light initiated this motion in the other place and that motion, as amended and reflected in the words of the Hon. Kyam Maher, was then passed in the House of Assembly. I note that the Hon. Andrew McLachlan also has an amendment. I indicate that I will not be supporting that amendment. I think making recognition conditional is not in the spirit of the original amendment and puts the cart before the horse, if you like.

I think most members have put something on the record and we have an indication of where the numbers lie this evening, so I will not drag it out too much more, but I will say that I am heartened to see the change of heart and the change of policy from the members of the government benches, who are, of course, the Labor members, not only of this place but indeed who are the alternative government at a federal level. I note that in recognising Palestine, should Australia take that step, we will join not Hamas, as the Hon. Dennis Hood noted, but the 137 nations across the world that already recognise the state of Palestine.

New South Wales Labor most recently in their state convention have moved to recognise the state of Palestine, and I note there the work particularly of former premier Bob Carr and the overwhelming support for that recognition at that recent decision-making body of the Labor Party of this country in New South Wales. I also note that the New South Wales branch joins the ACT, Tasmania and Queensland, as well as former prime ministers Bob Hawke and Kevin Rudd, in backing Palestinian statehood.

While I echo the words of many members tonight that of course we support peace, I would refute the idea that this should not be debated by members of a provincial parliament. We are elected to represent our communities, and those communities do care about jobs and the economy, but they also care if they were brought to this country by being a refugee, and we have Palestinian refugees in this country and in this state.

With those words, I indicate that I will be opposing the McLachlan amendment, supporting the Maher amendment, and that I welcome the change of position from the Labor government in this state, which is the alternative government at a federal level.

The Hon. K.J. Maher's amendment negatived; the Hon. A.L. McLachlan's amendment carried; motion as amended carried.

SWAFFER, MS K.

The Hon. K.L. VINCENT (18:03): I move:

That this council notes the contribution to dementia awareness of Kate Swaffer and—

1. Congratulates Kate Swaffer on being named as South Australia's Australian of the Year;

2. Recognises Ms Swaffer's role as chairwoman, chief executive and co-founder of Dementia Alliance International; and

3. Acknowledges Ms Swaffer's role as a local, national and international advocate for dementia patients.

I am very pleased to move this motion tonight recognising the great work of Kate Swaffer. Since I first listed this motion on the *Notice Paper*, I have been very pleased to meet in person many times the South Australian of the Year 2017, who is of course Kate Swaffer. I have continued to be impressed by her knowledge, her advocacy and her passion for the work that she does in this state, in Australia and also internationally as an advocate for better rights and treatment of people with dementia.

Given the hour, I will speak briefly this evening about Ms Swaffer's achievements and then elaborate on them more extensively when I bring the motion to a vote, which is at this point planned for the end of September. Kate Swaffer was diagnosed with a rare form of dementia, known as semantic dementia, in 2008 at the age of just 49. She has since then been motivated to improve services and outcomes, as well as knowledge about dementia, for the 342,000 Australians currently diagnosed with the disease.

A poet and author and owner of a consumer website, Kate has become a globally recognised advocate for the 47 million people with dementia around the world. With seething honesty, Kate has shared her experience on her daily blog, attracting an audience of 40,000 people every month. She sits on many boards, steering committees and scientific panels, providing a consumer perspective and helping to set research priorities as a person with dementia.

Despite her dementia, Kate has completed a Bachelor of Arts, a Bachelor of Psychology and a Master of Science in Dementia Care. The co-founder and chair of Dementia Alliance International, now the peak body for people with dementia, Kate has worked tirelessly to raise awareness and encourage others to live beyond dementia diagnoses.

While each day deals out new challenges, Kate continues the fight to raise awareness and empower others living with dementia. Indeed, you could almost argue that she is a great example of the social model of disability, which, of course, teaches us that involving people living with that diagnosis or condition will always be the best way to get results for people with that condition. So, nothing about us without us. I commend this motion to the chamber. I commend Ms Swaffer for her work and look forward to having more to say about it when I bring this motion to a vote later in the year.

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

BURKE, MR R.

The Hon. K.L. VINCENT (18:06): I move:

That this council notes the contribution to the mental health sector of Robert Burke and:

1. Congratulates Robert Burke on being joint winner of the Dr Margaret Tobin Award in the South Australian Mental Health Excellence Awards;

2. Acknowledges the ongoing leadership and commitment of Mr Burke and Mrs Judy Burke to promoting the role of family carers in mental health; and

3. The ongoing difficulties faced by families of people with borderline personality disorder and the role of community based support groups.

In November last year, I was prompted to put this motion about Mr Bob Burke on the *Notice Paper* upon hearing that, very deservedly, he had become joint winner of the Margaret Tobin award in the Mental Health Excellence Awards. So, it is with a very heavy heart today that I report to this chamber that Mr Burke sadly died in May of this year.

His work, nonetheless, will live on. He is survived by his lovely wife, Judy Burke, an equally fierce advocate for mental health supports, particularly in the area of borderline personality disorder.

I have been in touch with Judy since Bob's death and know that she remains just as passionate and has every intention to continue the important work that she and Bob started together. I congratulate her on that and, again, pass on my sympathies on the family's great loss.

I will speak, once again, just briefly on Mr Burke's work tonight because there is a lot to talk about, but also, given the time, I will expand on it when I take this motion to a vote. So, a bit more about the mental health support group that was set up by Bob and Judy: it will continue, as I understand it, under Judy's stewardship, as a support group for family carers of people with a borderline personality disorder diagnosis, the group known as Sanctuary.

Sanctuary was founded just a short time ago, really, in February 2012, by Bob and Judy Burke, as they saw, as parents of an adult woman diagnosed with borderline personality disorder (BPD), that there was a need for more information and support. They found that there was a shortage of such information and support through existing mental health authorities and they located other sources of assistance for their daughter. Once she had benefited from those, they decided to share their learnings with other family carers in particular to achieve better supports for those family carers who can often feel quite isolated and have a heavy load on their shoulders, but also in turn that that would lead to better outcomes for people with BPD themselves.

The result was, of course, Sanctuary, a group known to some people in this chamber, which today is a group of more than 100 people who each care for a family member or another loved one in their lives affected directly by borderline personality disorder. They are a group of people who each care for a family member with BPD.

Together, Sanctuary aims, in their words, to create a haven for people who are caring for people with BPD, where experiences and information can be shared, where carers can support each other in their efforts to make sense of this often debilitating and serious mental health condition and to relate to the person they support with understanding and compassion and to find appropriate clinical support and treatment for those people. Sanctuary also aims to help members and others gain a better understanding of what BPD is, and perhaps more importantly what it is not, by countering discrimination and misinformation and replacing it with sound, clinically based information.

Sanctuary also seeks to promote the need for access to a range of treatments for both individuals and families affected by BPD and advocate for recognition of BPD, as it is an often under-recognised and maligned mental health condition, to end discrimination against people with BPD and for the provision of appropriate care and treatment for those whom the members of Sanctuary support. These are, of course, noble aims, as I am sure no-one in this chamber would disagree. They are certainly aims that we have a lot more work to do in this chamber to achieve.

With those few brief words and with my continued support of the work of Bob and Judy and with my continued pledge to make sure that we reach those aims, particularly increased recognition of BPD as a legitimate mental health condition in its own right and the need for more specific approaches in the treatment of people with BPD, I commend the motion to the chamber. Vale, Bob Burke.

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

Bills

ENVIRONMENT PROTECTION (WASTE REFORM) AMENDMENT BILL

Introduction and First Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:12): Obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993; and to make a consequential amendment to the Motor Vehicles Act 1959. Read a first time.

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:14): I move:

That this bill be now read a second time.

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

Leave granted.

South Australia enjoys a national and an international reputation as a clean, green and beautiful State.

This hasn't come about by accident.

It has happened because of our commitment to protecting the environment while also growing our economy.

A commitment that has led to our establishing South Australia as one of the world's best recyclers.

Promoted by policy settings that have encouraged resource recovery over the past decade, the State's waste and resource recovery sector has grown into a significant part of our economy, comprising a $1 billion industry and employing nearly 5,000 people.

Further growth, including significant job creation, has been identified as possible with the next series of modernised regulatory and policy settings.

The South Australian Government is pursuing a broad waste reform program for the confident operation and expansion of this sector.

The Environment Protection (Waste Reform) Amendment Bill 2017 proposes amendments to the Environment Protection Act 1993 to support the South Australian Government in continuing to lead the way in waste management and resource recovery.

The Bill will provide the necessary underpinning to enable the Environment Protection Authority to implement important waste reforms.

These further steps include a suite of staged measures that will enhance competition, provide stability to the waste and resource recovery sector, facilitate the sector's expansion, and encourage innovation.

This Bill supports economic, environmental and health benefits for South Australia.

Being able to improve recycling rates and improve resource recovery also helps to reduce water and energy use, cut greenhouse gas emissions, conserve natural resources and create new jobs.

As well setting up the architecture to enable the EPA to undertake further reforms, the Bill also provides improved tools for dealing with excessive stockpiling, waste levy avoidance, illegal dumping and contraventions of the Environment Protection Act.

These changes will increase justice and fairness for legitimate operators who are unfairly impacted by the economic gains obtained by those who avoid or delay the costs involved in the safe and lawful disposal or recovery of waste through excessive stockpiling, misclassifying material or illegal dumping.

The Bill upholds the polluter pays principle, holding relevant operators responsible for costs arising from their operations rather than either: State or local governments or innocent land owners bearing these; or, communities suffering the health, amenity and environmental consequences of non-action.

The Bill strengthens the tools available for enforcement and prosecution of illegal dumping. In doing so, it provides further deterrence for those that might contemplate such action.

It is important to acknowledge that the waste levy does not create an incentive for illegal dumping. Illegal dumping still occurs where the costs of disposing are low or even free. For example, in Queensland, there is no waste levy, and yet they report cases of illegal dumping in their community.

Indeed, a 2012 review by KPMG of the New South Wales Waste Levy concluded 'illegal dumping is not due to pricing signals, but rather a convenience factor'.

By improving the illegal dumping provisions, it is hoped that illegal dumping across the State will reduce and deliver improved community benefit.

Consultation

This Bill is part of a broader reform package initiated by this Government in 2015 in close consultation with the industry and broader sector.

Consultation to develop the Bill has been extensive and I would like to thank all organisations, agencies and individuals who provided feedback in the development of the key reforms and priorities that informed the preparation of the draft Bill and submissions made during the public consultation on the draft Bill.

Consultation on the proposals in the Bill first occurred between August and October 2015 through the discussion paper, Reforming waste management – Creating certainty for an industry to grow, which identified key areas of reform necessary for the waste industry to prosper. Submissions received informed the drafting of the Bill.

A draft of this Bill, supported by an explanatory paper, subsequently underwent consultation in September November 2016. Submissions from consultation on the draft Bill also informed the form of the Bill presented to you here.

The strategic direction of waste reforms and their prioritisation has also been informed by regular meetings of the EPA's high-level advisory group, comprising industry, local government, non-government organisation and community representatives.

Key industry stakeholders have shown a strong degree of support for the rapid pursuit of the Bill and subsequent key reforms.

Key features

Before I close, I want to draw all Honourable Members' attention to key aspects of this Bill.

For example, explicit powers to enable the regulation of material flow and stockpiling through amendments to the objects of the Environment Protection Act and new powers regarding stockpiling conditions to support the legitimate resource recovery sector.

These changes are also supported by improved and proportionate powers for tackling breaches of licence conditions and expansion of the circumstances when financial assurances can be used (including insurance) to protect against environmental, abandonment and distortion risks in the waste sector while supporting innovation.

Additionally, the Bill will introduce a process enabling assessment of materials as approved recovered resources and changed evidentiary requirements about waste to support innovative and safe resource recovery.

As I have mentioned before, the Bill also strengthen the EPA's ability to prosecute illegal dumping strengthening car owners' responsibilities for dumping from their vehicle, enabling the use of tracking devices, expanding EPA authorised officer powers to enter certain premises and mark materials that are likely to be illegally dumped and improving monitoring of waste and related material movements.

The state government wants to unlock future potential and drive innovation in the sector with targeted and effective changes to the Environment Protection Act 1993.

We seek to continue to lead the way in demonstrating that we can both protect our environment and support business and job growth.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Environment Protection Act 1993*

4—Amendment of section 3—Interpretation

This clause amends section 3 of the Act in a number of ways, by introducing several new terms that are key to the measure, including *approved recovered resource*, *resource recovery* and *unauthorised stockpiling*, and by clarifying other definitions, including *pollutant*, *waste* and *vehicle*. The definition of the *waste management hierarchy* is brought into the Act, reflecting the frequent reference to this principle in statutory instruments made under the Act.

The clarification of terms in new subsections (4) and (5) reflects existing provisions that are brought up to the level of the Act from the *Environment Protection (Waste to Resources) Policy 2010*. These are key concepts that have broad application.

5—Insertion of sections 4 to 4B

New sections 4, 4A and 4B are inserted. They are headed, respectively: Waste, Approved recovered resources and Waste management hierarchy.

New section 4 (Waste) gives the term a section of its own and it is here that we find a key concept of this measure, namely that of approved recovered resources that allows the argument of whether or not matter constitutes waste to be determined on a case by case basis. A reference to the term *waste* (when used in the Act or in the regulations or environment protection policies made under the Act) will not include an approved recovered resource whilst it is being dealt with in accordance with the declaration of that resource under section 4A.

New section 4A (Approved recovered resources) is a regulation-making power enabling a scheme to be set out by regulation under which declarations of approved recovered resources may be made by the Authority by Gazette notice.

New section 4B (Waste management hierarchy) sets out the principle of the waste management hierarchy, discussed above.

6—Amendment and redesignation of section 4—Responsibility for pollution

Section 4 is amended by including the term 'dispose of', thereby ensuring that disposal comprised of stockpiling or abandoning a pollutant (see new section 3(4)(a)) will be brought within the concept of responsibility for pollution.

This clause also redesignates the section as section 5C so that it is in a more logical position in the Act.

7—Amendment of section 5—Environmental harm

This section is amended to clarify that declarations, in subordinate instruments made under the Act (ie the regulations or environment protection policies), of environmental harm will have effect for the purposes of the Act (and not merely for the purposes of the instrument in which the declaration is made). It also brings the wording of section 5A of the Act into section 5 itself, enabling section 5A to be repealed. (Similar changes are also made to the definitions of *pollutant* and *waste*.)

8—Insertion of section 5D

New section 5D (Liability for certain offences from vehicles) is inserted. This section presumes an owner of a vehicle to have committed an offence if an activity is carried on in, at, from, or in connection with the use of, the vehicle, resulting in a principal offence. A *principal offence* is defined as an offence against Part 8 Division 2 or Part 9 of the Act or an offence prescribed by regulation. An *owner* of a vehicle is defined—

(a) in the case of a vessel within the meaning of the *Harbors and Navigation Act 1993*—as having the same meaning as in section 4(1) of that Act, and as including the operator of the vessel within the meaning of that Act; and

(b) in the case of a vehicle within the meaning of the *Road Traffic Act 1961*—as having the same meaning as in section 5(1) of that Act, and as including the operator of the vehicle within the meaning of that Act.

Safeguards for owners and alleged principal offenders are provided for in this deeming provision as are evidentiary provisions in order to maximise prospects of a successful enforcement regime under the Act whilst ensuring that the risk of convicting the wrong person is avoided. Precedents for this provision are to be found in the *Road Traffic Act 1961*, the *Local Nuisance and Litter Control Act 2016* and the *National Parks and Wildlife Act 1972*.

The new section does not apply to the disposal of waste or other matter by a passenger of a taxi or a train, tram, bus, ferry, passenger ship, or other public transport vehicle, that was being used for a public purpose at the time.

9—Repeal of section 5A

Section 5A is repealed as its contents have been incorporated elsewhere in the Act, namely in the definitions of *pollutant*, *waste* and *environmental harm*.

10—Amendment of section 10—Objects of Act

The objects of the Act are amended to expressly broaden the preconditions for taking measures under the Act. The objects, which the Minister, the Authority and all other administering agencies and persons involved in the administration of the Act must have regard to and seek to further, will now also include resource recovery aims, the application of the waste management hierarchy, promoting the circulation of materials through the waste management process and supporting strong markets for recovered resources.

11—Amendment of section 13—Functions of Authority

This amendment makes a minor adjustment to the list of functions of the Authority so that the investigation function relates also to conditions of other authorisations under the Act, for example, declarations of approved recovered resources.

12—Amendment of section 27—Nature and contents of environment protection policies

This clause makes amendments of a clarifying nature.

Codes are added to the list of documents that may be referred to or incorporated by an environment protection policy.

Discretionary powers may be given, in policies, to authorised officers and prescribed persons or bodies. These powers are similar to regulation making powers.

Subclause (4) gives legal effect to codes, standards or other documents that are referred to in a policy. In addition, the contents of section 33 of the Act are moved to the foot of section 27.

13—Amendment of section 28—Normal procedure for making policies

This amendment makes a minor typographical correction to section 28.

14—Amendment of section 32—Certain amendments may be made by Gazette notice only

This amendment adds to the list of reasons for amending environment protection policies via the fast-track method (ie by Gazette notice), where the Minister considers it necessary to amend an environment protection policy in consequence of—

- an amendment to the Act or the making, variation or revocation of regulations under this Act or the making, amendment or revocation of another environment protection policy; or
- the commencement or amendment of a prescribed Act.

This amendment brings this provision into line with similar provisions in the *Aquaculture Act 2001* for policies made under that Act. The amendment reflects the fact that there may be new Acts or amendments that need to be reflected or addressed in an environment protection policy, and for which the lengthy consultation process is not appropriate.

15—Repeal of section 33

Section 33 is repealed as its contents have been moved to section 27(6) and (7) (see clause 12).

16—Amendment of section 42—Time limit for determination of applications

This amendment is consequential on new section 51 of the Act (see clause 19 below). It clarifies that if a person applies for a licence or other environmental authorisation for an activity for which a financial assurance is required, the time period within which the Authority must advise the applicant of its decision on the application runs from the time that the Authority receives the details prescribed by regulation in relation to that financial assurance.

17—Amendment of section 45—Conditions

The Authority is given the power to impose or vary a maximum allowable stockpile limit at any time if the Authority considers it necessary to promote the circulation of materials through the waste management process. This power complements amendments to sections 3 and 10 of the Act that deal with unauthorised stockpiling.

Further amendments are made to section 45 to fine-tune the penalty system around breaches of conditions of environmental authorisations. These amendments involve the introduction of expiation fees and default penalties. The amendments also reflect the proposed abandonment of divisional penalties under the Act and resumption of monetary penalties.

The new expiation fee structure provides that, for a particular condition prescribed by regulation, the expiation fee will be the corresponding expiation fee prescribed for that condition. For any other condition other than a reporting-deadline condition, the expiation fee will be $1,000. For a breach of a reporting-deadline condition, a default penalty of an amount prescribed by regulation may be imposed. A *reporting-deadline condition* is defined as a condition of a kind referred to in section 52(1)(a) of the Act requiring a specified report on the results of tests or monitoring to be made to the Authority before a specified date.

The interaction between legislation and environmental authorisations is clarified by new subsection (8). Where the Act or a statutory instrument made under the Act (eg a regulation or environment protection policy) relates to activities carried on by a person under a licence or other environmental authorisation, the Act or statutory instrument will prevail over the conditions of the licence in the event of an inconsistency in the terms, unless the Act or statutory instrument provides otherwise. This will be the case regardless of whether the licence was granted before or after the commencement of the statutory provision.

18—Amendment of section 47—Criteria for grant and conditions of environmental authorisations

These amendments give the Authority the power to refuse an application for a licence or other environmental authorisation in cases where a financial assurance under section 51 has been required by the Authority but the prescribed details in relation to that financial assurance have not yet been provided by the applicant.

19—Substitution of section 51

Section 51 is repealed and replaced with a new section (Conditions requiring financial assurance). The new section is modelled on the previous section but contains additional provisions. It gives the Authority the power to require an applicant for a licence or other environmental authorisation to provide the Authority with a financial assurance in the form of—

- a bond;
- a specified pecuniary sum;

- a policy of insurance;
- a letter of credit or a guarantee given by a bank;
- any other form of security approved by the Authority.

The financial assurance may be used, realised or claimed against by the Authority for costs or expenses, or for loss or damage, incurred or suffered by the Authority or any other person in the event of—

- the holder of the authorisation contravening a requirement imposed by or under this Act; or
- a failure by the holder of the authorisation to take specified action within a specified period to achieve compliance with this Act.

There are several things the Authority is required to have regard to when determining whether to impose or vary a condition under this section or the nature, term or any other particulars of, a financial assurance. These are—

- if there is a risk of—
  - environmental harm; or
  - unauthorised stockpiling or abandonment of waste or other matter,

associated with the activity authorised under the environmental authorisation or any activity previously undertaken at the place to which the authorisation relates—the degree of that risk;

- the likelihood of action being required to make good any resulting environmental damage, to decommission, dismantle or remove stockpiled or abandoned plant or equipment or to deal with any other stockpiled or abandoned waste or other matter;
- the nature and cost of such action and the length of time such action is likely to take (including following cessation of the activity so authorised);
- whether the holder of the authorisation has previously contravened this Act (whether or not in connection with the activity authorised under the environmental authorisation) and if so, the nature, number and frequency of the contraventions;
- the Authority's reasonable estimate of the total of the likely amounts involved in satisfaction of the purposes for which the financial assurance is required;
- the depreciation of the value of the financial assurance over time;
- any other matters considered relevant by the Authority or prescribed by regulation.

A financial assurance may extend to such time as the Authority is satisfied that no clean up or remediation will be required as a result of the activity (including following cessation of the activity).

The amendments detail further procedural matters relating specifically to bonds or pecuniary sums and policies of insurance.

20—Amendment of section 52A—Conditions requiring closure and post-closure plans

Dealing with stockpiled or abandoned waste or other matter is added as a reason for enabling the Authority to require, by condition of a licence, closure or post-closure plans.

21—Amendment of section 65—Interpretation

This amendment makes a minor spelling correction.

22—Amendment of section 66—Division not to apply to certain containers

This amendment makes the same spelling correction as in the previous clause.

23—Amendment of section 72—Certain containers prohibited

This amendment updates the terms 'recovery, recycling, reprocessing or reuse' in section 72 with the more widely used collective term 'resource recovery'.

24—Insertion of section 85A

New section 85A (Senior authorised officers) is inserted, providing for the appointment by the Authority of senior authorised officers for the purposes of new section 88A.

25—Amendment of section 87—Powers of authorised officers

An additional power of entry under section 87 is given to authorised officers, namely where construction, demolition, excavation or other earthworks, or any activity carried out in preparation for construction, demolition, excavation or other earthworks, is being or has been carried on at the premises and—

- the works or activity has or may have disturbed, uncovered or produced waste or pollutants of a kind prescribed by regulation; or
- a potentially contaminating activity of a kind prescribed by regulation has previously taken place there.

Construction is defined as including alteration or refurbishment.

26—Amendment of section 88—Warrants other than special powers warrants

This clause updates references in current section 88 from 'justice' to 'magistrate'. New subsection (9) clarifies that section 88 does not apply in relation to a special powers warrant issued under section 88A.

27—Insertion of section 88A

New section 88A (Powers of senior authorised officers to investigate illegal dumping etc) is inserted.

Senior authorised officers appointed under section 85A may obtain a *special powers warrant* in order to exercise certain new powers to investigate illegal dumping and other waste-related contraventions. These very specific warrants are to be issued by a judge of the Supreme Court, who will be familiar with issuing these types of warrants under current section 6 of the *Listening and Surveillance Devices Act 1972* (soon to be replaced by Part 3 of the *Surveillance Devices Act 2016*).

A judge may only issue a special powers warrant if satisfied that—

- there are reasonable grounds to believe that—
  - a contravention of the principal Act has been, is being, or is about to be, committed in or in relation to premises or a vehicle in relation to the handling, storage, treatment, transfer, transportation, receipt or disposal of waste or other matter; or
  - something may be found in premises or in or on a vehicle that constitutes or may constitute, or will or may give rise to, evidence of such a contravention; and
- there are reasonable grounds for issuing the warrant, taking into account—
  - the extent to which the privacy of a person would be likely to be interfered with by the use of powers under the warrant; and
  - the gravity of the criminal conduct to which the investigation relates; and
  - the significance to the investigation of the information sought to be obtained; and
  - the likely effectiveness of the use of the powers authorised by the warrant in obtaining the information sought; and
  - the availability of alternative means of obtaining the information; and
  - any other warrants under the principal Act applied for or issued in relation to the same matter; and
  - any other matter that the judge considers relevant.

A special powers warrant may authorise any 1 or more of the following powers (as specified in the warrant):

- the power to mark waste or other matter found in specified premises or in or on a specified vehicle or class of vehicle by—
  - spraying or brushing paint or any other identifying substance onto the waste or matter; or
  - spraying, brushing or placing microdots or similar identifying objects onto or with the waste or matter; or
  - placing any other identifying objects with the waste or matter,

(to enable the subsequent identification of the waste or matter at another place following its movement there); or

- the power to install a camera in, on or in relation to, specified premises or a specified vehicle or class of vehicle or thing and use or maintain it or cause it to be used or maintained as so installed for a specified period; or
- the power to install a GPS device in, on or in relation to a specified vehicle or class of vehicle or specified waste or matter or a specified class of waste or matter and use or maintain it or cause it to be used or maintained as so installed for a specified period; or
- the power to retrieve a substance, object or equipment placed or installed, or any waste or matter marked, under a previous subparagraph.

Subject to any conditions or limitations specified in a special powers warrant—

- the warrant will be taken to authorise the senior authorised officer to enter or interfere with any premises, vehicle or thing as reasonably required to exercise the powers specified in the warrant; and
- the authority under the warrant to enter or interfere with any premises, vehicle or thing will be taken to include the authority—
  - to use reasonable force or subterfuge for that purpose; and
  - to take any action reasonably required in respect of the premises, vehicle or thing for the purpose of placing, installing, using, maintaining or retrieving a substance, object or equipment to which the warrant relates; and
  - to extract and use electricity for taking that action or for the use of the substance, object or equipment; and
- the authority under the warrant to enter specified premises will be taken to include the authority—
  - to exercise any of the powers in sections 87(1)(c) to (m) (inclusive) and 87(6) of the principal Act in relation to the premises, vehicle or thing (subject to the requirement in section 87(7) of the principal Act); and
  - to exercise non-forcible passage through adjoining or nearby premises (but not through the interior of any building or structure) as reasonably required for the purpose of gaining entry to those specified premises; and
- the powers conferred by the warrant may be exercised by the senior authorised officer at any time and with such assistants as the officer considers necessary.

A special powers warrant may, in urgent circumstances, be obtained by phone, fax, email or other electronic means. Considerable restrictions and procedural safeguards are included for such circumstances.

A special powers warrant may not be in force for longer than 90 days, it may be subject to such other conditions or limitations that the issuing judge thinks fit, and it may be varied or renewed on application by a senior authorised officer.

The term *microdots* is defined to mean identification tags etched, coded or marked with unique identifiers (including identifiers that are discernible only on viewing under magnification). The inclusion of this term in the principal Act reflects the expected use of this technology in tracking the movement of waste and other matter.

28—Amendment of section 93—Environment protection orders

These amendments complement the amendments of section 45 (see clause 17) by applying a default penalty for continuing breaches of licence conditions (or conditions of other environmental authorisations). Where a person has expiated an offence under section 93(8) of failing to comply with an environment protection order that imposes a requirement to secure compliance with a condition of the licence or other environmental authorisation, but the act or omission continues after that expiation, a default penalty of one-fifth of the expiation fee is payable for each day on which the act or omission continues.

29—Amendment of section 93A—Environment protection orders relating to cessation of activity

These amendments complement the amendments to section 52A. Dealing with stockpiled or abandoned waste or other matter is added as a reason for enabling the Authority to issue environment protection orders after a licensed activity has ceased.

30—Amendment of section 119—False or misleading information

These amendments insert a higher offence for making a false or misleading statement knowing it was false or misleading.

31—Amendment of section 139—Evidentiary

These amendments include evidentiary provisions to facilitate proof of offences.

32—Amendment of section 140—Regulations

These amendments clarify and bolster various regulation making powers. The maximum penalties and expiation fees set by regulation are increased, namely to $10,000 and $1,000 respectively.

The power to incorporate or refer to codes, standards or other documents in regulations is included. Legal effect is given to codes, standards or other documents that are referred to in the regulations.

Discretionary powers may be given, in the regulations, to authorised officers and prescribed persons or bodies. These powers are similar to the provisions in section 27 of the Act for environment protection policies and are standard provisions in regulation-making powers in many other Acts across the statute book.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

2—Amendment of section 139D—Confidentiality

This clause makes a consequential amendment to the *Motor Vehicles Act 1959*.

Schedule 2—Further amendment of *Environment Protection Act 1993*—penalty provisions

This Schedule converts the divisional penalties in the Act to monetary penalties.

Debate adjourned on motion of Hon. D.W. Ridgway.

APPROPRIATION BILL 2017

Introduction and First Reading

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

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:15): I move:

That this bill be now read a second time.

I would like to take the opportunity to note that the Treasurer's budget speech was tabled in the house on budget day, 22 June, and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2017. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

8—Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2018.

Debate adjourned on motion of Hon. D.W. Ridgway.

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Final Stages

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

At 18:16 the council adjourned until Thursday 10 August 2017 at 14:15.