LEGISLATIVE COUNCIL

Wednesday, 18 October 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:33 and read prayers.

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

Bills

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (11:34): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. MALINAUSKAS: I move:

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

Motion carried.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (11:35): I move:

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

Motion carried.

Bills

APPROPRIATION BILL 2017

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

The Hon. R.I. LUCAS (11:36): I rise on behalf of Liberal members to support the second reading of the Appropriation Bill. In doing so, it is important to point out that this is actually the budget bill, as it is often referred to in media and community discussions about budgets and budget bills. The Appropriation Bill is the bill which authorises the government of the day to continue to pay the bills, and particularly to pay the salaries of the public servants it employs, to pay for the various services it delivers and to undertake its capital works program. So, when there is community and media discussion about budget and budget bills, the Appropriation Bill is the appropriate bill for consideration in that respect.

There is an attached or associated bill, called the Budget Measures Bill, that we will debate over the coming weeks, which seeks to implement various aspects of announcements in the budget or the Appropriation Bill. That will be the subject of separate debate at a later stage. The ability for a government to actually govern is determined directly by the passage, or otherwise, of the Appropriation Bill. If the Appropriation Bill passes both houses of parliament, the government has its

authority to continue to operate, to pay the bills and to provide the services that governments need to provide.

After 16 long years, this is the 16th budget that has been inflicted on the people of South Australia. It is a sad tale to tell, but in South Australia, when one looks at the results of 16 long years of a Labor government, we are in a very sad state indeed. If we look at our economic growth figures over the last five years compared to other jurisdictions and the national figures, our growth rate on average over the last four to five years has been around about half the growth rate of the national economy. This is not an isolated figure here or there—a particular year where you might have a good year or a particular year where you have a bad year. This is a five-year record of achievement, or non-achievement as is the case here, that indicates that our state is languishing in terms of economic growth, which is, obviously, critical to the issue of jobs growth.

I think all the market research tells all the major political players in South Australia that the key issues that confront the people of this state are jobs and cost of living issues, closely followed by health, in particular. Jobs and cost of living issues are the driving influences and the critical issues that we should all be seeking to address. Again, the government's record is a sorry one in relation to that.

We all remember the promise made back in February 2010 that, within six years, a Labor government would deliver 100,000 new jobs. We are already nearly two years over that particular time line of six years but, even with the extra two years, the government is still nowhere near the 100,000 jobs that were promised to be delivered. In fact, just under 27,000 jobs have been created in almost eight years. As I said, the promise was 100,000 jobs in six years.

I think people are rightly bemused when the Labor government is oft wont to talk about broken promises of previous governments when it could very simply look at its own record of broken promises, starting from 2002 and continuing right through to this current budget. The figures demonstrate most of the key areas where this government has clearly, unequivocally broken the key election promises it made prior to each election period.

Looking at jobs growth, if you go back to July 2016, so over the last 12 months, to see how our jobs growth has been going, to be fair, nationally, there have been encouraging economic statistics, particularly jobs growth and growth figures that you would hope would have had some flow-on impact in terms of South Australia. If you look at the last 12 months from July 2016, there has been 2.5 per cent jobs growth nationally, but in South Australia it has been 1.8 per cent. It is good to see that we have a 1.8 per cent jobs growth figure, which is a bit higher than in previous years, but we again sadly languish behind the national jobs growth figures.

There has to be a reason for that. The excuse from the government is always that it is somebody else's fault. It is the federal government's fault, it is the banks' fault, it is always somebody else's fault but, after 16 years, they are still unprepared to accept any degree of responsibility for the appalling economic and jobs growth figures that South Australia currently confronts.

If you look at the trend unemployment figures, we have had the highest trend unemployment rate in South Australia for the last 33 consecutive months. We have had some encouraging figures in the last two to three months, and we will see whether or not they are confirmed this Thursday when the most recent figures are released. We have had some encouraging figures in the last couple of months on the seasonally adjusted unemployment rate, and we can only hope that will continue, but the trend unemployment rate, which economists monitor on a long-term basis to see the relative performance of jurisdictions, shows that, for 33 consecutive months, we have had the worst or highest level of unemployment in the nation.

The other measure that is useful to look at is the underutilisation measure of unemployment because the definition of employment that is used is if you get one hour of work a week, you are actually defined as being employed. Many of us would know of not just young people but primarily young people and others who are desperate for additional hours and additional work, but all they have managed to achieve is a small number of part-time hours. As I said, with as little as one hour a week, you are classified as an employed person and you move out of the unemployment figures.

The underutilisation rate in South Australia is a much higher figure than nationally as well, as you would imagine. The underutilisation rate in August this year showed that 15.1 per cent of the

labour force is either unemployed or underemployed. So, 15.1 per cent of the labour force is underutilised; that is, they are either unemployed or they are underemployed. They want to work for longer hours than they are currently able to. That figure, again, is significantly higher than the national figure which is 14 per cent, so we are a full 1.1 per cent higher than the national figure in terms of underutilisation.

Net interstate migration figures are very discouraging in terms of prospects for the future. The most recent figures for the year ended March 2017, show net migration interstate of 6,500 people in that 12-month period. There are more people are leaving our state of South Australia for jobs and employment reasons than there are people coming into South Australia for the same reasons. A number of the figures—again, they go up and down—and the majority of business and consumer confidence surveys, which are conducted by so many organisations these days, show that business and consumer confidence in South Australia is, sadly, at an all-time low, again an indication of the problems we face in South Australia after 16 long years of Labor budgets.

In fiscal terms, the budget figures show that, for the last two budgets for 2015-16 and 2016-17, the government has managed to report a surplus, but both of those budget surpluses—and I think this has been confirmed in the Auditor-General's Report released yesterday—were only created on the back of the privatisation of the Motor Accident Commission, that is, the government was able to book revenue returns sufficiently large to turn what would have been a deficit into a surplus for both of those financial years, 2015-16 and 2016-17.

What we have, after 16 long years, is an arrogant and out of touch government and arrogant out of touch ministers who have been there for too long. The Premier, who has been here through all of the 16 budgets in the 16 years sitting around the cabinet table, still has the gall to stand up and blame everybody else other than himself and the government for the economic and social problems that confront the people of South Australia.

We have seen the claim from the Premier and the Treasurer in this budget that this is supposedly a jobs budget. For those who cannot remember, last year's budget was supposedly a jobs budget, and the budget before it was supposedly a jobs budget, so this is supposedly the third in a row of budgets designated as a jobs budget. Again, the record indicates that that is mere political spin and the government makes the claim, spends the money on publicising it, but never delivers in terms of what is claimed.

The sad fact for the Premier and the Treasurer is that their own Treasury does not agree with them when they say that this is a jobs budget, because in Budget Paper 3, when Treasury is asked to look at the budget and estimate what the impact on jobs growth will be, over the forward estimates period Treasury indicates that their view is that there will be only 1 per cent jobs growth for each year of the forward estimates, which is the lowest estimated jobs growth of any of the other treasuries for any of the other states, and also including the national estimate of jobs growth by federal Treasury as a result of the federal budget.

Whilst our politicians in South Australia claim this is a jobs budget, their own bureaucrats, their own public servants, in particular the Treasury officers, disagree completely with the claim that this is a jobs budget because their figure of jobs growth is so low that it is almost insignificant. It is a reduction on the jobs growth that has been there for the last 12 months, here and particularly nationally as well, yet the government again has the gall to refer to this as a job's budget.

We have seen the claims in this particular budget—Job Accelerator Grants, Future Jobs Fund—and every year this government comes up with some new rebadged jobs program or scheme which it claims will be the solution to the jobs and economic growth problem. I think it is indicative to look at some of the previous programs the government has spun and claimed will turn around the jobs growth figures in South Australia.

In evidence to the Budget and Finance Committee over the last couple of years, we saw the government's much spruiked $50 million Unlocking Capital for Jobs program. When the Under Treasurer was asked how many applications (this was in 2016, after I think it was 18 months or two years) had there been and how many guarantees had been given, there had been only one application and one guarantee given to one firm over that 18-month period. This was the much spruiked $50 million Unlocking Capital for Jobs program—again, a lot of publicity, but it completely

missed the mark. It was not addressing the crucial issues that need to be addressed in terms of trying to turn around our state's economy.

There was another $4 million loans program for small business, the small business development loans program, which was part of the deal the government struck with the member for Frome. When we took evidence in 2016, we said, 'How many loans under this fabulous program that you spruiked have you given to small businesses?', and we were told that not a single loan had been given to a business under the $4 million loans for small business program.

We took evidence in relation to the Investment Attraction agency, and in 2016 they reported to the Budget and Finance Committee that they were spending $13.6 million on 40 staff to give $15 million in grants to businesses. They were spending as much money in that two-year period on administration and 40 staff as they were in terms of giving grants to businesses. At that time, after the first 18 months, half the funding had already been allocated to just two businesses.

We have seen the much spruiked Northern Economic Plan, and after I think a 12 or 18-month delay, yesterday I finally got some answers to questions asked last year in relation to the food park, which was a critical part of the Northern Economic Plan. The Leader of the Government in this house has been embarrassed over a period of two years in terms of trying to answer questions in relation to the Northern Economic Plan, the background to its development, whether or not it was supported and who, supposedly, was meant to have supported it, and whether or not it has delivered the claimed number of jobs that were going to be delivered. Again, it has not delivered the jobs that the Leader of the Government and the government generally claimed it would deliver in terms of the Northern Economic Plan. This is now about two years, in terms of its operation.

Yesterday, as I said, we finally got answers in relation to the food park, which was that there was $7 million funding. We had actually asked how many companies had moved into this food park that was announced, proudly, a couple of years ago. The answer we finally got back yesterday was that funding has been made available but that no-one has actually moved into it, but there are currently four well-known and reputable companies in negotiations. How long have we been hearing that particular response? When we ask the question: can the minister indicate when he believes the first jobs will be created from the $9 million investment in the food park? Again, there is no particular answer as to when that is, other than that they are still negotiating with companies.

So, there are just a handful of the jobs programs this government has announced as being the solution. The latest is the Future Jobs Fund, which is the latest example of the government, in essence, rebadging, reannouncing, a new program with a new name with a slightly different sum of money in it, and then spending a lot of money in terms of its advertising and then claiming that this will turn around the jobs figures in South Australia.

The problem with the Weatherill government is that it just does not understand how to create economic growth and jobs growth, and its sorry record of 16 years demonstrates that it has never understood it, and still does not understand it. The sad reality for the people of South Australia is that if we were to be subjected to another four years under this government we would continue to languish in terms of jobs growth and economic growth, because this government just does not get it. It does not understand how the economy works; it does not understand how small businesses operate; it thinks that a brand-new jobs program is the solution to all the problems in terms of economic growth and jobs growth.

Sadly, the other solution the government sees to the state's economic problems is, in essence, to whack another tax on to businesses and the community. This budget is no different. The government sees the solution to the state's economic growth and jobs growth problems as being, 'Let's whack another tax or taxes onto the community and onto businesses in South Australia.' So we see the bank tax being proposed to be inflicted on the South Australian community.

As recent advertising on electronic media indicates, who do people believe will pay for the impact of the bank tax? The reality is that they all know it will be individual businesses, individual customers, individual families who will pay the $100 million a year or so of the bank tax. They do not believe the Premier, they do not believe the Treasurer, they do not believe Weatherill government ministers, who say, 'Look, South Australian families and South Australian businesses will not be impacted in any way by a $100 million plus bank tax.' I suspect that the only people in South Australia

who believe that are the Weatherill government ministers and the staff they employ to spin the message.

The bank tax is not the only tax being imposed in this budget. There is a new foreign investor tax being imposed, which comes hot on the heels of a new wagering tax that was introduced by this government, an attempt to introduce a car park tax (which was defeated), and a massive increase in the ESL tax or in ESL bills for South Australian families in the last four years. We have seen other proposals that the Weatherill government and its ministers have sought to impose on South Australians—and still would, if they were to be re-elected. They are supporters of an increase in the level of the GST, and this will certainly be a key part of the election campaign between now and the election.

There will be a clear choice, with a potentially re-elected Weatherill government that supports a massive increase in GST in South Australia. The Premier and the Treasurer are on the public record in terms of having proposed either a massive increase in the rate of GST or an increase in the spread of the GST onto other goods and services in South Australia. Again, if they do that, if the scope of the GST is spread to include, for example, financial services or a variety of other areas that the Weatherill government might support, the people who will pay for it will be individuals, families and small businesses

We have seen the colour of their eyes in relation to GST. They are not to be trusted. Their record is one of every budget looking for a new tax to impose, a new tax to increase. They have already flagged their intentions; that, if re-elected, the Weatherill government will be strongly supporting massive increases either in the rate or in the scope of the GST. That is the key difference, because a Marshall Liberal government, if elected, has always indicated its opposition to the increase in the GST or in the scope of the GST.

The Liberal policy program that is already being comprehensively mapped out by Liberal leader, Steven Marshall, the member for Dunstan, is one that is going to be based unequivocally on a program of creating jobs in South Australia. That can only be done by creating economic growth in our state, recognising what will genuinely impact on that, and also tackling cost of living pressures on individuals, families and small businesses.

It cannot just be in terms of a goal of creating jobs. It cannot just be a position that governments believe that through their programs they are going to be able to create jobs. Ultimately, there has to be a recognition that there needs to be a partnership between the private sector and governments, that the major generator of jobs in South Australia will be small and medium-sized businesses and that partnership is what governments can do to create the right environment to allow those small and medium-sized businesses to create jobs.

Our position, and the one that the member for Dunstan has been prosecuting in particular on our behalf, is that our businesses in South Australia, our small businesses, need to be nationally and internationally competitive. If we are going to have economic growth and jobs growth, the only way that that is going to occur is if our businesses can compete with other small and medium-sized businesses in other states, but increasingly they have to compete internationally in terms of the business that they undertake. For that to occur, the cost of doing business for our small and medium-sized businesses in South Australia has to be nationally and internationally competitive.

Over a period of the short to medium term, what we have to do as a government and as a state is support a package of policies that will reduce the cost of doing business in South Australia, so that our businesses are nationally and internationally competitive. That means not whacking them with new bank taxes that do not exist in any other state and most other international jurisdictions. It means significantly reducing the impost of ESL bills on businesses but also on families. It means trying to reduce the cost of doing business in our state to the degree that we can, to give a competitive advantage to our small and medium-sized businesses.

That is the overarching clear policy difference in a policy package that the Liberal Party, an alternative Liberal government, has put already since the very first policy announcement made back in 2014-15, when we committed to a massive $90 million drop per year in ESL bills in the state, $360 million over four years back into the pockets of families and businesses. That is money that can be spent on businesses in South Australia rather than going into the pockets of Treasury and

the government to pay for even more highly paid spin doctors and advisers in ministers' offices, and the sort of waste that we have seen over the last 16 years presided over by government administrations.

There are many other clear policy differences. There will be no accusation, as almost on a two or three daily basis there are front-page stories in the local newspaper, *The Advertiser*, with a new bold policy proposition from the Liberal Party, an alternative Liberal government, outlining clear policy differences between an alternative Liberal government and a Labor government. Only in the last couple of weeks, we have seen policy announcements in relation to terrorism policies, shoot to kill, regional development spending, front-page prominent media stories, highlighting alternative directions by an alternative Liberal government, clearly different to the policies of a tired, worn-out, out of touch, arrogant Weatherill Labor government.

There are so many key policy differences. The shop trading hours fiasco in South Australia is a clear policy difference. This is a Labor government told by the shoppies union and the power brokers in the shoppies union that they are not allowed to make any changes in relation to this, or they will withdraw their financial support or their support base for the Premier of this state. This is a government that is hamstrung to make any changes in relation to that.

The issue of moving year 7 into high school is a clear policy difference. Sadly, most of our Labor members seem to be out of touch with what is going on in schools at the moment, but I would advise some of the members to actually visit year 7 in some primary schools to see the size and maturity of some of the 12 and 13 year olds in year 7. In every other jurisdiction, those year 7s are in secondary school environments. The national curriculum is structured around that, yet the Weatherill Labor government, supported by the AEU, are trenchantly opposed, for some strange reason, to recognising the reality of what needs to be done.

The bold policy initiative of the use, in limited circumstances, of sniffer dogs in government schools to crack down on the problem and scourge of drugs within our community, and in particular within our schools, is also a clear policy difference between the two parties. The governance structure of our massive, centralised health bureaucracy in South Australia is another clear policy difference, where an alternative Liberal government has outlined a much more decentralised governance structure in health. Having regional health boards with greater powers to manage budgets, employ CEOs, deliver governance and governance reform and reform of health administration is also a massive and significant policy difference between the current government and the alternative Liberal government.

Specific policy initiatives in relation to the Modbury Hospital are a clear indication of the policy differences. We would welcome the new Minister for Health backflipping and supporting our new initiatives in relation to the Modbury Hospital. We have seen so many backflips with the Weatherill Labor government rushing to support some of the new initiatives of the alternative Liberal government. The shoot-to-kill policy is the most recent example, where the Weatherill government is playing catch-up by now indicating their support of the Marshall plan—the alternative Liberal government plan—that was announced a couple of months ago.

We would welcome the Weatherill government acknowledging the destructive power of what they have done over the last few years in terms of gutting key services in the Modbury Hospital and The Queen Elizabeth Hospital and joining with the Liberal Party in recognising that and at least matching the alternative policy packages that we have put forward for the Modbury Hospital and The Queen Elizabeth Hospital. I am sure our shadow minister, Stephen Wade, will have more to say in relation to our commitments to an expanded range of services to be protected in some of the key hospitals in South Australia.

In other key areas a clear policy difference for the people in the South-East of South Australia is a commitment from the alternative Liberal government to protect the critical water resource for the people of the South-East by the moratorium on fracking for a period of 10 years. This is a clear policy difference that the people of the South-East will need to bear in mind when they come to vote.

The proposition of the toxic nuclear waste dump in South Australia will also be a key policy difference between the parties. The Weatherill Labor government, and in particular the Premier, if re-elected, is committed to the siting of a toxic nuclear waste dump in South Australia. The only thing

that is holding him back, he says, is that he has not been able to convince the alternative government, the Liberal Party, to support him. But his position is that he wants to see a toxic nuclear waste dump somewhere in South Australia, and if he can get support from other parties sufficient to get legislation through, he is intent on proceeding with that.

The people of South Australia need to be aware, as they go to the election in March next year, that there is a clear policy difference. A Marshall Liberal government is opposed to the toxic nuclear waste dump for the reasons that we have outlined previously and in the report that was tabled yesterday. We do not think the financial claims that were made by the government and others stack up. It is too big a risk, in terms of the finances of the state, to take the particular risk that the Premier, in his desperation, was seeking to have the state undertake.

That is the position of the alternative Liberal government. The clear policy difference is that a re-elected Weatherill Labor government is intent still on having a toxic nuclear waste dump somewhere in South Australia, and the people in the electorates around South Australia will need to bear that in mind when they approach their vote in March of next year.

There are so many other areas. We are strongly opposed to this government's proposal for individual Aboriginal treaties with up to 20 Aboriginal nations in South Australia. The Leader of the Government in this house and the Premier are the two leading proponents for striking individual treaties with nations. There is a commitment from the government to have the first of those treaties done by the end of this year. There is a clear policy difference that we will be campaigning on between now and March of next year to indicate that that is not the approach that an alternative Liberal government will be adopting.

We are more intent on seeking to improve the delivery of critical services to members of our Indigenous communities, whether they be in the APY lands or in urban locations and other locations throughout the state. The tokenism, in our view, of the Weatherill government in terms of trying to strike treaties with up to 20 supposed individual Aboriginal nations in South Australia makes no sense to us, and we will be campaigning on that issue and others in the period leading up to March.

So, there are many, many issues there where there are clear policy differences. There will be no justifiable claim from anyone that in March next year it will be a choice between Tweedledee and Tweedledum. There will be no justification for any claim that there is no policy program or package from the alternative Liberal government. We have been out there since the release of the widely respected 2036 document by the Liberal leader early last year, with the release of a series of policy packages and programs which are continuing as we speak and are significantly different to a tired, arrogant and out-of-touch 16-year-old Labor government.

We have seen with this Labor government and this particular budget a continuation of the massive waste, not only on the particular jobs programs I highlighted earlier, which have been spectacularly unsuccessful: as I said, a $50 million Unlocking Capital program which got one bid and one guarantee. I cannot think of anything more spectacularly unsuccessful other than a small business program which did not loan to any single business in the duration of that particular program, both of those spectacular failures by a Labor government that just does not understand how to create jobs and create economic growth in our state.

The priorities for this government, the Weatherill government, as I said, have been more taxes, jobs programs which they can spruik and then to spend massive amounts of taxpayers' money on government advertising, massive amounts of taxpayers' money which clearly go beyond the grounds of reasonableness which both previous Labor and Liberal governments, I believe, have generally observed, although in recent years it has certainly been abused.

I think, up until the Rann-Weatherill governments, the notion that governments—the Bannon government, the Brown and Olsen governments—would have modest advertising programs after a state budget was relatively accepted by the community and the media as a not unreasonable expenditure of taxpayers' money. However, the Weatherill government has taken it and abused it to such an extent that people are, frankly, shaking their heads at the extent of what this government is prepared to do.

The whole notion that millions can be spent on a taxpayer-funded Jay Weatherill energy plan, where the politician Jay Weatherill is named, the politician Jay Weatherill is part of the television campaign and the radio campaign, both with vision and voice, has been, up until recent times, deemed way beyond the bounds of acceptability in terms of reasonableness, and no government—Labour or Liberal—has been prepared to go too far down that particular path.

What we have seen (and we are getting that information through the Budget and Finance Committee) is that Treasury has confirmed that, in the initial budget for advertising from August-October last year, there was $523,000 spent by the government on an advertising program. Then, between November and June, for the Job Accelerator Grant Scheme, an additional $1.5 million was spent on those commercials. They have continued since July, and we do not know how many hundreds of thousands of dollars, or millions, have been spent since July. We have asked Treasury to provide answers to the extent of the budget. There is at least $2 million that has been spent so far on those two particular programs and, clearly, potentially at least another $1 million continuing to be spent.

The Future Jobs budget is $1.3 million. That is a separate advertising program on the government's supposed $200 million Future Jobs program, so there is another $1.3 million. We do not know what the budget for JOBEX is but there were JOBEX advertisements being run during the AFL Grand Final. Anyone who talks to advertisers will know that the estimated cost for 30-second and 60-second commercials during an AFL Grand Final is extraordinarily large for each commercial that is run. Whilst it is not anywhere near the commercial rates for the Super Bowl, it is at the highest end of advertising costs. The government needs to outline—and I will ask some questions on this—what the expenditure on JOBEX was and what the individual rate was for JOBEX advertisements during the AFL Grand Final. I will put those questions at the end of my contribution.

We have already seen $2.5 million being spent on what is called the Jay Weatherill energy plan. My colleague the Hon. Stephen Wade says that answers provided to him show that the Transforming Health and NRAH advertising programs have been in the order of $3.5 million to $4 million in terms of advertising. So, in the 12 months so far leading up to the election, we have had nearly $10 million in taxpayer-funded government advertising in the jobs area, the energy area and the health area, and that those sums of money are likely to continue between now and the next election.

Frankly, this is an issue that has to be addressed by the Auditor-General. At the very least, the Auditor-General can get to the bottom of the total costs and expenditure for these particular programs and their compliance or otherwise with existing government communication rules, etc. This is an extraordinary sum of money, unprecedented in its size and unprecedented in its use of vision of the Premier. Even the most recent energy plan advertisements, whilst they now do not have the Premier actually talking, while the presenter speaks to the advertisement there is vision of a smiling Premier in the background on the television set, making it quite clear that it is the Premier's energy plan that is being spruiked at great cost to taxpayers at the moment.

There are so many other areas of government waste that I have highlighted on previous occasions: the blowouts on the NRAH of $600 million to $700 million, IT projects both in the Treasurer's own area in Health and most other government departments, and the inadequacy of the implementation of Determination 7 in terms of managing terminations within the Public Service. I have already highlighted government waste in jobs programs.

There is so much government waste, mismanagement and negligence that is ripe for a fresh set of eyes, a new government prepared to tackle some of the challenges of actually managing a budget, recognising what will create jobs and economic growth in the state and directing the policies of a government and the public sector towards providing the right environment for small and medium-sized businesses in particular to try to create the jobs and economic growth that our state desperately needs.

Before addressing some questions I am seeking answers to in the committee stage of the debate, let me conclude by saying that, after 16 long years, as I said, of an arrogant, out of touch, incompetent Labor government, and more latterly a Weatherill Labor government, I think people have to accept that whatever it is that the Labor government has been doing for 16 years just is not working. The record is there for everyone to see. It does not matter how much you polish it, the facts

are still there for everyone to see. Whatever it is the Labor government has been doing for the last 16 years just is not working.

It is time for a change. It is time for new policies. It is time for an alternative government, a fresh set of eyes, to tackle the challenges that confront the state of South Australia. Certainly, that is the policy program and package that Steven Marshall, on behalf of an alternative Liberal government, has put and will continue to put between now and March next year.

The first question that I put to the minister in charge of the bill to pursue during either the end of the second reading or during the committee stage is that I seek a table of the capital works program for the government in its entirety for the forward estimates period. The government has previously revealed under FOI a four or five-page document that highlights each department.

It does not indicate what each department is going to spend their capital works program on, but it has the total capital works program for the government broken down into each department's share of that program over the forward estimates period. That is a critical part of any budget and budget planning. As I said, the document exists and I seek for that to be tabled or, if it is just statistical, it can be incorporated into *Hansard* by the minister. We will be pursuing that issue during the committee stage of the debate.

I also seek information in relation to the issue of Determination 7. It is a relatively simple question which the Commissioner for Public Sector Employment should be able to answer. Determination 7 has now been operating I think for almost two years; it has been reviewed. I am asking the government how many public servants have actually been terminated as a result of Determination 7. If there are more than one, I am seeking the particular departments and agencies in which those terminations have occurred.

Can I make it clear that I am not seeking the number of people who might have been nominated as Determination 7 and then have taken a TVSP (targeted voluntary separation package) some way through the Determination 7 process. Determination 7 is a process that this government supports. It says that, after a certain process has been followed, after a 12-month period at the very least, if a public servant no longer has a job in the state public sector, he or she can be terminated. My question is quite simply: how many have reached the end of that process and have been terminated under the powers provided by the government in Determination 7?

I also seek some response through the minister from the Treasurer regarding two consultancies conducted last year by Ernst and Young. One was a post-implementation review of RISTEC. I have not taken the time of the chamber on this occasion but this has been a 10-year saga of mismanagement, a massive blowout in the cost of RISTEC, and a reduction in the scope of what was originally intended to be covered. Treasury has spent $82,000 on Ernst and Young to do what they said was to provide a RISTEC post-implementation review. Was there a report produced by Ernst and Young and is that publicly available? If it is not, can the Treasurer provide a summary of what Ernst and Young reported in terms of the post-implementation review of the RISTEC IT disaster within Treasury?

The second Ernst and Young report which was done was a capability review of the South Australian Department of Treasury and Finance. The government paid $50,356 for that. Is there a copy of that report publicly available? If there is not, can the government outline what the key findings and recommendations of Ernst and Young were in terms of the capability review of the South Australian Department of Treasury and Finance? Fourthly, a simple question: can the minister indicate whether or not since July of this year, ministerial staffers have been provided with any pay rise? The government released in July of this year in the *Government Gazette* a smaller list of ministerial staffers, those required to be gazetted, those on ministerial contracts.

At that stage, in the seven months between November last year and July this year, there had been no increase in salaries for ministerial staffers in that period. Has there been a pay rise approved and implemented for ministerial staffers since July? If so, what was the extent of that pay rise? Was it equal for all staffers? If not, did certain staffers get higher levels of pay increases and, if so, who were those particular staffers? In relation to that, were those pay rises, if given recently, backdated to 1 July or some other date? Similarly, has there been an increase in salary since July of this year for chief executive officers of government departments? Again, if there has been, what was the level

of that increase, and was it consistent across the board for all CEOs? If not, what were the reasons for any differential?

Fifthly, as I outlined earlier, what is the government's budgeted funding for advertising the JOBEX program? Did the government approve advertisements on JOBEX or any other government program being run during the two to three hours of the AFL telecast? If so, what were the individual charge rates for those individual commercials run during the AFL Grand Final for JOBEX, or for any other government advertising, during the AFL Grand Final?

Finally, and there will be an opportunity later on but a specific one in relation to the Auditor-General's role: it is my understanding that the Auditor-General in his reports has highlighted his wish to amend the Public Finance and Audit Act to allow tabling of supplementary reports and others in a more timely fashion than the current process allows. The current process generally, with the exception of the Adelaide Oval reports, is that parliament needs to be sitting, the Auditor-General provides reports to the President and the Speaker, and then they are tabled in the houses at the next sitting day.

Of course, we are coming to a period leading up to the election where the house might get up at the end of November and we might not sit again until May. So, if there were supplementary reports of some importance that the Auditor-General had, it might be in the government's interest for those reports to not see the light of day prior to the March election. On page 117 of the Auditor-General's Report he notes:

> Specific and general matters for supplementary reporting include:
>
> - the state finances and related matters
> - the new RAH
> - a grant to the One Community organisation
> - Adelaide Riverbank (Festival Plaza) development
> - various public sector information and communications technology systems
> - certain public sector infrastructure and other projects

With all of those I am sure that, if the Auditor-General has done the work and has concluded a report, it would be important for that information to be available publicly prior to March of next year.

I understand that the government, when asked to, in essence, amend the Public Finance and Audit Act, has not supported that particular proposition. I seek advice from the government on whether that is correct and what were the reasons for the government not supporting that particular proposition. Can I indicate that, personally, my view is that there would seem to be a good argument for agreeing to the request from the Auditor-General. We are interested to hear what the government's reasons are, if there are any, for opposing it.

I think it is important that, if work is being done on the Adelaide Riverbank development, or a grant to the One Community organisation or the new Royal Adelaide Hospital, that sort of information from the Auditor-General not be hidden by a government that might be embarrassed at the revelations that come from an Auditor-General's Report.

I seek that response from the government. My own personal view is that that sort of information should be available. There are other mechanisms open to the parliament to ensure that that occurs, and certainly from my viewpoint I will have discussions with my colleagues in relation to seeing whether some of those other alternative options might be utilised to ensure that these Auditor-General reports, if they become available after the parliament gets up, are nevertheless still available publicly through some mechanisms or other.

The Hon. J.E. HANSON (12:32): The Budget Measures Bill 2017 puts in place significant initiatives to help South Australian residents and businesses. I will go to a few of those in my speech, one in particular.

The Hon. J.S.L. Dawkins: We're on the Appropriation Bill, not the Budget Measures Bill.

The PRESIDENT: Order! The Hon. Mr Hanson has the floor.

The Hon. T.J. Stephens: That's a good start.

The Hon. J.E. HANSON: Yes, it is a good start. The bill and the measures it supports go to the heart of the values of this government. This government is the champion of public education, of world-class health services and of systems to ensure the safety and wellbeing of our people in South Australia. This government is also unashamedly in favour of business. This stance is proven by delivery of the largest ever cuts to business taxes and levies in this state's history. The cuts total an estimated $223 million of relief in net terms to businesses this year alone in comparison with fiscal settings at the last election. By the 2021 financial year this relief will approach the $300 million a year mark.

The changes proposed in this bill are essentially in creating the settings that underpin revenue and expenditure, as outlined in the budget papers. The budget papers highlight many initiatives, including, for instance, increasing job accelerator grants for $5,000 for eligible businesses that take on an apprentice or trainee. This will take the grant up to $15,000 for businesses liable for payroll tax, or $9,000 for those below the payroll tax threshold. The Job Accelerator Grant Scheme is proving extremely attractive, with 4,589 businesses and 12,894 jobs registered as at 18 September this year.

There is the creation of the Future Jobs Fund, which includes $120 million being made available as grants or loans to businesses which create jobs in South Australia, and the cutting in half of the stamp duty payable on the purchase of non-residential property, which will be followed by an abolition of stamp duty on non-residential property on 1 July 2018. This is in addition to the abolition of stamp duty on non-real property, and will make South Australia the only jurisdiction in Australia where businesses can purchase commercial property, plant, equipment, IP, goodwill and other matters without the government demanding stamp duty be paid on that transaction.

Furthermore, there is additional funding for the investment attraction agency, and convention bids and major events are also part of this budget. There is retention of the first homeowners grant on new dwellings and, of course, record spending on infrastructure. All these initiatives are designed to ensure that the South Australian economy thrives despite the considerable headwinds we face due to the closure of automotive manufacturing and assembly.

I now move to the issue of the major bank levy, a measure in this bill which seems to have given some of those opposite some dyspepsia. Remarks were made in another place about the major banks and the number of people they employ in this state.

Members interjecting:

The Hon. J.E. HANSON: Dyspepsia means indigestion, for those opposite who are wondering about that.

The Hon. T.J. Stephens: That's very good. Why didn't you just say indigestion?

The Hon. J.E. HANSON: Indigestion or dyspepsia could both be used to describe the level of discomfort suffered by some of those opposite about remarks made by the major banks and some of the people they employ in this state.

Fears were raised that the banks would cut jobs. To be clear, the banks' contribution to the South Australian economy, both directly in terms of their own activity and indirectly through finance and investment by South Australian residents and businesses, is very welcome. However, the major bank levy poses no threat whatsoever to the economic contribution by the banks. Whether the banks double their South Australian workforce or indeed halve it, that will not be taken into consideration in calculating their liability under the levy. In fact, it will have no effect on the levy.

The bill specifically prevents the banks from charging a fee to customers to recover the cost of the levy. If they decide to introduce a regional interest rate for South Australia, the major banks will simply be making their own products uncompetitive. There are plenty of other banks, credit unions and other authorised deposit-taking institutions ready, willing and able to take market share away from the big banks. The best suggestion for the banks would be to pay the levy from the extraordinary profits they generate or from the extreme remuneration packages they pay to senior staff and

directors, packages which are obscene in the eyes of ordinary Australians who must struggle for every dollar they earn.

The banks have made much of the fact that they do pay large amounts of tax as well as make large profits. Of course, that is true. They pay company tax, payroll tax and other taxes, just as every other business does. However, the banks are treated differently for GST. This means that revenue that would flow to the states from GST is non-existent.

Banks, like other businesses, benefit from the services provided by state governments as well. They share in the efficiency gain of good roads and public transport to get their workers, customers and products from one place to another. They share in the benefits of world-class education facilities, which school young people for careers such as those in the banks. They share in the benefits of hospitals and health services which look after their staff, and they share in the leisure, arts and sports facilities that give their staff the spaces and places to enjoy recreation, which refreshes them for their workplace. The bulk of these services are provided by state governments, so it is only fair that the banks—like every other business—pay their share of the taxes that provide the revenue to deliver these services.

There has been much misinformation peddled in the public arena about the rationale for the major bank levy. It has been suggested that the government is targeting banks because they are successful and profitable, and fears have been raised about which sector will be next. This scare campaign is ill-founded. The rationale for asking the banks to pay their fair share of taxes is because they are at an advantage compared to other businesses due to the different GST treatment that federal government estimates say leave the government coffers short by about $4 billion a year nationally.

The point about the profits is clearly that the banks have plenty of capacity to pay the levy with an absolutely negligible effect on their bottom line. Remember that the levy, of course, only equates to about one-third of 1 per cent of the banks' profits. On a per share basis, the levy equates to an average of 0.9¢ per share on shares worth an average of around about $50 each.

In a shameful display of self-interest, the Australian Bankers' Association has made claims that the major bank levy is an impediment to investment in this state. They claim that it will chase away investors. We know, of course, that that is simply not true. Consider for a moment some of the investment decisions announced since the major bank levy was announced. There has been the sale of Arrium to the GFG Alliance to become Liberty OneSteel and SIMEC Mining; the further investment by GFG Alliance through the purchase of a majority stake in the Adelaide-based ZEN Energy; and the $1.6 billion commercialisation of land services to a consortium led by Macquarie Infrastructure and Real Assets (MIRA) and its managed funds and the Public Sector Investment Board (PSP investments), one of Canada's largest pension investment managers.

We have also seen SolarReserve's decision to invest $650 million in a solar thermal plant at Port Augusta; Tesla and Neoen investing in a battery co-located within the Hornsdale wind farm; the SkyCity go-ahead on a $330 million upgrade of the Adelaide Casino; OZ Minerals' board decision to invest more than $900 million in the Carrapateena copper mine. We have seen BHP committing $600 million to increase production at Olympic Dam, Tic:Toc deciding to create 200 jobs at a home loan processing centre operated in conjunction with Bendigo and Adelaide Bank, and Strike Energy committing to relocate its headquarters from Sydney to Adelaide.

These are just a few of the investments by businesses that recognise the friendly jurisdiction and tremendous opportunities in this state. Investments such as these are part of the momentum in the economy that has seen the unemployment rate drop to 6.1 per cent on trend in August, compared to 7.9 per cent the same month two years before. Jobs are being created despite the challenging headwinds with the closure of automotive manufacturing. It is estimated that in 2016-17, the gross state product grew by 2.25 per cent, outpacing the national GDP growth of 1.9 per cent. The state final demand was 4 per cent higher in the June quarter of 2017 than in the equivalent quarter in 2016.

This bill will give further impetus to economic growth, but it requires all of the bill's measures to pass. Many years ago, Mr Rob Lucas was the Treasurer, and in introducing his 1998-99 budget, he warned against the 'magic pudding approach to matching a budget'. He railed against the idea that one could simultaneously oppose revenue cuts and advocate for expenditure increases.

Mr Lucas opposes the temperate revenue increase proposed by the major bank levy, at the same time as his Liberal Party colleagues are out there chalking up hundreds of millions of dollars in promises.

There is only one party that has the depth of responsibility to deliver sustainable budgets that are packed with economic incentives, budgets such as this one, which puts the books on track for successive surpluses. That one party, of course, is the party in government, the Labor Party. There has been a time-honoured tradition in this parliament, which is one of the foundations, of course, of stable governance. That tradition is that the government's budget will pass. There is no precedent for a government money bill to be blocked, whatever it is called.

I urge all members of this council to give full and proper consideration to the seriousness and significance of their vote on this bill. On the one hand, this council could vote for sensible, stable governance and for the economic stimulus that South Australians will welcome. On the other hand, this council could vote for the chaos and dubious hope that the vote will somehow favour five very wealthy banks that currently do not pay their fair share of tax. That vote would be at the expense of ordinary citizens, small businesses and home buyers. The choice in this place is ours. This side of the council will be voting for stability and prosperity, because it is the right thing to do.

The Hon. T.T. NGO (12:44): I rise to make a contribution to the Appropriation Bill 2017. The 2017-18 budget focuses on jobs, health, education, infrastructure and local communities. It puts South Australians first, unlike the travesty of a budget that the federal Turnbull government handed down this year and unlike those opposite who stand for the interests of the big banks, rather than the community. I will firstly highlight some of the many job creation initiatives in the budget.

On reading the budget, I was pleased to see that the grant accelerator program is expanding to provide opportunities for our young people. The Job Accelerator Grant Scheme established in last year's budget has already helped create around 10,000 jobs. The Job Accelerator Grant will now offer employers an additional $5,000 for each new apprentice or trainee they take on. Coupled with the existing grant, the total grant on offer is up to $15,000. It is estimated that the $8.1 million additional funding will support 2,000 jobs.

I am sure that all honourable members are aware that the South Australian economy is changing. South Australia needs to keep looking to, and striving for, the jobs of the future. The state government is working to help build new industries and support growth sectors to create jobs by establishing a $200 million Future Jobs Fund. The fund will focus on the following industries, amongst others: shipbuilding and defence, renewable energy and mining, food and wine, health and biomedical research and IT, and advanced manufacturing. An amount of $120 million is available in grants and low-interest loans to support businesses and create jobs.

The fund will also provide $60 million to the Economic Investment Fund (EIF), which encourages businesses to set up shop in Adelaide. The EIF was established in the 2015-16 budget and has attracted new projects and jobs to South Australia. Boeing is a notable business that has set up an office in Adelaide, creating approximately 250 jobs.

The state government is also helping to create jobs by continuing to invest in the ever-growing tourism industry. Previous investment in the tourism sector has seen the visitor economy increase by 30 per cent since 2013 to a record of $6.3 billion. It has also helped create an additional 5,000 jobs in the tourism industry since 2014. This is a great result, but the government wants to see even more growth, which is why the Future Jobs Fund allocates a combined $14.5 million over four years to the Convention Bid Fund and the Major Events Bidding Fund to help secure major events and business conventions.

The convention and major events funds have resulted in South Australia attracting some of the biggest conventions and events in our state's history. The Convention Bid Fund has secured more than 60 conventions, including the 68th International Astronautical Congress that occurred recently. I was told that about 3,500 delegates attended and that the economic benefit to the state was about $18 million. The Major Events Bidding Fund has seen South Australia secure more than 35 events, bringing visitors from interstate and overseas, as well as generating further economic benefits through the international promotion of South Australia.

The events secured also include the Pacific School Games of 2015 and 2017, which attracted more than 8,900 participants, officials and visitors. The organisers reported economic benefits of more than $13 million to the state's economy.

The Mundine versus Green 2 boxing match was held earlier this year at Adelaide Oval before a crowd of 26,940, with 30 per cent of tickets being purchased outside of South Australia. Even though the result was a bit controversial, the event not only had a direct economic benefit of approximately $4 million, it also had quite a bit of media coverage, with an estimated PR value of $36.2 million Australia-wide.

A basic premise of any budget, even a personal budget, is revenue and expenditure. To pay for the Future Jobs Fund, which as I mentioned earlier contains initiatives to increase jobs, the budget introduced the bank levy. It is estimated the levy will bring—

The Hon. R.L. Brokenshire: It's a tax.

The Hon. T.T. NGO: It's a levy. It will bring about $370 million over four years, which is less than $100 million a year. I know those on the opposite side of the chamber have gone into bat for the big banks despite the fact that the banks make $30 billion profit a year. The Turnbull government is already collecting a bank levy, estimated to be worth $6.2 billion over the four years when it was introduced earlier this year. It just shows the hypocrisy of the state opposition. Where was the opposition leader when the federal government introduced the bank levy? They went very quiet.

Although those opposite try to persuade businesses otherwise, South Australia is a great place to do business and will continue to be under this budget. The budget extends and locks in small business payroll tax cuts at a cost of $45.1 million over four years. A 2.5 per cent rate will apply to small businesses with payrolls between $600,000 and $1 million, phasing up to the general rate of 4.95 per cent for businesses with payrolls above $1.5 million. It has been estimated that a further 1,300 employers will benefit from this initiative. Medium and large businesses already pay lower payroll tax than in almost any other state and territory.

Through this budget the state government is funding $9.5 billion over four years for a number of large infrastructure projects that will benefit the South Australian community. Today, I have time only to mention a few. Key projects include $15 million over two years to build new multilevel park-and-ride facilities at the Tea Tree Plaza and Klemzig interchanges. This will help even more people take advantage of the O-Bahn extension. I am sure that one of my staff, who uses the O-Bahn when she goes to work, will be glad that there are additional parking facilities for her and her family.

The state government is also investing $250 million into The Queen Elizabeth Hospital—on my side of town—constructing a new clinical building which will include the emergency department, outpatient services, operating theatres and clinical support, as well as brain and spinal injury services that are currently provided at Hampstead Rehabilitation Centre. I have been advocating for more car parks at The QEH for a long time, so I was glad to see that the government has also committed to additional parking spaces. I was also glad to hear that the shadow minister for health, the Hon. Stephen Wade, has, I believe, stated his support for those additional car parks and the extension of The QEH. I also hope the Hon. Mr Wade will continue to support this project if he happens to be the minister for health after the election.

Whilst these and other large projects are important, the state government also understands the value of smaller community-based projects. That is why the government has put $40 million over two years into Fund My Neighbourhood programs. Earlier this year, this initiative gave South Australians the opportunity to nominate project ideas to improve their neighbourhoods. Many South Australians from across the state took this opportunity, with over 2,400 applications received. A wide range of ideas were submitted, with the most popular categories being open space, sport and recreation, as well as health, wellbeing and inclusion.

From today onward from 12pm until 20 November the power will again be with the community as South Australians will have the opportunity to vote for which projects they would like to be funded. I have already logged on and checked out a few of my favourite projects that I have been keeping an eye on, so I am hoping that some of the projects that I support will get up once the—

The Hon. R.L. Brokenshire: You'll sit on your computer all day and night.

The PRESIDENT: Order!

The Hon. T.T. NGO: Well, yes, as long as the community benefits from me sitting on the computer then I will be very happy.

The Hon. R.L. Brokenshire: Put your computer on auto.

The PRESIDENT: Order! Will the Hon. Mr Ngo please ignore any interjections from the Hon. Mr Brokenshire; and the Hon. Mr Brokenshire, please allow Mr Ngo to finish his speech without interjection.

The Hon. T.T. NGO: Why not, Mr President. These are just a few of the initiatives that put South Australia first in the budget, and I commend this bill to the chamber.

The Hon. R.L. BROKENSHIRE (12:56): I will actually cut my speech short on this one. I could have talked about the budget bill for hours, even longer than the Hon. Rob Lucas but, given the time, I will be brief. There are three or four key points with this budget bill. The first is to reinforce to the community the truth about the budget. The budget is not back in the black. In fact, if they had not flogged off so many assets then the reality is that—

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: Thank you, sir, for your protection. The reality is that had they not flogged off so many assets that they put into the recurrent budget—I just cannot believe you would put core assets into a recurrent budget—then there would be a huge hole, a massive deficit in the recurrent budget as well as the massive core deficit that the state has now encountered under a Labor government.

Just have a look at the Auditor-General's Report yesterday and look at the MAC, the windfall there of about $2.5 billion. First, MAC should never have been sold; secondly, it never came before the parliament; and thirdly, the money from MAC has gone into the recurrent budget, or the Highways Fund, which is effectively offsetting other budget pressures in the recurrent budget.

The final point—and I have said quite a bit about this in the past—is that this government promised in 2002 with a pledge card that there would be no privatisations and there would be no new taxes. Surprise, surprise—in the last budget we had the car park tax, and that had to be rejected by the Legislative Council, and now we have a brand-new tax called the South Australian bank tax. The reality is that that may well be rejected as one aspect of the budget bill in the Legislative Council.

There is a precedent that the state government acknowledged, on behalf of the people, through the Legislative Council, that the car park tax should have gone down, and they did the honourable thing and accepted it. If the bank tax goes back to the lower house with a recommendation that it also be thrown out, then I would expect the state government to do the honourable thing on behalf of the Legislative Council and the people of South Australia and remove that one tax that will inhibit growth and development and will hurt every mum and dad, every family, every pensioner, every small business and every farmer in this state.

Debate adjourned on motion of Hon. T.A. Franks.

Sitting suspended from 13:00 to 14:18.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Ombudsman SA—Report, 2016-17

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

Ngaut Ngaut Conservation Park Co-management Board—Annual Report 2016-17

Question Time

TRANSFORMING HEALTH

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking a question of the Minister for Health in relation to respiratory services in the Central Adelaide Local Health Network. Two weeks ago today, the staff of the thoracic medicine department of the Royal Adelaide Hospital wrote to the minister seeking urgent action to address a litany of patient care and safety risks from the Royal Adelaide Hospital services being split over two sites at opposite ends of North Terrace. On 28 September in this place, the minister reiterated the Premier's commitment to retain respiratory services at TQEH. My questions are:

1. What action has been taken to resolve the urgent issues raised with him two weeks ago?

2. When will the thoracic department at the Royal Adelaide Hospital again operate from a co-located site?

3. Will the minister guarantee that the inpatient respiratory service at TQEH will stay at TQEH with no reduction in beds?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:21): Thank you to the honourable member for the question. Let me start with the first part of the honourable member's question in regard to respiratory services and their location. My advice is that the CEO of the Central Adelaide Local Health Network is in active discussions with representatives of that respiratory service with the view and the object of trying to find an alternative location for them to be able to work out of that is closer to the new Royal Adelaide Hospital or ideally immediately adjacent to it. That process is well and truly in train, and work remains ongoing in the area. I received an update on that only two days ago. I understand that we are getting closer to a resolution, albeit that sooner rather than later would be a good outcome.

In respect of The Queen Elizabeth Hospital, the Premier has made a very clear commitment—that was made back in June—that the government would be retaining cardiac services but also oncology and respiratory services at The Queen Elizabeth Hospital. The government has made that commitment. It will honour that commitment and is in the process at the moment of putting in place an implementation plan to make sure that is realised.

We understand the importance of providing high-quality healthcare services to the western suburbs. That's why this government of course is not just stopping there. What we are also doing is allocating $250 million of new money in this budget. That's on top of the $20 million that was already allocated to The Queen Elizabeth Hospital to ensure that it can continue to be the iconic institution it is in the western suburbs, not just delivering a high standard of service but also doing it in world-class facilities.

TRANSFORMING HEALTH

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): The minister says 'active discussions' and in the near future the resolution of that location. How long do you think that will be? Is it one week, one month, six months, a year? When do you expect to have a resolution?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:23): We would hope to have it done as soon as possible. I am reluctant—I am sure the honourable member can appreciate this—to stipulate a time line, that we hope to have it done in seven days and then that unnecessarily or inappropriately inflates expectations. If I receive advice that puts a finite time line to it, then I am more than happy to share that information publicly, but I do not have that as it stands. What I can say is that there are a number of people working incredibly hard so that this can be resolved.

TRANSFORMING HEALTH

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): Supplementary: is it the minister's expectation that this will be resolved, shall we say, by the end of the calendar year?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:24): Everyone is working incredibly hard to try to get this resolved as quickly as possible.

TRANSFORMING HEALTH

The Hon. S.G. WADE (14:24): I have a supplementary question. The minister has indicated 'as soon as possible', but in relation to not just the resolution issue but the implementation of the establishment of the alternative accommodation, within what time frame is the CEO of CALHN's alternative accommodation likely to become available?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:24): I thank the honourable member for his supplementary question, albeit not necessarily arising from my original answer. Again, what I would state is that the CEO of CALHN is working incredibly hard to see a resolution of this issue as soon as possible. I have asked for, and continue to receive, regular updates on this because this is something we would like to have resolved, but these things do take a bit of time. My hesitation in providing or announcing a time line is through the appropriate level of caution being applied to ensure that we get the right outcome here, and not just a rushed one.

TRANSFORMING HEALTH

The Hon. S.G. WADE (14:25): Leaving aside the point that the government has had 10 years to plan this hospital, in relation to The QEH—

The Hon. P. Malinauskas: Despite your opposition, despite all your opposition.

The PRESIDENT: Order!

The Hon. S.G. WADE: Referring back to the minister's original answer, where he referred to, I understand, an implementation plan for the Premier's commitment in relation to The QEH, could he tell us what the government is actually implementing in relation to respiratory beds in The QEH? Will the inpatient respiratory service at The QEH stay, and will they be the same number of beds as now?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:26): Let me acknowledge the fact that the Hon. Mr Wade, in conjunction with the Leader of the Opposition, was down at The QEH recently announcing a policy, I think it was—I think you could call it a policy—with respect to the western suburbs and health services around it. Let me acknowledge that that policy announcement, largely or essentially, entirely replicates the government's already stated policy objective.

It is remarkable: they announce a policy and somehow think they deserve a bit of political kudos for it, when all they have done is essentially lifted exactly what it is we are already doing. I would have thought that the Hon. Mr Wade, who has been in this portfolio now for a substantial period of time, might have come up with at least one new idea.

I acknowledge that on one hand my remarks here do of course have a degree of hypocrisy to them, because I should acknowledge that the Liberal's policy with respect to The QEH is a substantial leap forward from where we have come in the past, because in the past, every time the government has announced a public policy position about modernising our health system, they have opposed it. They have opposed it all the way, and the new Royal Adelaide Hospital is probably the best example of that. They have been implacably opposed to our seeing a very substantial investment in a world-class hospital, so this represents a giant leap forward.

At least this time, when the government has announced a good policy with respect to health care in the western suburbs, they have had the wisdom not to oppose it but, rather, replicate it, so in that respect I applaud them. The government is in the process, as I have stated repeatedly in this place in recent time, of implementing our policy, which is to retain cardiac, oncology and respiratory services at The QEH.

We are in the process of implementing that plan, and we are doing it in conjunction with the advice that we are receiving from a broad range of clinicians, which I dare say the opposition has

also done, since they have announced their policy in respect of The QEH. I dare say that they are receiving the same clinical advice as is the government. Why can I say or speculate about that with a degree of confidence? Because it is the exact same policy!

I suspect that the reason the Liberal Party's policy mirrors the government's policy is that, for once, they might be speaking to the same clinicians. That is a good thing. We are in government, however, which means that we are of course focused now on implementing that policy, and we are getting on with it hastily.

TRANSFORMING HEALTH

The Hon. S.G. WADE (14:28): I ask the minister why he thinks that our policy replicates his, when Professor Horowitz advised a committee of this place that his cath lab would no longer be available on a 24/7 basis, and the CEO of CALHN confirmed that that option was being considered?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:29): We are ensuring that the cath lab will be available and have the capacity to be able to deliver its services on a 24/7 basis. So, when you announced your policy, it reflected exactly what we announced back in June.

We are in the business of actually implementing a policy. I acknowledge that that is a consequence of us being in government. We are getting on with the business. We are committed, of course, to also upgrading the cath labs. That will be a good thing for the community in the western suburbs, and we look forward to continuing to work with clinicians throughout the sector, particularly in and around The QEH, not just Professor Horowitz, as we work through and develop our implementation plan.

TRANSFORMING HEALTH

The Hon. S.G. WADE (14:29): Supplementary question: considering it is now four months since the announcement, does the minister's implementation plan for respiratory services at The QEH involve the retention of inpatient respiratory beds at The QEH?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:30): I am not too sure how many times I can keep saying the same thing, but the government is in the process of developing an implementation plan so that the Premier's commitment will be realised in a practical sense out on the ground in the western suburbs.

CHIEF PSYCHIATRIST

The Hon. J.M.A. LENSINK (14:30): I seek leave to make a brief explanation before directing questions to the Minister for Health on the subject of the Chief Psychiatrist

Leave granted.

The Hon. J.M.A. LENSINK: On 6 October, Dr Aaron Groves stepped down from his position as the state's Chief Psychiatrist. He had advised the government of this plan to resign from the position to take up a new role interstate some four months earlier. His decision to move into a new role was made in early June, less than two months after he completed an independent review into the operation of the Older Persons Mental Health Services at Oakden. My questions for the minister are:

1. Given that Dr Groves indicated that he was resigning from the role four months ago, what steps have been taken to secure a replacement Chief Psychiatrist?

2. Given that the Mental Health Act does not provide for an acting chief psychiatrist, by what authority are gazettals being made by Dr Brian McKinney?

3. Will the minister assure the council that he will veto the SA Health proposal to merge the independent and oversighting role of the Chief Psychiatrist with the strategic role of the head of

mental health services, to become a title of Executive Director, Mental Health and Substance Abuse, SA Health?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:32): I thank the honourable member for her question. My advice is that indeed these two roles were once combined prior to the appointment of Dr Groves. We thank Dr Groves for his service to the state. He has had a formidable job, particularly in light of the Oakden report, where of course he put together and was able to establish what were substantial revelations that now inform the government's response to Oakden, not just Oakden specifically, but also providing mental health services for members of the public who are older.

Those two roles were once combined. They were then separated for a number of reasons, many of which I am advised have since expired in terms of their necessity, and now they are being combined. I have been advised that the re-combination of these responsibilities is something that does have support around the sector. I am even advised, I think, that that includes Dr Groves himself.

However, the key objective here is about making sure that the person who is the Chief Psychiatrist doesn't just have the capacity to be able to review clinical decisions, but also has the capacity to be able to implement change going forward. That appears to be an emeritus position, an emeritus objective, which is why the decision was made to do that and why the government is now actively in search of a new Chief Psychiatrist to fill that role and that mandate in an adjusted form.

CHIEF PSYCHIATRIST

The Hon. J.M.A. LENSINK (14:33): Supplementary: the minister actually hasn't answered a couple of my questions. Given that the indication was that Dr Groves was going to resign some four months earlier, what steps have been taken to secure a replacement, and under what authority is the acting chief psychiatrist currently making gazettals?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:34): I am more than happy to take the second part of the honourable member's question on notice. I will seek advice so as to ensure that we can get an accurate response to the honourable member's question in regard to the acting chief psychiatrist. In regard to the first part of the Hon. Ms Lensink's question, the government is in the process of recruiting a new Chief Psychiatrist. That's what we are doing in response to his resignation.

CHIEF PSYCHIATRIST

The Hon. J.M.A. LENSINK (14:34): Supplementary: has the minister received the annual report of the Chief Psychiatrist for 2016-17? When is he going to table it?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:34): We will table the annual report in accordance with the appropriate time line.

CHIEF PSYCHIATRIST

The Hon. J.S.L. DAWKINS (14:35): Supplementary: given that Dr Groves and his immediate predecessor in the role of Chief Psychiatrist, Dr Peter Tyllis, both showed a strong focus on the suicide prevention aspects of their role, will the minister ensure that the permanent replacement—in whatever mode that is—has a similar emphasis on the rollout of suicide prevention networks and postvention?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:35): I thank the honourable member for his question and again take the opportunity to acknowledge his advocacy in regard to suicide prevention generally. One of the things that jumped out at me in the incoming briefs that one has access to in this position—and there are a number of things that jumped out at me—was suicide numbers. I have to say that, when I read those numbers, they were a lot larger than I expected. In fact, I had advice that the number of people who die in South Australia as a result of suicide exceeds the road toll, particularly for young people. That is a big number. I think it is an area that deserves more and more attention, and in that context I again acknowledge Mr Dawkins' contribution in that regard.

For those reasons and many others, it is, of course, absolutely critical that people in roles like the Chief Psychiatrist are doing everything they can around suicide prevention. Of course, it is my expectation that whoever is fortunate enough to take on the responsibility of being the new Chief Psychiatrist does everything they can with regard to suicide prevention networks.

ELECTIVE SURGERY

The Hon. S.G. WADE (14:36): I seek leave to make a brief explanation before asking the Minister for Health questions in relation to elective surgery.

Leave granted.

The Hon. S.G. WADE: Data published on SA Health's elective surgery dashboard this morning shows that of the 17,000 South Australians ready and waiting for elective surgery in South Australia the operations of almost 1,300 of them are already overdue. There are currently three times as many overdue elective surgery operations than there were a year ago, when there were only 400 operations overdue. Of the 1,288 elective surgery operations that are overdue, 809 of them—that is, two-thirds—are due to be undertaken at the new Royal Adelaide Hospital.

Less than a fortnight ago, the chief executive officer of the Central Adelaide Local Health Network advised publicly that she and her colleagues were working on a plan to get on top of the hospital elective surgery delays by June next year; that is, in nine months' time. My questions are:

1. Can the minister confirm that it is going to take nine months for SA Health to get on top of the extraordinary elective surgery backlog at the new Royal Adelaide Hospital?

2. When does he expect the number of overdue elective surgery operations at the NRAH to fall below the 400 person level?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:38): Again, I thank the Hon. Mr Wade for his important question. The Hon. Mr Wade is right to point out that approximately 1,200 elective surgeries are overdue within our system. There are a range of reasons that result in that figure. The principal reason, of course, is that we have had an extraordinary period of winter demand—that is something I am sure the Hon. Mr Wade understands. We had a record flu season in South Australia with well in excess of double the number of people reporting with flu symptoms than has been the case in the past. That, of course, resulted in extraordinary demand on our public hospital system, with an extraordinary number of emergency department presentations.

All these pressures combine to make sure that hospitals adjust accordingly. We are not in the business of turning people away from our hospitals who need urgent medical attention, and of course that means there are consequences to those decisions and often that manifests itself in elective surgeries not necessarily occurring at the rate we would like to see.

What we have to ask ourselves is: what is the counterfactual here had the government not pursued its policy agenda and had, rather, allowed itself to fall at the behest of what the opposition had been advocating for? We know the opposition has been opposed to reform of the health system generally, we know the opposition has been opposed to the creation and the building of the brand-new Royal Adelaide Hospital, and it is worth asking ourselves: had the opposition had their way, what position would those people be in now?

Let's take a specific number. Let's take, for example, what has happened at Modbury, where we know there has been in excess of a 30 per cent increase in the number of elective surgeries performed at the Modbury Hospital. That 30 per cent increase represents somewhere over 800 elective surgeries occurring at that hospital. These are real people with real conditions; for instance, shoulder reconstructions, foot and ankle surgeries and, I am advised, knee reconstructions. So, these are real people with real requirements, real medical needs that need to be addressed. Had the government not made the reforms that it has, many of them could still be waiting—if the Liberal Party had had their way.

So, of course we would like to see those numbers reduce, but that is why we are making the decisions to achieve it. That is why we are doing everything a government should to try to make sure that those numbers are as small as they possibly can be. We are proud of the fact that our policies

stand up when it comes to delivering better outcomes for the South Australian public, including around elective surgery.

ROYAL ADELAIDE HOSPITAL

The Hon. K.L. VINCENT (14:41): Supplementary: given that the minister mentioned real people with real medical needs to be addressed, will he move to make the new RAH a latex-free environment, given that 5 per cent of the population currently has a latex allergy, and this can increase with exposure to latex?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:42): I thank the honourable member for her question. That is not an area I have been briefed on, but I am happy to seek advice and share it with the honourable member.

ELECTIVE SURGERY

The Hon. S.G. WADE (14:42): Supplementary question: given the minister thinks that the spike in elective surgery was a result of the winter flu season, why did it triple in a month, and that month was the month that coincided with the move of the Royal Adelaide Hospital?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:42): If I understand the honourable member's supplementary question correctly, he is suggesting that the government's decision to move to the new Royal Adelaide Hospital resulted in more people getting flu. Is that the implication of the honourable member's question? So, does that also mean that the move to the Royal Adelaide Hospital that occurred here in metropolitan Adelaide also somehow had some far-reaching health consequence where the record spike in the number of flu cases that we saw occur in Victoria and New South Wales was also a consequence of the Royal Adelaide move?

I mean, Mr President, the Liberal Party's opposition to the new Royal Adelaide Hospital has just now jumped the shark. We have got the Liberal Party arguing that the new Royal Adelaide Hospital is causing people in the Eastern States to have more flu. How patently absurd. It is about time that the opposition realise that the new Royal Adelaide Hospital is going to deliver an outstanding service to this community, and their idea to somehow blame everything that occurs on the Royal Adelaide Hospital, including more flu in the Eastern States, represents the complete lunacy of the Liberal Party's position on health generally.

ELECTIVE SURGERY

The Hon. S.G. WADE (14:43): My supplementary question is: can the minister explain why the spike in elective surgery occurred in the month of the move to the new Royal Adelaide Hospital, because that indicates it has got nothing to do with the flu. It has got all to do with the fact that the government ramped down elective surgery to facilitate a move at that time and then within 10 days had to launch the hospital emergency plan, which cancelled elective surgery right across metropolitan Adelaide, and South Australians are continuing to endure the consequences of that with a blowout in elective surgery waiting times?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:44): This keeps getting better. On one level, Mr President, I think to myself, 'Maybe you should start listening to the supplementary questions to make sure they comply with standing orders,' but then they start speaking and I think, 'Bring it on.' I was very clear from the outset, when these questions started to be raised, that there were a number of factors that contributed to what is occurring with elective surgery across our system. There were a number of factors including, of course, the government's substantial and decent policy decisions that were made despite the opposition from the member opposite and those opposite generally.

It is true to say that the government made a very deliberate and wise decision to see a ramp down in elective surgeries in preparation for the move to the Royal Adelaide Hospital. My advice is that that resulted in approximately 186 elective surgery procedures being postponed across the system. However, that is a small number, I am advised, in comparison to what we saw as a consequence of the extraordinary flu season that we have been subject to.

If the Hon. Mr Wade wants to stand up and guarantee that if he is ever health minister in this state he can guarantee what numbers will occur in terms of flu, then let him go ahead. We, on the other hand, make sure that we deal with these circumstances as they arise as best as we possibly can. We don't turn people away from our hospitals when they are in need of urgent medical attention. We don't look around for conspiracy theories to try to ascertain why it is the case; instead, we make sure that they get access to the best possible health care that can be provided in world-class facilities. They are world-class facilities that those opposite seem perpetually opposed to despite the obvious evidence that those facilities are doing a good job.

ELECTIVE SURGERY

The Hon. S.G. WADE (14:46): My supplementary question is: why does the minister think that the elective surgery blowout is the result of the flu season when 60 per cent of the overdue elective surgery is at the new Royal Adelaide Hospital? Why aren't the other hospitals being affected by the flu?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:46): I stated in my initial answer very clearly that there are a number of factors that come together to see what we are doing with elective surgery, but I keep reiterating the point—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: I keep reiterating the point that had it not been for the government's bold policy decisions, that have been consistently opposed by those members opposite, there would still—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —be South Australians waiting for their surgery today that have otherwise got it. It is only because of this government's significant decisions, significant investments and bold policy decisions, that we have seen more South Australians get elective surgery than would otherwise be the case.

AUTOMOTIVE INDUSTRY

The Hon. G.E. GAGO (14:47): My question is to the Minister for Automotive Transformation. Can the minister inform the chamber about events recognising the achievements of automotive manufacturing in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:47): I thank the honourable member for her question—which is the 18th question already this question time. This Friday is, indeed, a sad day: it marks the last ever Holden rolling off the assembly line at the Elizabeth plant after more than half a century of manufacturing.

The workers at Holden have contributed a remarkable amount to the very fabric of this state. We would not be the state we are today without them. Everyone who has contributed, some tens of thousands of individuals who have worked at Holden over the last half a century, should be very, very proud of what they have done. On Sunday it was a fitting way to pay tribute to their efforts. Last Sunday saw the streets of Elizabeth lined with overwhelming pride as thousands of car enthusiasts gathered to celebrate the last half a century of vehicle manufacturing by GM Holden.

The Holden Dream Cruise was a free community event held by GM Holden to say thank you to South Australia and to the generations of employees who have put their heart and soul into Holden's manufacturing history. Bev Brock, former partner of Holden racing legend, the late Peter Brock, started the giant street parade of cars: more than 1,200 vintage and new Holden cars ranging from models such as Monaros, Toranas, Commodores, Sandman wagons were driven around the

11-kilometre circuit, passing the factory on the Philip Highway, and finishing at the Central District Football Club.

Champion driver, Mark Scaife, took part as a passenger, driven around in a VF SS V Redline by a long-term employee from GM Holden's plant. The Dream Cruise event continued into the afternoon with performances from an Australian Idol winner and former local, Wes Carr; the winner of the 2012 X Factor, Samantha Jade; and local talent from the Northern Sound System. Three of the last ever Aussie made, limited edition Holden Commodores went under the hammer on Sunday in the live auction, raising a grand total of more than $300,000 for the Smith Family and the Lighthouse Foundation.

It was a distinct pleasure to attend this event at the Elizabeth Oval on Sunday, along with the Premier, and announce a further government and Holden commitment in terms of support for workers. An amount of $600,000 has been committed between the state government and Holden for further outreach programs to keep in contact with automotive workers, both in the supply chain and from Holden, impacted by the closure and to provide counselling and mental health services.

We also announced that GM Holden and the SA government would be joining forces. Up until now, GM Holden has provided a transition service and a transition centre for Holden workers, and the state government has provided similar services for supply chain workers. We are now combining efforts and all automotive workers, be they from Holden or the supply chain, will be able to access these services at either the Holden transition centre on site or through one of the state government locations.

Both Holden and the state government are also extending these services even further so that they continue up until the middle of 2019; workers can continue to access those services or workers who have not registered have until that time to do so. I am proud we are continuing to support and stand up for automotive workers in South Australia.

PRIVATISATION

The Hon. R.L. BROKENSHIRE (14:51): I seek leave to make a brief explanation before asking the minister No. 5 of the spin doctors' team, the Minister for the Environment, a question regarding privatisation.

The PRESIDENT: Would you like to address the minister by his proper title?

The Hon. R.L. BROKENSHIRE: The Hon. Mr Hunter, minister No. 5, the minister responsible for the environment, natural resources and other matters.

Leave granted.

The Hon. R.L. BROKENSHIRE: Recently, we have heard the Minister for the Environment banging on about privatisation and how this government is going to protect essential services. Privatisation of essential services started under the Labor Bannon government, and that was the plan to sell off Sagasco. There were two parts to it, announced in 1992-93, to bring in a total of over $300 million to assist in the repayment of the State Bank debacle. According to the *Green Left Weekly* of 19 August 1992:

> Unions have reacted angrily to Premier John Bannon's plans to sell the South Australian Gas Company. The United Trades and Labor Council unanimously condemned the move, and the Federated Gas Employees Industrial Union is planning a midday rally on August 20, at Victoria Square. SAGASCO is one of South Australia's most profitable companies, and in 1988 the Bannon government—

that is, the Labor Bannon government—

> gave an assurance that at least 80% of its shares would remain under government control. Privatisation of the company will mean a dramatic increase in the cost of gas for South Australians. Most of the $300 million price of the company would go towards paying off the State Bank debt. Gas workers' union spokesperson Russell Wortley says the sale—

this is what Russell Wortley, the spokesperson said, Mr President—

> 'will be of no benefit whatsoever to the South Australian public. This is only the beginning: if the government can sell SAGASCO, what's to stop them selling off other companies?'

That was said by Russell Wortley. Since then, we have (just recently) seen the sale of ForestrySA, the MAC and the LTO, to name just some of the Labor government's privatisations. So, why is the government now saying that it will not privatise essential services when it has been privatising them for donkeys' years? My question to the minister is: do you agree, minister, that you are misrepresenting the facts on Labor privatisations?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:54): Thank you, Mr President, and come in spinner. Hon. Mr Brokenshire, chief spin doctor of the state, number one! This is a fella who is copying the playbook of the Hon. Mr Lucas. He tried to distract the community from his own complicity in not just privatisation but breaking his word to the community. That is the key difference. The Hon. Mr Brokenshire was part of a government that went to the people of South Australia and said, hand on heart, 'Trust us. We will never privatise this key utility.' Four months later that was precisely what the Hon. Mr Brokenshire did, along with the Hon. Mr Lucas.

These are the spin doctors of mendacity—the Hon. Mr Brokenshire and the Hon. Mr Lucas, ministers in charge of privatisation of essential utilities—after promising South Australians they would do no such thing. On the basis of that, how can you trust a word the Hon. Mr Brokenshire or the Hon. Mr Lucas ever says? How can you trust a single word? This mock outrage, this confected outrage that the honourable member brings to the chamber, the Hon. Mr Lucas as well, is just a mask to cover up the much more heinous sin that they made a solemn promise to the community and then they welched on it.

They made a promise—you made a promise—and then four months later, you turned on the community and said, 'You know what? We are tearing that promise up.' What message does that send to the community when a government goes out and promises, hand on heart, 'We will never privatise these essential services that are so important to our community. We will never privatise these essential services that every community depends on and every industry in this state depends on. Nothing works without them'? Then they said, 'Yes, we were only joking. That promise didn't really count.' It reminds you of some federal government promises made by the Liberal Party at a national level that in fact there are promises and there are things that aren't quite promises.

This is a man behind me, along with the Hon. Mr Lucas, who is directly responsible for making a promise and then breaking it and selling ETSA and voting in this chamber (I am talking about the Hon. Mr Lucas at that time; the Hon. Mr Brokenshire was in the other place) to privatise an essential utility that they promised they would never do. We can spend a bit of time having a look at the record of the government which the Hon. Mr Brokenshire was a part of:

> The government is not considering, nor ever will it be considering, privatising either in full or part the Electricity Trust of South Australia.

That was the claim by the industry minister Mr John Olsen on 25 April 1996. The Hon. Mr Brokenshire presumably agreed with that proposition at the time:

> The government is not considering, nor ever will it be considering, privatising either in full or part the Electricity Trust of South Australia.

A promise. But as we got closer to the 1997 state election, more promises were made to South Australians by the Liberal Party and the Hon. Mr Rob Lucas and the Hon. Mr Brokenshire like this one:

> We are not pursuing a privatisation course with ETSA.

That was premier John Olsen on 16 September 1997. He also said on 22 September 1997:

> I have consistently said there will be no privatisation and that position remains.

Deputy premier Graham Ingerson said on 4 September 1997:

> There is no sale of ETSA, there is no plan for the sale of Optima Energy, full stop, full stop, full stop.

He was someone the Hon. Rob Brokenshire shared a cabinet with at some stage. As we know, what did they do after the 1997 election? What happened after the 1997 election, after we had the 'full stop, full stop, full stop' promise by the premier and the deputy premier and the Hon. Robert Brokenshire and the Hon. Mr Lucas? What happened after that? A mere four months after the

election, the Rob Lucas/Rob Brokenshire Liberals said, 'We changed our mind. We are selling ETSA now.'

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Four months it took the Hon. Rob Lucas and the Hon. Rob Brokenshire to connive together to decide that that promise wasn't really a core promise after all. Four months to break their pledge to South Australians, four months for the Hon. Rob Brokenshire and the Hon. Rob Lucas to break the heart of South Australians who re-elected that government that promised solemnly to them that they would never privatise ETSA.

So, don't come to this place, Hon. Robert Brokenshire, and talk about issues and trying to avoid the topic that you should be trying to confront, which is how can anyone trust a word you say into the future? When you make a promise to the electorate, when you make a promise to South Australians, you've got a record.

The Hon. R.L. Brokenshire: Read my lips. Read my lips.

The Hon. I.K. HUNTER: You'll be slammed by your own record. Yes, read your lips.

The PRESIDENT: Order! Can the minister please ignore the Hon. Mr Brokenshire and speak through the Chair.

The Hon. I.K. HUNTER: Yes, Mr President, we know his words mean nothing. We know his words mean nothing. They have no value anymore, no value at all to the community because he lied through his teeth.

The Hon. R.L. BROKENSHIRE: Point of order, sir. The minister just said that I lied. I ask that he withdraw that statement because it is untrue.

Members interjecting:

The PRESIDENT: Order! Can the minister please word his accusations—

The Hon. I.K. HUNTER: Indeed, Mr President. I do withdraw the accusation that the honourable member lied. That means that he knew what he was doing in the lead-up to the election in making his promises. Let's just say that he made several terminological inexactitudes in his promises to the electorate. Time and time again, he joined with those who were saying, 'Full stop, full stop, full stop, no sale of ETSA.' Time and time again he was guilty of making inexactitudes in terms of terminology, but we know that that is what he is trying to avoid.

He is trying to avoid a blemish, the blemish that will always stain his reputation in this state, along with the Hon. Rob Lucas's and the Liberals', for all time, and that blemish is that they made a promise; they made a core promise to the community, they backtracked and they broke that promise. And into the future, no-one can be expected to take the Hon. Mr Brokenshire's, the Hon. Mr Lucas's, and the Liberal opposition's word for any value whatsoever.

SAGASCO

The Hon. R.L. BROKENSHIRE (15:01): Supplementary question: based on the minister's answer, does the minister now accept responsibility on behalf of the Labor government for the significant gas prices in South Australia, as was highlighted by the then senior union person, Mr Russell Wortley, over the privatisation of Sagasco under Labor in South Australia? Do you accept responsibility for one thing in your life?

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 haven't heard the honourable member—the honourable member who promised South Australians he would never privatise ETSA—jump to his feet and accept responsibility for price increases, because he promised, after his promise to the community that he would never do it, that the privatisation would drive down electricity prices. He promised that prices would drop. Has he put his hand up? Has he put his hand up to say, 'Sorry, I made a mistake. I promised you, after not privatising ETSA and then privatising ETSA, that your bills would come down. Oops, sorry, they haven't; they've gone through the roof.'

South Australians know that electricity costs have gone up because the honourable member voted to support the privatisation of ETSA after promising they would never do that. I do not see him in here saying, 'Oops, I fess up; that was my fault.'

The Hon. R.L. Brokenshire: It wasn't my fault.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee has the floor.

REPATRIATION GENERAL HOSPITAL

The Hon. J.S. LEE (15:03): My questions are directed to the Minister for Health about the Repat Hospital:

1. Has the minister received advice as to whether he can release the land management agreement on the Repat site as per his undertaking on 27 September?

2. When will the minister release the land management agreement, and will the minister request that the current development plan for the area reflect the terms of the land management agreement in relation to the Repat site?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:03): I thank the honourable member for her question. I think I mentioned earlier that I enjoyed the opportunity of being able to visit the Repat site and have a chat to the staff that were there—

The Hon. D.W. Ridgway: Did you take Annabel Digance there, who was going to save it and keep it open to the people?

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —and have a good look around the Repat.

The Hon. D.W. Ridgway: She had photos in front of the door, the gate.

The PRESIDENT: Order!

The Hon. D.W. Ridgway: She was going to save it.

The PRESIDENT: I do not want to hear any comment from you while the minister is on his feet.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! Do you want an answer to your question, Hon. Ms Lee?

The Hon. J.S. LEE: Yes.

The PRESIDENT: So do I, so would the Leader of the Opposition please keep quiet in your chair while the minister answers the Hon. Ms Lee's question. The honourable minister.

The Hon. P. MALINAUSKAS: I thank the honourable member for her question. As I was saying, I enjoyed the opportunity to get a good look around the Repat, to witness firsthand the depth of feeling that a number of staff members have towards the site and also to see the facilities and get a greater appreciation of how much an improvement the new facilities that the government has built in replacement of the Repat will serve South Australians for many years to come.

The government is committed to making sure that the Repat site is renewed in such a way that best represents the interests of that local community. There are things on the Repat site that do represent genuine value to those people in and around the community. I think a good example of that, of course, is the pool. The hydrotherapy pool located on the Repat site undoubtedly has the potential to be able to provide a bit of service to the community, notwithstanding the fact that it

probably isn't as good as the brand-new pool that has replaced it that we have built at the Flinders Medical Centre.

As part of our effort to ensure that the site is revitalised and used well, we have a contract of sale with the ACH Group, which I have spoken about previously. It is the government's expectation that we receive a master plan from the ACH Group in due course, which we then will put out publicly. We hope that the master plan reflects our very strong expectations on behalf of government to ensure that that facility is utilised well.

In regard to the Hon. Ms Lee's question, my advice is that the LMA is part of that contract of sale and is subject to commercial confidentiality. However, I think the key document that members of the local community are interested in more than anything else is the master plan, which will reflect how that site will be used going forward.

REPATRIATION GENERAL HOSPITAL

The Hon. S.G. WADE (15:06): Minister, how can the land management agreement be confidential when, under the Development Act, it needs to be recorded on the certificate of title of the Repat site?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:07): As I say, that's the advice that I have received. I am more than happy to receive secondary advice around it.

REPATRIATION GENERAL HOSPITAL

The Hon. S.G. WADE (15:07): A supplementary question: in relation to the master plan, I thank the minister for his undertaking to put it out publicly. Will the minister give an undertaking that the master plan—

Members interjecting:

The PRESIDENT: Order! I think it is totally inappropriate. I can imagine the crossbench are feeling very, very isolated here when they only get to manage one or two questions a day. That's totally inappropriate. The Hon. Mr Wade.

The Hon. S.G. WADE: I thank the minister for his undertaking to release the master plan. Will he give an undertaking that the government will not accept the master plan until the public has had a reasonable time to express their views on the master plan?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:08): I'm not too sure if I follow the member's specific question, but my commitment remains the same. We are committed to making sure that the Repat site is revitalised and used in a way that is consistent with that local community's interest. Notwithstanding the Liberal Party's scare campaign around that site, we on this side of the house aren't interested in scaring the local community but, rather, in engaging with them to ensure that the site is used in a way that is consistent with their interests.

REPATRIATION GENERAL HOSPITAL

The Hon. S.G. WADE (15:08): Supplementary question: if I could put it this way, could the minister clarify will the master plan that he releases be a draft master plan yet to be approved by the government, or will it be released merely for the information of the public?

The Hon. G.E. Gago interjecting:

The PRESIDENT: The reality is the Hon. Mr Wade and anyone else has every right to ask supplementary questions, just as ministers have every right to take the length of time they do to answer questions. The honourable minister.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:09): I have already stated, and I am happy to repeat, that the government

is more than happy to release that master plan, and of course we want to release the master plan to the public because our interest is about making sure that the revitalisation with that site is consistent with their interests. Of course we will be looking for their feedback. We expect the master plan to be consistent with our objects of the site, and that, of course, is a revitalised site that is a health precinct in nature and that delivers outstanding service to the community, which we know and believe the site has the potential to do.

REPATRIATION GENERAL HOSPITAL

The Hon. K.L. VINCENT (15:10): Supplementary: can the minister clarify future arrangements for those currently receiving hydrotherapy services at the Repat? Also, is the Repat a latex environment and, if this is the case, why is the NRAH not?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:10): What was that last part of the question?

The Hon. K.L. Vincent: Is the Repat a latex environment and, if so, why aren't other hospitals?

The Hon. P. MALINAUSKAS: Is it a what environment?

The Hon. K.L. Vincent: Latex free.

The Hon. P. MALINAUSKAS: I am happy to receive clinical advice regarding the latex component of the honourable member's question. Regarding the hydrotherapy pool, we have already stated clearly that we have built a brand-new facility at the Flinders Medical Centre. There is a brand-new pool that we believe can accommodate the needs of those people who are under the care of SALHN (Southern Adelaide Local Health Network), to ensure they get access to the services that are quite beneficial to their recovery through the hydrotherapy pool. Those services and those requirements can be accommodated at the new hospital that has been built at FMC.

REPATRIATION GENERAL HOSPITAL

The Hon. K.L. VINCENT (15:11): Further supplementary: just for the record, I asked the minister to clarify the exact arrangements, not that there is a new pool. What should those currently receiving hydro at the Repat do to ensure they get replacement services?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:11): They should follow the advice of their respective clinicians. Those people who are under the care of SA Health, those people who are existing patients who require services within SALHN, or require access to the hydrotherapy pool, will continue to do so in the prescribed format at the Flinders Medical Centre.

RACISM

The Hon. T.A. FRANKS (15:12): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question on the topic of racism.

Leave granted.

The Hon. T.A. FRANKS: As many of us are aware, the AFL's Indigenous round in 2013 was a time to celebrate Aboriginal culture and achievements. On 24 May, Sydney was playing Collingwood and as Adam Goodes neared the boundary he heard a voice call him an ape. He was so affected that he left the field. Quickly, the President of the Collingwood team, Eddie McGuire, issued an apology for the racism, stating:

> I wanted to apologise to Adam on behalf of football in general and ask that he accept our apologies.

The next day Goodes declared that racism has a face, and on this night it was a 13-year-old girl. He also added the following:

> It is not her fault. She is 13, she is still so innocent. I don't put any blame on her. Unfortunately it is what she hears, the environment she has grown up in, that has made her think it is okay to call people names. I can guarantee you right now she would have no idea how it makes anyone feel by calling them an ape.

He went on to say that people need to get around her, and indeed encouraged her to give him a call. That 13-year-old girl picked up the phone and she called Goodes. The same day she recounted their conversation:

> I'm sorry for calling you racist names, and I'll never do it again. I'm really sorry for what happened. I didn't know it would be offensive.

On 25 May, Adam Goodes tweeted:

> Just received a phone call from a young girl apologising for her actions. Let's support here please #racismitstopswithme #indigenousround.

That 13-year-old girl also later wrote Adam Goodes a letter apologising for her words. The following day, 26 May, after the girl herself had apologised, the SA-Best candidate, Kelly Gladigau, in her shared account with her partner Travis, posted the following statement:

> Seriously, don't you think it's rather soft to be upset that a young girl called you an ape? Perhaps if you didn't look like one.

That long-lost post, of course, was revealed a week or so ago with the announcement of the first of the SA-Best candidates and, when challenged on this racism, the response from Senator Xenophon was underwhelming.

According to a 'spokesperson' for Senator Xenophon, the couple say the post had no racist intent or overtones and the senator accepts that. This unnamed spokesperson also went on to say that Senator Xenophon had discussed the matter with his candidate and was 'told the comment was posted by Kelly's husband,' and went on to say, 'They say it had no racist intent or overtones and Nick accepts that.' Senator Xenophon also went on the radio later, saying that 'both Kelly and her husband have close links with the Indigenous community and they don't have any racist views'.

I reiterate, the president of Collingwood had apologised for the racist nature of the comment. The girl herself had apologised for the racist nature of the comment. Indeed, many across football and the community, including, I think, the minister himself in this place, have made comment on the racist nature of the comment. Regardless of whether the candidate or her husband made that post, the post at this stage was itself widely held to be a racist view. Yet, Senator Xenophon believes this is not the case.

My question to the minister is: does the minister agree with Senator Xenophon's acceptance that this candidate's shared Facebook post had no racist overtones or, to rephrase the Gladigaus' post, does the minister think 'it's rather soft' not to be upset and call out racism, whoever says it, whenever it occurs, at any time.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:16): I thank the honourable member for her question. Those comments are unambiguously racist. There is no other way to describe it. I am not going to repeat those words, but if you use words like that about Aboriginal people, or any Indigenous people around the world, it hurts and it causes deep offence.

Here's the really big thing: even if you honestly believed that it didn't cause the offence, and if you were ignorant enough to not understand what you were saying, it is not up to you making these racist remarks to decide how others should take that. It is not up to you making the remarks to decide whether someone else should take offence at them or how hurtful it is to other people.

I have been fortunate to get to know Adam Goodes quite well over the last couple of years, and I know that those remarks hurt him and that remarks since then have hurt him extraordinarily deeply. He took a couple of weeks off football at the height of remarks being made about him. As he has explained to me, any time these sorts of remarks are made, any time they are reported on, it doesn't just hurt him, it hurts all his Aboriginal brothers and sisters. Any time remarks like this are made about other people, it hurts him. These sorts of remarks, each time they are made, hurt all Aboriginal people all the time.

I have spoken to other Aboriginal football players and, in answer to the second part of your question, no it is not soft. Some of the bravest and best humans I have met have been gutted and

torn apart when these sorts of remarks have been made to them on footy fields, whether it be country footy or at the highest professional level. These remarks are racist and they have to stop.

ROYAL ADELAIDE HOSPITAL

The Hon. K.L. VINCENT (15:18): My questions are to the Minister for Health:

1. If the new Royal Adelaide Hospital is, as the minister claims, a world-class facility, why is it not a completely latex-free environment?

2. Why did a constituent of my office with a latex allergy recently have multiple staff members enter their room wearing latex gloves when her inpatient room had a latex allergy patient sign on the door?

3. Why was an allergy alert sticker on the front of my constituent's case notes apparently ignored by nurses and doctors?

4. Why is it that the surgery theatre areas are latex free and the rest of the hospital is not?

5. How are patients expected to attend the NRAH for follow-up appointments and feel safe that they will not have an anaphylactic reaction to latex gloves, given the rather lax current practices around latex allergies?

6. Why do nurses at the NRAH appear not to know or understand that latex allergy is airborne and contact spread?

7. Is the minister aware that it would be a cost-neutral exercise to make the NRAH latex free?

8. Is the minister aware that up to 5 per cent of the South Australian population is allergic to latex?

9. Is the minister aware that up to 17 per cent of healthcare workers have an occupational allergy to latex?

10. Is the minister aware that people can develop a latex allergy after repeated exposure?

11. Is the minister aware that other state government health care facilities, such as the Women's and Children's Hospital, are already latex minimised and that SA Ambulance uses latex-free nitrile gloves as the standard? Why is this not the case in other health facilities?

12. Has the minister read the August 2017 media release from not-for-profit organisation Global Anaphylaxis Awareness and Inclusivity (globalaai), expressing serious concerns about the presence of latex at the new Royal Adelaide Hospital?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:20): I thank the honourable member for her question. Let me start with the last subsection of her question first because I can probably answer that the most definitively: no, I haven't read the media release from August, but I would be happy to get my office to get a copy of it so that I can familiarise myself with it. I am going to have to take all of those questions on notice and seek some advice around the exact status of the latex-free issue in and around the NRAH. I am more than happy to take that on notice and get the honourable member some answers as quickly as we can.

One thing I would say is that, as a principle, when it comes to matters of a clinical nature we naturally always act on the advice of our clinicians where we can and make sure that we are getting the best possible public policy outcome. However, I can't profess to be acutely familiar with the issue, but I am happy to avail myself of the information and get some information to the honourable member where we can. Of course, if she has a specific constituent who is concerned about this issue and is raising concerns with her office, we are more than happy to try to facilitate some information for them as well.

Matters of Interest

DENTAL SERVICES

The Hon. T.T. NGO (15:22): The Turnbull government has cut $287 million a year out of our public dental system nationally. That is equivalent to 300,000 patients across Australia not being able to access public dental care. The cuts to the health system are so severe that six state and territory governments, including Liberal state governments, wrote to the federal health minister, expressing their concern about the cuts. In the 2016-17 financial year, the Turnbull government budgeted $105 million for the adult public dental health service. In comparison, the previous federal Labor government committed $391 million for the same period when it established the national partnership agreement (NPA) in 2012. That is a $287 million shortfall.

The Labor government worked to ensure that Australians could access dental health care and were not stuck on waiting lists for extended periods of time. In December 2014, the nationwide waiting list was around nine months. Following the federal Turnbull government's cuts, the nationwide waiting list had increased to 12 months in December 2016. I suspect this figure will balloon out further in December 2017.

Recent figures show that in South Australia there are 39,000 people on the public dental waiting list. South Australians are waiting up to 15 months to receive the dental care that they need. A significant number of people are waiting extremely long periods to get the treatment they need. This could cause further deterioration to existing dental issues a person may have. It could lead to a point where a significant number of people who are eligible, including pensioners and seniors, will avoid seeing the dentist because they cannot afford it. This is simply not good enough.

Additional federal funding is needed to ensure that people with common dental health disease, including tooth decay, gum disease and oral cancer, among others, receive treatment before their health issues become more serious. Dentists will tell you that early detection of oral health issues is vitally important for a person's health. Poor oral health is significantly associated with major chronic diseases such as cardiovascular disease, which affects the heart and blood vessels and which is an all too common and serious disease in Australia. It is also associated with diabetes, respiratory and kidney disease and many more diseases. Dental care is important in preventing these diseases.

With those facts, Prime Minister Turnbull needs to open his eyes to the problems his government has created. These cuts disproportionally impact people of lower socioeconomic status. According to the Australian Bureau of Statistics, people who live in areas of lower socio-economic status are less likely to see a dental professional if public dental health care is not available to them. This is due to them not being able to afford private health insurance.

The Turnbull government has stated that it is committed to delivering a strong budget and economic reform, but cutting one of the most basic health services is not the answer. Prime Minister Turnbull's record on dental health is already poor. His government attempted to cut the Child Dental Benefits Schedule, but ultimately the government backtracked on the proposal. The payments for eligible families were to be reduced from $1,000 to $700 over two years. If these changes had gone ahead, it would have affected 20 per cent of children whose treatment cost more than $700 over two years. Fortunately, after heavy campaigning against the cuts from the Labor opposition the Turnbull government decided not to go ahead with these outrageous cuts to children's dental benefits.

I call on the Turnbull government to restore the funding to the adult public dental health scheme before it does catastrophic damage to people's health.

POWER SUPPLY

The Hon. D.G.E. HOOD (15:27): I rise to talk briefly today about what are called HELE power plants. There are currently 20 countries globally that are planning to build a staggering 588 new coal-fired power stations across the globe. Of those 20 countries, China is proposing an additional 299 new coal-fired power stations; India an additional 132; Vietnam an additional 34; Indonesia an additional 32; the Philippines an additional 22; while South Africa, Japan, South Korea, Turkey and Taiwan are all building upwards of seven plants each. Again that is 588 coal-fired power stations on the drawing board that we know of around the planet right now.

Australia, of course, is building none. We have a recognised power crisis, yet we are ignoring the benefits of high-efficiency, low emissions (HELE) technology and the cost efficiency of coal, one of our primary exports, and continuing our ever-increasing reliance on expensive and sometimes unreliable renewables.

Renewables are only affordable when subsidised, as we have seen. BAEconomics reported that the renewable energy target is by far the costliest subsidy scheme around, and the subsidies are only set to rise in the near future—of course we have seen some movement in that space by the federal government in the last 24 hours, which our party would support.

In 2015-16, the state and federal governments subsidised the renewable industries to the tune of $3 billion, and it has been reported that $2.1 billion was subsidised by the Australian consumer. This is an extraordinary amount of money. Furthermore, consumers are set to pay some $300 million in subsidies to a proposed outback solar farm, a farm that produces 50 times less power than the Liddell power station. So essentially we pay more money and get less power into the grid.

Research produced by the Minerals Council of Australia (MCA) suggests that new HELE ultraclean coal-fired power stations are the best way to meet the three objectives of Australian energy policy that is to deliver reliable power at affordable prices whilst meeting Australia's international obligations, whether one agrees with them or not.

The MCA report finds emissions intensity of the new HELE plants would be between 23 per cent and 32 per cent, lower than their predecessors, with some reports stating upwards of 50 per cent lower emissions. A HELE station replacing the Hazelwood station, for example, that has recently closed, would lower emissions by 43 per cent. If this was implemented Australia-wide, we would meet two-thirds of our Paris emissions agreement immediately. Again, it is not our policy to focus on those things but for those who do focus on these matters, this is a clear opportunity to provide a solution and also to provide affordable base load power.

In an interim report into power price increases released by the ACCC recently, it showed a 60 per cent increase in the rise of power prices over the last decade in real terms. Sadly, yet not surprisingly, some 35,000 households in South Australia cannot afford to pay their power bills, with some people forfeiting food and medicine to cover their electricity costs, as reported in *The Advertiser* this week.

Greg Pattinson, the CEO of Foodbank SA, has indicated that more than 102,000 South Australians per month access their services, which is up 21 per cent from last year's 85,000 people per month, with many citing cost of living and electricity bill shock as their reason for accessing the service. I paraphrase him here, when he said, 'Not one of those people expressed pleasure that we were meeting our emissions targets, but the majority of them complained about the price of power and said it was impacting on their ability to live comfortably.' It is clear that both state and federal energy policy is failing the people of South Australia and the nation more generally.

Coal, next to nuclear power, is the most reliable and affordable energy there is. It provides invaluable base load to our grid, something which we do not currently have enough of. Despite the trend internationally towards implementing these HELE coal-fired power plants, Australia, and specifically South Australia, remains resistant. We insist on creating expensive and unreliable systems when there is clear evidence that coal is cost-effective and efficient. Indeed, we cannot export enough of it; they are buying it literally by the tonne overseas from our shores.

No South Australian, indeed, no Australian should have to go without food or medicine in order to pay for electricity. I am sure that is something we can all agree on. It is time to scrap some of these wasteful subsidies and pursue the new generation of HELE power plants and options which increase base load power, reduce costs and increase supply to the grid.

PRIVATISATION

The Hon. R.I. LUCAS (15:32): I want to talk about the hypocrisy, the blatant untruths and the broken promises being told by the Weatherill government, in particular the Premier, the Treasurer, minister Hunter and minister Maher in this house on the issue of privatisation.

In 2002 the Labor government went to the election with a pledge card which stated, 'My pledge to you: under Labor there will be no more privatisations.' Then, at the bottom, signed by the

premier (premier Rann at the time) is a very useful reminder which states, 'Keep this card as a check that I keep my pledges.' 'Keep this card'—members of this chamber and members of the community have kept that pledge card and their judgement is that the Labor government have broken that particular promise, have not kept the promises that they made and, in fact, what they have sought to do in recent elections is try to redefine what they promised. They said, 'Well, we didn't really promise no more privatisations. We said we wouldn't privatise essential utilities.' The only essential utility they say they have left is SA Water because there is no other essential utility, they claim—

The Hon. P. Malinauskas: Yes, because you privatised those, that's why.

The Hon. R.I. LUCAS: So their promise was no more privatisations—

The Hon. P. Malinauskas: There's no essential services left to privatise, apart from SA Water—

The PRESIDENT: Order!

The Hon. P. Malinauskas: —because you privatised them, that's why—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —but now, having broken that promise, having broken every promise that they made—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —they can't be trusted in relation to this particular issue—

The Hon. P. Malinauskas: —you privatised ETSA—

The Hon. J.S.L. DAWKINS: Point of order, Mr President.

The PRESIDENT: The Hon. Mr Lucas, please take a seat.

The Hon. J.S.L. DAWKINS: I ask that the minister withdraw.

The PRESIDENT: Withdraw what?

The Hon. J.S.L. DAWKINS: He said, 'That's a lie.'

The Hon. P. Malinauskas: I didn't say that.

The Hon. J.S.L. DAWKINS: Yes, you did.

The Hon. P. Malinauskas: You need to get your hearing checked.

The Hon. J.S.L. DAWKINS: You did, you said, 'That's a lie.'

The PRESIDENT: Order!

The Hon. P. Malinauskas: No, I did not. You're wrong.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Will the honourable minister—

Members interjecting:

The PRESIDENT: The Hon. Mr Dawkins, I will check the *Hansard*.

The Hon. P. Malinauskas: Please do.

The PRESIDENT: But please desist while the Hon. Mr Lucas is on his feet. He has five minutes for a matter of importance. He has every right to do it without interjection. The Hon. Mr Lucas.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The blatant untruth, the hypocrisy and the broken promises of ministers and supporters of the Labor government, like minister Malinauskas at the time, is quite apparent. They have tried to redefine their promise and say, 'We didn't really say no more privatisations.' The reason they have tried to do that is because they have privatised anything that has moved in the last few years: the Motor Accident Commission, $2.8 billion; the Lands Titles Office, $1.6 billion, the forests were about $600 million, SA Lotteries. More than $5 billion has been recouped as a result of privatisations which they promised they would not undertake; at every election since 2002 they promised no more privatisations.

Now, having got caught, they say, 'Well, we really didn't say that. We said no privatisation of essential utilities.' Of course, they now say that the only essential utility left is SA Water, and that is the only promise they are now making, if you believe—and none of us do—that they are going to keep it. That means things like HomeStart and a whole variety of other government assets are ripe for privatisation should this government be re-elected.

You cannot trust this government in relation to privatisation, or any promise that they make. It is clear that if re-elected, a Weatherill Labor government would be privatising SA Water. They have now confirmed that they can do that without bringing legislation to parliament, unlike previous governments who fought their battles through parliament and who, with the support of Labor members, got the legislation passed. They privatised the MAC, they privatised the Lands Titles Office without bringing legislation through the parliament. They did it outside the parliament through contracts.

They have now confirmed that they have had legal advice. Why would they be getting that sort of legal advice? They have had legal advice that they can do it without bringing it to parliament. We have had confirmed that they undertook a secret study with KPMG to look at the privatisation of SA Water; $100,000 paid for by Treasury. The former CEO of ESCOSA, the well-respected and now university academic Dr Paul Kerin, confirmed that he had been told by the Under Treasurer that the Weatherill government had been considering the privatisation of parts of SA Water. Since then we have also had confirmed, in 2014/15, that the SA Water board, having clearly been encouraged by the Under Treasurer and the Labor government, was also considering studies in relation to privatisation of SA Water assets.

So this government, these ministers, have no credibility at all in relation to the keeping of election promises right across the board but, in particular, in relation to privatisation. They made the pledge card, they gave the commitment, they said no privatisations at all, yet with the MAC, the Lands Titles Office, SA Lotteries, the forests and many others they have broken those commitments so far that they are now trying to redefine it. They cannot be trusted in relation to these issues. Their commitment not to privatise SA Water or to construct some new government department or agency cannot be trusted. It is just a device, a façade.

We have caught them out. We know they have commissioned KPMG; they have done the secret studies, they have done the work, and they have also had the advice that they do not need to bring it to parliament, because they took that legal advice from Crown law.

WALK TOGETHER

The Hon. M.C. PARNELL (15:38): Next Saturday, 21 October, many South Australians, including many members of parliament, will be participating in the sixth annual Walk Together from Tarndanyangga (Victoria Square) to the Pennington Gardens. We will be joining tens of thousands of people in dozens of cities and regions around Australia to demonstrate to the wider community that no matter where you come from, or how, you are a valued member of the community who deserves respect and dignity.

Walk Together is organised by Welcome to Australia, an organisation that works to provide essential services to former refugees who are in need, and further positive understanding and recognition of diversity in our community. In their own words, Welcome to Australia 'coordinates a positive welcome for people seeking asylum, refugees and new arrivals to Australia.' The group aims to find ways that individuals, families, businesses and other organisations can work together in order to continue developing the Australian values of diversity, compassion, generosity and commitment to giving people a fair go in communities, workplaces, schools and institutions.

Walk Together unites everyday Australians, community leaders, sports stars, celebrities, politicians and many others to march together with banners and posters in support of Australians from a great number of cultural backgrounds. I have been proud to attend most, if not all, of the previous five events, and I know it will be a joyous and hopeful occasion this year. It is not a protest, as many such marches are, but it is a celebration.

Walk Together 2017's theme is Walk Together for Freedom—the freedom to hope, the freedom to belong and the freedom to be yourself. 'Freedom to hope' recognises that we are walking together in solidarity with those who have sought freedom from violence, war and oppression and who have had hopes destroyed by indefinite detention. 'Freedom to belong' recognises that we are walking to celebrate the contribution of refugees currently on temporary protection, safe haven enterprise or bridging visas in our community. We are calling for a transparent pathway to permanent residency and citizenship for them. 'Freedom to be yourself' recognises that we are walking to celebrate the freedom to express ourselves that we enjoy in Australia. We are lucky to be able to contribute to society regardless of our background, culture, religion, gender or sexuality.

I would also like to acknowledge some other Welcome to Australia programs—first, the Welcome Centre initiative. Run by volunteers and open since 2013, the Welcome Centre on Drayton Street in Bowden is a safe centre and a place of refuge for refugee families, people seeking asylum and new arrivals to come to access essential services. This centre provides support to those people with food donations and emergency relief, chances to practise English, free internet and a space to interact and form friendships. The centre has days for emergency relief and also a day as a foodbank and a drop-in centre, as well as an intermediate English class, homework help, volunteer and work experience opportunities, a one-on-one Connect Mentoring Program, a Chai and Conversation social program and a fortnightly bring-your-own vegetarian food plate community dinner. As well as Bowden, there is now another Welcome Centre in Marion.

Another program of Welcome to Australia is Welcome to the Game which is a new initiative in Queensland in partnership with Multicultural Development Australia. This program supports migrant and refugee youths, their families and their communities to form meaningful connections through getting them involved in local sport. We already know that many of these young people are destined for big things in Australian sport. When I was a kid, stars from a European migrant background such as Alex Jesaulenko or Sam Kekovich were seen as pretty exotic amongst the Smiths, Browns and Joneses. Now the talent scouts have a huge pool of young people from all corners of the globe to help grow into future household names and youth role models.

I can still remember being very pleasantly surprised while visiting a local high school recently one lunchtime. Apart from the evocative smell of school lunches well past their use-by date, what struck me was the sound of kids playing footy on the school oval at lunchtime. As I walked past, the cry went up, 'Mohamed, Mohamed, kick it to me!' It struck me that our multicultural society has certainly come a long way since I was a kid, and it is a good thing.

Finally, I would like to acknowledge the work of all those volunteers and staff connected with next Saturday's Walk Together, with special mention to Mohammad Al-Khafaji, a former refugee himself, who is currently the chief executive officer of Welcome to Australia. I look forward to seeing as many members of parliament at the event as possible.

CRAFT GUILDS

The Hon. A.L. McLACHLAN (15:43): Guilds have existed in Europe for centuries as a means of bringing together like-minded souls to govern and promote their towns' special attributes. Craft guilds represent occupational artisans ranging from tanners and bakers to drapers and coopers. Craft guilds came to have a profound impact on cultural life in Europe. Apart from their professional duties, guilds also played an important role in society by engaging in charitable pursuits, extending to building schools, roads and chapels.

Britain's Art Workers Guild, for example, has operated since 1884. The principal criterion for entry requires members to be a designer, to which could be added a maker, but not the other way around. In what was considered a radical idea, given Victorian Britain's rigorous class distinctions, the guild brought together fine artists, including architects, painters, sculptors and engravers, and artistic craftsmen such as stained glass makers, furniture makers and metalworkers, by way of

example. Notwithstanding the guild's founders being in their twenties, most were traditionalists, sharing concerns over the increasing mechanisation of their work. In essence, it was a true collective—individuals working together to advance the common interest.

In my view, the significance and appreciation of craftsmanship in the modern age has waned thanks to the enemies of craft such as materialism, consumerism and the machine. The Heritage Crafts Association in the United Kingdom has warned, for example, that only one master cooper, one clog maker, one denim maker and two scissor makers remain in the United Kingdom. The association has determined the following crafts to have gone extinct in the past generation: gold beating, and sieve and riddle making. What is more, crafts such as paper marbling, parchment and vellum making are considered critically endangered.

According to the Australian government's Job Outlook website, 8,700 people were employed as visual arts and crafts professionals in 2015, with just 5 per cent living in South Australia. This is the smallest proportion of all the states, even Tasmania, which is home to an average of just 2 per cent of all Australian occupants. Furthermore, half of these artisans are only part-time workers in their creative field. In 2005, in response to similar trends, the French government established the Enterprise du Patrimoine Vivant label to reward exceptional French firms that employ traditional and artisanal knowhow and industrial techniques.

The French Minister for Crafts, Trade and Tourism may award the label to 'any undertaking that has economic heritage consisting in particular of rare, renowned and ancestral skills which draw upon the mastery of traditional and technically advanced techniques, and restricted to a particular geographic region'. Globally successful brands such as Chanel, Champagne Bollinger and Baccarat have been awarded the five-year EPV label, as well as hundreds of smaller niche producers. Upon selection by an expert panel using stringent criteria, a successful firm is entitled to tax incentives, internationalisation, promotion and financing assistance by the French government.

In Japan, the government rewards mastery of particular artistic skills by designating an individual or collective as a Preserver of Important Intangible Cultural Properties. These Living National Treasures, as they are popularly called, are supported by a special annual grant, as well as training programs to educate successors in their craft.

South Australia is fortunate to have the South Australian Society of Arts, later the Royal South Australian Society of Arts, which was founded in 1856 by Charles Hill. The society has continued to pursue its central aim of promoting both the fine arts, as well as artistic crafts, for over 160 years. The JamFactory and Guildhouse also play a significant role in supporting aspiring artists through professional development courses, workshops and exhibitions. But more needs to be done. With the reduction of atelier-based pathways and vocational education courses, greater opportunities are required for the transference of crafts knowledge in this state. To succeed as an artisan nowadays, it is insufficient to be skilful at just the craft in question; entrepreneurial expertise is essential.

We must support the crafts with the same enthusiasm as we do with new technologies. Innovation hubs should not come at the expense of promoting craftsmanship in this state. To reinvigorate interest in craft-making in South Australia, guild-like professional development programs should be encouraged. We should look to Europe and Britain for the way forward. We should encourage our people to turn their heads away from computer screens and the virtual world and encourage them to once again use their heads and hands to express their imagination and talents. 'Tradition is not the worship of the ashes, but the preservation of the fire.'

CHARITIES

The Hon. G.E. GAGO (15:48): In Australia, we are incredibly fortunate, and we truly live in a lucky country, but no matter how lucky we are, some members of our community still suffer great personal tragedy and hardship. One of the most extraordinary things about our community is how people go through such loss and struggle and can still become some of our community's greatest advocates and change makers, working tirelessly to prevent others from experiencing the pain they have endured. They are indeed an inspiration to us all.

The efforts of these advocates stretch across many pressing issues in our society. From domestic violence to cancer prevention, thousands of lives are touched each year by those who work

to make our communities better places. In many cases, this work saves lives and changes communities. It is impossible to calculate the effects of this vital work or list all of the wonderful Australians and South Australians who undertake it. There are just a few of these people and organisations that I would like to take an opportunity to highlight and thank today.

One example that has been in the media recently is the wonderful work by the Love Your Sister organisation. Its founder Connie Johnson AO tragically passed away recently from her struggle with breast cancer. Her co-founder, her brother Samuel Johnson, has promised to continue to fight cancer in her memory. Before Connie passed away, she inspired a community of thousands and raised vital awareness amongst the community on how to check for breast cancer in its early stages and also highlight the risk to younger as well as older women.

Love Your Sister has raised over $7 million to reduce the incidence of cancer. It has done this using warmth, humour, heartbreaking honesty and inspiration and hope. This work shows how one family's unimaginable tragedy has touched hundreds of thousands of Australians. I am sure the work Love Your Sister does has and will save lives. I cannot applaud the efforts of the Love Your Sister village enough or fully express my sympathy for the loss of such a wonderful woman.

Another charity that does vital work to help women in need is the Zahra Foundation. Zahra Abrahimzadeh, members will recall, was viciously murdered by her estranged husband in front of hundreds of witnesses at a 2010 community event. In 2015, her three children, Atena, Anita and Arman, worked with domestic violence services to establish the Zahra Foundation in their mother's memory.

The Zahra Foundation works to assist South Australian women and children to safely and successfully leave domestic violence; to help victims of domestic violence establish economic independence through specialised financial counselling and financial literacy programs; and to provide small grants for women and the children to cover education costs and costs associated with gaining or maintaining employment.

Many women who leave domestic violence situations suffer financial consequences, and sometimes these consequences drive them back to their abusers or can mean that they never leave in the first place. The Zahra Foundation provides a vital pathway for these women to help escape domestic violence and their work cannot be underestimated.

In 2008, Nat Cook, the member for Fisher, and her partner, Neil Davis, established the Sammy D Foundation after the tragic death of their son Sam from an unprovoked one-punch attack. The Sammy D Foundation works with young people to prevent violence and promote wise decision-making in public and private places. Their work educates young people in South Australia on drug and alcohol related youth violence, providing vital support to young people and their parents.

Young people are guided on how to have fun whilst remaining safe, what to do in emergency situations at parties, for instance, and taught the consequences of violence. The Sammy D Foundation also provides a specialised mentoring service to vulnerable young people.

The impact of the foundation touches many communities and does a great honour to the memory of Sammy Davis, who died way before his time and who has left a lasting legacy in South Australia.

This work and the work of many other groups which I don't have time to speak to today saves lives and positively impacts on our community at every level. I would like to applaud the work done by those who have survived tragedy themselves, taking something which must have been just life shattering and really terrible for them and ensuring that some good has come out of that.

This is something that we all should aspire to. I call on this government and other governments in Australia to continue to work with and support organisations such as these.

MEDICAL CANNABIS

The Hon. K.L. VINCENT (15:53): I speak today on the issue of medical cannabis and, more specifically, on medical cannabis and driving. Three and a half months ago in this place the Dignity Party amended the government's Statutes Amendment (Drink and Drug Driving) Bill 2017 to enable

drivers that use physician-prescribed medical cannabis to be able to use a certified letter from their doctor as a defence if they are charged with a drug driving offence following a roadside lick test.

We made this medical cannabis driving amendment with the measured and sensible support of the Liberal opposition and crossbenchers from the Greens and Advance SA. It was and is a considered, practical and scientifically supported amendment since medical cannabis is a legal, prescribable medical treatment in this state.

Medical cannabis in varying forms is used by South Australians that have often exhausted all other medical and treatment options. Medicinal cannabis can be effective in the treatment of intractable epilepsy seizures, for nausea associated with chemotherapy and other cancer treatments, for chronic pain, and a multitude of other disabilities and chronic health conditions.

In jurisdictions in the United States of America, where medical cannabis has been legalised, in addition to significant economic benefits to those states, there has been a significant reduction in opioid-related deaths and motor vehicle accidents. At this point all of the evidence points to medical cannabis reducing injury and death of citizens that have previously occurred through opioid overdose and motor vehicle accidents in those places.

Since my sensible amendment passed the parliament, both the previous road safety minister and now current road safety minister have engaged in publicly attacking my amendment under the guise, using the rhetoric, of being tough on drugs, or road safety. But this comes from a government that fails to understand the science of medical cannabis and the evidence around driving while using medical cannabis from around the world.

This government has the methods available to it to detect cocaine in roadside drug and alcohol testing, yet it chooses not to, so why attack a legally-prescribed medical substance? Instead, they want to target medical cannabis users when they drive. Many medical cannabis users use cold-pressed medical cannabis oil. Cold-pressed oil contains THC, which is the substance that roadside lick tests can defect, yet cold-pressed cannabis oil is not psychoactive.

To make THC psychoactive, for the THC to make you stoned, as it were, the cannabis must be heated in the manufacturing process or when it is smoked. Cold-pressed medical cannabis oil for this reason is not psychoactive, yet you can have your licence removed for having it present in your body. The road safety minister and this government continue to ignore this, and instead spread misinformation to the community.

Dr Michael White, a road safety researcher, made himself available to speak to all members of parliament and presented a briefing I organised for members back in August. I understand the road safety minister continued to ignore this advice. Dr White, who is also a visiting research fellow in the psychology department of the University of Adelaide, presented last week in Perth evidence to the Australasian Road Safety Conference.

Dr White's research presented last week demonstrates that the presence of cannabis in a driver's system led to a cannabis crash odds ratio of 1:0, meaning that cannabis has no effect on the risk of crashing. It is time for the government and the road safety minister to read and to listen to the evidence, to quit their rhetoric and to support this sensible amendment to the South Australian law, for South Australians who are already suffering enough from pain and fatigue, which untreated can be more dangerous to drive under than if treated by medical cannabis, and to make sure that this campaign and our laws are driven not by fear but by compassion and by science.

Parliamentary Committees

JOINT COMMITTEE ON FINDINGS OF THE NUCLEAR FUEL CYCLE ROYAL COMMISSION

The Hon. D.G.E. HOOD (15:58): I move:

That the final report of the committee be noted.

On 18 May last year (2016), a motion was passed in the House of Assembly to establish a joint committee to consider the findings of the Nuclear Fuel Cycle Royal Commission, specifically considering the establishment of a nuclear waste storage facility in South Australia.

It was my privilege to chair the nuclear fuel cycle committee and inform myself on what I consider to be the most unique opportunity for economic growth and stability for South Australia. I thank the committee members: Ms Annabel Digance MP, the Hon. Tom Kenyon MP, the Hon. Rob Lucas MLC, the Hon. Mark Parnell MLC, and Mr Dan van Holst Pellekaan MP, for their efforts in considering this matter, and of course the committee secretary, Mr Guy Dickson, who did an outstanding job, and the research officers, who have all contributed greatly to the preparation of the final report tabled yesterday.

Prior to the commencement of the committee I was somewhat ambivalent and, frankly, uninformed about this issue and towards the debate around nuclear fuel, whether it be the storage of spent fuel or the use of nuclear energy as a whole.

However, after considering the evidence that was given to the committee, the nuclear fuel cycle royal commission report, conducting research and having conversations with international delegates during our committee visits, the Australian Conservatives have come to the conclusion that it is in the best interests of South Australia that our discussion around a nuclear fuel repository and the potential for nuclear energy should continue. I stress that these are not positions that we say we should definitely proceed and do. We say that we should further explore these opportunities.

The nuclear fuel cycle is an often misunderstood area in our society, and I do believe that, with appropriate education and genuine two-way communication about storage, transport and energy generation, a more robust understanding of the benefits of being involved in the nuclear fuel cycle will be realised. As members would no doubt be aware, I was the only member of the committee to come to the conclusion that we should further continue our investigation of this issue, particularly with respect to developing a nuclear waste repository. All other members of the committee came to the view that we should no longer proceed.

Currently, South Australia's role in the nuclear fuel cycle is limited, of course, to mining and the sale of uranium. We do not produce intermediate or high-level nuclear waste, which means that we have no legal obligations to store waste. That being said, our unique political and geographical landscapes do present the potential to capitalise on this lucrative industry, in our view. The royal commission report has highlighted the potential economic benefit to South Australia in developing a nuclear waste repository as being more than $100 billion, or in excess of that over the life of the project. In other words, a spent fuel repository could bring in something in the order of $5 billion of revenue each year for the first 30 years of its operation.

The royal commission also suggested that accumulating all operating profits in a state wealth fund and annually reinvesting half of the generated interest could lead to a fund worth something in the order of $445 billion in current dollar terms over a 70-year period. These are indeed extraordinary figures. It was estimated that the gross state product would be increased by a significant 4.7 per cent by 2029-30, adding an additional $6.7 billion into the economy and creating approximately 9,600 jobs. This would also add approximately $3,000 per person to the gross state income.

South Australia is in uncertain times. Our industries in what may be termed traditional manufacturing have closed; indeed, Holden closes just this week. Large manufacturers cannot continue in our state, or indeed to be fair probably across our nation in many cases, because of rising power prices and other overhead costs that they face on a daily basis. We are failing to attract new business enterprises, not only to South Australia but to our nation. On top of that, in South Australia we have an unemployment rate that seems reticent to move, although there has been some improvement in recent times.

For all these reasons, at least keeping the option for future investment in the nuclear fuel cycle industry open, in our view, is not only prudent but necessary in order to provide an opportunity for our economy to grow and prosper. As I outlined just a moment ago, some of these figures are extraordinary amounts of money and I guess in the vernacular may be considered gamechangers for our state economy.

We have a unique opportunity in the present climate. Currently, the Asia-Pacific region accounts for one quarter of the world's installed nuclear power. Both China and India will be growth drivers in the energy market, in particular in nuclear energy over the coming years. China has set its target to achieve the most ambitious nuclear power program in the world, with 17 operational nuclear

reactors at the moment and another 25 under construction. Vietnam currently intends to build 10 nuclear reactors by 2030, and it is highly likely that Malaysia, Indonesia, Thailand and the Philippines will follow suit.

With our relative proximity to these emerging markets, it makes sense that South Australia would consider how we may be part of this growing industry. They are, after all, in geographic terms, relatively speaking, on our doorstep. Even if we were not able to share a part of this growing Asia-Pacific industry, there are currently more than 390,000 tonnes of spent fuel rods and nuclear waste in temporary storage around the world, and that amount will grow significantly as the nuclear industry grows. It is estimated that by 2030 there will be some 400,000 tonnes of spent fuel accumulated globally. I believe this to be a conservative estimate. A small percentage of this fuel may be reprocessed. However, despite reprocessing and changing technology in that area, the International Atomic Energy Agency predicts that the waste fuel problem will increase by more than a factor of two between now and 2050. The opportunity is indeed enormous.

Notably, the royal commission estimated that a nuclear waste storage facility would be profitable even if South Australia only secured 25 per cent of the accessible market share, which I have said is ever-growing. While some questions have to be raised about the validity of the market share conclusion of the royal commission—and I think they are reasonable questions—sufficient facts regarding the potential economic benefits for South Australia exist to warrant further investigation to determine the viability of a waste disposal facility in South Australia. The potential for economic growth is too great to simply dismiss this opportunity or ignore it, in our view.

It is, of course, imperative that we consider the safety of both the transport and storage of spent nuclear fuel to ensure that South Australians are in no way jeopardised in our efforts to better the economy. The economy should not trump our safety and security. The evidence provided to the royal commission and the committee regarding safety was compelling, in our view, and indicated that safe transport and storage procedures that have been employed successfully in international locations already exist. There is no reason why we could not duplicate these methods and successfully manage any risks that may arise.

There are, of course, further details around this issue that need to be fully explored, but we are confident that, with the existing technology, this can indeed be done safely. Indeed, in terms of safe storage, there appears to be a near consensus at the scientific level supporting disposal of fuel via deep geological facilities—of course, this was the main focus of our investigation. During his appearance at the committee hearings, Commissioner Scarce reported that there was no possibility of a Chernobyl or Fukishima-type event occurring out of this project, as appropriate oversights exist. To put it simply: we are not talking about a nuclear reactor.

Coupled with careful planning of location to ensure the natural environment benefits, the storage requirement of the repository is appropriate cooling to enable satisfactory breakdown of the transuranium elements. Deep geological disposal combines safety aspects through engineered barriers that are constructed to isolate and contain nuclear waste as well as geological benefits within the region, such as limited or no recorded seismic activity and impermeable soil, which limits damage to, or leakage from, a deep geological disposal site.

The conclusive evidence, as far as the Australian Conservatives are concerned, is that these storage options are safe. They are low risk and therefore feasible for South Australia to continue to explore. Again, I stress that it is not our view that we should rush headlong into this project, but merely that we should continue to explore it as a viable proposition. It has been reported that the geological stability in South Australia is matched only by China and South Africa. However, we enjoy a political stability that our competitors do not. Australia is also a politically acceptable end destination for some countries to send waste: countries that were put to the committee included Taiwan, South Korea and, perhaps somewhat more contentiously, China, Russia and some others.

This provides South Australia with the unique opportunity to capture an unrivalled waste storage market. As I said, it was generally agreed that we have the geological conditions and also the stability in a political sense, which, of course, is so important in these matters. I was initially concerned about the potential dangers in transporting waste, as any reasonable person would be. However, after familiarising myself with the safety testing procedures that occur prior to transport, I

am satisfied that it would be very difficult, if not impossible, to cause a toxic waste spillage during the transport. The committee's work verified this, in our view.

Extensive research and development goes into storage containers prior to the transportation of any of these materials, of course. The South Australian Chamber of Mines and Energy (SACOME) gave evidence to the committee that engineers actually crashed trains carrying containers into concrete barriers, sent jet-propelled trucks travelling at over 1,000 km/h hour into the containers, set them on fire and dropped them from heights with still no breakage recorded. This is quite extraordinary when you think about it and certainly speaks to the level of safety that is addressed in the transport and storage of spent nuclear fuel. I must say, just at a layperson's level, I found the sorts of tests that are undertaken to demonstrate safety in these matters quite impressive.

To further our conclusion of the safety of the transportation, SACOME stated that the risks would be negligible. The Australian Nuclear Science and Technology Organisation (ANSTO) gave evidence that in over 20,000 shipments no accidents led to the release of radioactive materials into the environment. This is a significant number of shipments, obviously, and if there were issues in transportation safety, we believe it is not unreasonable to expect that they would have been seen by now.

The evidence regarding the safety of storage and transportation of nuclear waste is compelling, in our view. The concerns around safety can be managed. Everything is a risk. It is a risk to cross the street. This project will increase job prospects for South Australia and may actually stop so many of our young people moving interstate for well-paid careers. We would be remiss, in our view, to ignore this opportunity, especially when there is evidence to suggest high safety standards and significant financial benefit to our state.

One of the issues raised in various conversations about the nuclear fuel cycle is the community concern regarding the implementation of a waste storage facility. That is, some people, to put it simply, may feel they do not want something like this 'in their backyard'. This is a genuine issue, which would need to be effectively addressed. I read with interest an analysis of the Citizens' Jury Two report which suggested that there was insufficient information to support a yes vote, if you like, for proceeding with the nuclear fuel process or further investigation. That in and of itself does not indicate a definite no to further investigation, in our view, of the option for a nuclear fuel repository or a nuclear fuel industry in South Australia.

What this strongly suggests, though, is that to date there has not been enough information provided to the community in terms which are easily adopted to accurately determine whether this is something the South Australian people would support or not. Ultimately, in our view, it should be a decision of the people.

Of particular interest, it has been reported that a government-conducted statewide survey inquiring as to the potential for a spent nuclear fuel repository in South Australia suggested that 43 per cent of people supported or strongly supported a nuclear waste disposal facility and 20 per cent were undecided. Those numbers are significant and should not be dismissed lightly, as it suggests the potential—I acknowledge the potential only—for up to 63 per cent of people to support this proposition.

What it indicates is that there is a need to further educate the people of South Australia about this opportunity via widespread conversation and engagement and, once that is done, to then gauge whether there is the social and community support to proceed with implementing a nuclear industry in South Australia. Quite simply, in matters such as this, the community must be involved and must grant its consent, if you like, in order for these matters to proceed.

Further to this point, the lack of consent with Aboriginal communities of South Australia has been raised as a key issue preventing support of the proposal and, in our view, warrants further consideration. But I noted with great interest the submission of Keith Thomas, the chief executive officer of SA Native Title Services, who stated that, despite a long history of opposition to the nuclear industry in South Australia by Indigenous South Australians, there was the potential of majority support, in his view.

This submission further supports our view that we should continue to engage in a meaningful discussion regarding the viability of a nuclear industry to ensure that the appropriate level of information is presented to the South Australian community, and not simply a limited audience, before we dismiss the idea in its infancy. It is, of course, possible that with further education the community will still not want these facilities; however, due to the community and economic benefits this technology offers, in our view it is imperative that we continue with further dialogue and investigation.

One issue raised by the citizens' jury was their concern over the potential to damage our so-called clean, green image. Of course, as was noted widely in the media at the time, Lindt chocolates were distributed at one of the meetings of the citizens' jury, and then it was divulged that the Lindt chocolate factory that produced the very chocolates that the individuals of the citizens' jury were consuming was actually a factory which is very close to a nuclear reactor. There was no concern, of course, amongst the members of jury in accepting the Lindt chocolates. Indeed, I am sure all members of this chamber and those listening have had one or two Lindt chocolates over their lifetime, so far without ill effect, except maybe a little too much around the tummy.

Similarly, whilst we were travelling with the committee, we stopped in the famous Champagne area in France, a world-renowned region, of course, and indeed the only region of the world that can use the word 'champagne' to promote its products. It may surprise some members and those listening to learn that this is actually situated in very close proximity to a nuclear reactor. Again, there are no concerns about the produce from the Champagne region—or certainly I have never heard any.

The Hon. G.E. Gago: It doesn't bring the prices down.

The Hon. D.G.E. HOOD: It does not bring the prices down—that is a good point from the Hon. Ms Gago. The sale of champagne, just like the sale of Lindt chocolate, regardless of their close proximity to nuclear facilities, has apparently not been impacted by this technology. One could infer, naturally, that the sale of our products and our image would also not be affected. That said, I do not wish to downplay that as a genuine concern. We believe that issue would need to be addressed satisfactorily but if we look to the examples overseas, I think it provides a great deal of comfort that such, if you like, internationally renowned brands like Lindt, and I would say especially champagne, are regarded as very high-level, if you like, desirable products, despite the fact that they are very close indeed, in some cases extremely close, to nuclear facilities.

I noted with interest an article co-written by Barry Brook, a professor of climate science, and Ben Heard a doctoral student, both from the University of Adelaide. It stated:

> Radioactive waste is not automatically more hazardous than other waste. Indeed, it is demonstrably less hazardous than the organo-chlorine pesticides, poly-chlorinated biphenyls and heavy metal mixtures that also feature in Australia's hazardous waste portfolio.

This suggests, and I think clearly says that nuclear waste is not so much the issue as the perception of nuclear waste, or certainly I think one could create that case. We have significant and dangerous wastes in our community which are effectively managed, just like nuclear waste could be, in our view.

The reality is that we have nuclear waste already existing in our community; albeit, to be fair, low-level waste in our hospitals predominantly, and maybe some medium-level waste. Some of this even exists in the Adelaide CBD. We store it on premises because there are not sufficient storage facilities in South Australia or elsewhere. We, as a nation, create medical waste which at times has to be shipped off to France for reprocessing which, in our view, is absurd when we have the potential to do that here. Of course, we understand the federal government is moving in that direction to create storage for low and potentially medium-level waste.

Currently, we are only involved in the first phase of the nuclear cycle as a community and that is, of course, in the mining of uranium. However, in our view (the Australian Conservatives' view) we are missing out on the wider and, indeed, more lucrative industries, being waste storage and possibly—although this is somewhat contentious, obviously—even nuclear power generation. I draw the chamber's attention to the fact that the royal commission did not rule out the potential for nuclear power in our future. The first and foremost issue regarding nuclear power, of course, is that of cost.

This is an unscientific example, I confess, but I will give more scientific documentation in a moment. In our travels, I had a discussion with a French delegate during our overseas visit to his beautiful country, and I asked him how much his power bill was. His monthly power bill, with a family comparable to mine in terms of numbers in the family, was approximately one-tenth of what we are charged in South Australia.

The main reason their power bills are so low, of course, is that they use nuclear power as the predominant source of power in the nation. The contrast is that, of course, in South Australia we rely on other types of power. We have some of the highest power prices in the world. Although I understand we no longer have the absolute highest, we are still in the very high range. Of course, we also have reliability issues in our system that I think are becoming increasingly well known. We have considered the cost of various energy sources and the figures are quite conclusive.

The Institute of Energy Research in America has said that nuclear power has the lowest energy production costs, at 2.1¢ per kilowatt hour, compared to coal at 3.23¢ per kilowatt hour, and natural gas at 4.51¢ per kilowatt hour. The cost of nuclear power in this example is around half of that of natural gas and yet we are introducing a gas-powered power station into our already overpriced electricity grid without appearing to have any serious consideration of other forms of energy like coal which, of course, the committee did not examine, but also nuclear power.

Similarly, total system costs based on American models which would be indicative of South Australian models, suggest nuclear is the lowest priced option. The models show a nuclear energy facility would cost $108 per megawatt hour of electricity produced; natural gas plants, which vary in cost and efficiencies, peaks at $130 per megawatt hour; solar energy at $144 per megawatt hour; and wind at $221 per megawatt hour.

South Australian statistics for 2010 from the Electric Power Research Institute—the term they use is 'levelised cost'—suggest that the levelised cost of energy for coal-fired electricity is somewhere between $78 and $91 per megawatt hour. Combined gas turbines are $97 per megawatt hour, wind is much higher at $150 to $214 per megawatt hour, and your average five megawatt solar photovoltaic system costs between $400 and $473 per megawatt hour, all costs considered.

There are some estimates for combined gas turbine power plants which are as low as $89 per megawatt hour, such as was suggested by the Australian Energy Technology Assessment report in 2012; however, I think the chamber's attention needs to be drawn to one crucial piece of information when considering electricity generation from gas, and that is that the variable cost for a natural gas plant is, of course, highly sensitive to fuel fluctuation prices. It is my understanding that nearly 90 per cent of the production costs of an actual gas plant come from fuel, whereas the fuel in a nuclear energy facility represents just 31 per cent of the production costs. The price, therefore, is relatively stable.

The Australian Conservatives are supportive of the use of gas turbine power plants; however, our goal is the most reliable and cost-effective power generation available. That is what we seek to achieve, and I think that is what our society deserves. To be fair, the statistics I have quoted vary somewhat in defining the actual cost of each energy source, but what they do effectively show is that nuclear fuel can be consistently lower than other forms of energy production, as evidenced by the statistics from reputable sources that I have just read out.

Considering South Australia more specifically, the royal commission found:

> The introduction of a large nuclear power plant into the South Australian region of the National Energy Market in 2030 as a baseload plant would have an immediate impact by reducing the wholesale regional reference price of electricity in South Australia. It would be reduced by about 24 per cent or $33 per megawatt hour under the strong carbon price scenario. In comparison, the introduction of a small modular reactor into the South Australian region of the National Energy Market in 2030 would be expected to reduce wholesale prices by approximately 6 per cent or $8 per megawatt hour.

It continued:

> In contrast, the integration of combined cycle gas turbine, or gas turbine with carbon capture and storage, does not have any impact on wholesale prices. That is because these generators do not operate in periods of increased supply from renewables or low demand, but only operate when the wholesale price of electricity is greater than their cost of operation.

The World Nuclear Association states:

> Nuclear power plants are expensive to build but relatively cheap to run. In many places, nuclear energy is competitive with fossil fuels as a means of electricity generation. Waste disposal and decommissioning costs are usually fully included in the operating costs. If the social, health and environmental costs of fossil fuels are also taken into account, the competitiveness of nuclear fuel is improved.

It continues:

> On a levelised (ie lifetime) basis, nuclear power is an economic source of electricity generation, combining the advantages of security, reliability and very low greenhouse gas emissions. Existing plants function well with a high degree of predictability. The operating cost of these plants is lower than almost all fossil fuel competitors, with a very low risk of operating cost inflation.

It is pertinent to note that France has one of the lowest electricity prices in the whole of Europe and has extremely low carbon dioxide emission from electricity generation per capita, due to the fact that approximately 75 per cent of their power is generated from nuclear and 15 per cent from hydro plants. France is currently the world's largest net exporter of electricity, and that is due to its low cost of power generation. Power exportation nets France over €3 billion per year. This is a considerable sum. Of course for those who have concerns over emissions, it is important to note that nuclear energy is virtually emission-free.

We need to consider ways to effectively manage our power crisis. Our issues are twofold: electricity is unaffordable for some and, indeed, expensive for almost everyone; and our supply is unreliable. Nuclear fuel is one of the most affordable power supplies currently available and, because it contributes to baseload, it is highly reliable. The royal commission suggested that nuclear power may be a viable option to combat the power crisis we find in South Australia. The Australian Conservatives believe that at the very least it warrants further investigation.

The commission considered major accidents and issues regarding reactor safety but was satisfied that there was sufficient evidence of safe operation and improvements within the industry to warrant further considerations of nuclear power going forward. We cannot be flippant about this. Of course, there have been significant nuclear accidents around the world over the years, and the Australian public—indeed, the Australian Conservatives—would need to be satisfied that the risks were very low, as the benefits appear to be substantial.

Australia has agreed to reduce its carbon footprint and has heavily relied upon renewables without appropriately meeting the requisite base load to ensure that we have consistent and reliable power at all times. Maybe that day will come when renewables are able to do this more consistently than they currently do, but that is the current situation.

Base load generators such as coal and nuclear are typically operated to maintain a constant level of generation and, therefore, are most profitable when required to meet a steady and predictable level of demand. Wind farms feed peaking power into the grid—that is, the power provided periodically to meet peak demand—but they are not suitable for base load in general terms unless their power is stored somewhere which is necessarily during peak periods. The irony of wind turbines, which may not be widely known, is that they are often needed during storms to meet peak demand. That is frequently when wind turbines have to be shut down as they are not constructed to operate in severe conditions. It is an unfortunate situation and further reduces the availability of power to the grid.

Possibly even more concerning is that peaking generators are profitable, and this provides the opportunity for corporations to make what we believe are unfair profits. Even in instances where they operate for a few days a year, they can be profitable because they are able to charge a much higher price per kilowatt to the consumer than would have been charged if they were using base load consistent power. This further increases the already exorbitant and unmanageable power prices for the ordinary Australian and South Australian.

Around the time of the Port Augusta power station closure, the then chief executive of the Australian Energy Council, Matthew Warren, said that the state would have less back-up energy available on days of peak demand, meaning that we would rely heavily on Victoria for base load whilst placing an ever-increasing demand on our renewables at a higher cost to the taxpayer. He

further said that South Australia was 'in unchartered waters' and that we now face an increased level of risk to our energy supply, a risk that has not been seen anywhere before.

Regardless of these warnings, we decommissioned the Port Augusta power station without what seems to be an appropriate alternative, in our view. Not only was the Northern power station relatively new in terms of how one judges power stations, Alinta even offered to keep the power station running for just $25 million, a relatively low amount of money when one considers the costs of energy in general. It is a cost which seems negligible when comparing to the reported cost of the $550 million plan currently being pursued which is some 22 times more expensive.

So far in South Australia, we have had a couple of short to medium-term solutions which have been put forward by the government, and there is the gas-powered station at Torrens Island which we support. As I have already stated, the cost of gas power is variable due to the market price of gas at any given time and is considerably higher per megawatt hour than that of nuclear power, and indeed that of coal. So, whilst it improves the current situation somewhat, there is a better way forward in our view to improving our electricity supply and the cost of that supply to individuals.

Of course, we have many other solutions that have been put forward including the Tesla lithium ion battery. This is further pursuing the sorts of renewable options which have been put on the table. We understand that the battery will supply close to 10 per cent of the state's energy for almost an hour, so it is hardly a provider of a long-term solution, but to be fair, it is not designed to be, of course.

The freak storm last September which led to the statewide power outage was debilitating to South Australia. Whilst 22 transmission towers were knocked over, which affected the supply of power, the situation still remains that the connection to the Hazelwood station overloaded preventing our back-up from working as planned. Therefore, we had the embarrassing situation of being an entire state without power. We now face the imminent closure of the Hazelwood power plant and genuine questions remain about where our back-up power is going to come from and specifically where the base load will be coming from.

Nuclear power provides a low carbon energy source which the royal commission considered to be comparable with other renewable technologies in terms of its emissions. The commission noted that to have an effective nuclear power industry we would need to take action now for its future implementation. There certainly are many benefits to nuclear power, some of which I have already stated. Ultimately, though, whatever way you look at nuclear power, we believe that it comes down to the community's decision, but in our view the facts speak for themselves.

Nuclear power is reliable. It increases much-needed base load, it is relatively safe and efficient, and it is cost-effective over the life of the plant. There are no options in South Australia that compare to what nuclear power can offer and I urge the government to be proactive in continuing to at least examine these issues rather than relying on other solutions which currently have proven somewhat unreliable and have certainly led to increased prices. We need a genuine solution to the power crisis that South Australia faces.

In concluding, the views of the royal commission are a reasonable starting point for a continuing discussion for South Australia to host a commercial spent fuel repository, in our view. The potential economic benefits to the state are compelling and cannot easily be dismissed. The committee received evidence from individuals who had concerns about safety aspects of the storage of spent fuel; however, in our view, these concerns alone are insufficient to warrant a decision to not pursue the proposal regardless.

International evidence has shown that the risks associated with the storage of nuclear fuel can be successfully managed and have been over many years. South Australia could adopt international best practice in this area. Again, we urge the government to be proactive in pursuing a proposal of a nuclear waste storage facility in South Australia. In our view, the benefit outweighs the concerns, and it is a worthy issue to consider moving forward into a new area of commercial activity. The Australian Conservatives are committed to ensuring that South Australia's energy grid is secure, but we cannot say that of the current situation.

Improvements have been made and we acknowledge that, but in our view much needs to be done. Our statewide blackout a year ago, is estimated to have cost the state some $367 million. Production was shut down, industries took weeks to recover and financially some probably are still trying to recover from the loss that they faced. We do have an energy crisis which needs to be addressed, and the fact of the matter is that our people, our fellow South Australians, are struggling to keep their head above water financially and high power prices simply do not help. We cannot keep increasing the cost of utilities and expect that we can have a state that can compete both with other states, and I think probably even more importantly, internationally.

High power prices undermine our economic competitiveness with other states and with our international competitors. We need to be looking for a viable electricity solution, starting with increasing our base load and also decreasing the cost of that particular energy source. I would also ask the government to give serious consideration to coal generation, which I think is unlikely, and even nuclear power, as an option for exploration, and continue to at least discuss this at a federal and international level. Again, nuclear power has very low emissions compared to other types of renewable energy.

The estimated cost savings are compelling, and anything we can do to ensure reliable cost-effective electricity for our state will go a long way to enticing industry back to South Australia. We need an effective electricity plan going forward. Reliability and cost efficiency are two seemingly obvious features which are missing from our current structure and it is time that alternative and better methods for electricity production are implemented. I do note that the announcements from the federal government in the last 24 hours go some way to achieving this, although only partly.

I commend the government for their efforts in considering increasing their role in the nuclear fuel cycle and would strongly encourage them to continue dialogue with the people of South Australia on the topic of a nuclear waste repository at the very least.

In my closing remarks, I stress that this is something that we believe warrants further pursuit, not necessarily that our state should rush headlong into this as the solution or the saviour, if I can put it that way, but we genuinely believe that there is an opportunity here. We are talking amounts in excess of $5 billion per annum, even by conservative estimates. If that is true and those numbers add up, and if further investigation can justify those numbers and bring a level of credibility to them, then in our view we should certainly be pursuing that opportunity.

The Hon. M.C. PARNELL (16:34): The notion that South Australia could become fabulously wealthy if only we would agree to take the world's high-level nuclear waste was ill-conceived from the very beginning. The committee heard evidence about previous attempts to establish nuclear waste dumps in other parts of the world and in Australia. Those attempts have mostly failed because the fundamentals just do not stack up. The liability lasts forever, the technology is unproven and risky, the economics are flawed and the public do not want it under any circumstances, according to the South Australian citizens' jury. So, this current proposal for South Australia has predictably and properly gone the way of its predecessors and it has been comprehensively dumped.

Whilst the Greens welcome the inevitable abandonment of this project, it has come at a significant cost to the community. Millions of dollars of public funds have been wasted pursuing this folly, and the community is rightly angry that other worthwhile projects and other investigations have suffered through this unnecessary distraction from the real issues that are facing South Australia.

The committee only had one recommendation that received majority support. That is the recommendation that no further public money be spent on a nuclear waste dump in South Australia. Hear, hear! That is a good recommendation. I fully support that. It was a waste of money and let's not waste any more. But there are a number of other lessons that we should learn from this process. When I say 'this process', I mean the royal commission into the nuclear industry, the government's consultation program, the citizens' jury, as well as the joint parliamentary inquiry that I was privileged to be part of.

Another recommendation I think the committee should have adopted refers to the fact that the law that currently prohibits nuclear waste dumps in South Australia was tinkered with last year in order to assuage the nervousness of the government that it might be breaking the law if it was to spend public money on consultation. So, we changed the law. We put in a special clause that says

you are not allowed to use public money promoting a nuclear waste dump, but you are allowed to consult the community. We put that clause in. Now that the consultation has finished, now that the government has spoken, the opposition has spoken, and the people have spoken through the citizens' jury and through other surveys, let's put the act back to where it was before. Let's put it back so that there is no doubt about the prohibition on nuclear waste dumps in South Australia.

A third recommendation I think the committee should have adopted is one that relates to the relationship between the federal and state government. It became apparent very early on that the state was off on a frolic of its own. It was embarking on this major investigation about having a nuclear waste dump in South Australia when everyone knew that the bulk of the laws that regulate these things are at the commonwealth level.

The question that was then asked of the state government was, 'Have you been talking to the feds? Have you been talking to your colleagues in Canberra?' 'Oh, no, we haven't done that.' We got millions of dollars into the process, months into the process, and still we never had a single assurance from the commonwealth that they were on board with this project, that they were inclined or likely to give any of the authorities, permits or licences that would be needed to have a nuclear waste dump in Australia.

Another recommendation I think the committee should have adopted is one that relates to nuclear secrecy and improving scrutiny. It comes largely, I think, from the findings of the citizens' jury where, as I said, two-thirds of them, 350 people, had a strong conviction that South Australia should not pursue the opportunity to store and dispose of nuclear waste from other countries under any circumstances. That is a pretty bold statement.

However, the jury also found that there was a lack of trust in the state government and that the state government had a track record of poor performance when it came to managing issues relating to the nuclear industry. The recommendation that should flow from that is that the government should now review all of its nuclear related legislation with a view to removing the secrecy provisions and the exemptions. The aim should be to open up the nuclear industry to greater public scrutiny. That is the only way to rebuild any public trust, if there ever was any, in the government's competency as a regulator in this area.

Another recommendation I think the committee should have adopted—the Hon. Dennis Hood referred to it—relates to the Aboriginal communities. That was a big part of the discussion. Many parts of the Aboriginal community were very upset that they were not adequately consulted during the process. Ultimately, that fed through into the citizens' jury finding that this project was really so half-baked that it should not be proceeded with.

So, my recommendation would be that any future proposals for major developments of any kind, industrial in particular, that are likely to impact on traditional lands and the cultures of Aboriginal people, should always be subject to a comprehensive community engagement program that allows all people to participate in the decision-making process in a manner that is inclusive, respectful and culturally appropriate: that is the least we can do, and it was not done in this nuclear waste dump proposal.

The next recommendation relates to the royal commission. I maintained from the outset that the royal commission was the wrong tool for the type of inquiry that the government wanted to undertake. Using a royal commission under the Royal Commissions Act 1917 was unnecessarily formalistic and legalistic and was inappropriate for the nature of this inquiry. For example, the requirement for all written submissions to have to be sworn before a justice of the peace or some other authority before it could be accepted was misguided and put an unnecessary barrier in the way of public participation.

For example, my submission to the royal commission was rejected. I am a barrister and solicitor of the Supreme Courts of South Australia and Victoria, am admitted as a practitioner of the High Court of Australia and am a commissioner for signing affidavits, yet my submission was rejected because I did not go and see the clerk or one of the other JPs to validate the submission I was putting in. I told Commissioner Scarce that he did not need to do this, that he was putting unnecessary barriers in the way, but at the end of the day they did what they did—I think it was the wrong process.

Most importantly, though, the commission never once used the extensive coercive powers that royal commissions have in the conduct of this inquiry. Let's think about it: the power to get reluctant witnesses from Rome (or wherever they might be), bring them back to Australia, quiz people who do not want to have questions asked of them—that is what royal commissions do best: coercive powers, reluctant witnesses, make them answer. This was effectively an inquiry where people were desperate to have their say—they wanted to have their say. They put in their submissions. There was no need to subpoena, if you like, anyone to come and give evidence.

I think that overly formal attitude of the royal commission fuelled concerns in the community that it was elitist and that it was not open to hearing a range of divergent views. So, my recommendation would be that any future proposals that involve complex economic, social or environmental issues should look for a tool more fit for purpose than is a royal commission, and we should limit royal commissions to those situations where the use of statutory powers clearly are necessary, such as compelling reluctant witnesses.

The next recommendation I would make is in relation to how inquiries, in this case a royal commission, choose the experts to advise them. What we saw with the royal commission is that they had a number of paid consultants—paid by you and I, the taxpayers—and they engaged these consultants who had clear, ongoing connections with the nuclear industry, often as lobbyists for the industry. We paid these people to advise the royal commission and, ultimately, advise the government and the parliament about the desirability of a nuclear waste dump.

The fact that the royal commission provided considerable weight to the findings of these consultants cast further doubt, in my view, on the independence and rigor of its analysis. In particular, the lack of any second opinion on the question of the financial viability of the proposed nuclear waste dump was a serious credibility problem for the royal commission.

I say that because I think that even the Hon. Dennis Hood in his contribution would agree that the only reason that was really advanced to do this was that it was a potential economic opportunity. Only one economic analysis was done. Sure, the committee I was part of got further opinions, we sought them, but the commission did not, and I think that was a flaw. So, we need to keep vested interests at arm's length—we do not want them running the show.

I also believe that the royal commission failed in, I think, its elitist approach to this inquiry by not giving everyone who wanted an opportunity to be heard that chance. We had a number of national and state conservation groups that basically said, 'The royal commission refused to hear from us.' I have put this personally to the commissioner. His view was that he did not think many of these people had anything new to add, and so he did not hear from them. Imagine how that would work if we tried to do an inquiry like that in parliament. Inquiries 101, the stakeholders who want to be heard, give them a chance to be heard! It is not rocket science. Then people scratch their heads and say, 'I wonder why the citizens' jury thought that this was a bad idea?' The royal commission was the architect, in many ways, of its own defeat.

I think the recommendation should be that in all future inquiries, of whatever type, make sure that all the divergent views are heard. Do not tell Friends of the Earth or the Australian Conservation Foundation or the Conservation Council that they are not required to give evidence because, for example, 'We've seen your written evidence; we don't need to bring you in in person.' Whereas, the proponents were allowed in person to give evidence on multiple occasions. It was an own goal of catastrophic proportions.

I am delighted that this process is almost over. I have described it as not the nail in the coffin of the nuclear waste dump, but the penultimate nail, because we still in this parliament have to deal with the legislation. The legislation was tampered with last year to allow this process to go ahead. Now that the process has run its course, we need to put the legislation back where it was. That will be the final nail in, I think, a very sorry chapter in South Australian history: how to waste tens of millions of dollars on something that was never going to amount to anything, ever.

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

LEGISLATIVE REVIEW COMMITTEE: ANNUAL REPORT 2016

The Hon. J.E. HANSON (16:48): I move:

That the report of the committee be noted.

The Legislative Review Committee is pleased to present the committee's 2016 annual report. The annual report provides information about the committee's consideration of regulations referred to the committee in accordance with section 10A of the Subordinate Legislation Act 1978 and the committee's inquiry work.

The committee met on 19 occasions in 2016 and inquired into and considered some 282 regulations, 44 court rules, two other rules and 87 by-laws. The committee also asked representatives of six public sector agencies, the Law Society of South Australia, the Aboriginal Legal Rights Movement and the Supreme Court of South Australia to appear before the committee to assist the committee's inquiry and consideration of 10 regulations. In addition, the committee asked representatives of the Local Government Association to appear before the committee to assist with the committee's consideration of three by-laws.

In relation to the committee's inquiry work, the annual report includes information on four inquiries conducted by the committee in 2016. The committee tabled final reports in relation to two of these inquiries. On 12 April 2016, the committee was pleased to table, in both houses of parliament, a report of its inquiry into the Sexual Reassignment Repeal Bill 2014. On 19 October 2016, the committee was pleased to table a report of its inquiry into an amendment to the Births, Deaths and Marriages Registration Regulations 2011 to enable de facto relationships to be recognised on the register recording the death of a person.

The committee also continued with a review of its inquiry into the partial defence of provocation. This review was referred to the committee on 13 May 2015 following a decision by the High Court to set aside the Supreme Court of South Australia Court of Criminal Appeal judgement in R v Lindsay. On 8 March 2016, the committee tabled an interim report in both houses of parliament. In the interim report, the committee concluded that it would not be prudent to make further recommendations and findings until legal proceedings involving Mr Lindsay had concluded. At the end of the reporting period, the review was ongoing.

In August 2016, the committee commenced an inquiry into the operation and impact of the Graffiti Control (Miscellaneous) Amendment Act 2013, an amendment to the Graffiti Control Act 2001. The inquiry was required by section 14 of the Graffiti Control Act 2001. At the end of the reporting period, the inquiry is ongoing.

I thank the members of the committee for their work in 2016, including those from the Legislative Council, namely, the former presiding member, the Hon. Gerry Kandelaars MLC; the Hon. John Darley MLC; and the Hon. Andrew McLachlan MLC. From the other place, I thank Mr Lee Odenwalder MP, member for Little Para; Ms Annabel Digance MP, member for Elder; Ms Nat Cook MP, member for Fisher (following Ms Digance's resignation from the committee in 2016); Ms Isobel Redmond MP, member for Heysen; and Mr Sam Duluk MP, member for Davenport (following Ms Redmond's resignation from the committee in October 2016). Recently, we have also had Mr Jack Snelling, member for Playford, but only for one meeting.

I also thank staff for their service during the year, including Mr Matt Balfour, the committee's secretary, and Mr Ben Cranwell, the committee's research officer. I commend the report to the council.

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

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT 2016-17

The Hon. T.T. NGO (16:53): I move:

That the report of the committee be noted.

During the past year, the committee has been fortunate to hear from many Aboriginal leaders, representatives and organisations across South Australia. It has been our privilege to listen to the lived experiences of Aboriginal people across South Australia, and we are most appreciative of people giving so freely of their time and stories so that we might better understand the needs and aspirations of Aboriginal South Australians.

We heard formally from 26 witnesses during this reporting period, and we are pleased to note the progress of the stolen generations independent assessor, the Hon. John Hill, in his work on the Stolen Generations Reparation Scheme. This committee continued to have a vested interest in this activity given our pivotal role in advocating for and seeing this initiative come to fruition.

We have heard about the progress of the treaty consultations undertaken by Treaty Commissioner Dr Roger Thomas, matters relating to ear health and renal dialysis on the APY lands, access to interpreters for people in the criminal justice system, electoral provisions under the new APY Land Rights Act and also a number of specific matters relating to the Aboriginal Lands Trust SA. All witnesses provided the committee with valuable and insightful information. We are most appreciative of the time and input provided.

The committee took the opportunity to visit a number of Aboriginal communities on the Far West Coast and in the Far North of the state. We were kindly hosted by many Aboriginal and community organisations on our travels and are most appreciative of the time they gave to the committee away from their everyday work and commitments.

Whilst on the Far West Coast, the committee saw the enterprise development work being generated at the Scotdesco Aboriginal Community and the business and investment growth of the Far West Coast Aboriginal Corporation. We also heard of their recent signing of the Aboriginal regional authority agreement with the state government and their vision for the Far West Coast region.

The Far West Coast trip provided the committee with the opportunity to see firsthand the work of the Ceduna Aboriginal Corporation's youth hub, and the vibrancy of youth activity in this centre was inspiring. We also visited the Ceduna Day Centre, which provides those most in need with medical treatment, substance misuse counselling and referral services, hot meals and diversionary activities. The committee was most impressed with the community paramedic initiative, observing its operation within the day centre service in Ceduna. The benefits of this initiative were seen to be boundless and providing a very real, practical and immediate positive difference in people's lives.

Whilst in the region there were considerable discussions about the Indue cashless welfare card introduced by the federal government. These discussions provided the committee with arguments and lived experiences that both supported and criticised this initiative. The committee acknowledges that this initiative has created considerable debate locally and nationally and will remain connected on this topic and its impact on Aboriginal South Australians.

During this reporting period, the committee was also most graciously welcomed to the Anangu Pitjantjatjara Yankunytjatjara lands (APY lands) by local community leaders, the APY Executive members, service providers and individual members of the community. The committee visited Kaltjiti, also known as Fregon; Pukatja, also known as Ernabella; Amata; and Umuwa. All communities were generous in providing time out of their day to meet and show the committee their community, talk about their concerns and share achievements.

Across APY communities there were common themes, including the desire for Anangu to play a greater role in local decision-making to be in greater control of what happens in their communities. The communities also expressed common experiences with the current model for the community development program and the current work for the dole scheme, expressing a desire for the federal government to revisit its thinking about how this scheme works in remote areas. However, overall, the greatest area of discussion was the desire for greater employment opportunities for Anangu locally.

We also saw firsthand the progress of the APY road upgrade with visits to a crushing site, a section of road resurfacing and the TOLL administration sites. These site visits provided a valuable opportunity to see the work, both physically and culturally, undertaken to ensure that not only are the goals of the infrastructure upgrades met but that the Anangu land and culture are respected in this process.

Of special significance to me and the committee was the very unique and special opportunity we had of being able to undertake a guided tour of the Caterpillar Dreaming and Cave Hill sites. Both these experiences provided the committee with precious stories of the spiritual and ancestral

connection between Anangu, land and country. Our appreciation goes to our guides at both of these locations.

The committee's commitment to Aboriginal affairs and looking into matters affecting the lives of Aboriginal people extended beyond community visits and witness appearances, with members showing support by attending many key events throughout the year. I also mention that there has been a number of significant losses or passings within the South Australian Aboriginal community this past year, and the committee has paid its respects to these families during these difficult times.

I would like to take this opportunity to acknowledge all committee members and staff, especially my colleagues—the Hon. Terry Stephens, the Hon. Tammy Franks, Dr Duncan McFetridge MP, Eddie Hughes MP, and Mr John Gee MP—for their support and commitment to the committee and the Aboriginal people. I also acknowledge past and present committee members and staff for their commitment and dedication to the work of this committee.

Finally, I would also like to thank all the Aboriginal communities, organisations and their representatives who have given their time, assisted with our visits and provided valuable insight to the committee during the year.

The Hon. T.J. STEPHENS (17:03): I would like to concur with the words of the Hon. Tung Ngo, the Presiding Member of the Aboriginal Lands Parliamentary Standing Committee. I agree with everything that he has said, but there is one other point that I would like to make, and that is the work of the committee in consistently pushing for kidney dialysis on the APY lands. Our committee has been relentless and will continue to be so. I know that advances have been made but those advances, especially within SA Country Health, have been far too slow.

We will be like terrier dogs at the bone and we will to continue to make sure that kidney dialysis on the lands comes sooner rather than later. I concur with the words of the Hon. Tung Ngo, but there is one particular project that the Aboriginal Lands Parliamentary Standing Committee has its sights firmly set on and we will be relentless.

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

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: HOME CARE OF SOUTH AUSTRALIANS WITH A DISABILITY AND ELDERLY SOUTH AUSTRALIANS

The Hon. J.E. HANSON (17:04): I move:

That the briefing report of the committee, on work health and safety concerns related to the home care and support of South Australians with a disability and elderly South Australians, be noted.

I think we need to look at some grammatical changes to the names of committees, Mr President. I have moved that the 29th report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation be noted. This is a briefing report that considers some of the potential work health and safety implications pertaining to community and personal service workers who help elderly South Australians and those living with a disability to be cared for and supported in their homes.

This was a topic of interest to the current committee because community and personal service workers face a range of work health and safety issues due to the nature of their work and the demand for their services. Given the limited number of sitting weeks before parliament prorogues, the committee resolved to produce this briefing report for the purpose of informing a future committee about issues it might choose to inquire into during the 54th parliament.

Due to demographic changes and the decline of available informal care options, the formal care workforce will need to increase substantially in forthcoming years. The majority of workers in these sectors are older females, who work part-time for low wages and who are subject to myriad awards and varying terms and conditions of employment. A wide range of occupations exists within the disability and aged-care sectors, but the focus of this briefing report centres on community and personal service workers. The report focuses on this sector because the aged-care census estimated that community and personal service workers represent 83.8 per cent of the direct care workforce.

There is currently a shortage of skilled community and personal service workers. This is expected to intensify in future years as demand for services increases. Technological advances may assist carers and medical personnel to monitor older people and people with a disability who wish to continue to live independently; however, these advances will not eliminate the range of activities performed by carers to support these individuals.

The reality is that caring for older people and people with a disability is labour-intensive and requires a variety of skills. The disability and aged-care sectors compete with each other for care workers and with other health and social community service sectors in the economy. Carers usually have more than one client and perform a range of tasks according to the client's case management plan. This means that carers work varying hours and are usually unsupervised. Because the work is often part-time and the wages low, workers may work for more than one employer.

The main activities undertaken by community and personal service workers are to assist individuals with their activities of daily living. This includes getting the individual in and out of bed, assisting them with bathing, toileting, domestic chores, taking them shopping, and facilitating their engagement in social activities. Therefore health and safety concerns for carers in community and personal service include:

- fatigue due to split shifts, excessive hours when employed by more than one employer;
- manual handling issues (moving clients, equipment, furniture);
- aggression from clients who may have behavioural problems;
- motor vehicle accidents from transporting clients and driving to and from clients; and
- being exposed to the passive smoke of their clients.

The briefing report, therefore, found that community and personal service workers are faced with an array of injury risks. On this point, injury data reveals that there are inherent physical and psychological work health and safety risks associated with this sector. According to SafeWork Australia, the health care and social assistance industry recorded the most serious injury claims in 2013-14, with a total of 18,340 injuries. This total represents an increase of 20 per cent since 2000-01, and the highest proportion of serious injury claims of all industries.

Moreover, Safe Work Australia records show that the number of serious injury claims made by community and personal service workers in 2014-15 had increased by 30 per cent since 2000-01, while most other occupations showed a decrease over that time. Given the need for more skilled community and personal service workers and the nature and extent of injuries they experience, a future committee may wish to consider undertaking an inquiry to learn more about the work health and safety issues and preventative strategies required to reduce injuries and encourage employment in the community and personal service sector.

I thank those who took the time to contribute to this briefing report. I also thank the members who have worked diligently to ensure a balanced approach in canvassing these important issues that stand to affect many South Australians. I thank the Hon. John Darley and the Hon. John Dawkins. From the other place, I extend my thanks to the committee's Presiding Member, the member for Ashford, Steph Key. I also thank the member for Fisher, the member for Wright and the member for Schubert.

Finally, I express my appreciation to the committee staff, firstly executive officer, Ms Sue Sedivy. Ms Sedivy has been with the committee for a number of years and has taken some well-earned leave. I thank Mr Peter Knapp, who has been the committee's research officer and who has been providing additional assistance to the committee in Ms Sedivy's absence. Finally, I thank Ms Peta Spyrou, the committee's current research officer.

The Hon. J.S.L. DAWKINS (17:11): I rise very briefly to endorse the remarks of the Hon. Mr Hanson and to commend the report to members because it is an area that we all have to turn our minds to, not only as we age ourselves but as we deal increasingly with constituents who are dealing with these issues. Certainly, that is something that I have come across in more recent times. I concur with the honourable member in that for some time a number of us have been grappling to find a more

concise and more descriptive name for the committee. Not only is the name of the committee very longwinded, on this occasion it is matched by the even more longwinded name of the inquiry.

I also want to mention the work of Ms Sue Sedivy, who has been the executive officer of the committee, until very recently, for the entire time that I have been on the committee. In fact, for the great majority of that time she has been on her own. I pay great tribute to Sue and wish her every best wish. I also commend the work of Mr Peter Knapp, who has picked up the baton very quickly in an acting executive officer role, and I commend him for that. I am very happy to commend this motion to the chamber.

Motion carried.

Motions

RETIREMENT VILLAGES

The Hon. M.C. PARNELL (17:14): I move:

That this council—

1. Condemns the government's misuse of major development status to undermine local planning policy and to disempower local communities in relation to their legitimate concerns over development in their neighbourhoods; and

2. Calls on the government to not approve any retirement villages or aged-care facilities as major developments and allow them instead to be assessed in the normal way against the objectives and principles of development control set out in existing approved development plans.

I thank the council for its indulgence in shuffling a number of items around on the *Notice Paper* today because, as members have been aware, for the last hour and a quarter we have had a large number of people sitting in the gallery who have come specifically to hear this item, so I thank the chamber. It also logically flows from the previous item on the agenda, which was considering aged care.

I believe the South Australian government has a nonsensical and undemocratic approach to managing our cities, suburbs and regions, particularly in relation to aged-care accommodation. In particular, I think there is an unfortunate approach of government where they take a trend or a problem that everyone accepts has to be dealt with, everyone agrees it is a live issue and needs to be addressed, but then they come to the conclusion that the only way to address it is to throw the rule book out the window and to be governed by executive decree.

For me, that is one of the hallmarks of tyranny. The subject here is aged accommodation. Let's consider what I think is generally common ground in this area: first of all, we understand that the South Australian population is ageing. Tick. We have known that for a long time. Secondly, that we need a variety of options to manage an ageing population, including residential options. Thirdly, I think it is generally accepted that we mostly want to keep people home as long as is possible but that eventually for some people a form of residential care will be needed or will be what they want. Fourthly, I think we also want to help people stay in areas that they are familiar with, where they are near their friends and family, and I think that is generally accepted.

What flows from that is that facilities in various parts of Adelaide for aged accommodation are going to be needed. I do not think there is any dispute in the community about any of those basic principles, but that is where the paths diverge. The question then is whether high-rise living is a part of that aged-care future. To be honest, I do not know the answer. I expect there are a divergent range of views about whether aged care and high-rise go well together, but that is not the question that is in the motion before the council, that is not the question at all.

This motion is not anti aged care and it is not anti high-rise; it is about the appropriate location for different types of facilities. It is about proper town planning, it is about the government following due process, and it is about not treating communities with contempt. My position is that we have known for 50 years what the demographic trends are in South Australia. We have known we have an ageing population. We have had plenty of time to develop comprehensive community-accepted policies as to how we are going to deal with this future. The motion before the council is in two parts. The first part is:

That this council—

(1) Condemns the government's misuse of major development status to undermine local planning policy and to disempower local communities in relation to their legitimate concerns over development in their neighbourhoods;

That is the first part of the motion. The second part is that this council:

(2) Calls on the government to not approve any retirement villages or aged-care facilities as major developments—

that is the critical bit, 'as major developments'—

and allow them instead to be assessed in the normal way against the objectives and principles of development control set out in existing approved development plans.

I will be addressing both parts of that motion. The next thing I would say is that this is not an esoteric motion, it relates to live issues, and there are three in particular that I want to address today, and they are proposed high-rise aged-care facilities at Joslin, Glen Osmond and Norwood. They are not the only ones but they are the first three cabs off the rank.

I would also like to say that in the last week, I have had three separate meetings with three separate residents' groups that are involved, that are largely neighbours but some more distant than others, in relation to those three developments. I thank them for opening their homes and for sharing their concerns with me. I am particularly delighted that so many have taken the time to come into parliament to hear our work today.

Whilst the detail of each of these three proposed developments are slightly different, what all of the residents' groups that I met with have in common is that what they are facing is something in their local neighbourhood that is entirely out of character and out of scale with the surrounding areas.

Some of the common concerns that come from that, as well as character, are problems of overlooking, problems of overshadowing and problems of traffic management. They were common to these three developments. But what struck me the most was that it was not actually just those local environmental or potential nuisance issues; all of the three groups that I met were particularly disturbed—outraged is probably a better word—at the process that had been followed that will potentially allow these developments to be built.

What is that process? If we go back to 19 April we find an entry in the *South Australian Government Gazette*. I will not read the whole entry, but in a nutshell it uses a provision of section 46 of the Development Act that, to the best of my knowledge, has never been used before—never. I think 1 April 1994, April Fools' Day, was when the Development Act came into operation. I do not think this provision has been used at all.

The provision basically says that the minister has determined that any aged-care facility—I will get the exact words—any 'retirement village within the meaning of the Retirement Villages Act 2016 and/or a residential care facility for the purposes of the Aged Care Act 1997 (Commonwealth)' and any associated development around those has basically been declared to be a major project or a major development. They have to actually be worth at least $20 million, but most of these facilities would seem to meet that threshold.

Basically, the normal process is for the government to pick an individual development and declare it to be a major project and then assess it. They have now decided for the first time to declare a category of developments to be major projects, being these aged-care facilities. That means that between 19 April—in fact 30 March was when the notice is but it was not in the *Gazette* until 19 April—until 30 June next year, anyone who wants to build an aged-care facility can have it declared a major project. That has a number of consequences, the most important of which is they are protected from the planning rules. They are protected from the zoning requirements, the height limits, the setback, the amount of open space. They do not have to follow those rules. They are given, if you like, a special exemption. That is the process that the government has chosen to assess these multistorey aged-care developments.

Who are the players? The Minister for Planning, John Rau, initiated this process. It is his notice in the *Government Gazette*. We also have the Development Assessment Commission, which is part of the new state planning commission, the new DAC. Their job is to determine the level of

assessment that is going to be required. They have decided that Life Care—it is the first time I have mentioned Life Care—are the proponents for these three developments at Norwood, Glen Osmond and Joslin. They have to prepare something called a development report, which, if you like, is a mini EIS—I think with the emphasis on mini.

The public will then have 15 days to comment. Importantly, the final decision will be made by the government. We all know here—the public do not know this, as a rule, but we all know—that when it says in legislation the decision is made by the Governor, it is not His Excellency across the road; it is actually the government. Effectively, it is a circular thing. The government decides to declare it a major project and the government decides whether it will be approved or not. This is a political decision. That is the way major developments work. They are political decisions.

The decision to approve, for example, or deny—but most often approve—is not able to be challenged. It is a political decision. Why I am getting a bit confused is that these issues actually transcend the transition between the two bodies, the DAC and the SCAP (State Commission Assessment Panel)—I remembered it.

But, this is where it gets quite odd, because when you look at the agenda and the minutes of these meetings (and they are all on the web—you can look at them), it is most confusing. I have in front of me a notice of the meeting and agenda of the Development Assessment Commission on 13 July this year, and under the heading, 'Major developments', it says 'nil'. Then I look at the minutes of the 582nd meeting of the Development Assessment Commission, held on that same date, Thursday 13 July 2017, and I have a look under the heading 'Major developments', item 5.1—deferred applications, nil, 5.2—new applications, nil.

Yet, all of the documentation is dated 13 July, so where did that come from? Off the back of a truck! I have an alternative copy of the agenda for that meeting and, instead of saying 'nil' next to major developments, it actually sets out the three Life Care developments: the Glenrose Court development at Glen Osmond; the Roselin Court development at Joslin; and, the development on Beulah Road at Norwood. Whilst the government will eventually need to respond to this motion, if the planning minister is listening I would ask him to please explain why is it that there are conflicting sets of agendas on the website, and which ones do we believe?

I will put on the record now—I think this is important—that the Deputy Presiding Member of the Development Assessment Commission is Helen Dyer. Helen Dyer is, effectively, the representative of the proponent. The reason I say that is because on all the different versions of minutes I have seen she was absent from that meeting. As I have explained to people, I would be gobsmacked if someone of that experience did not excuse themselves from any consideration of it, but I just put out there that the Deputy Presiding Member of DAC is, effectively, the representative of the proponent, represents Life Care, but was not present on any record I have seen at those meetings, and I would fully expect she would excuse herself from any consideration of this matter. So, are these alternative minutes and agendas a conspiracy or a stuff up? I would like to know from the minister: I say no more about it.

So, Life Care, as the proponent, has come under a fair bit of pressure from the local community. There have been a range of public meetings and protest meetings where the community has said to Life Care, 'We actually want you to care; we want you to care not just about your future residents, but we want you to care about us in the neighbourhood community.'

One other thing I will say is that three of us here in this chamber are members of the Environment, Resources and Development Committee. I have asked for this issue to be put on the agenda of that committee as well, and I am hoping that in two weeks' time the ERD Committee will hear from these residents first hand, because I really want that committee of parliament to get to the bottom of this and to hear not just from the residents but to hear from Life Care as well, and I want them to hear from the government, to explain why it is they have decided to fast track these developments and to ignore the normal planning rules.

I want to talk briefly about the three areas. Let us look at the Joslin one first. The first thing I would say is that, where this proposed high-rise development is to be built, is a residential zone. It is in a policy area called the 'medium density policy area', and that area has a height limit of three storeys. That is the planning rules for Joslin—three storeys. It is immediately adjacent to a residential

historic conservation zone, and that means that anything taller than three storeys will be a live issue in relation to overlooking for the occupiers of those historic homes.

The operators of Life Care already have approval for two separate three-storey buildings, which have been deemed to be within the rules, across the entire site; now they want seven stories. I might just quickly put on the record some correspondence, in fact, a Letter to the Editor of *The Advertiser*. I cannot recall whether or not it was published, but I will read it anyway. It is only four paragraphs and it is from Tony Di Giovanni and, under the heading 'Heritage not respected', this is his letter to the editor:

> I have been living in my local heritage listed 106 year-old home for 49 years, respecting and following the heritage planning rules, which includes getting a painting permit just to repaint my house. Next door to me, Life Care have proposed a 7-storey, 24 metre high tower in Joslin which, if allowed to proceed, will completely destroy local heritage characteristics. The proposed new development flagrantly contradicts the 2015 Environment Resources and Development Court Order for a 3-storey development, which gave some protection to local heritage.
>
> The proposed new development, allegedly of 'economic significance' [to the state], in fact reduces the number of aged care beds by 30 as previously approved by the ERD Court in 2015 and in lieu, creates 12 penthouse apartments on the two upper levels.
>
> This development application was allowed by John Rau's recent changes in planning rules and it does not respect my local heritage listed home or the other contributory heritage houses all adjoining the Life Care site. According to heritage planning rules, when building next door to a heritage house, the new building should not adversely affect the heritage of the house. Some of the issues which adversely affect the heritage is height, setbacks, scale and form.
>
> I urge John Rau to save my heritage home that is 106 years in the making and once ruined cannot be undone. I would have thought Life Care and Churches of Christ should care about the local community and maintain the heritage along with the residential amenities in this residential zone of Joslin. By their actions to date, clearly they don't care!
>
> Tony Di Giovanni

I will not read all the letters I have received, because we would be here a long time, but that is fairly consistent with other submissions, not just in relation to Joslin, but the other developments as well. The question that is posed there is: is this really about aged care? Is it really about dealing with the ageing population, or is it really about luxury high-end housing for the rich that allows people to lord it over their neighbours in towers that thumb their nose at the community and its planning rules? That is the question.

As a result of pressure by the community, it appears that the seven storeys has been reduced a little. I have seen some new drawings. It might now be four or five, but it is still seriously at variance with the zoning rules and the planning rules. The Joslin development actually raises a number of other issues, not the least of which in fact is, in my view, a serious question mark over the validity of the major project declaration in the first place. What the Development Act states—and I will just refer you quickly to it—in section 46(2) is:

> A declaration under this section does not extend to—

which means declaration as a major project—

> (a) a development lawfully commenced by substantial work on the site of the development before publication of the notice in the Gazette;

On the evidence before me, this matter was taken to court some years ago. The developer was given permission to develop the entire site at three storeys, and they have started doing that. That development is underway. It has substantially commenced. I think there is a serious legal question to be raised about the idea of going back for a second bite at the cherry and getting another go at it at seven storeys.

In fact, just to be clear, I have a copy of the sealed court order signed by His Honour Judge Costello on 25 September 2015. Basically, it says:

> By consent the court orders that
>
> Development plan consent is granted to the Development Application numbered—

and there is a big long number—

for an integrated residential aged care facility comprising supported accommodation, a wellness centre and corporate facilities including offices, together with basement car parking and landscaping, to be implemented in two stages on land at…

And it gives the address on Payneham Road in Joslin and then the certificate of title numbers. Clearly, the court has already given approval. Development has already been in some places, as I understand it, completed, and at other times commenced. Regardless, it says to me that this major project declaration may well be invalid.

Glen Osmond: I met with the Glen Osmond residents. Again, what we see is that when it comes to the zoning and what is proposed, the two are completely out of sync. When I refer to the Development Assessment Commission's guidelines for the preparation of a development report for Glen Osmond, it states this:

The Glenrose Court site is within the Community Zone within the Development Plan…for the City of Burnside. The Community Zone supports community, education and health care facilities. It also contemplates residential dwellings. It is silent in respect to aged care and retirement village style facilities.

Heights within the Community Zone are notionally 2 storey with 3 storeys contemplated in areas where there will not be impacts due to bulk, scale or height. The proposed development is for 5–9 storeys in parts with a 3 storey car park.

It does not take a rocket scientist to understand that the test normally applied in planning is whether something is seriously at variance with the development plan. If someone says, 'What does the development plan say?' and it states two storeys, maybe three at a pinch, and someone else comes along with five to nine storeys, that is seriously at variance—it is a lay-down misère; there is no argument.

That brings us to the heart of the problem. If the government were to use the existing community accepted and endorsed planning scheme, this development does not have a look-in. I will come back later to what I think the government should do about that. So, there is a two-storey zone, a three-storey car park proposed and five to nine levels.

When I met with the residents, they raised issues of height—overlooking, overshadowing, traffic, parking, the scale—but they also pointed out some vulnerable members of their local community for whom this development would actually be a quite disastrous imposition on their life. However, the most important thing the residents raised with me was the dodgy and underhanded process that was used to progress this, and they were very clear about that.

Let us quickly have a look at the Norwood development. Again, I will not go through all the details, but it is the same as the others: it is a two-storey zone, and what is being proposed as a major project is a seven-storey development. It was interesting that one of the residents I met who lives near the Norwood proposal is, in fact, a town planner. As a town planner, she actually undertook plenty of due diligence in terms of investigating the zoning of the area before buying her home. She knew that development would be taking place around them. We have to accept that, but if you are doing due diligence you have a look at the zoning rules—if I were to buy a house here, what sorts of things are likely to happen in my neighbourhood?

She was assured from that work that the zoning would limit buildings to two storeys and there would be no issues of overshadowing or overlooking. Of course, we have to appreciate that over time zoning can change, but that is not the case here. It is not a case of the zoning having changed; it is a case of the minister having intervened and, potentially, being ready to approve something that is so completely at odds with the planning scheme that there is absolutely no justification for approving it. So, that was not something that could be predicted beforehand.

I will mention the major projects stream for development assessment. I have talked about it on many occasions over the last 11½ years in parliament. It is a fraught scheme. It has its advantages, but it can also be terribly abused. As I have said, the trick is the minister: the minister thinks it is appropriate, the minister thinks it is necessary to declare a major project, therefore it is. If this was being assessed, as I said, against the normal planning scheme, they would look at the planning scheme: what is the zone; what is the height; yes or no. It is pretty straightforward.

If someone who proposes to do something that is so out of character with the area were to come along wanting to build an abattoir in the middle of Burnside or wanting to build a nine-storey

building in a two-storey zone, the way the system works—whether it is the council or the state government—is that they are allowed to say, 'Okay, we'll accept your application, but it's non-complying, and non-complying means that we are going to notify all the neighbours and put an ad in the newspaper. If anyone at all is unhappy with the outcome, they can go to the umpire and get a verdict.' That is, they can go to the ERD court and get an appeal against that decision. Of course, developers do not like that because it slows down the process. However, that is what would normally happen.

The main consequence of declaring something a major project is that these planning schemes just become one part of the consideration of the minister in determining the outcome. They have to take into account the planning scheme, but it is not the definitive answer; it is just one of many. They are allowed to ignore it, and there is nothing anyone can do about it. People say, 'Mark, you're a lawyer. That's a bit rich: if someone behaves so badly and they breach all the laws, surely you just go to the Supreme Court on a judicial review.' Wrong again.

Not only is there no appeal on the merits, but, thanks to this parliament having rejected three times my bill to get rid of section 48E, it says in the Development Act that no-one is allowed to challenge anything—anything at all—to do with a major development. You cannot challenge anything that the minister does, that the DAC does, that the SCAP does, that the Governor does; none of it is able to be challenged, however they might disregard proper process and even break the law. That is what section 48E says. So, no appeal, no judicial review, which is why governments like these sections, because they get to thumb their nose at the planning scheme, thumb their nose at the community, and they can approve, without risk of legal action, anything they want, regardless of whether or not it fits in with that community.

I think this is a massive insult to all South Australians. But I will tell you what really got my goat. I have spent a number of weekends down at the Adelaide Pavilion, that nice little cafe in the south Parklands, as part of the citizens' jury which has been looking at a charter of public participation. Members will remember that we debated the new planning legislation here a year or so ago, and one thing that we all thought was a pretty good idea was a charter of community participation to set out, if you like, how it is that people are going to be involved in planning decisions.

I am not entirely happy with how the marching orders for the charter were done; I would have preferred it to have been broader. Nevertheless, the charter says that when it comes to big picture planning issues—the zoning, for example, the height limits—that is something the public have an absolute right to be consulted about, and we are going to have a charter which says how we are to be consulted.

The problem is that when it comes to major projects, it does not matter what the zoning is—it does not matter. So, the insult to the community, as I see it, is that the government is telling people, 'You busy yourself over here, consulting with your local council, consulting with the State Planning Commission, and we'll have public meetings to talk about what the zone should be,' but over on the other side, 'We don't care. We don't care what you think. We don't care what the zone is. We are going to give ourselves the right to approve whatever development we want in any location.'

That is why I think it is a fraud. I would love that citizens' jury to be reconvened and for them to be told, 'Sorry guys—' I think there were 30 or 40 people—'Sorry we wasted two weekends of your life consulting on something that can be so easily overridden by the government.' I think that is just appalling.

The next thing is: where do we go next with this? The answer is that unless some action is taken it is likely that these three developments could be approved before the state election. I notice in the newspaper today that the Liberal Party is coming out saying they will repeal this notice in the *Government Gazette* if they win government. That is all well and good, but there are two problems. First of all, by the time any new government takes place it will be, what, May or June next year? The window of opportunity for these aged-care developments ends at the end of June next year, so not a great deal there.

More importantly, I think, the damage will be done. I do not think it is going to be very easy at all for any new government to be able to undo an approval that has been granted, especially if people have started building. I told you that it says in the Development Act that you cannot sue

anyone, you cannot bring any legal claim or anything in relation to a major project, but I bet you the Supreme Court would bend over backwards if one of these developers had started work on a nine-storey building and was told by a future government, 'Oh, stop. We take away your approval.' No. It is just not going to happen.

In relation to the Hindmarsh Island Bridge, there was a change of government. The new lot came in and said, 'We'd rather not build it,' and they got legal advice that it would cost them more not to build it, with having to pay compensation, than to build it. I will get some further legal advice on this, but I think the government has up until at least the caretaker period, possibly even longer, to approve these. So, given that there is only 15 days of public consultation, I think there is every chance that they could be approved in the meantime.

I think there are a few things that can be done. Certainly, the residents will continue to campaign, and I will urge them to do that, but I will actually propose a more sensible and more dignified way forward. That would be for the government to say in relation to these three Life Care developments—they have not started the building work on them yet—'Look, guys, we got that wrong. The answer is no. It's an early no.' There is a provision for an early no. You can say no to these developments.

Then what they should do is go back to the local councils where these developments are and invite those councils, as a matter of urgency, if you like, to reconsider the zoning rules for these areas. If the government does not trust local councils—and they rarely do—the minister can do it himself. He can instigate a ministerial development plan amendment which is effectively a rezoning and he can go through that proper process. Under the act, there have to be public meetings, he has to talk to the community, and at least put it out there upfront and open.

If the minister thinks that these three sites—and I should say there are more; there's Fitzroy as well and Port Adelaide is another one coming up—there will be a lot of these. If they think they are appropriate sites to build nine-storey buildings in two-storey zones, well, rezone them. Let the minister rezone it and then they can lodge their applications: they will be consistent, they will be complying, they will be exactly what the planning scheme envisaged. So, I think that is the proper way to proceed.

With those words, I would like to thank the community members who wrote to me, as I am sure they have written to other members, those who met with me and those who have come in today because they care about the future of their neighbourhoods. I am hoping that common sense will prevail. I know these groups have a lot of energy. I have seen the photos: while we were doing question time they were out on the steps with their placards. I know they have a lot of energy and they should not be dismissed as merely self-interested because, in fact, they are batting for all of us who care about decent planning and decent government.

I know they will be applying pressure to Life Care and, as a result of that pressure—I know some minor changes have been made but I am hoping that a lot more changes will be made. They will be putting pressure on the government but I have no doubt that they will be putting pressure on all political parties as well, especially in the lead-up to the next state election. I commend the motion to the house.

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

Bills

CRIMINAL LAW (SENTENCING) (MANDATORY IMPRISONMENT FOR SERIOUS DOMESTIC VIOLENCE OFFENDERS) AMENDMENT BILL

Introduction and First Reading

The Hon. R.L. BROKENSHIRE (17:47): Obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

Second Reading

The Hon. R.L. BROKENSHIRE (17:47): I move:

That this bill be now read a second time.

I thank the whips and my colleagues for allowing me to introduce this bill now. I have in the house two victims of serious domestic violence, Emily Cartlidge, and a beautiful young two-year-old named Evie, with her father Shane. Evie needs to be able to go home to dinner, but the families were keen to be here to support the introduction of this bill. I give notice that I do intend to put the bill to a vote in this house before we rise at the end of this session.

The impetus for this bill was the case of domestic violence perpetrated against a brave young lady for whom I have huge respect and support. She is very keen to do what she can, along with many other people right across the nation, to ensure that we prevent, wherever possible, all domestic violence including, of course, where the perpetrator commits incredibly serious domestic violence with sometimes the most tragic outcomes.

I have had several meetings with Emily Cartlidge and her mother and father and I congratulate them all on their strength in fighting for this, and I also congratulate Shane and Evie and Shane's family for championing this, as well, because they do not want to see a situation such as that which happened to Evie occur again. Unfortunately, Emily's case is not isolated. Domestic violence is a significant issue in our community.

All violence is abhorrent—and members would know that I also have a coward's punch bill before the house—but with respect to domestic violence, people are in a very privileged position because they are sharing a home with a partner, a spouse or children. There is a privilege with that, but with that privilege also comes the responsibility to ensure the environment within that home is safe.

We are inundated with stories of crimes committed against women and children, and also, although I acknowledge to a lesser extent, against men. However, what we are all too frequently seeing is leniency within the courts when it comes to handing down judgements against perpetrators of domestic violence. In a nutshell, this bill imposes a mandatory sentence of two years' imprisonment on people who commit a serious domestic violence offence, regardless of whether this offence was committed by an adult or a youth. It actually has some parallels to two pieces of legislation that the government has before this house at the moment. I talked about that yesterday when one bill was debated, and I will talk more about it when the other bill is debated.

A serious domestic violence offence will apply to those: in a close personal relationship; a parent/child relationship; grandparents; spouses, former spouses, domestic partners and former domestic partners; a child of the offender, the spouse or the former spouse; and a child of the domestic partner or former domestic partner. It will also apply to female genital mutilation and to incest.

There is a petition running at the moment on Change.org, and as of this morning my office noted that 3,295 people had signed that petition. I also have a huge number of people I have yet to find the time to get back to—but I will—who have contacted me very keen to see multi-partisanship with this piece of legislation, because they have also been subject to serious domestic violence.

It is heartbreaking when you hear the stories, and today I will highlight two stories just to give colleagues and the community in general, who may inquire into what we are doing with this bill, an opportunity to understand just how horrendous it is. I do this with the approval of both Emily and, in Evie's case, of her father and protector Shane. I will not go into all of the gruesome detail, obviously, because it is horrendous; it is very hard to highlight it because it is so horrendous.

On 23 January 2016, Emily Cartledge was what I can only describe as brutally beaten by her then partner. Emily had been in a relationship with that partner for approximately seven months. During that time Emily noted her partner starting to demonstrate possessive behaviour such as monitoring her social media accounts and stalking her at work. The couple began counselling and, on the recommendation of the counsellor, her partner moved out of the house.

On the night of 23 January, he arrived back at Emily's house unannounced, and she let him in to discuss the relationship as well as a proposed trip to Bali that they had planned for the following month. Her partner was annoyed that Emily no longer wanted to take the trip, although it was her right to decide not to take it. He then jumped on top of her and hit her approximately eight times to the head and face, and a very serious physical assault that I will not go into occurred from there.

Fortunately, after Emily had been seriously injured, as a personal trainer and a fit young lady she was able to get out of the home even though her then partner had locked the back door and made it difficult for her. Had she not been so fit and intelligent, and had she not still had control of herself, she may not have been able to come to see me to say that something needed to be done. Her then partner then went on to harm himself and was admitted to hospital, but I will not go into that.

In submission arguments neither counsel seriously contended that the perpetrator's behaviour did not warrant incarceration. In other words, through the DPP, Crown law and also with respect to the defendant's lawyer, I understand that they realised there would be some form of incarceration. However, Michael Hayes, the perpetrator, walked away with just a 12-month sentence which was suspended and he entered into a $200 good behaviour bond for a period of three years. So, the sum of his total incarceration was five days' detention under the Mental Health Act and five days' incarceration where there were issues surrounding his bail agreement.

I am advised that Emily still fears for her life and that her attacker will finish the job if he has the opportunity. The handling of the matter and correspondence with the DPP at times inflicted further trauma as the people on the other end, whilst arguably trying to do their best, did not speak with trauma victims in the best possible manner, and that only made it more difficult for Emily and her family.

It was an appalling offer for an ex-gratia payment, in my opinion, particularly when you look yesterday in the Auditor-General's Report at just how much money is now in the Victims of Crime Fund, which did not reflect the pain and suffering inflicted by this case. It is an allegation we hear all too often with ex-gratia payments.

As a result of what was a totally unprovoked attack, Emily has used all of her long service leave and her annual leave, totalling around $13,000, but she only receives a percentage of that back under a claim. The claim does not take into account that the majority of her furnishings had to be thrown out because they were bloodied or damaged from the attack or the ongoing mortgage payments for a property she can no longer live in or return to or the cost and trouble associated with having to change jobs to distance herself from her attacker. In her own words, Emily said:

> I can't describe to you what it's like at 31 years old to move back in with my parents, and never ever return to my home that I purchased in 2009. You can't compensate me for the $6500 refurnish I had just completed, the new couch, bed, rugs and linen and full paint job. You can't fix the paranoia I feel on a daily basis, the fear of being followed and the terror at night where I wake up screaming. You can't change the QC's glowing recommendation of [the perpetrator] or [the judge's] decision. You can't give me back my long service leave and all my sick leave accrued over 12 years as an exemplary employee…I sleep by taking medication at night, and have the light on like a 5 year old...I have nightmares of you standing over my bed with a knife…I wake my parents at night as they hear my shuffling around the house, unable to sleep or rest. Driving alone terrifies me as I'm petrified you will see me out.

Emily struggles some days to go to work. She has a very good employer, and I acknowledge and thank that employer for their understanding. She is also a brilliant employee. She has to wake at 5.30am so that she can get to work by 8.30am just to get herself ready mentally for work. She struggles greatly in that three-hour period to get prepared and there are days when she is unable to go to work. Thankfully, she has the benefit of a somewhat understanding employer, as I said, and gets flexible working hours. However, it never should have come to this. Emily should have been properly protected by the system.

Emily now suffers depression, insomnia, hypervigilance, agoraphobia, anxiety and PTSD as a result of this attack. Whilst I am confident with all the support that Emily has around her that she will get back to full, strong health, she suffers with many of these issues today and it will be some years, I am advised, before she will be able to be totally well again. Emily said in her victim impact statement:

> What do I do with all the words left unsaid, the pain I still feel and the questions I still have? You have permanently fractured me. I will forever carry these scars.

I turn now to Evie's case. During the drafting process for this bill, the case of little Evie made headlines. I am happy to confirm that little Evie's matter, I am advised by my legal advice, also falls within the ambit of this bill. So, it will deal with a young child's situation as well as an adult's.

The perpetrator, the mother of eight-month-old Evie, was charged with aggravated assault causing harm with intention to cause harm, which carries a penalty of up to 13 years. The offence was aggravated because it was against her own child. On the day of offending, the perpetrator called 000 stating that she wanted to throw her daughter off the balcony. Police then attended the scene and found little Evie with significant bruising all over her face.

It was initially alleged that Evie had fallen at a play gym earlier that week. A paediatrician confirmed that Evie had suffered a physical assault of no less than eight blows to the face causing bruises to her forehead, both cheeks and ears, her neck and her arm. Further injuries on Evie suggested that she had been roughly treated around the same time of the physical assault. The assault was more than a momentary loss of control and it demonstrated a gross breach of trust. I am told that one of the defence arguments was that there was no craniofacial damage.

I say in this house: why does it have to get to the point that there are broken or fractured bones before it is then considered by the court serious enough for incarceration? The perpetrator was sentenced to one year and nine months after sentencing discount, which was immediately suspended upon entering into a $500 good behaviour bond for a period of two years. So, effectively no sentence because it was suspended, $500 (some speeding fines cost you more than that) and a two-year good behaviour bond.

His Honour noted that the offending was far from the most serious of offending of this type. That is where I respectfully disagree with His Honour and so do thousands—tens of thousands, I would put to you—of South Australians. Any offence against a child, particularly an eight month old, an infant, is a very serious offence in my book and it is something that cannot be judicially considered to warrant serving no actual time behind bars. This horrendous offending should require an immediate sentence of imprisonment.

There was a significant community outcry regarding this sentence, and rightly so in my opinion. A child at such a young age is changing dramatically. They are learning social skills, their brains are developing at a rapid speed and learning safe attachment to their parents is paramount to good development later in life. To take this opportunity away from a child and injure them physically and possibly mentally and emotionally going forward is completely unacceptable.

I know that Evie is now living with her father and is very much loved and, having seen her today, she is doing exceptionally well, and for that I am most grateful, but that that does not take away from the need that we have to make it clear that domestic violence, and violence against children in any capacity, is not acceptable.

I am worried that this case has created a dangerous precedent for any parent who comes before the court on charges of assaulting their child. It would appear that the community also agrees with me. A change.org petition calling for a retrial of the perpetrator, Evie's mother, has reached 50,000 signatures in four days. As of this morning, there were 223,989 signatures in support.

I have had a lot of contact with people who have suffered domestic violence over the years and there is no doubt that more needs to be done to ensure the perpetrators are effectively dealt with by the courts. The government has made strides in this area, I acknowledge, and we welcome the changes that they have introduced and are intending to introduce shortly; however, clearly much more needs to be done. This bill requires that perpetrators of domestic violence are made to realise that their actions are significant, unwarranted and, frankly, unacceptable to society by requiring a gaol term to be served.

We should not be seen to be lenient on perpetrators of domestic violence and while some may argue that a suspended sentence is still a gaol sentence, and a weighty one at that, allowing a person to walk free from court on a bond is not the message that I believe we want to send when it comes to domestic violence. We need a clear message. Obviously, we need prevention and all those as well, but when you get serious perpetrators and serious domestic crime and serious domestic violence we need a clear message that says that domestic violence will not be tolerated and you will pay a penalty for your actions.

I had a constituent contact me regarding this issue. Her daughter was a victim of DV for 19 years and, thankfully, has managed to escape alive; however, the damage has been done. The perpetrator threatened to kill the entire family, stole from her, beat her, manipulated the children and

engaged in stalking. Her daughter remains severely traumatised and struggling to provide for her children. She has not been the same since these violent incidents. The constituent further writes:

> The perpetrators of domestic violence need to be jailed for their crimes against their victims. The reason I agree to this is so that the families can seek the help they need and to rehabilitate. They cannot do this with the perpetrator out on home detention or on bail. They need to know that they can be safe wherever they live.

The same would be true of perpetrators who walk free of a gaol term. In the words of Emily Cartlidge herself:

> As a society we cannot forgive everyone's first physical assault, first recorded threat on another human. It doesn't make sense. The seriousness of domestic violence has to be communicated clearly; we cannot create a culture that suggests we learn that assault is wrong through a three strike rule. The consequences of assault need to be severe enough that people feel enough fear to exercise good judgement, even if there is a situation you feel 'warrants' you putting your hands on someone. You need to be made an example of severe enough to prevent any other young man believing this type of assault is permissible or forgivable.

In conclusion, I thank colleagues for listening to this. I ask them to meet with Emily and Evie's father, if they so desire. I understand they will be in contact by email with them. I would love to see some multipartisanship on this because I know the lawyers and the courts do not like minimum mandatory sentencing. We have it for speeding, we have it for drink-driving, we have it for murder; we need to have it for serious domestic violence. I commend the bill to the house.

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

Sitting suspended from 18:06 to 19:47.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT 2016-17

The Hon. J.E. HANSON (19:47): I move:

That the report of the committee, entitled Annual Report 2016-17, be noted.

I am pleased to present the 11th annual report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation. This 2016-17 annual report reflects another busy year because the committee met on 15 occasions for a total of 22 hours and 55 minutes and tabled five reports. As a result, the success the committee has seen over this reporting period is testament to the commitment of its dedicated members, who juggled this workload against their other commitments and responsibilities.

This committee's primary function is to keep the administration and operation of legislation affecting occupational health and safety, rehabilitation and compensation under continuous review. This is an important function, and one that this committee takes very seriously.

During this reporting period the committee heard from 23 witnesses. Key witnesses from this financial year included ReturnToWorkSA, SafeWork SA, Self Insurers of SA and Business SA, in conjunction with the Law Society of South Australia. Two inquiries were referred to the committee by the Legislative Council. These referred inquiries were: first, the inquiry into the Work Health and Safety (Industrial Manslaughter) Amendment Bill; and, secondly, the inquiry into the Return to Work Act and scheme.

Both these inquiries proved to be of significant interest to a variety of stakeholders. In relation to the industrial manslaughter amendment bill inquiry, the committee received submissions from both local and international stakeholders, including the Director of Public Prosecutions, the Flinders University Centre for Crime, Policy and Research, and local and national stakeholders, as well as from the United Kingdom Ministry of Justice.

As a result of this inquiry, the committee noted that there has been a national downward trend in the number of work-related fatalities, but one preventable death is still, of course, one too many. The committee also found that there are adequate legal systems in place to address work-related fatalities arising from reckless disregard, particularly since the adoption of the Work Health and Safety Act 2012.

Under this legislative instrument, reckless conduct amounts to a category 1 offence, which is satisfied when a person who owes a health and safety duty recklessly exposes a worker to a risk of death, serious injury or illness. Individuals who commit this offence face a maximum penalty of $300,000 and/or five years' imprisonment, whereas a body corporate faces a maximum penalty of $3 million.

In relation to the Legislative Council's referral for an inquiry into the Return to Work act and scheme, the committee received many submissions from employer and employee organisations and indeed from injured workers themselves. Following receipt of almost 50 submissions, the committee tabled the interim report into the referral for an inquiry into the Return to Work act and scheme. This report canvassed the scope of the inquiry by addressing the recent changes to the state's workers compensation scheme, summarised the received submissions and incorporated the evidence adduced from two key witnesses. The final report for this inquiry is expected to be finalised by the end of this calendar year.

In addition to these referred inquiries, the committee resolved to inquire into two other topics. These inquiries were the inquiry into work-related mental disorders and suicide prevention, and also '67 is the new 40', the inquiry into work health and safety and workers compensation issues associated with people working longer.

The World Health Organization warns that depression is one of the most common causes of disability and is tipped to be the number one health concern in developed countries in the near decades. There is therefore growing concern about the interrelationship between work and mental health, which is a relationship affected by many work-related issues, including work pressure, harassment and bullying, and occupational violence.

The committee was informed that suicide is a rare event, affecting more men than women, particularly in high-risk work, such as construction and mining. The increasing cost of preventable work-related psychological harm and the severe consequences for workers, their families and workmates is of considerable concern to the committee and is an area the committee recommends worthy of monitoring.

The committee's '67 is the new 40' report inquired into work health and safety and workers compensation issues associated with people wanting or needing to work past their retirement age. The committee received seven submissions and heard from the Council of the Ageing in relation to this inquiry. The committee also met with the then commissioner for ageing and disability to hear about the national inquiry into discrimination against older Australians and Australians with a disability.

According to the Australian Bureau of Statistics, a mature-aged worker is a person between the ages of 45 and 74. As a result of improved lifestyles, better medical technology and nutrition, the ageing population is a global phenomenon. Economic factors of the 21st century now result in many people seeking more flexible work arrangements to enable them to remain in the workforce for longer and to provide for their financial future. However, with technological advances racing forward, this is adversely impacting on the traditional male blue-collar jobs, meaning many may need to reskill if they wish to continue to work past their expected retirement age.

The committee also found that there is a lot of information available to assist older people who wish to work longer or who wish to return to the workforce after a break. There is also a range of information available for employers, but there fails to be a central point where they can obtain information about issues of direct interest to them. The committee made four recommendations, including that the South Australian Fair Work Act be amended to more closely reflect the commonwealth legislation in relation to flexible work arrangements. The committee also recommended that the Minister for Ageing provide an internet gateway with information, resources and advice to assist older workers and employers

I would like to thank everybody who took the time to contribute to the work of the committee. This includes those who gave up their time to make submissions or appear before the committee at hearings. I would also like to thank the members who have worked diligently to ensure a balanced approach to delivering recommendations during the 2016-17 period. I thank the Hon. John Darley, the Hon. John Dawkins, and previous member of this place, Mr Gerry Kandelaars. From the other

place, I thank the committee's Presiding Member, the member for Ashford. I also thank the member for Fisher and the member for Schubert for their contributions last year. I welcome the member for Wright, who is a recent addition to the committee.

Finally, I would like to express my appreciation to the committee staff. Executive officer Ms Sue Sedivy has been with the committee for a number of years and is taking some well-earned leave. I thank Mr Peter Knapp, the committee's research officer, who is providing additional support in Ms Sedivy's absence. I also thank Ms Peta Spyrou, the committee's current research officer. I commend the report to the council.

The Hon. J.S.L. DAWKINS (19:55): I rise to very briefly thank the Hon. Mr Hanson for encapsulating the work of the committee in that report. There was a particular emphasis in all those inquiries mentioned by the honourable member in regard to the psychological issues of people affected in all those situations. No-one in this place would be surprised that they are issues of particular interest to me. We are gratified that in many of the agencies and many of the peak bodies there is a greater willingness to promote mental wellness issues and also to deal with the issues of mental illness as a result of some of the facets those inquiries have brought to light. With those words, I commend the report to the council.

Motion carried.

NATURAL RESOURCES COMMITTEE: MARINE SCALEFISH FISHERY, SUMMARY OF EVIDENCE 2014-2017

The Hon. J.M. GAZZOLA (19:56): I move:

That the report of the committee on Marine Scalefish Fishery, Summary of Evidence 2014-2017, be noted.

The issue of declining marine scalefish fish stocks was raised with the Natural Resources Committee via an emailed letter to the Hon. Mr Hood in June 2014. The letter was written by Mr Robert Knight of Cape Jervis, with Mr Knight describing a situation where southern calamari numbers around Cape Jervis had declined considerably. Mr Knight hypothesised that this reported squid decline was also impacting on other species. I can assure you, I will be conducting my own research in the next six months.

The fishing of southern calamari is regulated by Primary Industries and Regions South Australia in accordance with the Fisheries Management Act 2007 and its associated regulations. Specifically, the commercial fishing of southern calamari is regulated within the marine scalefish fishery, which is a multi-species fishery dominated by four species: King George whiting, southern garfish, snapper and southern calamari. Not all species fished within this fishery are scalefish, and other species include worms, squid and sharks.

Mr Knight's letter and his subsequent presentation to the committee prompted the committee to seek further advice about the marine scalefish fishery. The committee undertook to listen to viewpoints from a range of stakeholders with an interest in this fishery, including fishers, peak bodies for recreational and commercial fishers, scientists and regulators from PIRSA and our own great South Australian Research and Development Institute.

The committee heard evidence that marine scalefish stocks were in decline, with the four main species within the fishery currently classed by SARDI as transitional-depleting or overfished. The complexity of managing the fishery was highlighted by stock status varying across different areas throughout the gulfs and West Coast of South Australia. For example, the status of southern garfish in the northern Gulf St Vincent is overfished, but classed sustainable in the southern Gulf St Vincent.

The committee heard from PIRSA and SARDI that various management measures were employed that were designed to give fish stocks a chance to recover. However, the committee also heard from various witnesses, whose evidence is summarised in the report and on the committee's website, that in the fishing community there were numerous concerns as to whether current management arrangements were sufficient to protect the marine scalefish fishery.

The committee was concerned that perceptions of or actual declining or poorly managed fish stocks represented an economic and social problem for the state, with the potential for impact on the state's reputation as a producer of clean, green primary produce. This report represents a snapshot

or a summary of the evidence collated by the committee regarding marine scalefish stocks in South Australia. This is not a comprehensive report or a report of a formal parliamentary inquiry.

After careful consideration, the committee considered the issues around management of marine scalefish fisheries probably justifies at some future time a thorough parliamentary inquiry or an investigation based on clearly defined terms of reference.

I commend the members of the committee, the presiding member, the Hon. Steph Key MP; the Hon. Robert Brokenshire MLC; the Hon. Mr Dawkins MLC; Mr Jon Gee MP; Mr Peter Treloar MP; and gold medal fisher Mr Paul Caica MP, for their contribution. All members have worked cooperatively on this report. Finally, I thank parliamentary staff for their assistance. I commend the report to the council.

The Hon. J.S.L. DAWKINS (20:01): I briefly rise to support the motion of the Hon. Mr Gazzola. I think his words were extraordinarily relevant when he talked about this being a valuable snapshot of the situation. In relation to this particular industry, I would guess that of the members of the committee I would be one of the least knowledgeable about fishing, but I think we all learned that there are some issues there and, as the Hon. Mr Gazzola said, it is the strong view that a future Natural Resources Committee, after the election, should strongly consider a fulsome inquiry into this matter. With those words, I am very happy to commend the report.

Motion carried.

NATURAL RESOURCES COMMITTEE: NORTHERN AND YORKE REGIONAL FACT FINDING VISIT

The Hon. J.M. GAZZOLA (20:02): I move

That the report of the committee on the Northern and Yorke regional fact finding visit be noted.

On 22 and 23 March 2017, the Natural Resources Committee visited the Natural Resources Northern and Yorke region as part of its regular schedule of visits to the state's eight natural resources management regions. On the visit with me were fellow committee members, presiding member the Hon. Steph Key, the Hon. Robert Brokenshire, the Hon. Mr Dawkins and Mr Peter Treloar MP. We were accompanied by the member for Goyder, Mr Steven Griffiths.

The committee observed firsthand many interesting projects undertaken with support from the Natural Resources Northern and Yorke staff and Northern and Yorke NRM board, and we appreciated the opportunities to meet with a range of local NRM practitioners. Among those accompanying the committee on this visit and providing comprehensive background information and commentary were NRNY regional director Trevor Naismith, Northern and Yorke NRM board presiding member Eric Somerville and DEWNR operations coordinator, Adelaide International Bird Sanctuary, Mr Ian Falkenberg.

Operations manager, Yorke Peninsula Council, Stephen Goldsworthy; district manager, Yorke Peninsula, Terry Boyce; DEWNR manager, planning and programs, Dr Andy Sharp; DEWNR ranger Van Teubner; DEWNR team leader, Yorke district, Max Barr; Copper Coast Council Mayor Paul Thomas; Copper Coast Council CEO Peter Harder; Yorke Peninsula Council Mayor Ray Agnew; and Yorke Peninsula Council CEO Andrew Cameron also generously gave of their time to meet with us.

The committee visited only the peninsula region on this trip. For the last year, 2016, the committee visited part of the same NRM region closer to Adelaide as part of the Pinery bushfire fact-finding visit. The findings of the previous trip are contained in the 116th report of the Natural Resources Committee tabled on 5 July 2016. Over the two days of this trip, the committee visited sites along the Yorke Peninsula, including parks and campgrounds and local government offices. Throughout the trip, committee members had the opportunity to speak with many DEWNR regional staff as well as members and staff of local government and various communities.

On the first day, the committee heard about the importance of samphire vegetation communities to the coastal ecology, critical fish nurseries in the mangroves at Clinton Conservation Park and the role played by the Adelaide International Bird Sanctuary in providing habitat for migratory and resident shorebirds. At Ardrossan the committee had the opportunity to hear about the

Yorke Peninsula's newly-developed 500-kilometre walking trail and the development of a new artificial reef. Members also viewed the monument to seven sperm whales beached in 2014.

The committee next visited the Maitland council offices to hear an interesting presentation by Ben Wundersitz from Anna Binna farm, about their experiences developing sustainable agriculture and Aboriginal employment in the region. Mr Wundersitz's presentation was followed closely by a visit to Stansbury and discussions with local oyster grower representatives. Later that day the committee visited Peesey Swamp and, during an overnight stay at Innes National Park, had the opportunity to listen to natural resources N&Y staff explain the potential benefits of re-wilding the Peninsula.

On the second day, while at Innes National Park, the committee visited the Ethel wreck, or what is left of it, West Cape and a number of campgrounds in the park, as well as hearing about the potential for opening up access points to the north via Browns Beach. After leaving Innes National Park the committee visited Daly Heads to hear about weed management and other coastal issues. The committee also visited Point Turton to learn more about and see evidence of coastal erosion. Later that afternoon, the committee returned to Adelaide.

I commend the members of the committee—Presiding Member, the Hon. Steph Key, the Hon. Robert Brokenshire, the Hon. John Dawkins, Mr Jon Gee MP, Mr Peter Treloar MP, and Paul Caica MP—for their contributions. All members have worked cooperatively on this report. Finally, I thank the parliamentary staff for their assistance. I commend the report to the council.

The Hon. J.S.L. DAWKINS (20:07): Here again I rise to support the Hon. Mr Gazzola's motion and the way in which he has, I think, covered a wide range of issues and topics that were brought to our attention throughout the length of Yorke Peninsula. As he said, from as far apart as Port Clinton right down to Innes National Park, and a number of places in between.

There was a whole range of things and I think the honourable member has highlighted them. I think the information we received about the importance of the north-western side of Gulf St Vincent to the Adelaide International Bird Sanctuary was valuable. The Walk the Yorke project, as the honourable member said, covers some 500 kilometres of walking trails right down one side of Yorke Peninsula, down the bottom and up the top. In fact, I think it even starts at Port Wakefield. I have run into a number of people since then who are walking enthusiasts and who have done sections of it. I think there is one person who has even done the whole walk—not all at once, I do not believe—you would need a bit of time.

The Hon. Mr Gazzola mentioned the sustainable farming practices that Mr Wundersitz gave evidence about. I was particularly fascinated with that because he has taken up farming, leasing a lot of land that is some of the less productive land on Yorke Peninsula, including some on the Point Pearce Aboriginal community. What he has been able to achieve, with his staff and particularly with the members of the Point Pearce community, is particularly impressive.

We noted it on the day, and I certainly learned more about the way in which he and some of his colleagues are involved in the Fat Farmers fitness project, quite an impressive thing. Like us in this job, a lot of the farmers today who are basically permanent croppers, while they probably have more physical activity than we do at times, spend a lot of time sitting on their backside, like we do. That project was particularly impressive as well.

The whole trip was indicative of the reason the Natural Resources Committee regularly gets out into the regions to see the things that are happening and, as I said earlier, there was an extraordinarily wide array of things that were brought to our attention. With that, I commend the report to the council.

Motion carried.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (STATE PLANNING COMMISSION) AMENDMENT BILL

Introduction and First Reading

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:13): Obtained leave and introduced a bill for an act to amend the Planning and Development Act 2016. Read a first time.

Second Reading

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:14): I move:

That this bill be now read a second time.

The brief explanation for my introducing this bill today is that we have a new planning commission. The Development Act was repealed in early 2016 to make way for the State Planning Commission. Members will remember we were here for some days and sat for some weeks debating that new bill. It was a move we had been calling for prior to the last state election, so we were happy in a lot of ways to support that bill.

The commission is essentially responsible for preparing planning policies that set out the state's overarching goals and/or requirements for the state planning system. Consistent with these broad policies, it also prepares regional plans that are long-term visions for a region. Under these sit a Planning and Design Code, also prepared by the commission, which deals with specific zoning and defining land issues.

In summary, the commission is hugely influential on what South Australia's landscape will look like in the long term. The act makes a point of installing a commission with expertise in an array of disciplines. It is expected that these areas of expertise will impact on the direction of development policies put forward for the minister's approval.

For several years, alongside debates around developing land for housing, conflicts between mining and farming have been playing out. Primary production is extremely important to our economy. In fact, one in five people employed in this state are in the food production or manufacturing sector. Mining also has great potential and is very important to our state's economy.

I have participated in many of these debates over how we can quantify the value of primary production land in order to protect it, and there is no silver bullet. As we know, the Hon. Robert Brokenshire has a Right to Farm Bill before parliament, and he is potentially progressing the debate before parliament rises prior to the next election. The bill seeks to exempt farmers from nuisance complaints and other prosecutions where behaviour is part of normal farming activity. It also seeks to ensure that prime agricultural farming land is not lost to mining interests and highly productive land be zoned off.

In my deliberations over this bill and various policy suggestions, I have come to the decision that we need a top-down policy approach. I believe that, given the state's reliance on our primary industries and the interface that those industries have with both developed and developable land, the commission should include at least one member with agricultural expertise. As well as dealing with the bigger picture, primary industry in South Australia must play a huge role in that picture.

The commission also has a lower level of responsibility in the development system, and issues such as buffer zones and spray drift are very common. The commission should also arguably have a greater balance towards farming and the regions when dealing with wind farm developments. These are just a few examples.

Some may argue that the minister, when entering specific planning agreements for a particular area of the state, must install a joint planning board, which may have relevant expertise outside of the commission. However, these arrangements funnel down from the broad statewide policies and are arguably too far down the food chain for there to be enough real influence from an agricultural perspective.

The collusion of such expertise on the commission would be a simple legislative change and I believe a good decision if we are to value our primary industries at a state economic level. This is

an industry that would be most affected by planning policy, especially in the peri-urban areas and as our regions expand, and economically stands to lose the most if we make poor decisions.

I wanted to introduce this bill immediately, rather than making this an election commitment, because I wanted to make our position clear before we rise for the election. That position is that primary producers in our regions need to be protected at the highest policy level. How this legislation and the Right to Farm Bill the Hon. Robert Brokenshire has proposed may complement each other is still unclear. Those details need to be teased out through any committee stage, if the Hon. Robert Brokenshire progresses his bill, but the state Liberals are committed to the regions and, whatever the election result is, I hope we can work through this to deliver some protection and security for our farmers.

Regarding change of land use, I have just been made aware of a couple of circumstances in the Barossa near the protection zone where you have a change of land use that has gone from broadacre agriculture to viticulture. There was an example this year that I think was quite alarming. We had a lot of summer rain in January and February this year, so we had weeds that appeared on a farmer's property that are declared weeds, and it is an offence not to control those weeds. It is against the law.

That farmer is surrounded on three sides by vineyards and it is an offence to use the chemicals you need to use to control the weeds that are an offence to have on your property within a certain distance of grape vines. So, you were not able to spray because the change of land use had rendered your property, not unviable, but certainly much more difficult to manage.

Just recently, we have had another decision in the Barossa Valley where there is a change of land use and the land is going to viticulture, and the decision, the rezoning or the change of land use says, 'The broadacre farmer must have the buffer zone on his side of the boundary,' so it effectively renders a couple of hundred metres of his property, not worthless, but much more difficult to manage by virtue of a change of land use on the other side of the fence. It is the opposition's view that we need to have some very high-level input at a planning commission level from an agricultural and farming point of view, and to make sure we have somebody with expertise from a high-level policy point of view so that it feeds right down through the hierarchy of the planning commission.

I have always had this personal view, and I think it is shared by most people in the Liberal Party and most people in society, that you should be able to do whatever you want on your property as long as it does not impact on the way your neighbour (he or she) goes about their daily business. What we are seeing are changes of land use, whether it is urban encroachment, urban development, or it is simple: a farmer who is changing from sheep to chardonnay, or steers to shiraz, and the farmer who has not changed has to bear the buffer zone. I think that is inequitable and those decisions need to have some input from a very high level. With those few words, I commend the bill to the chamber.

Debate adjourned on motion of the Hon. S.G. Wade.

Motions

RIDE2WORK DAY

The Hon. M.C. PARNELL (20:21): I move:

That this council—

1. Notes that Ride2Work Day is celebrated on Wednesday 18 October this year and congratulates all those who took part and acknowledges the positive effects on the environment and public health of increasing the use of bicycles for transport; and

2. Calls on the government to better integrate cycling with public transport by establishing bicycle park-and-ride facilities to increase the use of both cycling and public transport in Adelaide and to further Carbon Neutral Adelaide objectives.

This motion is in two parts and I am hoping the first part will not be contentious at all because it is pretty much a statement of fact. Basically, the motion notes that today is Ride2Work Day; that is a fact. It also congratulates those people who took part and notes the obvious points: that riding a bike is good for the environment and it is good for public health.

The second part of the motion may be more contentious and my experience in this place over many years is that whenever we call on the government to do something, one of the government backbenchers is instructed to move an amendment to say: replace 'calls on' with 'congratulates for', or words to that effect—it is how it goes. Nevertheless, my intention this evening is to put cycling on the parliamentary agenda.

Ride2Work Day is held every year and I am always pleased that many members of parliament, some of the staff of this place who ride their bikes, participate. I know for a fact that very few, if any, of them are attracted by the free breakfast on offer. Most of them ride because that is what they do. It is good for their health and it is good for the environment.

There were several hundred people in Hindmarsh Square this morning enjoying Ride2Work Day. I acknowledge that Mr Chris Picton, Minister for Road Safety in another place, resplendent in a suit, was there representing the Premier. Megan Hender, councillor for the City of Adelaide, was there, and I was invited to speak as well. It is becoming an institution. I did have a slight panic attack when I arrived at Victoria Square to find no-one there, only to read the memo more carefully—it was Hindmarsh Square.

I would like to acknowledge the work of the Adelaide city council, which put on the breakfast, and in particular Nick Nash, their strategy and projects officer. I also acknowledge the bicycle advocacy groups that were there: the Bicycle Institute of South Australia, the very first group that I joined when I arrived in 1989, and Fay Patterson their chairperson; and also Bicycle SA under the stewardship of Christian Haag.

The second part of the motion, however, refers to bicycle parking and its connection with public transport. It reads:

> That this council…
>
> 2. Calls on the government to better integrate cycling with public transport by establishing bicycle park'n'ride facilities to increase the use of both cycling and public transport in Adelaide and to further Carbon Neutral Adelaide objectives.

What inspired me to put this on the record was a substantial piece of work that was conducted by a volunteer, non-profit group that call themselves the Cycle Park n Ride Working Group. For the benefit of members, I will put on the record the members of the group. They have done a power of work: Wendy Bell, Jennifer Bonham, Peter Croft, Harinder Pal Singh Gill, Hilary Hamnett, Peter Lumb, Greg Martin, Marjon Martin, Heather Nimmo and Scott Simms.

This group went to every single railway station, every tram stop and all of the stops on the O-Bahn bus route, and they investigated both the presence or not of bicycle parking facilities and, secondly and most importantly, the scope that exists for installing such facilities.

The reason this is an important project is pretty clear. We know that the more people who use public transport, the less congestion we have on our roads, the less pressure there is on car parking and overall less pollution of the environment.

Most people will accept that, if we can encourage people onto public transport, that is a good thing. Not everyone lives, like I happen to do, three minutes' walk from a railway station. Many people might live five or 10 minutes' bicycle ride from a railway station. It makes eminent sense to include park-and-ride facilities at railway stations. It increases the catchment. People might be prepared to walk, for example, 800 metres to a station. They might be prepared to ride up to two or three kilometres. It vastly increases the catchment of that station. It is a very worthwhile thing to do.

But what the working group found when they did their study was that there was no cycle parking facility or infrastructure of any kind—not even a single bicycle rack—at 73 tram and train stops and stations across the network. In other words, 62 per cent, nearly two-thirds, had absolutely nothing to cater for bicycles—zilch. On the other hand, there have been thousands of free car park-and-ride spaces installed at various places around Adelaide. So, it is not as if the government does not understand the importance of allowing people to get to the station so they can then get a train or a tram to work, they just have not done it in relation to bicycles

But the beauty of what this working group have come up with is to remind us how cheap it is to put facilities in for bicycles. It is dirt cheap. In fact their analysis shows that even if you were to put

in gold standard, best quality facilities at all of the stops and stations, it would be $5 million, maybe $5½ million. What does that get you—100 metres of freeway? It is dirt cheap compared to the facilities that are provided elsewhere.

The impact, I think, would be considerable. As to the nature of the facilities, these will vary according to location. In some places, a simple fixed bicycle rack that you can lock your bike to is all that is needed. In other places, cages are a good idea. It is two-stage security; in other words, you need a pass or a key to get into the cage and another pass or key to unlock your bike. It makes sense. They have put some of them down on the new Seaford extension. I have been told they have not necessarily been done as well as they could have, but I think the thought was there, even if the implementation was not perfect. We could do much more of that in the suburbs of Adelaide.

The group point out that they have had some success so far. There are six stations on the Outer Harbor line that are soon going to have bicycle racks installed. That is something that is going to be done by the Charles Sturt council and funded by DPTI.

The survey also revealed that not just did nearly two-thirds of tram stops and train stations have nothing; even where there were facilities, there was no systematic installation. The Australian standards were often ignored, perhaps not even understood that they existed, and the number of spots that had been provided was minuscule compared to cars.

I will put the numbers on the record: there was infrastructure to park 402 bicycles and 9,305 cars. You have to remember that providing car parks is a very expensive exercise. Even if we are just talking about a patch of bitumen, it is an expensive piece of infrastructure. It is a large area and it is devoted exclusively to parking cars for a short period of the day.

I congratulate those organisations that have done the research and come up with these results. I will just mention one other particular bugbear of mine, and that is the way that Adelaide Metro approach bicycle parking at the Adelaide Railway Station. I have been talking mostly about stops and stations out in the suburbs, but I am old enough now to remember when the Adelaide Railway Station had a dedicated room for the parking of bicycles, a special space with racks and things in there. They moved it to a few different locations over the years, then they took it away altogether, and cyclists had to lock their bikes to the wrought iron gates at the northern end of the concourse outside the station, luckily close to the Transit Police area, so you would have to be a fairly bold or brazen thief, although I did see someone with an angle grinder once, but I think they had gone and seen the police first as they had obviously lost the key to their lock.

But, now, we have a situation where bicycle parking is very limited in volume; it's behind the barriers at the railway station, and they have these ridiculous signs saying that, if you leave your bike for more than 24 hours, they could take it away. What they do not seem to appreciate is that, when it comes to Adelaide Railway Station, there are people who might want to get the train to the city and then have a bicycle waiting for them that they can then ride to their office, for example, as I did, near South Terrace. I had an old bike; all it did was go from North Terrace to South Terrace, then back to North Terrace at the end of the day—shuttled backwards and forwards, left at the railway station. Was it left for more than 24 hours? Yes: it's called the weekend, or maybe it was on holidays, but it was not inconveniencing anyone and it took up very little space.

So, I would urge Adelaide Metro to rethink its attitude to bicycles and public transport. It is a win/win, it's very inexpensive, and I urge the government to take this report seriously and start spending the very small amount of money required to really beef up park-and-ride for bicycles in Adelaide.

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

TICKET SCALPING

The Hon. T.A. FRANKS (20:32): I move:

That this council notes that the Major Events Act 2013 is not fit for the purpose of addressing the issue of contemporary ticket scalping.

This motion is very simple. It says is that this government has developed a response to ticket scalping that is not fit for purpose. This motion simply states that the Major Events Act 2013 is not fit for

purpose for ticket scalping. I think we have visited this issue before in this place, and members would be aware that I have raised this issue before in this place. Back in 2012 I thought we had an agreement from government that ticket scalping was an issue. Certainly the Major Events Act was touted as a solution to that issue.

The reality is that the Major Events Act was never going to cover the field when it came to ticket scalping. Ticket scalping is the vernacular, as the Attorney called it in the other place, for a practice that has become a little more complicated than simply somebody in a trench coat outside a venue offering you a ticket, usually at an inflated price. In the old theories of how ticket scalping worked before the digital era, I think that is how most people would imagine that ticket scalping worked.

Ticket scalping is, of course, a much more complicated affair. Certainly Choice, the premier consumer organisation of this country, ACA, is taking ticket scalping very seriously. They have had over 1,000 submissions, and have called for law reform at a state and territory level, and I know that there are moves afoot at a federal level.

The complexities of ticket scalping in this era include not just that metaphorical person in a trench coat trying to make a quick buck, profiting usually on the basis of a fan wanting to see a type of live performance, usually not supported by the artist whose product is being made a profit out of by somebody totally unrelated to their craft or their sport.

It has actually become quite complicated and endemic in this era. We have heard stories and seen documented evidence of people turning up to shows with tickets that are not legit, tickets that have been fabricated, tickets through forums such as Viagogo, which appear on a Google search to be being sold in the first place by the legitimate seller of those tickets. These onselling practices are even more disreputable when you realise that often those usually inflated price tickets are sold, for example, to an adult but are a child's ticket, and that adult is unable to use that ticket even if it is valid for that event.

Those tickets, in those particular cases, can be sold with an enormous handling fee that the consumer does not even see until they have already paid and checked out, and then it is added to the bill. So, the face value of the ticket is not necessarily the full cost. Horror stories abound that have been taken through Choice's diligent work on this issue.

There is cause for law reform that would ensure that tickets, if they are onsold, are done so in a much more transparent manner, with full details of the original conditions of the ticket and the original price of the ticket, and limits not just on what has been touted before as, say, 10 per cent of an increase on the face value of a ticket, but making sure that the face value of the ticket is up there right in front of the consumer when they make that purchase. It would ensure also that they are not whacked with additional handling fees, which are a real sneaky and backdoor way of trapping the consumer. That consumer is usually a fan who has missed out because the tickets have sold out, and they have sold out because those who profit from ticket scalping in this era use things called 'bots'.

There is also a call to ban the bots, and I would hope that this government will see fit that we do need fit for purpose legislation, not just to restrict those dodgy practices around slugging a fan extra amounts on top of the face value of a ticket, but to ban those bots that the shonky ticket scalpers use to snap up all the tickets online. Those shonky practices of using bots are going to be addressed by the New South Wales government.

This is no surprise, because there was, just over a week ago, a meeting of state and territory ministers, who agreed to ban the bots, and New South Wales has announced that they will take the lead in that. In newspaper and media reports of that very welcome announcement by New South Wales, I would note that it was said to be a world first. That is actually not the case. Banning the bots has been done in America, and certainly one needs to look no further than the information provided by Live Performance Australia, which is also campaigning very strongly on this issue, to see that not only has it been done but that it can be done. This place should be looking at taking ticket scalping seriously and doing so.

What do we have from our minister with carriage of the piece of legislation that this government has deemed fit to address ticket scalping? On 30 August, we had minister Bignell arriving

off a plane to do a FIVEaa radio interview, getting on the phone to Dave Penberthy and Will Gooding and being faced with questions around what he would do to ensure that the Geelong Cats game that was scheduled for 22 September would actually have protections against ticket scalping.

Why did they raise this? They raised this because those tickets were being put up for sale online at exorbitant rates, and they raised it because the tickets had largely sold out. At first, minister Bignell, in his first interviews on this, on both ABC Radio Adelaide that morning and then later on FIVEaa, stated that ticket scalping was not a problem because everyone could get a ticket if they really wanted to. This is, of course, from a minister who I suspect has not bought a ticket for himself in a very long time.

When it was pointed out to him that the only tickets left were single, restricted view tickets—and indeed, not tickets you could give your child because you could not get double seats together at all in the stadium—he retracted a bit and recanted slightly. Then he said, 'Oh well, I'll take it a little bit more seriously,' and he announced that he would enact the major events provisions to protect that particular game against ticket scalping. That was on 30 August.

Literally later that day, tickets were still for sale online. *The Advertiser*, through the journalist Adam Langenberg, reported that he had contacted people who were selling tickets on Gumtree at exorbitantly inflated prices. Those people had said to that journalist, 'Well, there is nothing you can do about it because it hasn't been declared a major event, so I am completely within my rights to have these tickets online for sale at a huge mark-up.' That ticket scalper was correct: they were completely within their legal rights to do so. Of course, minister Bignell had not enacted the major events provisions and declared that game a major event.

The game was on a Thursday night. We waited and waited for a gazetting under minister Bignell. In the media coverage that then resulted there was urging from the minister to report any examples of ticket scalping to Consumer and Business Services (CBS). So, my office did that: we emailed our concerns about identified examples of ticket scalping for that game. We sent through the first of those examples on 19 September with regard to the Adelaide versus Geelong preliminary final. We noted that those two tickets—there were two tickets on eBay in this sale—were being offered at $650. The face value of those tickets was $126 each. Therefore, it was $256 plus the booking fee, and the scalper was pocketing around $400, while fans missed out.

That was forwarded to CBS on 19 September. As I say, the game was on 22 September. There was no response to that email of complaint by 22 September. When there finally was a response, it arrived on 28 September, about nine days after the original complaint had been made. The response stated:

> Thank you for contacting Consumer and Business Services. It is advisable in this case that you contact South Australian Tourism Commission (SATC) on 8463 4500 to further discuss about ticket scalping as it relates to Major Events Act 2013, which is administers [sic] by SATC.
>
> Kind regards…
>
> Advice and Conciliation Officer

When we raised that not only lacklustre but completely inadequate response with the journalist from *The Advertiser*—who had been outside the game and had seen people selling tickets completely contrary to the declaration that that game was protected against ticket scalping under the Major Events Act—he got a response from the minister's office. The response stated:

> This complaint was not handled in accordance with our procedure for responding to calls relating to ticket scalping.
>
> If a complaint about scalping is made to CBS, staff are expected to seek further information on the matter to assess whether further action is needed.
>
> Staff dealing with consumer complaints will be reminded of this procedure, and CBS will endeavour to make contact with this complainant to get more information.

That response was sent on 15 October.

Firstly, the complainant has yet to receive a call or an email from CBS with regards to the original complaint, made, as I say on 19 September, about a game on 26 September, and which they

were told to go to the Tourism Commission about on 28 September. It is now, of course, well into October. That complainant has not got that follow-up call to let them know that they were not meant to contact the Tourism Commission. We made another complaint that same day, on 19 September. We are still waiting for any response at all to that particular one. That particular one did not deal with an eBay situation. It dealt with a Viagogo situation.

In the meantime, of course, what we have seen is that on 26 September—and let us point out that the game was on 22 September—in the other place the Independent member for Florey raised a concern with the Attorney with regard to ticket scalping. She asked two questions in question time on that day. She was referred by the Attorney to take any complaints to the police. Now, I am not sure if the police have carriage of the Major Events Act or why the Attorney was advising her to take any complaints to the police, but I certainly note that in his response he stated:

> We do not have complaints, at least as far as I am aware, anywhere in government—

Now, the complaints I made—two of them, one responded to incorrectly, one responded to not at all—were made well before 26 September, but the Attorney had no knowledge, and he continued both in the chamber and in the media to refer people to report complaints to the police.

What does happen when you report a complaint to the police? Well, we followed that up, as I am sure members of the council would be unsurprised to hear. When we contacted the police—and I am just looking for the date we did that, but rest assured it was before 15 October—we were referred by SAPOL and put on hold for a good 10 minutes or so, and they came back and they said that they were not sure what to do with our complaint and perhaps we had better wander in to a station.

Now, I do not really want to waste police time with reports about ticket scalping that are meant to be handled by Consumer and Business Services, so I did not wander into a police station with my complaint about that ticket that, as I say, was marked up by over $400 on the original face value, that was clearly rorting the system and contrary to the Major Events Act and in relation to which the report and complaint about it was not taken seriously by the bureaucracy. I did not want to complain to the police about that.

What I do want is an act that works. I also wonder when we are going to get the second response to our complaint about the Viagogo sales, because we are still waiting for that one. We are still waiting for CBS to contact us and correct the record and say that we were not meant to take our complaint to the Tourism Commission and actually we are still waiting for an act that works.

When it comes to the Major Events Act, until this most recent pressure, put on minister Bignell, to declare a major event for those particular finals football games, I would note that there was only 14 events in total where a major event was declared from the beginning of the operations of that act until earlier this year, and only two of those were for what you would call live performance. The rest were all cricket, soccer, cycling and other sports related events. Two gigs, two concert performances—those being Rolling Stones mark 1 and 2 and AC/DC—are the only times that protections against ticket scalping have been given to fans who wish to see live performances, great music, world-class music in this state.

In fact we know that the majority of ticket scalping happens around the music industry. We know that the music industry and particularly Live Performance Australia are begging for state and territory governments to act on this issue. I think at the moment we are seeing that that action is pretty underwhelming.

When I refer to that major event declaration for the Rolling Stones, the first time it was declared was, of course, the concert in March 2014 but that was cancelled and postponed. We then had over six months to get it right—but what happened? Again, it was declared a major event. I note that part of the major event process is that there is a gazetted area around the Adelaide Oval that gives protection from any ticket sales whatsoever within that geographical zone. That geographical zone ends at War Memorial Drive, some 50 metres from the front gates of Adelaide Oval, where one can walk across the road into the ANZAC Peace Park and sell tickets there. It is not rocket science. It is clearly not fit for purpose.

Online, the protections, of course, are meant to exist where Consumer and Business Services will investigate complaints around ticket scalping. However, media reports at the time—and I hope the government can correct me—by the ABC noted that the Consumer Affairs Commissioner was not given powers under the act to act on those reports of ticket scalping, indeed, until mere days before the second concert.

As I say, we had six months to get it right and a few days out, suddenly the commissioner had some empowerment but certainly no prosecutions were made of scalping tickets. I can tell you that that night, walking to the Rolling Stones across the bridge, there were people scalping tickets. I saw it with my own eyes. Unfortunately, nobody from the bureaucracy or, in this case, SAPOL, did anything about it.

This is a serious problem. It is a consumer issue. Increasingly, consumers are getting ripped off and the people who are getting ripped off are those who love the performances that they want to go and see. That damages the industry and that is why this industry is crying out for protections. That is why acts like Midnight Oil who, I note, are not declared a major event under this act, are crying out for protections against ticket scalping. That is why festivals such as Day on the Green are crying out for protections against ticket scalping. Until this government takes ticket scalping seriously and looks to the UK, US and now soon to be New South Wales legislation and implements something that is fit for purpose, we are letting those fans down and we are letting those performers down, and we are letting the industry down.

With those few words, the Greens will be making this an election issue. We believe that consumers, particularly fans, have the right to be not ripped off. We believe performers, who put so much into their craft, who are there for their art should not have somebody making a profit from their talent and from their hard work. These people are opportunistic. They do not contribute to the industry. They do not provide opportunity. Legitimate platforms for people to onsell, knowing that they are getting a product that is not going to see them turn up to the door of the gig; for example, as David Penberthy on FIVEaa said when he turned up to HQ for Public Enemy, he had a false ticket.

Fans want to know that they are going to get what they paid for. At the moment they are not, and Choice has uncovered the depth of how many times people are getting ripped off. Performers deserve to get the rewards of their hard work and the industry deserves our protection as parliamentarians. With those few words, I commend the motion.

Debate adjourned on motion of Hon. S.G. Wade.

Bills

LIMITATION OF ACTIONS (CHILD SEXUAL ABUSE) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (20:55): Obtained leave and introduced a bill for an act to amend the Limitations of Actions Act 1936. Read a first time.

Second Reading

The Hon. J.A. DARLEY (20:56): I move:

That this bill be now read a second time.

I am pleased to rise to present this bill on behalf of Advance SA. This bill will amend the Limitations of Actions Act to remove the statute of limitations for civil claims relating to child sexual abuse. I understand the member for Bragg has introduced a similar bill in the other place; however, it is worth noting that this bill goes further. The member for Bragg's bill removes the statute of limitations only for claims of child sexual abuse that were committed in a government institution. This bill goes further and removes the statute of limitations from all claims of child sexual abuse, regardless of where it is committed. This was a recommendation of the federal Royal Commission into Institutional Responses to Child Sexual Abuse.

In 2016 the royal commission produced the Redress and Civil Litigation Report. The commission made a number of recommendations, including that all states should remove the statute

of limitations for civil claims against child sexual abuse claims where the child was in institutional care. I quote:

> Recommendation 85. State and territory governments should introduce legislation to remove any limitation period that applies to a claim for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context and the person is or was a child.

While the recommendation is limited to child sexual abuse committed in institutions, the report also says:

> While our recommendations relate to institutional child sexual abuse, we have no objection to state and territory governments providing for wider changes.

I cannot see a reason why the statute of limitation should be removed for some victims of child sexual abuse and not others.

When sexual abuse is perpetrated against a child the abuser often manipulates the child to ensure their silence. They threaten that something bad will happen to them or their family or they prey upon the playful innocence of a child by presenting the abuse as a secret game. This abuse has a long-term effect that often extends well into adulthood. Children are often not competent enough to report these matters to other adults for fear that they will not be believed—after all, who would believe a child over the word of an adult?

This is what they are told, and it is their truth. Once it gets to the stage where a child or young person realises that what is happening to them is not acceptable, they are essentially having their truth completely perverted. What they thought was right is now wrong, and what is wrong is actually right. To undo years of psychological manipulation is very difficult. Therefore, a lot of cases of child sexual abuse are not reported until many years later, far beyond the current statute of limitations.

The statutory limitation period for criminal prosecutions has been removed; however, there is still a time limit for personal injury claims. This limit is three years. However, I understand the limitation period does not begin until the child turns 18, which effectively means that a person has until they turn 21 before the statute of limitation runs out. I will read a quote from the royal commissioner's report as to why a statute of limitations is inappropriate when applied to child sexual abuse claims:

> …the delay in a survivor's capacity to report child sexual abuse, particularly when it occurs in an institutional context, is now well known. Many survivors are unable to disclose their abuse until well into adulthood. Analysis of our early private sessions revealed that, on average, it took survivors 22 years to disclose the abuse. Men took longer than women to disclose the abuse. These delays are not surprising. It is common for survivors who were abused in an institutional context to tell us that they were unable to report the criminal acts of a person who had authority over them. Their compromised psychological position often means they wrongly blame themselves for the abuse and are grossly embarrassed and ashamed, all of which make it difficult for them to tell anyone about the abuse for many years.

Whilst I acknowledge that the courts have a discretion to grant an extension, the royal commission found that the mere idea of the limitation is often obstacle enough to dissuade a claim. I quote:

> [Survivors] have told us that limitation periods are a significant, sometimes insurmountable, barrier to survivors pursuing civil litigation…
>
> They create the risk of lengthy litigation—sometimes years of litigation—about whether or not the claim can be brought. This involves substantial legal costs without any consideration of the merits of the case. Many survivors and survivor advocacy and support groups have told us that this risk is enough to prevent many survivors from commencing civil litigation.

There has been very little done to address this by the state government, and Advance SA believes this is unacceptable. The government have not opted into the national redress scheme that would allow victims of child sexual abuse access to compensation, instead referring people to make a claim from the Victims of Crime Fund. This in itself is problematic as any claims are dependent upon the police prosecuting the matter and attaining a successful conviction. If there is no conviction, it is up to the abused person to prove to the government that the offence occurred beyond reasonable doubt.

I understand that New South Wales, Queensland and Victoria have already removed the statute of limitations for civil claims and that Western Australia is looking into it. There has been no movement in South Australia and it is about time that this is done. Advance SA wants to provide justice for child sexual abuse victims, and I commend the bill to members.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (PROMOTING USE OF VACANT LAND) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (21:04): 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 (21:04): I move:

That this bill be now read a second time.

It will come as no surprise to members when they see the full title of this bill, the Planning, Development and Infrastructure (Promoting Use of Vacant Land) Amendment Bill 2017 to realise that this bill is yet another attempt on my part to deal with the appalling situation that we see on the Le Cornu site where we have a prime piece of real estate left vacant for 28 years. The last time I put this issue on the agenda it was as a motion and it was calling on the government to take steps, unspecified steps, to secure the use of that land for public purposes, in particular a park, until the developer, the owner, was ready to develop the land, and I think that is still the preferred way to go. Given the reluctance of the government and even the opposition to support that motion last time, I figured we need to try a different tack.

The main rationale that was offered for rejecting my previous motion was that this land is in fact privately owned land and therefore there is nothing that the government can or should do about this situation. I find that to be a remarkable state of affairs because the entire purpose of our planning system, in fact a great deal of what is on the statute books, is about modifying the behaviour that people would otherwise display in all walks of life, and when it comes to development, that is mostly what the legislation is about. It is about regulating what people can and cannot do on private property. I have let the government off the hook slightly in terms of this bill because the bill is drafted in a way so that the state government does not really have to act if it does not want to, but the question is: why shouldn't local councils then be able to act?

My bill is very straightforward. It says that if a local council or the state government forms the view that land is vacant and unused, and that there is no likelihood of it ever being used for any worthwhile purpose, then they can step in and secure what this bill calls a 'statutory lease'. In other words, they will take control of the land and they will relieve the owner of liability for the land. They will be able to relieve them of rates and taxes and charges and all manner of things and, as soon as the owner is ready to develop, as soon as they have permission to develop and they can show that they are about to develop and they are ready to go, they get the land back. It really is not at all Draconian. This is not compulsory acquisition of freehold title; it is basically saying, 'If you're not going to develop it, then at least let the public have the use of it.'

Some key definitions in the bill include 'public purpose'. The only reason that a council or a state government can acquire a statutory leasehold interest in this land is for a public purpose defined as use of land as a public park, a playground or for the purpose of recreational sport, or any other purpose declared by the minister by notice in the *Gazette*. I have left the government in control but the default is we are talking grass, we are talking parks and playgrounds and picnic tables. It ought not be that hard. The bill is also different from the earlier motion that I brought forward in that it does not relate exclusively to the Le Cornu site; it relates to any situation in South Australia that has those similar attributes, that is, land that is not being used and is unlikely to be used.

I think it would probably be very rare with all the vacant blocks all over South Australia that the council would want to step in and say, 'We'll use that as a park.' It is not going to happen to the block of land that someone has bought out in the bush to build their retirement home on; it is just not going to happen. But Le Cornu—28 years vacant with a fence around it, an eyesore that is the laughing stock of Adelaide—when cases like that come up why shouldn't the council be able to?

There is even more. It is not as if the council can do this is as the first resort; this is a last resort. They can only use this power in this bill if they have tried to negotiate with the owner and

failed. Really, it is very much a last resort option, not a first resort. With those brief words, I commend the bill to the chamber.

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

GENETICALLY MODIFIED CROPS MANAGEMENT REGULATIONS (POSTPONEMENT OF EXPIRY) BILL

Introduction and First Reading

The Hon. M.C. PARNELL (21:10): Obtained leave and introduced a bill for an act to postpone the expiry of the Genetically Modified Crops Management Regulations 2008. Read a first time.

Second Reading

The Hon. M.C. PARNELL (21:11): I move:

That this bill be now read a second time.

Of all the things that future generations might thank us for or curse us for, one of the things that I think they will thank us for is that here in South Australia we have maintained a ban—or a moratorium, if you like—on the commercial growing of genetically modified crops. I think they will thank us for that, because all of the evidence suggests that there is likely to be great benefit to South Australia in economic terms if we do maintain that ban.

That is not just my say-so; that is actually the evidence that is presented daily in the various market reports for agricultural crops. It is also the conclusion of a number of academic institutions that have looked into this. Before I go into that evidence, I just want to quickly outline why I am using a bill to postpone the expiry of a regulation, because it is an odd thing to do, but it is an important thing to do.

Members would know that we have had a regime for some years now to try to keep our subordinate legislation relevant, that if you do nothing in relation to a regulation it expires after 10 years. There is a provision that you can actually extend it. I think you can extend it twice, but ultimately, to avoid having obsolete regulations on the statute books, they expire after 10 years. You do not have to do anything. They just disappear; they just fade away into the ether.

This moratorium in South Australia on the growing of genetically modified commercial crops will expire on 1 September 2019. It will expire even if nobody does anything. It might be able to be extended, but if no-one does anything it will expire. If it expires, the protection that other farmers and other industries have against the encroachment of genetically modified crops will disappear. So this is an important measure.

My bill proposes to extend the moratorium to the year 2025. I have chosen that date because that puts us into the next political cycle; in other words, after this election in March and then after the following election. If we do not do that, halfway through the next term of parliament, the moratorium will disappear if nobody does anything. If we pass this bill, it will require an act of parliament to effectively lift the moratorium. It is a protective measure. It does not change anything on the ground today. The moratorium exists today, it exists tomorrow, it will exist next year, it will exist up until 1 September 2019 and then it will disappear if we do not pass this bill or if whoever the government of the day is does not remake or extend those regulations.

I said that there was evidence that South Australian farmers are benefiting commercially from the genetically modified crops moratorium, and my evidence for that is that as recently as last week an analysis of the rural press shows that GM-free canola, in other words, not genetically modified canola, was attracting a price premium of $51 a tonne in Victoria, $37 a tonne in New South Wales, in Western Australia it was $19 to $28 a tonne—this is the extra the farmers get who are not growing GM crops—and South Australia was similar to regional Victoria.

So, there is a price premium, and the charts in the *Weekly Times* and elsewhere—the chart I have in front of me from late September has $40 a tonne in Victoria, it looks like South Australia is similar and in New South Wales $11 is one figure, so it changes, but you get more money for not growing GM crops.

I mentioned academic reports, and one that is important here is the University of Adelaide in June last year produced a report, entitled 'Identification and Assessment of Added-Value Export Market Opportunities for Non-GMO Labelled Food Products from South Australia'. That is the University of Adelaide Centre for Global Food and Resources. This was a report they prepared for government. They prepared this report for the Department of Primary Industries and Regions. Just to quote a few lines from this report, their review shows that:

> Global food trends indicate that discerning consumers are increasingly seeking foods that are 'naturally healthy', have a 'clean' label with simple ingredients (that include GM-free), and have identifiable provenance that links consumers to producers.

I think the government knows that. It has been part of the government's marketing strategy for food for some time. The university's report goes into some detail about the target market of the United States, the target market of China, and I will quote one more from the executive summary in this report. They say:

> The study team concluded that there are opportunities for added-value returns for Non-GMO-labelled food products from South Australia, but that based on identified global food trends: the greater opportunity lies in promoting a broad-based platform of 'naturally healthy' products (that are GM-free) from South Australia with claims that can be underpinned by traceability and verification systems.

It sounds complex, but what it means is that, once you let GMO into one part of the state, even if it does not have any physical impact on another part of the state, kiss goodbye to the state's reputation as being GM-free. The ability of people on Kangaroo Island, in the Barossa or elsewhere to label their cheese, milk, grapes, wine, whatever it is, as coming from a GM-free region is identified as being an ongoing marketing advantage that we do not want to lightly throw away.

So, it is a simple bill; it ensures that the moratorium will stay in place for another six years beyond their expiry in 2019, so that brings us to 2025, and it ensures that whoever the government is, either in the next term or the term after that, if they want to (in my mind, foolishly) go down the path of genetically modified crops for South Australia, then at least parliament will have the chance to debate that measure. I commend the bill to the house.

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

CRIMINAL LAW CONSOLIDATION (DEFENCES - DOMESTIC ABUSE CONTEXT) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (21:19): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. M.C. PARNELL (21:19): I move:

That this bill be now read a second time.

The statistics on domestic or family violence are truly disturbing. Intimate partner violence is the most common type of violence against women worldwide and the leading cause of death amongst Australian women aged between 15 and 44—the leading cause of death. On average, at least one woman a week is killed by a partner or a former partner in Australia. Almost half of all spousal homicides committed by men involved killing women who had left them or were attempting to do so.

There is considerable research confirming the link between domestic homicide and domestic violence. We know that family violence results in a police callout on average once every two minutes across the country. They are horrifying statistics, but this is an entirely preventable societal problem that ultimately is caused by choices made by perpetrators of violence and perpetuated by a legal system that fails to protect victims of domestic violence.

As a community, we are increasingly recognising the importance and urgency of legislating protections for those experiencing domestic or family violence. Feminist critiques from the 1970s and 1980s gave insights into how the criminal justice system has historically failed to protect families from domestic violence, and by the 1990s most states and territories had enacted family violence

legislation. These were important first steps, but emerging data and survivor experiences suggest that further reform is needed.

Research done by Bradfield in 2002 found a significant link between domestic violence and domestic homicide, citing Donnelly's 1995 research that found a high likelihood that where a male offender kills his sexual partner the act that caused her death was not a first act of violence by the offender against the victim but a subsequent act often separated by months or years. Other research done by Mouzos in 1999 found that around 40 per cent of men who killed their female intimate partner were motivated by desertion, termination of a relationship or jealousy. Bradfield, again in the 2002 work, reiterates that separation is a dangerous time for women.

It is clear that in this area the law needs to strike a balance. On the one hand, we must ensure sufficient protections are in place for defendants, mostly women, who kill their abuser out of fear for safety. On the other hand, we must prevent any of these protections from being used by the abusers to reduce their punishment or blame their victim if their domestic violence becomes a domestic homicide.

Reforming the law in South Australia is long overdue. Reforms have been made in other Australian jurisdictions, but little has changed in South Australia, and this is what this Greens bill seeks to address. I propose to outline what has happened in other jurisdictions. In the process, I will refer to some quite horrendous cases that have triggered reform. Then I will explore the research work that has been done interstate and in South Australia, particularly the research work that has inspired this bill.

At this point, I would like to particularly thank my chief of staff, Cate Mussared, who has been working on this bill for the best part of a year and has pulled together a vast amount of relevant research, so I acknowledge her. As there is a lot of material that I wish to put on the record tonight, and given the lateness of the hour, I seek leave to incorporate the remainder of my second reading speech into *Hansard* without my reading it, and I note that the remainder of my speech also includes an explanation of the clauses of the bill.

Leave granted.

I want to outline some of the recent cases in Other Jurisdictions that have fuelled the call for law reform.

In Victoria in 2003 in Melbourne, James Ramage violently murdered Julie, his wife of 23 years, because she had left him and 'taunted him about loving someone else' and said that she didn't enjoy sex with him. After having punched Julie to the ground and then strangling her to death, Ramage drove with his dead wife in the boot of his Jaguar and dumped her battered body in a shallow grave on a remote bush property.

The trial revolved around the question of whether in the moments immediately prior to Ramage's use of lethal violence, Julie's actions had caused him to lose his self-control and whether he possessed an intention to kill. The result of this was that the trial focused just as much on dissecting responsibility in the breakdown of their marriage as it did on the actual event of lethal violence.

Witnesses in the trial provided evidence of Ramage's continuing intimidation and dominance of Julie throughout the marriage and also evidence of episodes of violence and abuse against Julie. However due to the hearsay rules of evidence and concerns of prejudice against Ramage, this evidence wasn't heard by the jury. Julie Ramage couldn't speak for herself and the law did not allow for her background relationship experiences to be heard. The criminal justice system was unable to provide her with a voice.

Ramage's successful use of the partial defence of provocation meant that he found not guilty of murder but instead was convicted of the lesser charge of manslaughter and only spent 7 years in jail.

In the wake of this case and verdict, there was considerable outrage about how this partial defence to murder had cause such a grave injustice.

The provocation defence, which had been retained partly with the view to protect victims of domestic violence, ended up being used by Julie's killer to justify and excuse his violence against her.

In New South Wales in Sydney in 2009 another similar tragedy took place. Chamanjot Singh killed his 29 year old wife Manpreet Kaur in their western Sydney home, by slitting her throat eight times with a box cutter. Manpreet had more than 22 cuts on her body and bled to death. Singh claimed that he had been provoked because, as he alleged, she threatened to leave him and suggested he would be deported.

Singh was charged with manslaughter instead of murder, because the court found his wife's actions had 'provoked' him into losing control. Kaur had not done anything illegal, nor had she attacked Singh or behaved in a way

that would threaten Singh's immediate safety. She just made him angry. Singh served only 6 years for killing Manpreet Kaur.

Again, another example of the provocation defence being used by male killers to justify and excuse their violence against their female intimate partners who threatened to leave them.

To address these issues and provide appropriate legal defences to victims who kill to escape abuse, while preventing these defences from be misused, other Australian jurisdictions have tried a range of responses.

In 2003, Tasmania was the first state to abolish the provocation defence.

In 2004 the ACT modified the partial defence of provocation, so that a non-violent sexual advance cannot, without other factors, constitute provocation.

In Victoria, following the injustice of the Ramage case and community outrage over how the law of provocation legitimises male-perpetrated intimate partner homicides, the Victorian Parliament abolished the provocation defence in 2005. This followed the publication of the Victorian Law Reform Commission's Report 'Defences to Homicide' Final Report in October 2004.

As an alternative to the provocation defence the Victorian Parliament created the offence of 'defensive homicide'. This aimed to act as a safeguard for long-term victims of domestic violence who kill their abusers and may otherwise be stuck with a full murder charge.

They also introduced provisions to allow for a range of evidence about violence in the relationship in arguing self-defence, manslaughter or defensive homicide. These reforms put beyond doubt that the reasonableness of a survivor of domestic violence's actions must be evaluated by reference to 'what it must really be like to live in a situation of ongoing violence'.

Defensive homicide, however, was then abandoned in Victoria in 2014 after it was 'hijacked' by violent men who were, again, granted reduced sentences for killing their partners.

In 2006, the Northern Territory introduced a new provision dealing with the partial defence of provocation. The revised provision, currently in force, imposes an objective test as to whether the provocation was sufficient to have induced an ordinary person to have so far lost self control as to have formed an intent to kill or cause serious harm to the deceased. The law was also modified so that a non-violent sexual advance cannot, without other factors, constitute provocation.

Western Australia abolished provocation in 2008. In both Tasmania and Western Australia, the abolition of provocation was helped along by replacing the mandatory penalty of life imprisonment for murder with a presumptive sentence of life imprisonment.

In 2010, Queensland reformed their laws to create a new offence of 'killing for preservation in an abusive domestic relationship', which reduces murder to manslaughter. As a murder sentence in Queensland carries a mandatory life sentence, this is particularly significant.

Additionally, Queensland's partial defence of provocation was amended in 2011, in order to reduce the scope of the defence being available to those who kill out of sexual possessiveness or jealousy. Furthermore, 'except in exceptional and extreme' circumstances, 'words alone' and 'the deceased's choice about a relationship' could not constitute provocation.

Queensland then abolished the 'gay panic' aspect of the defence in 2016, leaving SA as the only state in Australia to still retain it. At this point I would like to acknowledge the work of my colleague Tammy Franks MLC who has been working for a numbers of years to remedy this shameful situation.

In NSW, after the tragedy of the Singh case in 2009, the Australian and the NSW Law Reform Commissions held a review into family violence laws in 2010. This was followed by a 2013 Parliamentary Committee inquiry into the provocation defence. The Parliamentary inquiry found that 'the risk of a murder conviction for women who kill an abuser was too high without a 'safety net' option of a provocation defence'. NSW consequently amended their laws, retaining a cut-down version of the partial defence of provocation, but specifying that the provocative conduct of the deceased must also have constituted a serious indictable offence.

This brings us to the situation in South Australia.

In a 2014 article in The Conversation titled 'Laws on lethal domestic violence should be reviewed – nationally', Criminology expert Dr Kate Fitz-Gibbon, (Lecturer in Criminology at Deakin University – but now at Monash University), commented on the situation in South Australia, stating—'Marking a third approach to reconsidering the law of provocation, South Australian MPs recently expressed concern about the law's operation in 'gay panic' cases. They are yet to consider how it applies in cases of men who kill a female intimate partner who attempted to leave the relationship or has allegedly been unfaithful. To date, such men continue to have a partial defence of provocation open to them.'

Dr Kate Fitz-Gibbon also suggests that we need stronger protections in place for survivors of domestic and family violence. We need stronger legal defences for long-term survivors of family violence who kill out of fear for the safety of themselves and others.

I would now like to outline some of the Reviews that have been conducted into this complex area of law. Considerable research has gone into finding a balanced solution for this problem. I want to refer to three studies in particular:

The first report is the 2004 'Defences to Homicide – Final Report' by the Victorian Law Reform Commission

This report was commissioned in 2001 with the reference:

'To examine the law of homicide and consider whether:

- it would be appropriate to reform, narrow or extend defences or partial excuses to homicide, including self-defence, provocation and diminished responsibility;
- any related procedural reform is necessary or appropriate to ensure a that fair trial is accorded to persons accused of murder or manslaughter, where such a defence or partial excuse may be applicable; and
- plea and sentencing practices are sufficiently flexible and fair to accommodate differences in culpability between offenders who are found guilty of, or plead guilty to, murder or manslaughter.

Recommendations in the Report included that:

- the partial defence of provocation should be abolished;
- the law of self-defence and other defences to homicide should be codified;
- factors which may assist the jury in determining whether a person who was subjected to family violence by the deceased acted in self-defence or under duress should be in included in a separate provision on evidence;
- that the new provision on self-defence should specify that a person may believe that the conduct carried out in self-defence is necessary and that a person's response may be reasonable when the person believes the harm to which the person responds in inevitable, whether or not it is immediate.
- A provision should be introduced to clarify that where self-defence or duress is raised in criminal proceedings for murder or manslaughter and a history of family violence has been alleged, evidence on the following may be relevant:
    - the history of the relationship between the person and the family member, including violence by the family member towards the person or any other person;
    - the cumulative effect, including psychological effect, on that person of that violence; and
    - the social, cultural and economic factors that impact on that person.

Other than the first recommendation to abolish provocation, these other recommendations and the Victorian legislation that resulted from this very thorough body of work form the basis for the Bill before you today.

The second report is the 2010 'Family Violence— A national legal response' (ALRC Report 114) conducted by the Australian Law Reform Commission and the NSW Law Reform Commission.

As mentioned earlier, the 2010 Law Reform Commission review into family violence sought to review family violence laws to improve the safety of women and children. Overall, its recommendations focused on changing definitions to fit more modern conceptions of domestic violence, family relations and abuse. Similarly, the recommendations suggest a more comprehensive legal framework for acknowledging domestic abuse in its various forms, including abuse that does not fit conventional understandings of direct physical attacks.

The Report also draws attention to the importance of recognising the gendered nature of this issue, as well as the complex ways that family violence and domestic abuse intersect with marginalisation – notably its disproportionate impact on: 'Indigenous persons; those from a culturally and linguistically diverse background; the aged; those with a disability; and those from the gay, lesbian, bisexual, transgender and intersex communities'.

The report further recommended legislation should broaden the terms of reference for what constitutes domestic violence, pointing out that 'family violence is violent or threatening behaviour, or any other form of behaviour, that coerces or controls a family member or causes that family member to be fearful.'

'Such behaviour may include but is not limited to:

(a) physical violence;

(b) sexual assault and other sexually abusive behaviour;

(c) economic abuse;

(d) emotional or psychological abuse;

(e) stalking;

(f) kidnapping or deprivation of liberty;

(g) damage to property, irrespective of whether the victim owns the property;

(h) causing injury or death to an animal irrespective of whether the victim owns the animal; and

(i) behaviour by the person using violence that causes a child to be exposed to the effects of behaviour referred to in (a)–(h) above.'

'The Commissions are not advocating that all types of conduct that constitute family violence should be criminalised, nor that family violence should be given the same treatment in the various legal frameworks considered in this Report. In each case, the severity and context of particular family violence may carry varying weight in different legal proceedings, depending on the reasons for advancing evidence of family violence and the purposes of the respective legal frameworks'

Key recommendations were:

'Recommendation 7–2: State and territory family violence legislation should contain a provision that explains the nature, features and dynamics of family violence including: while anyone may be a victim of family violence, or may use family violence, it is predominantly committed by men; it can occur in all sectors of society; it can involve exploitation of power imbalances; its incidence is underreported; and it has a detrimental impact on children. In addition, family violence legislation should refer to the particular impact of family violence on: Indigenous persons; those from a culturally and linguistically diverse background; those from the gay, lesbian, bisexual, transgender and intersex communities; older persons; and people with disabilities.'

'Recommendation 7–4: State and territory family violence legislation should articulate the following common set of core purposes:

(a) to ensure or maximise the safety and protection of persons who fear or experience family violence;

(b) to prevent or reduce family violence and the exposure of children to family violence; and

(c) to ensure that persons who use family violence are made accountable for their conduct.'

In relation to Homicide Defences and Family Relationships in Criminal Laws, the report made the following recommendations:

'Recommendation 14–1 State and territory criminal legislation should ensure that defences to homicide accommodate the experiences of family violence victims who kill, recognising the dynamics and features of family violence.'

'Recommendation 14–2: State and territory governments should review their defences to homicide relevant to family violence victims who kill. Such reviews should:

(a) cover defences specific to victims of family violence as well as those of general application that may apply to victims of family violence;

(b) cover both complete and partial defences;

(c) be conducted as soon as practicable after the relevant provisions have been in force for five years;

(d) include investigations of the following matters:

(i) how the relevant defences are being used—including in charge negotiations—by whom, and with what results; and

(ii) the impact of rules of evidence and sentencing laws and policies on the operation of defences; and

(e) report publicly on their findings.'

The third report and the one most relevant to us is the South Australian Law Reform Institute (SALRI) 'The Provoking Operation of Provocation: Stage 1' Report 2017

The SALRI Report focuses on SA's partial defence of provocation, and overall recommends that the defence be abolished due to its inherent discrimination towards women and LGBT groups:

'Given that the criticisms of the present law of provocation go beyond the homosexual advance defence, SALRI concludes that any reform should extend beyond removing this aspect of provocation. SALRI considers that wider reform of the present law is necessary. In particular, a strong criticism of the present law is that the defence of provocation is gender biased and unjust, namely that it is perceived to unfairly favour male accused (especially those who have killed a female partner) while applying unfairly to women accused of murder (especially those who have been subjected to family violence).'

While the strong recommendation to abolish the 'gay panic' aspect of this defence is an important theme in this report, SALRI notes:

'…removing a homosexual advance from the ambit of provocation, whilst serving as an important legislative declaration of non-discrimination, in practice would have very limited effect'

The report goes on to recommend four approaches to amend the provocation defence's inequities:

'SALRI has considered four options to date in its consultation and research.

- First, retaining the partial defence of provocation but removing the homosexual advance aspect (or any non-violent sexual advance).
- Secondly, making major changes to provocation based on the New South Wales (NSW) model of 'extreme provocation'
- Thirdly, abolition of the partial defence of provocation.
- Fourthly, clarifying the law of self-defence in a family violence context.

Overall, the SALRI report strongly recommended abolition of the partial defence of provocation.

However:

'SALRI suggests that it would be premature to make or consider any changes to the present law of provocation until its further review in the second stage has been concluded. SALRI intends to release its Stage 2 Report as soon as possible.

Therefore:

'SALRI recommends that South Australia should amend Division 2 of the Criminal Law Consolidation Act 1935 (SA) and adopt an approach based on the Victorian model of self-defence (and for consistency the Victorian approaches of duress and necessity), which explicitly takes into account both evidence of family violence and the context of family violence in clarifying the scope and operation of self-defence (and for consistency duress and necessity).

It is worth noting that almost universal support was expressed to SALRI during its consultation for South Australia to adopt the Victorian model of self-defence in respect to family violence.

The underlying theme is simple—more protection is needed for victims of domestic violence, and less protection is warranted for perpetrators of violence.

Here in SA, we are lucky that we have not seen a recent case like those of Singh or Ramage – which is why it's important to act now, before action is necessitated by tragedy.

We know that in the vast majority of cases where women kill their partners, there is a history of family or domestic violence.

If we then consider that family violence has psychological and physiological impacts on the victim so severe that the Diagnostic and Statistical Manual of Mental Disorders (5th Edition) categorises 'battered woman syndrome' as a sub-category of posttraumatic stress disorder, then we must accept that violent conduct towards a long-term abuser is potentially within the scope of how a 'reasonable person' would respond to such grievous trauma.

Legislators tend to support the idea of self-defence being a safety net, and agree that if someone kills while defending themselves or another from the deceased's serious violent behaviour, their actions are generally considered to be reasonable.

An 1998 article titled 'Is near enough good enough? Why isn't self-defence appropriate for the battered woman?', in the publication 'Psychiatry, Psychology and Law' looked at the application by the Australian courts of the defences of provocation and self-defence to women who kill their abusive partners. Author Rebecca Bradfield pointed out: 'courts tend to categorise the killing as raising the defence of provocation rather than self-defence. It is argued, through reference to certain cases, that the practical reality is that the woman is often acting to protect her life or that of her children'.

I now want to specifically address the issue of Provocation in South Australia, which remains a common law partial defence in this State.

Although the Greens have considered the merits of abolishing provocation, we are also conscious that we have mandatory minimum sentencing laws in SA, which is problematic. Also as we know, despite worthy attempts by my Greens colleague Tammy Franks to abolish the gay panic defence in this place, SA remains the only jurisdiction in Australia to still have this defence available. This is an embarrassment to SA.

However, as I've already outlined, the SALRI report recommended that 'it would be premature to make or consider any changes to the present law of provocation until its further review in the second stage has been concluded'. The Greens are looking forward to the release of this 2nd report and so aren't addressing provocation laws in South Australia in this Bill.

It is worth noting though that reform of the provocation defence has been central to family violence reform in other jurisdictions as I've already outlined.

Instead, this Greens Bill acts upon other recommendations in the SALRI report to 'adopt an approach based on the Victorian model of self-defence (and for consistency the Victorian approaches of duress and necessity), which explicitly takes into account both evidence of family violence and the context of family violence in clarifying the scope and operation of self-defence (and for consistency duress and necessity)'.

Specifically, my Bill addresses the following specific recommendations from the SALRI report.

Recommendation 4:

'SALRI recommends that the current law of self-defence set out in Division 2 of the Criminal Law Consolidation Act 1935 (SA) should be amended for all offences of violence (not confined to homicide) to incorporate the Victorian model of self-defence in circumstances of family violence as set out in Part IC of the Crimes Act 1958 (Vic).'

Recommendation 5:

'SALRI recommends that, in particular, the current law of self-defence in Division 2 of the Criminal Law Consolidation Act 1935 (SA) should be amended to clarify that in cases involving family violence, the actual or perceived threat need not be immediate or imminent.'

Recommendation 6:

'SALRI recommends that, in particular, the current law of self-defence in Division 2 of the Criminal Law Consolidation Act 1935 (SA) should be amended to provide that evidence of family violence is relevant and may be taken into account to prove both the accused's belief that using force was necessary (the subjective limb) and to prove whether the conduct said to occur in self-defence was a reasonable or proportionate response in the circumstances as the accused believed them to be (the objective limb).'

Recommendation 7:

'SALRI recommends that, in light of modern understanding, the definition of 'family violence' should be given a wide definition and not be confined to direct physical violence and 'family violence' should also be given a wide definition in relation to the relationships caught within it (especially to include Indigenous kinship) and not be confined to spouses or 'domestic partners'. The model provided in Part IC of the Crimes Act 1958 (Vic) is helpful but it is additionally suggested that, for consistency, the existing model of 'family violence' in s 8 of the Intervention Orders (Prevention of Abuse) Act 2009 (SA) should be adopted.'

Recommendation 8:

'SALRI recommends that either Division 2 of the Criminal Law Consolidation Act 1935 (SA) or the Evidence Act 1929 (SA) should be amended in terms similar to Part IC of the Crimes Act 1958 (Vic) to explicitly provide that evidence of family violence and related evidence (including 'social framework' evidence as to the nature and effect of family violence) is admissible and may be adduced in any case involving family violence (not confined to homicide) with potential defences of self-defence, duress or necessity.'

Recommendation 10:

'SALRI recommends that, for consistency with Recommendations 4, 5, 6 and 7, the common law defences of duress and necessity in South Australia should be amended in respect of all offences, to clarify that in cases involving family violence, the actual or perceived threat need not be immediate and to provide that the fact of family violence should be taken into account in considering the reasonableness or proportionality of the response employed. The model in Part IC of the Crimes Act 1958 (Vic) provides a suitable model.'

Recommendation 11:

'SALRI recommends that Recommendations 3 to 10 above can, and should, be undertaken, regardless of whether provocation is ultimately retained, revised or abolished in South Australia.'

We cannot ignore the recommendations that have arisen from the vast amount of work of so many experts—the Victorian Law Reform Commission, the Australian Law Reform Commission, the NSW Law Reform Commission, and the South Australian Law Reform Institute as well as many individual experts in this field, including those who I have just thanked.

We must act now to improve the way our legal systems deals with homicides in a domestic violence context. The South Australian Parliament should not wait for an injustice to happen here before reforming the law. The case law from other Australian and comparable common law jurisdictions clearly reveals problems with the law of self-defence as it is presently drafted in SA.

This Bill provides an opportunity for our Parliament to ensure that those persons who kill an abuser following a prolonged period of family violence are able to access the complete defence in cases of genuine self-defence.

In conclusion, I will repeat again the obvious point that reforming our laws relating to a domestic violence context is not simple. The Bill that the Greens are introducing today has been developed over a period of over a year and has changed dramatically since the first draft. This has been a result of research and extensive consultation with stakeholders and experts in this area of law.

I would like to put on the record my thanks for the feedback and input into this Bill from a number of individuals and organisations. While there were various views expressed on whether this was the perfect solution to a difficult area of law reform, I was encouraged that we are heading down the right path and that as legislators we need to start having the debate about this now.

I'd like to express my sincere thanks and gratitude to:

- Sarah Moulds, University of Adelaide
- Ian Leader-Elliott, University of Adelaide
- Kellie Toole, University of Adelaide
- Rick Sarre, University of South Australia
- Dr Kate Fitz-Gibbon, Monash University
- Michael O'Connell, Commissioner for Victims' Rights
- Sarah Adams, Trish Spargo and Ritchie Hollands from the Equal Opportunity Commission
- Bill Boucaut, South Australian Bar Association
- Andrew English, Legal Services Commission
- Zita Ngor, Women's Legal Service SA
- Mary Heath, Flinders University
- Debra Spizzo and Nicole Stockdale, Women's Domestic Violence Court Assistance Service, Victims SA

I commend the Bill to the Council.

Explanation of Clauses

CLAUSE 1 & 2

Formal

CLAUSE 3

Amendment of section 5—Interpretation

Definition of 'domestic abuse'

My Bill adds the definition of 'domestic abuse' into the Criminal Law Consolidation Act 1935 by referencing the existing model and definition in the Intervention Orders (Prevention of Abuse) Act 2009.

The Greens have a preference, as do others, for the use of the term 'family violence' rather than 'domestic abuse', however as s8 of the Intervention Orders (Prevention of Abuse) Act 2009 uses the terminology 'domestic abuse' so we're working with what already exists.

The reason this is amendment is important is that the definition of domestic abuse under this Act is comprehensive, and covers important emotional and social aspects of domestic abuse and not just physical abuse.

This is in accordance with Recommendation 7 of the SALRI report.

CLAUSE 4

This inserts of a Note after section 15(5) of CLCA which relates to 'Self defence', to 'See section 15D as to belief in circumstances where domestic abuse is alleged'. Section 15D is the new section which I'll explain next.

This relates to Recommendation 6 of the SALRI report.

CLAUSE 5

Insertion of section 15D – Domestic abuse and self-defence

This section deals with self-defence in a domestic abuse context, addressing matters such as immediacy, proportionality and necessity. It also addresses the type of evidence of domestic abuse that may be adduced, the meaning of 'family member' and the common law defence of duress.

Self-defence (as it currently exists in SA CLCA 1935)

Self defence is a full defence – a murder charge can be defeated completely if it's found the defendant killed in self-defence when in serious danger, with reasonable retaliation proportionate to the threat. This defence results in full acquittal if successful.

Self-defence can be used as a full defence in cases where the 'defendant genuinely believed the conduct to which the charge relates to be necessary and reasonable for a defensive purpose', and the defendant's retaliation was 'reasonably proportionate to the threat that the defendant genuinely believed to exist'.

It can also be used as a partial defence under slightly different circumstances, for example if the retaliation was not proportionate to the threat.

However, there is nothing concrete to ensure this defence is available to victims of domestic or family violence.

The problem is, the threat that family violence poses to a victim is often more complex than an immediate physical attack, and outside the context of the abusive relationship/s, the necessity for physical defence is not always obvious.

Whether or not self-defence was proportionate can be interpreted differently depending on context. As Easteal & Bartels point out, 'what is seen as an overreaction (and unreasonable) by some may be appropriate in the context of the violence the woman has previously experienced'.

Further, factors that might trigger an abuse victim to kill in response to the abuse, are not necessarily immediate physical threats, but can be seemingly innocuous behaviours that nonetheless evoke an extreme conditioned fear response due to prior experiences of abuse. For example, a non-violent sexual advance may be the last straw for a victim of abuse who knows what usually comes next. Taken in isolation, a non-violent advance may seem innocuous, but in the context of long-term violence or sexual abuse, such an advance by the perpetrator of the abuse can indicate to the victim that failure to comply will lead to assault.

It's clear that unless the scope and impact of domestic violence is acknowledged by the criminal justice system, 'self-defence' may not be adequate for protecting victims of long-term violence who kill to escape abuse.

For this reason, broadening the legal definitions of domestic abuse is central to this bill. The aim is to recognise more comprehensively the lived experience of domestic or family violence victims, and acknowledge the ways in which severe psychological injury impact their life and behaviour.

The Bill provides a clear framework to assess applicability of self-defence specifically in a domestic violence context, which is often more nuanced and complex than the immediate physical attacks already covered in Section 15.

Immediacy & proportionality

Under the Bill, self-defence can be claimed if the defendant is killing for their own preservation in an abusive relationship, even if in response to a threat that is not immediate. This acknowledges the cumulative nature of domestic violence, and recognises that the psychological trauma of long-term emotional abuse significantly contributes to victims' fear for safety.

The Bill includes a provision that makes it clear that self-defence may be used, in the context of domestic violence, if the person genuinely believes that the conduct is 'necessary and reasonably for a defensive purpose' and may be 'reasonably proportionate to the threat that the person genuinely believed to exist' even if the threat is not immediate or imminent, or if the force is in excess of the force involved in the harm or threatened harm.

This is important, as research shows that women who experience repeated domestic violence may not respond violently at the time of the attack, and instead may kill in non-confrontational situations.

This relates to Recommendations 5, 6 and 10 of the SALRI report.

Evidence

This Bill also expands what constitutes evidence of domestic violence in the context of self-defence. The aim here is to acknowledge family violence that doesn't fit within current definitions, but is a serious threat to safety nonetheless.

This allows contextualisation of isolated instances of violence, and facilitates a more complete picture of the experiences and needs of a family and domestic violence victim. It broadens the ways in which victims of family violence can present evidence of their abuse, again recognising the nuanced ways domestic violence can differ from conventional instances of violence that warrant self-defence.

These parameters for evidence are much more in keeping with up-to-date frameworks for analysing family violence.

The Bill changes to evidentiary requirements to provide a clear accessible pathway for getting the evidence of family violence into the Court rather than leaving it to the discretion for the judge.

The evidence that can be included under this Bill includes 'social, cultural or economic factors', 'the history of the relationship', and 'the psychological effect of abuse'. Importantly, this Bill also recognises that ending the relationship is not always a safe option for a victim of family violence and the Bill includes 'The general nature and dynamics of relationships affected by domestic abuse, including the possible consequences of separation from the abuser'.

This relates to Recommendation 8 of the SALRI report.

Definition of Family Violence

New clause 15D(4) expands the scope of relationships under the definition of 'family member', to include children and grandchildren, siblings, carers and those that are related by blood, marriage, a domestic partnership or adoption, and those 'related according to Aboriginal or Torres Strait Islander kinship rules or are both members of some other culturally recognised family group'. Again, this definition references the Intervention Orders (Prevention of Abuse) Act 2009, specifically section 8(8).

This relates to Recommendation 7 of the SALRI report.

Insertion of section 15E – Domestic abuse and the common law defence of duress

The Bill provides that where the common law defence of duress is in issue, evidence of domestic abuse may be relevant in determining whether the person was acting under duress. In such cases, evidence of domestic abuse will be considered when looking at whether the person believed that their actions were necessary and also whether their actions were a reasonable response in the circumstances as the person perceives them.

This relates to Recommendation 10 of the SALRI report.

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

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Introduction and First Reading

The Hon. J.S.L. DAWKINS (21:24): Obtained leave and introduced a bill for an act to amend the Family Relationships Act 1975, and to make related amendments to the Assisted Reproductive Treatment Act 1988 and the Births, Deaths and Marriages Registration Act 1996. Read a first time.

Second Reading

The Hon. J.S.L. DAWKINS (21:25): I move:

That this bill be now read a second time.

Members would be well aware that in November 2014 I introduced, as a private member's bill in this place, the Family Relationships (Surrogacy) Amendment Bill 2014 as a result of significant media attention and community disquiet regarding the actions of some Australians pursuing the use of commercial surrogacy in international jurisdictions. This had stemmed from several cases where surrogate parents had failed to take custody of the child produced through a surrogacy agreement due to that child having birth defects.

There had also been concerns raised around the suspicious backgrounds of some prospective parents, mainly brought to public attention through the Baby Gammy situation. Such was the broad-ranging concern on the matter at that time that the potential of creating federal laws in the area of surrogacy was highlighted at COAG. That proposal was generally not taken up by the commonwealth, with that government indicating a preference to work with the various states to improve current laws and standards and make access to surrogacy arrangements in Australia easier for approved prospective parents.

Of course, members in this place and I think in the parliament generally are aware that, while in many other jurisdictions the government of the day in those places had brought in legislation in relation to altruistic surrogacy, that has not happened in South Australia, so that is something I have done on a number of occasions in this place, probably more than other members would have wished and more than I would have wished in many senses. However, I am only trying to do what I think is right by the community.

Having been originally responsible for bringing a bill to legalise altruistic surrogacy in South Australia, which started off its journey in 2006 and finally passed both houses in 2009, I felt that limited amendments to the act could be made to bring it into line with today's community expectations. After internal and external consultation, I caused the Family Relationships (Surrogacy) Amendment Bill 2014 to be drafted. It was intended that that bill would improve the law in South Australia to secure the welfare of children born through surrogacy, to attempt to make the accessibility of surrogacy arrangements in this jurisdiction wider, to limit the use of overseas

surrogacies to maximise the ability for South Australians to have a surrogacy in South Australia and, in addition, to continue to ensure that commercial surrogacy remained banned in South Australia.

That bill received cross-party support in both houses, where it passed in both places without division, and was assented to on 16 July 2015. Unfortunately, some 27 months after its passage through both houses, that act has not yet commenced operation. The Attorney-General only commenced the consultation on the regulations for the act more than 12 months after it was passed. I made a number of representations in that period and following that period with the Attorney and with a range of other members of the government, including the Premier, in regard to making this act actually work.

I did meet with the Attorney-General, and I was accompanied by the Minister for Sustainability—and I am grateful for his support—earlier this year. Late last month, I again met with the Attorney-General, who advised that the act had not been commenced due to his perception of the administrative burden he felt it put on himself and his department to establish and administer the altruistic surrogacy and surrogate register. The Attorney also believed that other aspects of the act were too difficult to implement because of different surrogacy agreements that were prevented by the act and inconsistencies between international agreements and the statutes regarding surrogacy in this state.

He believed that the requirements that any proposed international surrogacy agreement go before the responsible minister and be assessed on a case-by-case basis for approval, much like the process already in place for overseas adoptions, was too cumbersome. In the minister's considerations for approving a surrogacy agreement, the minister must as their primary concern ensure that the welfare of the potential child is protected and that unsuitable parents—those with criminal histories in the area of child sexual offences—are discouraged from using this option.

Despite the concerns that the Attorney raised with me, he advised that he was supportive of the intent of the act; however, he did not think that it was workable in its current form and that his office would work to assist in the development of an amendment bill as soon as practicable. As a result of that and given the extensive delay between the assent to the act and the Attorney-General raising his concerns about the operation of the act, I proposed introducing a private member's bill which dealt with the Attorney-General's concerns and ensured that a workable legal framework would exist in South Australia for altruistic surrogacy.

While the bill would not go as far in certain areas as I wished, it would certainly maintain a consistency with legislation in other jurisdictions and would ensure that we would, I suppose, to be quite simple, get on with it. There are a lot of very private people out there in the community who have been very nervous about the fact that this has been languishing for so long. For most of these people, the women involved particularly, their biological clocks are ticking, and 27 months is an extraordinary amount of time.

The Attorney accepted my proposal that I would come up with a bill based on a piece of legislation that is working in another Australian jurisdiction, and he undertook to handle that if I could get it through this house in a reasonably prompt time. I said that I was confident that I could do that and he undertook to handle and support the bill in the House of Assembly. So, I have had this bill drafted. It is based on the New South Wales legislation. It removes the requirement that the Attorney-General establish and maintain an altruistic surrogacy and surrogate register. The bill also removes the requirement for the state to establish a surrogacy framework which is compliant with international law agreements and standards.

The bill will maintain the current prohibitions that were part of the existing act and continue to require that no payment is made for a surrogacy arrangement, but allows for reasonable expenses and costs to be reimbursed, as well as impose the requirement that the parties obtain legal advice, or continue to impose the requirement that the parties obtain legal advice, on the agreement and a lawyer’s certificate certifying the same.

Importantly, the bill also ensures that the definition of infertility covers women who can conceive naturally but are either unable to carry the child or it is a case where it is dangerous for them to carry the child. I think members will recall that this was something that inadvertently slipped

out of one other piece of government legislation, I think last year, and the Minister for Sustainability and I worked together to fix that.

This is a conscience matter for members of the Liberal Party and I understand that it is very likely that it will continue to be a conscience matter for members of the Australian Labor Party. I have generally had very good support, not only in this house but around the parliament, for such legislation. I believe it is something that the government ought to be doing but, in the absence of that, I will continue to pursue it.

I indicate to members that because of the likelihood of the willingness of the Attorney-General to deal with this in the Assembly this year—and I have sought confirmation that he is willing to give up government time for this, and I think it would be very good if he could do that—then I think we need to pursue this as quickly as we can. For those reasons, I give notice tonight, and I will write to members tomorrow, that I would like to call for a vote on this matter on the next Wednesday of sitting. I know that is quicker than would normally be the case but I think the issues are well known to members of this house. However, I invite anybody who wants to raise matters with me to bring it to my attention.

We are basically dealing with something that is already working in New South Wales. It does not cover some of the issues that I wanted to cover but I would sooner have a large degree of what I want rather than nothing and at the moment, in effect, we have nothing. Even for the same-sex couples who were brought into the system last year, because of the fact that it is not operating, because of the uncertainty and because things have not been happening, no-one is prepared to go and test it, so it is just not happening at the moment.

It is important that we get on and do this and I would be very grateful for members' consideration of that and to vote on it on Wednesday 1 November. With those comments, I am pleased to commend the bill to the council.

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

PETROLEUM AND GEOTHERMAL ENERGY (UNDERGROUND COAL GASIFICATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 November 2016.)

The Hon. R.I. LUCAS (21:40): I rise on behalf of Liberal members to oppose the bill moved by the Hon. Mr Parnell. The carriage of this legislation has rested with our shadow minister, the member for Stuart, and his advice to our party room is that whilst the Liberal Party has announced a policy of a 10-year moratorium on fracking in the South-East, our policy was specifically confined to that region—for reasons which have been well enunciated on previous occasions in both houses—and was confined to that particular technology.

The member for Stuart advises that the Hon. Mr Parnell's bill is much broader in scope. Firstly, it applies statewide rather than in just one particular location, such as the South-East. The bill also refers to a different technology in the provisions in his legislation. Whilst I am advised that the bill applies to the whole state, it appears, through the member's comments in his second reading contribution, that it is specifically targeting Leigh Creek Energy's proposal for an underground coal gasification project near Leigh Creek.

As I said earlier, the Hon. Mr Parnell's bill is proposing a statewide ban, and the member for Stuart advises that not only is it a statewide ban but that the Hon. Mr Parnell is also endeavouring to retrospectively apply it to all existing licences, and also proposes that no compensation be paid to those who might be affected by the bill. It is for those reasons that the Liberal Party has taken the position that it cannot and will not be supporting the honourable member's legislation.

The Hon. T.T. NGO (21:42): In response to the honourable member's motion to introduce an amendment bill to ban underground coal gasification in South Australia, I stress that it is not this government's intention to politicise any approval processes regarding coal gasification—or any other regulated activity, for that matter. The current legislation processes under the Petroleum and

Geothermal Energy Act 2000 are recognised for their robust and rigorous environmental impact assessments that will deliver an approval decision based on well-grounded facts and science.

At this point in time no approval or application for approval has yet been made to undertake any underground coal gasification(or UCG) testing in this state. The current work that is being carried out in relation to the UCG is routine appraisal drilling by Leigh Creek Energy, after having received approval under the Petroleum and Geothermal Energy Act 2000 to conduct standard exploration drilling to evaluate the geological and geotechnical nature of the coal resource. Through these routine exploration activities, detailed information and analysis will be assembled to enable an informed fact-based decision to be made on any prospects for approving any additional work that may need to be undertaken to evaluate our UCG potential in this location.

This amendment bill is not only unnecessary but goes against the fundamental principle of the 9009 regulation, which is to afford due process to all stakeholders, including the party proposing the activity. Simply banning without an opportunity to consider the facts and science is not only bad regulation but, more importantly, an unjustified indictment to procedural fairness, something that this government would never entertain.

Therefore, this government opposes any amendment, such as this one, that undermines the state's commitment to open, transparent and evidence-based regulatory decision-making that balances the costs and benefits of proposals on a case-by-case basis on the grounds of facts and science, not speculative assessment. Therefore, the government opposes this bill.

The Hon. M.C. PARNELL (21:46): I rise to sum up the debate on this. This has been on the agenda for a little while, and I want to put on the record some new developments that have occurred. Before I do that, I will just respond briefly to the not unexpected reactions of both the opposition and the government to this bill. I thank the Hon. Rob Lucas and the Hon. Tung Ngo for their contributions, but I am disappointed in the content of what they had to say.

The Hon. Rob Lucas, I understand, is representing his colleague Mr Dan van Holst Pellekaan, the shadow minister for mining, but as I listened to his contribution, it struck me that there was a certain desperation in it. What I mean by that is the straw that broke the camel's back for the opposition not to support this bill was the fact that it was retrospective and there would be no compensation, then a small amount of time later, we had the Hon. Tung Ngo reminding us all that no-one is doing this and there are no applications to do it. The retrospectivity and compensation have no work to do. No-one has applied, no-one is doing it, no-one is going to get compensated, so it is a pretty thin straw that has broken this camel's back.

The Hon. Rob Lucas in his contribution did make the important distinction that underground coal gasification is very different from fracking. It is an entirely different process. It is a process that, as I have pointed out before, has been banned in a number of other jurisdictions on account of it being so polluting and so dangerous, so the question that arises for our state is: why on earth would we give succour to companies that want to bring this dirty polluting technology to South Australia when we have the ability to give them an early no via this legislation?

The Hon. Tung Ngo talks about open, transparent and evidence-based processes. How much more evidence does the government want? When I introduced this bill, I put a bucketload of evidence on the table as to why this technology has been banned in some places and is increasingly being banned elsewhere.

Let's go through some of the recent developments. I am not going to re-agitate older material. In the last year, first of all, the United Kingdom government said that they do not support this technology. They commissioned a report that, not surprisingly, came up with the same conclusion as the report written by Mr Campbell Gemmell, the former chief of the Environment Protection Authority in South Australia. The report he wrote for the Scottish parliament basically said—this is the very summarised executive summary—'Don't do it.' That is a three-word slogan, so we must be coming up to an election. 'Just don't do it.' That is four words.

The UK *Guardian*, under the headline 'Underground coal gasification will not go ahead in UK' says, and I quote:

A highly polluting method of extracting gas has been effectively killed off in the UK after the government said it would not support the technology.

Underground coal gasification (UCG), which involves injecting oxygen and steam underground to release gas from coal seams, would massively increase UK carbon emissions if exploited, according to a government-commissioned report.

The review by consultants Atkins said if power stations used gas from the method, it would be 40-100% dirtier in terms of CO_2 emissions than burning gas from the North Sea and imports. Exploiting all the UK's coal reserves would release the equivalent of 24 years of the UK's total greenhouse gas emissions.

It goes on. It is not going to happen in the UK. It has been officially banned in Scotland.

On 9 February this year, it was discovered that contamination from the disastrous Linc Energy underground coal gasification plant in Hopeland, Queensland, was proved to be far more extensive that originally thought. You can find these articles on the ABC's website, for example. Later, in a follow-up article, the government was expanding the area of contamination, what they are calling their 'excavation caution zone'. The danger zone was 314 square kilometres and they are expanding that even further. I gave some of the evidence last time but there was all manner of soil contamination, water contamination, and gases at explosive levels near the surface. Basically it was a disaster in Queensland and it would be a disaster here if we let it go ahead.

Still from Queensland, back in June it was revealed that the bill to clean the land allegedly contaminated—not allegedly, it was contaminated by Linc Energy—had risen to over $38 million. That is the clean-up bill. For goodness sake, why do we want to encourage this industry in our state? Eventually the Queensland government, they had been promising it for awhile, but back on 24 August this year, the Queensland Labor government—no enemy of gas, think of where the fracking is happening, think of all the protests, you think Queensland—legislated to ban underground coal gasification. My bill would have achieved the same thing here. Then you fast forward to last month, 12 September, and the Institute for Energy Economics and Financial Analysis published a report explaining how coal to gas technology for electricity generation is still not commercially viable and they used examples from the US.

If neither the government nor the opposition is prepared to support this legislation, the only salvation might be that it does not add up financially, shareholders lose some money and everyone walks away, but that does not cover us in glory for that to be the response. I think we should be taking the responsible position and banning this by legislation now.

In the most recent news reports, in *The Advertiser* and elsewhere this month, we have a number of Aboriginal groups that are very concerned about this technology and they want to see it banned. I particularly acknowledge the work of Enice Marsh and she has written to me on a number of occasions and has emphasised that the Anggumathanha Camp Law Mob and also the Adnyamathanha Yura Language and Heritage Association basically are dead against this technology. They do not want the Leigh Creek energy project to go ahead. They want underground coal gasification banned. Not surprisingly, there are a number of traditional owners who are not on email so I have asked who else in that community might not have emailed or written to me and, again, Enice Marsh has emailed me back saying:

…so many Aboriginal people are very scared about this dangerous type of mining on this fragile and sacred land.

She mentions two families, traditional owners, the Coulthards and the Bradys:

The Coulthard family is my late brother Gilbert's family who fought very hard on the Arkaroola Mt Gee issue with your help and support. Linda, Gilbert's widow is aged in her 70s, and along with her adult children speak out very strongly against the UCG, with the support of the wider community in Copley and Leigh Creek.

I will continue to support my Adnyamathanha people at all times on any issues concerning dangerous interruption happening on our sacred land.

With Grateful Thanks,

Enice Marsh

There are some Aboriginal people there; there are even more whose names I do not know. This issue is certainly creating a lot of anxiety in Aboriginal communities and in the wider community at Leigh Creek and Copley. Certainly, Cameron England, I think it was last week or the week before,

reported on some legal action that is potentially pending. I know that the Aboriginal groups are not happy with the Minister for Aboriginal Affairs because it is an Aboriginal heritage issue for them.

The Hon. K.J. Maher: Really?

The Hon. M.C. PARNELL: Yes, really, and I am happy to forward the correspondence. They basically say they are getting nowhere and they are disappointed.

The Hon. K.J. Maher: When you were up with them last time on Adnyamathanha country to discuss this?

The Hon. M.C. PARNELL: I have been up to that area and I have met these people several times.

The Hon. K.J. Maher: When were you last there?

The Hon. M.C. PARNELL: Not in the last month with the issues I am referring to. I can see where the numbers lie in relation to this motion and it is very disappointing. I think the record will show that if underground coal gasification goes any further in this state, if experience elsewhere is any guide, we will rue the day. It will cost us money. It will cost us polluted land and polluted water. It is a disaster at every level. I for one am not happy just to put my trust in the market to sort these things out. I think the government should show leadership; I think the opposition should as well.

Losing the seat of Mount Gambier was obviously weighing heavily on their minds in terms of fracking in the South-East. Maybe they feel the northern areas are little bit more secure and they do not need to worry so much about what people up there think. Regardless of the politics, I am very disappointed that neither party will be supporting this legislation.

Second reading negatived.

STATUTES AMENDMENT (EXTREMIST MATERIAL) BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (21:57): I move:

That this bill be now read a second time.

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

Leave granted.

Recent events have reinforced the need to ensure as much as possible is done legislatively and otherwise to prevent terrorism, recognizing the need to balance this with concerns to protect individual liberties.

South Australian Police are concerned that there is currently a legislative gap whereby police cannot act in circumstances where the high evidentiary burdens of the more serious Commonwealth terrorism offences are not met.

To bridge this gap the Bill will enact offences that relate to possession and dissemination of extremist material, without the need for evidence to suggest a particular connection between the material and a terrorist act.

Research and experience shows that extremist material has a radicalising effect and that there is a strong link between generating and consuming extremist material and engaging in terrorist acts.

The Statutes Amendment (Extremist Material) Bill 2017 will enact two new offences—one for the possession of instructional material for the commission of terrorist acts and another lower-level summary offence of possession, production or distribution of extremist material that glorifies terrorist acts.

By enacting these offences, police will be provided with the ability to intervene at an earlier stage in the 'life-cycle' of a radical extremist—using powers under general search warrants—to disrupt offences in a timely fashion and increase the ability to arrest suspects and implement preventative strategies through bail conditions.

I seek leave to have the remainder of the explanation inserted into Hansard without my reading it.

The Bill will enact two new offences that relate to possession of extremist material in circumstances where there is no evidence to suggest a particular connection between the material and a terrorist act.

The first is a new indictable offence—new section 83CA of the *Criminal Law Consolidation Act 1935*—where a person, without reasonable excuse, collects or makes a record of information of a kind likely to be of practical use to a person committing or preparing a terrorist act, or has possession of a document or record containing information of that kind. This offence is modelled on a UK offence, in section 58 of the (UK) *Terrorism Act 2000,* which has been applied and interpreted in successful prosecutions in the UK.

The second offence in the Bill is a summary offence of possession, production or distribution of extremist material without reasonable excuse. This offence applies to extremist material that a reasonable person would understand to be directly or indirectly encouraging, glorifying, promoting or condoning terrorist acts, or seeking support for, or justifying, the carrying out of terrorist acts, or material that a reasonable person would suspect has been produced or distributed by a prescribed terrorist organisation. Specific defences are available, including for reporting by media organisations and for law enforcement authorities. The Bill makes it clear that academics and others storing and sharing such material for a legitimate public purpose will have a reasonable excuse. A publication, film or computer game that is classified, within the meaning of the *Classification (Publications, Films and Computer Games) Act 1995*, with a classification other than RC does not constitute extremist material for the purposes of this offence.

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 *Criminal Law Consolidation Act 1935*

4—Insertion of section 83CA

This clause creates a new indictable offence which provides that a person who, without reasonable excuse, collects or makes a record of information of a kind likely to be of practical use to a person committing or preparing a terrorist act or has possession of a document or record containing information of that kind, is guilty of an offence. The maximum penalty for the offence is 7 years imprisonment. The provision also allows a court that finds a person guilty of the offence to order the forfeiture of anything that has been seized and consists of, or contains a record of, material to which the offence relates or consists of equipment used for the commission of the offence.

Part 3—Amendment of *Summary Offences Act 1953*

5—Insertion of Part 7A

This clause inserts a new Part as follows:

Part 7A—Extremist material

36—Interpretation

This section defines various terms used in the measure (several of which are terms defined consistently with terms in the current Part 5A of the *Summary Offences Act 1953*).

36A—Extremist material

This section defines *extremist material* as being material that a reasonable person:

(a) would understand to be directly or indirectly encouraging, glorifying, promoting or condoning terrorist acts or providing instructions or seeking support for, or justifying, the carrying out of terrorist acts; or

(b) material that a reasonable person would suspect has been produced or distributed by a terrorist organisation.

37—Possession, production or distribution of extremist material

This section makes it an offence to, without reasonable excuse, have possession of extremist material or take any step in the production or distribution of extremist material. The penalty is $10,000 or imprisonment for 2 years. Proposed subsection (2) gives examples of circumstances in which a defendant may be found to have a reasonable excuse, including where conduct constituting the offence was for a legitimate public purpose. This is similar to the existing provision in section 26B of the *Summary Offences Act 1953* dealing with humiliating or degrading filming and, like that provision, includes a reverse onus for media organisations. The section provides that law enforcement personnel and legal practitioners, or their agents, acting in the course of law enforcement or legal proceedings do not commit an offence against this section.

38—Forfeiture

This section allows a court that finds a person guilty of an offence against the Part to order the forfeiture of anything that has been seized and consists of, or contains a record of, material to which the offence relates or consists of equipment used for the commission of the offence.

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

STATUTES AMENDMENT (EXPLOSIVES) BILL

Introduction and First Reading

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

STATUTES AMENDMENT (CHILD EXPLOITATION AND ENCRYPTED MATERIAL) BILL

Introduction and First Reading

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

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (22:00): I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes Amendment (Child Exploitation and Encrypted Material) Bill 2017 amends the *Child Sex Offenders Registration Act 2006*; the *Criminal Law Consolidation Act 1935*; the *Evidence Act 1929* and the *Summary Offences Act 1953*.

The Bill will establish new offences to deal with administering or facilitating the use or establishment of child exploitation material (CEM) websites and provide a means for the police or the Independent Commissioner against Corruption to compel a suspect or certain third parties to provide information or assistance that will allow access to encrypted or other restricted access computer material that is reasonably suspected to relate to criminal activities.

The Bill is a timely and necessary response to dramatic technological advances and the new ways in which crimes, especially the sexual exploitation and abuse of children, are being committed. The internet and rapid advances in technology bring obvious benefits for modern society. However, there is also a dark side to these advances. The ease with which people can communicate, which has made the world so interconnected, can also be used for sophisticated criminal purposes, and unfortunately is often used in that way. Child sexual offenders have taken particular advantage of the advances in modern communication and technology to ply their illicit and abhorrent trade and build sophisticated criminal networks, often protected by encrypted software.

It is crucial that the criminal law keeps pace with such changes in technology and society and its behaviour, especially new ways of offending. These reforms will help ensure that law enforcement agencies and the courts have the tools to deal with those who do not abide by the standards that are rightly expected in modern society.

CEM website administrators and those hosting such websites contribute to the proliferation of CEM online and facilitate and promote the exchange and distribution of CEM (often of the most depraved nature) and also encourage contact sexual offending of children by others. While South Australia's existing laws address the possession and distribution of this material, existing offences do not always sufficiently capture the conduct of administering, establishing and operating CEM websites—which can occur without actual possession of the CEM. There is a gap in the current law.

The Bill introduces specific offences designed to criminalise the creation, promotion and use of CEM websites. The new offences draw on the model introduced by Victoria in the *Crimes Amendment (Child Pornography and Other Matters) Act 2015*. The Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill was introduced to the Commonwealth Parliament on 13 September 2017 and this introduces a similar new offence. The new State and Commonwealth offences are intended to be complementary in this important area.

The new State offences will carry a maximum penalty of ten years imprisonment, which is the same penalty that applies to most existing aggravated South Australian CEM offences.

The increasing use of encryption, and other means of hiding offending behaviour online is striking. Offenders are increasingly making use of such means to protect electronically-held material relating to not just CEM but also

many other types of crime. Police are increasingly unable to again access to incriminating encrypted material. SAPOL notes that this problem arises especially to the investigation of CEM offending but extends to many modern crimes, including terrorism, drug dealing, serious and organised crime, cyber fraud, theft, identity theft, revenge porn and cyber facilitated abuse. The modern encryption programs, despite the world of Hollywood, are virtually immune to 'breaking' by law enforcement agencies.

The Bill addresses the omission in current South Australian police powers as there is no general power in South Australia, unlike Queensland, Victoria, Western Australia and the Commonwealth, to compel the provision of a password or other means of access to encrypted or other restricted access material. The Bill draws on these models to provide a means for the police or the Independent Commissioner against Corruption to compel a suspect or certain third parties to provide information or assistance (such as password/s or fingerprint) to access the encrypted or restricted access computer material. The power to compel a suspect or third party to provide access to encrypted material is provided to a Magistrate in light of the sensitivity of the power.

While the notion of compelled access to protected computer or online material may be perceived by some as intruding on important considerations of privacy and confidentiality, it is a necessary measure to support the investigation and prosecution of CEM offending and other modern crime. The digital castle cannot be impregnable.

Online CEM Offence

Both SAPOL and researchers note that child sexual offenders have taken particular advantage of the recent advances in modern communication and technology to ply their abhorrent and illicit trade and build criminal networks.

While there are a number of ways in which CEM can be viewed and exchanged, both research and SAPOL experience shows that websites are the easiest and most visible way of accessing CEM. These websites promote and encourage the distribution of CEM images (often of the most degraded nature) and the sexual exploitation and actual abuse of children. CEM website administrators and those providing hosting services thus contribute to the proliferation and distribution of this material online and encourage contact sexual offending by others. The Bill seeks to discourage the creation, promotion and the use of such abhorrent websites and targets those who administer, establish, operate or provide hosting services to them.

While South Australia's existing laws address the possession and distribution of CEM, existing offences do not always sufficiently capture the conduct of administering, establishing and operating CEM websites and online networks—which can occur without actual possession of the CEM. SAPOL have identified at least one actual case where the person hosting or the administrator of such a website, having the intention of facilitating the dissemination of CEM material, would not fall within existing local criminal laws.

The Bill introduces three specific offences designed to criminalise the creation, promotion and use of CEM websites. The new offences are designed to address the administration and use of websites dealing in CEM without intruding upon legitimate internet service and website providers. The new offences draw on the model introduced by Victoria in the *Crimes Amendment (Child Pornography and Other Matters) Act 2015*.

The new State offences are designed to complement and support the new similar offence in Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill introduced to the Commonwealth Parliament on 13 September 2017.

The new State offences will carry a maximum penalty of ten years imprisonment, which is the same penalty that applies to most existing South Australian aggravated CEM offences. This is also consistent with the Victorian offences.

The first new offence in the proposed s 63AB(1) of the *Criminal Law Consolidation Act 1935* targets administrators and those hosting CEM websites or assisting in the administration or hosting. This could cover those who create the websites, moderate contributions to it, manage or regulate membership of a website for viewing or sharing CEM or maintaining the website. Another example is where a person monitors traffic through a website and ensures that the web server hardware and software is running correctly, being aware, or intending that the website be used by other persons to download CEM.

The first offence applies only to persons who either intend that a website they are hosting or administering be used for dealing with CEM or those who are aware that the website is being so used and take no reasonable steps to prevent the use of the website for dealing in CEM.

The term 'administering a website' is given an inclusive meaning as reflects modern technology and online offending. The Bill includes provision to allow activity or function of a kind prescribed by Regulation to be added or excluded as falling within the administration of a website. It is important given the rapid changes in technology and means of online offending that the new offence has the flexibility to capture new forms of online offending or to exclude situations which should be excluded.

'Hosting' is defined in the Bill as providing storage space or other resources on a server for the website. This fairly limited definition of hosting is intended to capture those providing services directly to the offending websites, and avoid capturing service providers further removed that may not have the direct ability or fine-grained control to prevent the website being used to disseminate CEM material. The Bill includes provision to allow activity or function of a kind prescribed by Regulation to be added or excluded as falling within the definition of the hosting of a website. It is

important given the rapid changes in technology and means of online offending that the new offence has the flexibility to capture new forms of online offending or to exclude situations which should be excluded.

The Bill includes, as in Victoria, provision for a relevant industry authority such as the E Safety Commissioner to be added by Regulation.

The term 'website' has been given an inclusive definition to include online forums, groups and other social media platforms in recognition of the fact that some of these online platforms are capable of being used for dissemination of CEM and may utilise hosting services and administrators, with the relevant knowledge and control to commit the associated offences.

'Dealing with' is given a wide meaning as reflects modern technology and online offending and includes viewing, uploading, downloading or streaming child exploitation material or making such material available for viewing, uploading, downloading or streaming.

To ensure that the first new offence does not criminalise website administrators or those hosting a website in good faith, a defence applies if upon becoming aware that the website is being used for CEM they take all reasonable steps to prevent access to the offending material. This may include notifying police or a relevant industry regulatory authority or taking down the offending website. This new offence will also not apply to websites being used for a legitimate purpose, such as law enforcement by SAPOL.

The Bill introduces a second new offence in the proposed s 63AB(5) to further disrupt the operation of CEM websites by making it an offence to encourage another person to use a CEM website and the person intends the other person to use the website to deal with CEM. The Bill defines 'encourage' as including 'suggest, request, urge, induce and demand'. This offence, for example, covers those who promote others to use a website to deal with CEM through advertising the website. The term 'encourage' could also cover, depending on all the circumstances, the modern online trait of display or communication through the use of symbols or emoji.

It will not be necessary to show that a particular person was actually encouraged by the person or the identity of the party encouraged to use the website to deal with CEM. The Bill draws specifically upon the comparable Victorian offence.

The third offence in the proposed s 63AB(7) provides it is an offence to provide information to another person and it is intended that the other person will use that information to avoid or reduce the likelihood of apprehension for a CEM offence. This offence addresses the conduct of those who intentionally facilitate others to use a website to deal with CEM, for example by providing advice to others about how to use a CEM website anonymously or how to encrypt files containing CEM.

The new offences are not dependent upon an offender's age.

The Bill includes an incidental power of forfeiture upon conviction for a CEM offence if a computer, similar device or indeed any item was used to commit or facilitate the commission of a CEM offence. A court making an order for forfeiture of any equipment, device or other item may, if it thinks fit, allow the offender or any other person an opportunity to recover (in accordance with any directions of the court) specified records, or other material not involved in the commission of the offence from the device before it is so forfeited.

Compelled access to encrypted computer records

Offenders are increasingly making use of readily available and sophisticated computer encryption programs to protect illegal material held, or transmitted online or on a computer or device, in relation to not only CEM offending but also evidence of terrorism, organised crime and many other forms of modern offending.

There is no general power in South Australia, unlike Queensland, Victoria, Western Australia and the Commonwealth, to compel the provision of a password or other means of access to encrypted or other restricted access material. Police are increasingly unable to gain access to incriminating encrypted or restricted access material relating to many crimes. Modern encryption programs are very difficult, if not impossible, to break in the absence of a password or other relevant information required to de-encrypt or access the data.

The Bill includes the new procedure set out in the proposed s 74BR of the *Summary Offences Act 1953* for a Magistrate (reflecting the sensitive nature of the power) to order that a suspected offender or other narrow class of third parties be compelled to provide information or assistance to access encrypted or restricted access records held on or accessible through a computer or data storage capable device. The class of third parties against whom such an order can be made is carefully prescribed to only capture persons that would be likely to have had some form of relationship or contact with the offender or device, that would give them knowledge or the ability to assist in accessing the suspected CEM material on, or accessible through the device.

The Bill at the request of the Independent Commissioner against Corruption, the Hon Bruce Lander QC, extends the means to seek access to encrypted records to investigations conducted by ICAC. The Hon Bruce Lander notes that ICAC investigators are also on occasion unable to gain access to encrypted online records germane to an ICAC investigation.

The new procedure for access to encrypted material is designed to complement existing powers of arrest, search and seizure and does not limit or derogate from any other Act or law. The proposed s 74BO makes this point clear.

The new offence in the proposed s 74BW(1) with a maximum penalty of five years imprisonment will apply to a suspected offender or third party who fails, without reasonable excuse (the onus being on the accused to establish), to provide information or assistance to access encrypted or restricted access records. The maximum penalty for the offence needs to be effective and proportionate. Other jurisdictions such as Victoria have a maximum penalty of five years imprisonment.

The power to compel information and assistance to access encrypted or protected records is available in the investigation of all offences carrying a penalty of two years imprisonment or more. It broadly draws on the regime in the *Criminal Law (Forensic Procedures) Act 2007* which authorises forensic procedures for 'serious offences', that is an offence carrying more than two years imprisonment.

Though the acute problem of encrypted or protected material is typically encountered in relation to CEM offending, it is not confined to such crimes. The use of encrypted records is now an established feature of much modern offending. It could include terrorism, fraud, drug dealing, cyber bullying or revenge porn, online stalking or a breach of an intervention order where the offender uses the internet to harass or communicate with his or her former partner. It could also arise in summary offences with imprisonment of two years such as bomb hoax incidents where the most appropriate offence is 'Create False Belief' under s 62A of the *Summary Offences Act*.

Assistance or information to be the subject of an order by a Magistrate under the proposed s 73BR of the *Summary Offences Act 1953* may include the provision of a password/s, encryption codes, other means of access (such as a fingerprint) and or anything reasonably incidental or necessary to access the data. The order encompasses compelling of information or assistance that might include the provision of multiple passwords or means of access if the encrypted material in question turns out to be protected by multiple layers of encryption. In other words one global order is sufficient and it will be unnecessary for the police or the Independent Commissioner against Corruption to have to secure a new order each time they encounter a new password.

Remote cloud storage is a common service now used to store and distribute CEM and other data providing evidence of offending. The order to provide assistance or information to access the relevant data therefore includes data accessible from a device where the data is held on the cloud or other remote storage devices.

The authority to compel information and assistance also needs to cater for the preservation of data that can be erased remotely and a power to attend and remain at a location in order that the password(s) is/are provided in a timely manner. The authority to compel assistance or information also caters for preservation of data that can be erased remotely and the Bill includes a power to attend and remain at a location in order that the information/assistance is provided in a timely manner (including an incidental power of detention for up to two hours in serious or urgent circumstances pending a Magistrate's order to compel access to prevent the deletion of the encrypted material in question).

The Bill includes provision in the proposed s 74BT for a modified procedure in serious or urgent circumstances or to prevent the concealment, loss or destruction of the encrypted data in question. It may be that the incriminating encrypted data is not stored in the computer or device that has been seized by the police or the Independent Commissioner against Corruption but is likely to be remotely stored in the cloud and the release of the person subject of the order would be likely to lead to the loss of the data in question. It may be that the incriminating data relates to serious child sexual abuse and there is a need for speed to prevent a sexually abused child at risk who can be traced and rescued from being removed by the offenders.

The offence in the proposed s 74BW(1) provides a defence of 'reasonable excuse' for failing to provide a password or other means of access. The Bill provides that a fear of self-incrimination is not a reasonable excuse for failing to provide a password or other means of access. To allow this as a defence would undermine the effectiveness of the new power. The Bill draws on the Western Australian model in this context.

The test for a Magistrate to make an order to require access is on the familiar and well established standard of reasonable suspicion. This accords with many other powers of search and seizure.

The Bill provides in the proposed s 74BW(3) that, if in accessing encrypted or restricted access computer records in search of material relating to one offence the police should find material relating to another, quite possibly unrelated offence, the police are entitled to seize and retain the material relating to the other offence and to use it in any subsequent proceedings. This reflects the position for general powers of search and seizure at both common law and at statute.

The timing of an application for an order to require access is flexible. It may be either before or after the execution of any search warrant.

There is nothing in the proposed Bill to preclude or discourage police or an investigator with the Independent Commissioner against Corruption during a search, asking a suspect or third party to voluntarily provide access to encrypted material. The Bill to avoid any doubt makes this point clear in the proposed s 74BQ.

The intention of the new procedure to require access to encrypted material as set out in the proposed s 73BR(6) is that it should clearly apply to offences, whether committed whether before or after the Act comes into effect.

It would be illogical if the authorities are already in control of a computer or come into control of a computer that may show evidence of a serious offence but they are only able to rely on the new power to require access to encrypted material if the suspected offence was committed after the Act comes into effect.

The Bill includes provision for the use of criminal intelligence in applications by the police for an order to compel access to restricted access records and the requirement for the Magistrates Court to protect such confidential material if its public release 'could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety.' This is a provision used in situations such as this. The Bill does not preclude or discourage any claim of public interest immunity that may also arise. The Bill is also not intended to displace legal professional privilege.

The Bill provides in the proposed s 74BX for three offences.

The first offence in s 73BX (1) includes a new tip off or cyber obstruction offence to cover the situation where an associate of the accused deletes the encrypted records in question when a device has been seized and an application for an order to require access has been made or is about to be made. This offence is necessary as with remote storage, it is possible for an associate to be able to remotely delete the encrypted material even though the device has been seized by police or the Independent Commissioner against Corruption and is the subject of an order to compel access.

This first offence is made out if the person, without lawful authority or reasonable excuse, alters, conceals or destroys data held on a computer or data storage device in respect of which an order has been, or is to be, made under this Part of the Bill; and either intends or is recklessly indifferent as to whether the investigation of the commission of an offence by another person is impeded or prejudiced; or another person is assisted to avoid apprehension or prosecution for an offence; or the likelihood that another person is apprehended or prosecuted for an offence is reduced.

The proposed s 74BX includes two further offences.

The contemporary technology is such that an individual could purport to comply with a court order and provide his or her password or other means of access but in reality this could destroy (or conceal or alter beyond recovery) all the encrypted records subject of the order. It is becoming common practice for persons with sophisticated IT knowledge to have these second or 'false' passwords for their devices. Once this password is entered, no-one can recover the data, not even the person whose device it is. The two further offences in the proposed s 74BX cover this situation where an individual is not only deleting (or conceal or altering) the relevant encrypted data but is doing so in effective contempt of any court order. These two further offences are intended to reflect the additional deliberation and gravity of such conduct. These offences have a maximum penalty of 10 years imprisonment to reflect their gravity.

The second offence in the proposed s 74BX(2) provides that a person who is served with an order under the Bill commits an offence if the person, without either lawful authority or reasonable excuse alters, conceals or destroys data; or causes another person to alter, conceal or destroy data in respect of which the order was made and in so doing, or in causing the other person to so do, the person intends that, or is recklessly indifferent as to whether, the investigation of the commission of an offence is impeded or prejudiced. The reference to causing another person to alter, conceal or destroy data covers the situation where, for example, the person gives a police officer the password, which the police officer uses and causes the data to be destroyed.

The third offence in the proposed s 74BX(3) is in similar terms. It covers the situation where, for example, no order is obtained because a person voluntarily provides a password that destroys, conceals or alters data on a computer or data storage device.

While the notion of compelling access to protected online material may be perceived by some as undermining important considerations of privacy and confidentiality, it is a timely measure to support the investigation and prosecution of child sexual abuse and other modern crimes.

Incidental Legislative Issues

For consistency with existing similar CEM offences, the Bill provides that an offender convicted of the new CEM administer/host offence will be a registrable offender and subject to the requirements of the *Child Sex Offenders Registration Act 2006*.

The Commissioner for Victims' Rights and academics have noted the problem of re-victimisation, that is the repeated viewing of CEM (if even for a lawful purpose). The incidental legislative changes will further enhance protection to the victims of CEM offending.

The Bill includes changes to the *Evidence Act 1929* to enhance the protection to the victims of CEM. The Bill amends s 67H of the *Evidence Act* to make it clear that 'sensitive material' includes CEM. This will make explicit the restrictions on the lawful access to such material, including preventing an accused from viewing such material. The Bill also amends s 69 of the *Evidence Act 1929* to extend the usual requirement in sexual cases to clear a court when CEM evidence is being adduced.

The criminal law cannot remain unchanged in the face of technological advances and new ways of committing crimes, especially the sexual exploitation of children. The Bill is a proportionate and necessary measure to support the investigation and prosecution of not just child sexual exploitation but other forms of modern offending.

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 *Child Sex Offenders Registration Act 2006*

4—Amendment of Schedule 1—Class 1 and 2 offences

This amendment includes as class 2 offences, the child exploitation material offences relating to websites, as proposed in the amendments to the *Criminal Law Consolidation Act 1935* by this measure (see proposed section 63AB below). This means that an offender convicted of any such offence, is a registered offender for the purposes of the *Child Sex Offenders Registration Act 2006*, and subject to the requirements of that Act.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

5—Amendment of section 62—Interpretation

This clause inserts additional definitions for the purposes of the proposed new offences in section 63AB. These include definitions for *administering* and *hosting* a website, as well as what it means to *deal with* child exploitation material.

6—Insertion of section 63AB

This clause inserts new section 63AB to create 3 new offences in relation to websites used to deal with child exploitation material.

63AB—Offences relating to websites

Subclause (1) provides that a person commits an offence if the person hosts or administers a website (which is defined to include an online forum, group or social media platform), and the website is used by another person to deal with child exploitation material and the person intends or is aware that the website is being used by another person to deal with child exploitation material. The provision provides a defence if the person proves that, on becoming aware that the website was being used by another person to deal with child exploitation material, the person took all reasonable steps in the circumstances to prevent any person from being able to use the website to deal with child exploitation material. This includes shutting the website down, modifying the operation of the website so that it could not be used to deal with child exploitation material, or notifying a police officer or relevant industry regulatory authority and complying with any reasonable directions as to action that should be taken.

This clause also provides that a person commits an offence if the person encourages another person to use a website intending that the other person use the website to deal with child exploitation material.

It is also an offence if a person provides information to another and the person intends the other person to use the information to avoid or reduce the likelihood of apprehension for a child exploitation material offence (being an offence against Part 3 Division 11A of the *Criminal Law Consolidation Act 1935*). This could include such things as a person providing advice to others about how to encrypt files that contain child exploitation material or how to use a website that deals with child exploitation material anonymously.

The maximum penalty for each of these offences is imprisonment for 10 years.

7—Amendment of section 63C—Material to which Division relates

This clause amends section 63C which sets out circumstances where the production, dissemination or possession of material is not an offence against Part 3 Division 11A (for example, by a police officer acting in the course of the officer's duties). The amendments extend these circumstances to cover 'dealing with' such material and is consequential on the proposed offences in new section 63AB.

8—Insertion of section 63D

This clause inserts proposed new section 63D

63D—Forfeiture

This proposed new section provides that if a person is found guilty of an offence against Part 3 Division 11A, then the court may order forfeiture of any material, equipment, device or other item that was used for or in connection with the commission of the offence. The court may allow a person the opportunity to retrieve specified records or information from such equipment, device or other item that was not involved in the commission of the offence before it is forfeited.

Part 4—Amendment of *Evidence Act 1929*

9—Amendment of section 67H—Meaning of sensitive material

This amendment makes it clear that 'sensitive material' includes child exploitation material, and thus ensures that the restrictions on lawful access to such material may apply.

10—Amendment of section 69—Order for clearing court

This amendment provides that a court must make an order to clear the court where child exploitation material is adduced as evidence in proceedings before the court. This means that only those persons whose presence is required for the purposes of the proceedings or who are otherwise allowed by the court are present.

Part 5—Amendment of *Summary Offences Act 1953*

11—Insertion of Part 16A

This clause inserts proposed new Part 16A.

Part 16A—Access to data held electronically

74BN—Interpretation

This clause inserts the definitions required for the purposes of the Part, including *computer*, *data* and *data storage device*. It also sets out the definition of *investigator* to mean an investigator under the *Independent Commissioner Against Corruption Act 2012*. The measures established by this Part are only exercisable in relation to the investigation of a *serious offence*, which is defined to be an indictable offence or an offence with a maximum penalty of 2 years' imprisonment or more. This clause also makes clear that the reference to data held on a computer or data storage device includes data held on a remote computer or data storage device (such as the cloud) that is accessible from the computer or data storage device.

74BO—Interaction with other Acts or laws

This clause provides that the provisions of this Part are in addition to, and do not limit or derogate from other provisions of the *Summary Offences Act 1953* or any other Act or law.

74BP—Extraterritorial operation

This clause makes clear that this Part is to have operation outside South Australia to the extent of the legislative capacity of the Parliament to so provide.

74BQ—Order not required if information or assistance provided voluntarily

This clause clarifies that the information or assistance to access data held on a computer or data storage device contemplated by this Part pursuant to an order, may be provided by a person voluntarily. Any evidence or information that is obtained as a result of such voluntary provision of information or assistance is to be treated as if it were obtained by the lawful exercise of powers pursuant to an order under this Part.

74BR—Order to provide information or assistance to access data held on computer etc

This clause provides that a police officer, or an investigator under the ICAC Act, may make an application to a magistrate for an order requiring a specified person to provide any information or assistance that is reasonable or necessary to allow a police officer or investigator to access, examine or perform any function in relation to data held on any computer or data storage device, or to copy any such data to another computer or data storage device, or to reproduce or convert any such data into documentary form (or other intelligible form).

The magistrate must be satisfied that there are reasonable grounds to suspect that data held on a computer or data storage device may afford evidence of a serious offence. The magistrate must also be satisfied that the specified person is either reasonably suspected of the relevant serious offence, or is the owner or lessee of the computer or data storage device (or employee or contractor of such a person), or a person who has used the computer or data storage device, or a system administrator for the system including the computer or data storage device.

In addition, the magistrate must be satisfied that the specified person has relevant knowledge of the computer, data storage device or network of which the computer or device forms a part, or knowledge of the measures that are used to protect data held on the computer or device. The specified person is not intended to be a party to the application. The order granted by the magistrate need not identify each particular device and is intended to cover possible multiple layers of protection that may be applicable in relation to

particular data. A statement of the grounds on which an order has been made must not contain information if that disclosure would be inconsistent with a decision of the magistrate in relation to information classified as criminal intelligence under proposed new section 74BU. An order under this Part may apply in relation to a serious offence suspected of having been committed or alleged to have been committed before or after the commencement of the proposed new Part.

74BS—Application for order

This clause sets out the requirements for the application for an order which include a statement of the nature of the serious offence that is suspected to have been committed and in relation to which the order is required, and the grounds on which the applicant suspects the offence has been committed. The application must also set out the grounds on which the applicant suspects that any data held on the computer or data storage device may be relevant to the offence and the grounds on which the applicant suspects the specified person has knowledge relevant to gaining access to any data held on a computer or device. The application is to be supported by an affidavit made by the applicant.

74BT—Order required in urgent circumstances

This clause provides for an urgent application to be made to a magistrate by telephone if a police officer or investigator considers there are serious and urgent circumstances or that it is necessary in order to prevent concealment, loss or destruction of data held on a computer or data storage device that may afford evidence of a serious offence. In relation to an urgent application for an order, the police officer or investigator may require a suspect to remain at a particular place or to accompany the officer or investigator to the nearest police station while the application is made, or for the period of 2 hours, whichever is the lesser period. During that time, the police officer or investigator may require the person not to use or access a computer or data storage device, telephone or other means of electronic communication (unless to contact a legal practitioner to obtain legal advice), or as directed by a police officer or investigator. If the person fails to comply with these requirements, the person may be arrested and detained without warrant for a maximum of 2 hours or until an urgent application is made, whichever is the lesser. In the case of an investigator who is not a police officer, the investigator must, on arresting a person, immediately deliver the person into the custody of a police officer. An urgent application must include the same information required for an ordinary application for an order in addition to the details of the circumstances giving rise to the urgency. If satisfied grounds exist to make the order, the magistrate may make an order on the proviso that the applicant agree to verify the relevant facts by affidavit, which is to be forwarded to the magistrate as soon as reasonably practicable. A statement of the grounds on which an order has been made by the magistrate must not contain information if that disclosure would be inconsistent with a decision of the magistrate in relation to information classified as criminal intelligence under proposed new section 74BU.

74BU—Criminal Intelligence

This clause provides that in proceedings under this Part, the Magistrate must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence. The duties imposed on a magistrate under this clause also apply to any court dealing with information properly classified as criminal intelligence under this Part. The Commissioner must not delegate the function of classifying information as criminal intelligence except to a Deputy Commissioner or Assistant Commissioner.

74BV—Service of order

A copy of the order is to be served personally on the person to whom it applies.

74BW—Effect of order

This clause provides that it is an offence for a person who is served with an order to contravene or fail to comply with the order without reasonable excuse. Compliance is not excused on the ground that to do so might tend to incriminate the person. This clause also makes it clear that any evidence or information obtained by the lawful exercise of powers pursuant to an order, including evidence or information obtained incidentally, may be used for the purposes of investigating and prosecuting any serious offence, and such evidence or information is not inadmissible merely because the order was obtained in relation to a different serious offence.

74BX—Impeding investigation by interfering with data

This clause provides that a person commits an offence if the person, without lawful authority or reasonable excuse, alters, conceals, or destroys data held on a computer or data storage device that is, or may be the subject of an order and that may, or could reasonably be expected to be, evidence of an offence, with the intention of, or being reckless as to whether doing so, impedes the investigation of the commission of an offence by another person or assists another person to avoid apprehension or prosecution.

This clause also provides that a person served with an order commits an offence if the person, without lawful authority or excuse, alters, conceals or destroys data or causes another person to alter, conceal or destroy data held on a computer or data storage device in relation to which the order was made

with the intention of, or being recklessly indifferent as to whether, in so doing the investigation of the commission of an offence is impeded or prejudiced.

Furthermore, a person who voluntarily provides or purports to provide information or assistance in relation to the access to data held on a computer or data storage device commits an offence if the information or assistance causes the data to be, without lawful authority or excuse, altered, concealed or destroyed, and in so doing, the person intends or is recklessly indifferent as to whether, the investigation of the commission of an offence is impeded or prejudiced.

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

STATUTES AMENDMENT (SENTENCING) BILL

Introduction and First Reading

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

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (22:01): I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes Amendment (Sentencing) Bill 2017 ('the Bill') includes consequential amendments to a number of South Australian Acts as a result of the *Sentencing Act 2017* ('the Sentencing Act') passing Parliament.

The Sentencing Act repeals and replaces the *Criminal Law (Sentencing) Act 1988.* It was a major rewrite and modernisation of the sentencing law of South Australia. As the *Criminal Law (Sentencing) Act 1988* will be repealed, it is necessary to replace references to this Act in all other South Australian statutes.

The Bill also replicates provisions previously located in the *Criminal Law (Sentencing) Act 1988* relating to the limits to the jurisdiction of the Magistrates Court, in the *Magistrates Court Act 1991.* Likewise current provisions in the *Criminal Law (Sentencing) Act 1988* relating to sentencing in the Environment, Resources and Development ('ERD') Court have been replicated in the *Environment, Resources and Development Act 1993.*Shifting the existing provisions into the *Magistrates Court 1991* and the *Environment, Resources and Development Act 1993* respectively is a more logical place to house the provisions relating to the jurisdiction and powers of those courts.

This Bill is the final stage in completing the major reform to the sentencing law in this State. The new Sentencing Act reforms the way courts sentences offenders, and the results of the sentencing process. It introduces the safety of the community as the primary consideration in sentencing with every other consideration subject to that overriding consideration. . It also provides a wider variety of sentencing options to promote alternatives to custodial sentences in favour of community based correction for non-violent and non-dangerous offenders, giving the courts greater flexibility in sentencing to support the rehabilitation of offenders in appropriate cases.

This Bill ensures that all consequential amendments to the South Australian Statute book necessary for the smooth transition from the previous *Criminal Law (Sentencing) Act 1988* to the new Sentencing Act are in place.

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 *Bail Act 1985*

4—Amendment of section 10A—Presumption against bail in certain cases

Part 3—Amendment of *Births, Deaths and Marriages Registration Act 1996*

5—Amendment of section 29B—Interpretation

The amendments referred to in the preceding Parts and clauses are consequential on the enactment of the new Sentencing Act and the repeal of the *Criminal Law (Sentencing) Act 1988* (the *repealed Act*) and substitute obsolete references to the repealed Act with references to the new Sentencing Act.

The substance of these 2 sections was formerly set out in the repealed Act. It is more appropriate that matters dealing specifically with the ERD Court be inserted in its own specific Act.

The amendments proposed by clauses 20 to 22 (inclusive) to the various Acts are consequential.

It is proposed to insert a number of subsections into current section 9 that were formerly contained in the repealed Act. It is more appropriate for jurisdictional issues relating specifically to the Magistrates Court to be included in the relevant principal Act. Other amendments update obsolete references.

The amendments proposed to the various Acts by clauses 24 to 37 (inclusive) are consequential on the enactment of the new Sentencing Act and the repeal of the repealed Act.

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

STATUTES AMENDMENT (VEHICLE INSPECTIONS AND SOUTH EASTERN FREEWAY OFFENCES) BILL

Introduction and First Reading

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

INDUSTRY ADVOCATE BILL

Final Stages

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

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (REMOTE AREA ATTENDANCE) AMENDMENT BILL

Introduction and First Reading

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

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Final Stages

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

No 1. Clause 10, page 8, lines 10 to 17 [Clause 10(1), inserted subsection (1)]—

Delete 'attend an assessment clinic for the purpose of submitting to an examination to determine whether or not the applicant is dependent on alcohol unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the

applicant has successfully completed a prescribed alcohol dependency treatment program not more than 60 days before the date of application for the licence' and substitute:

submit to an examination by an approved assessment provider to determine whether or not the applicant is dependent on alcohol

No 2. Clause 10, page 9, lines 2 to 9 [Clause 10(1), inserted subsection (2)]—

Delete 'attend an assessment clinic for the purpose of submitting to an examination to determine whether or not the applicant is dependent on drugs unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant has successfully completed a prescribed drug dependency treatment program not more than 60 days before the date of application for the licence' and substitute:

submit to an examination by an approved assessment provider to determine whether or not the applicant is dependent on drugs

No 3. Clause 10, page 9, lines 18 to 21 [Clause 10(3), inserted subsection (4)]—Delete 'that—

(a) that the applicant has undertaken a sufficient amount of appropriate treatment for dependency on alcohol; and

(b) the applicant is no longer dependent on alcohol.' and substitute:

that the applicant is no longer dependent on alcohol.

No 4. Clause 10, page 9, lines 27 to 30 [Clause 10(3), inserted subsection (5)]—Delete 'that—

(a) that the applicant has undertaken a sufficient amount of appropriate treatment for dependency on drugs; and

(b) the applicant is no longer dependent on drugs.' and substitute:

that the applicant is no longer dependent on drugs.

No 5. Clause 10, page 10, lines 32 to 34 [Clause 10, inserted subsection (9)]—Delete subsection (9)

No 6. Clause 20, page 14—This clause will be opposed.

No 7. Clause 34, page 20, after line 40—Insert:

(5) Schedule 1, clause 8(1)—delete 'subclause (2)(a)(ii)' and substitute:

subclause (2)(b)

(6) Schedule 1, clause 8(2)—delete subclause (2) and substitute:

(2) The results of a drug screening test, oral fluid analysis or blood test under Part 3 Division 5, an admission or statement made by a person relating to such a drug screening test, oral fluid analysis or blood test, or any evidence taken in proceedings relating to such a drug screening test, oral fluid analysis or blood test (or transcript of such evidence) will not be admissible in evidence against the person who submitted to the drug screening test, oral fluid analysis or blood test in any proceedings other than—

(a) proceedings for—

(i) an offence against this Act; or

(ii) an offence against the *Motor Vehicles Act 1959*; or

(iii) a driving-related offence; or

(iv) an offence against the *Controlled Substances Act 1984*; or

(b) if the test or analysis occurred in connection with the person's involvement in an accident—civil proceedings in connection with death or bodily injury caused by or arising out of the use of a motor vehicle involved in the accident (including proceedings under section 116 or 124A of the *Motor Vehicles Act 1959* for the recovery from the person of money paid or costs incurred by the nominal defendant or an insurer).

POLICE (DRUG TESTING) AMENDMENT BILL

Introduction and First Reading

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

At 22:05 the council adjourned until Thursday 19 October 2017 at 11:30.