LEGISLATIVE COUNCIL

Tuesday, 31 October 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:04 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. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (11:05): I have to report that the managers for the two houses conferred together and that no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, the council, pursuant to standing order 338, must either resolve not to further insist on its requirements or lay the bill aside.

The Hon. I.K. HUNTER: I move:

That the Legislative Council do not further insist on its amendments.

The Hon. A.L. McLACHLAN (11:06): I report to the council that I attended every meeting of the deadlock conference, for the Liberal Party, although I was representing this council. All the members of this council who attended entered the conference in good faith and explored the various alternative options that were put forth by the Attorney-General, who attended on behalf of the House of Assembly in the course of the meeting. As has been reported by the minister, no agreement was reached. The various other options narrowed the parties to which a whistleblower could report to. In the circumstances, this did not find satisfaction with the members of the Legislative Council.

Members of the council should be reminded that this amendment was put forth by the Liberal Party and supported by the Greens and the Dignity Party—the Hon. Kelly Vincent—because it inserted the word 'journalist' into the bill, which allowed an individual, after going through a variety of stages of reporting and not being satisfied, to ultimately go to the free press. This was a recommendation of the Independent Commissioner Against Corruption. The Liberal Party still holds its view that this is a worthy amendment, and we will be voting no on the motion. This position is not just based on the recommendations of ICAC, but also on the important role of free press in a modern society, given the ever-increasing powers of the state, which need to be balanced to allow the citizen the ultimate right to go to the media in certain circumstances.

The Hon. M.C. PARNELL (11:08): I also attended, as a manager, on behalf of the Legislative Council. I want to put a couple of observations on the record. The first one is that we do not have many deadlock conferences, and I have been to some where there was no appetite at all to resolve the deadlock. However, with this one I will say that, despite a rocky start, the Attorney did put a number of alternative propositions to us. My understanding is that the nature of these deadlock conferences is that the deliberations are not on the record—it is a confidential process—so I do not propose to go into a lot of detail, other than to say that the conference looked at whether it was possible to narrow the range of appropriate authorities to whom a whistleblower could go and whether that might be an alternative to providing for journalists and MPs to be involved.

Ultimately, that was not accepted. I think there are serious problems with having a small range of destinations for whistleblowers. For example, if the only place you could go was the Office for Public Integrity or ICAC, it is unlikely that a lower level officer in a department would want to go to that level. They are more likely to want to go to a superior officer or someone who they are more

comfortable with, rather than an overly legalistic body. So, I do not think that line of inquiry, whilst it was interesting, was ever really going to achieve what we want.

The main thing I want to say is that the idea of whistleblowers being able to go to a journalist, under the bill, is always a last resort. You do not get to go to the journalist first up if you are a whistleblower; you have to go to an appropriate authority. The only time that you can get whistleblower protection going to a journalist is if you have been ignored—if the proper authorities have ignored you. If you have put in a report or a request, or whatever, and nothing happens in a month, then, I think quite reasonably, people look for somewhere else to take their complaint. It is not a first port of call: it is a last port of call.

For the same reasons that the Hon. Andrew McLachlan just spoke of, the Greens will be voting against the motion. We believe that the Legislative Council should insist on the amendments that we made on an earlier date.

The Hon. D.G.E. HOOD (11:11): Very briefly, I would like to add the voice of the Australian Conservatives to the opposition that the Greens have already spoken of. We hold the same view that there are circumstances in which a journalist can be an option of last resort, if you like. As the Hon. Mr Parnell has just pointed out on behalf the Greens, it is most appropriate to have that option available to an individual when they have been essentially ignored by the more formal processes. We feel strongly about that. We will be supporting the position of the opposition on this and voting against the motion.

The Hon. K.L. VINCENT (11:12): Just for the record, the Dignity Party will be standing firm in its position to oppose this amendment. Given that we are talking about people in some very desperate situations going to a journalist to support some wrongdoings as an absolute last resort, I think this a very fair measure. As I speak, I am very aware of the fact that it was largely due to the media's input that we have covered a lot of the atrocities that happened at Oakden in recent times.

I think this is the right thing to do in any situation and at any point in time, but given that we have a very recent example of exactly why it is important to have a free press to report to as a last resort if the other authorities have not been successful in properly dealing with the complaint, we will continue to support this amendment and oppose the motion before us.

The Hon. J.A. DARLEY (11:12): I will be opposing the amendment.

Motion negatived; bill laid aside.

Parliamentary Committees

JOINT COMMITTEE ON MATTERS RELATING TO ELDER ABUSE

The Hon. K.L. VINCENT (11:13): I seek leave to move a motion without notice concerning the Joint Committee on Matters Relating to Elder Abuse in South Australia.

Leave granted.

The Hon. K.L. VINCENT: I move:

That the members of the council appointed to the committee have permission to meet during the sitting of the council today.

Motion carried.

Bills

BUDGET MEASURES BILL 2017

Second Reading

Adjourned debate on second reading.

(Continued from 19 October 2017.)

The Hon. R.I. LUCAS (11:14): I rise to continue my contribution on the Budget Measures Bill. At the outset, can I just indicate to the government and its advisers that when we last spoke, as has been my custom and practice, I placed on the record some advice from one of South Australia's

leading tax lawyers in relation to a number of significant questions about provisions of the Budget Measures Bill not just relating to the bank tax but also the foreign investors tax, stamp duties clauses and others.

Given the government's keenness to progress debate through the committee stage on the Budget Measures Bill, can I indicate that if the government is in a position at some stage to provide a copy of RevenueSA or the government's response to those particular issues, which will be, I understand, read onto the *Hansard* record at the minister's reply to the second reading, if that could be provided to me prior to then that would help expedite discussion. It may well be, if the government chooses not to pursue any of the suggested amendments to clauses in the legislation, the opposition may well seek to table amendments to reinforce some of the issues the tax lawyer has raised in relation to possible deficiencies in the drafting of the government's Budget Measures Bill. I indicate that at the outset.

In terms of talking about the context of this bill, I think it is important for the public record to indicate exactly what is being debated here and what has occurred in relation to appropriation and budget measures, in no small part due to the, in my view, untrue claims from the Treasurer and the Premier, which I will refer to in some detail later in my contribution. There is considerable confusion, certainly in the media and I suspect, therefore, in parts of the community, as to exactly what is being discussed and what has occurred.

The first point to make is that the Appropriation Bill, which is the major budget bill, to use a colloquial expression, has been passed by the Legislative Council and the House of Assembly. The Appropriation Bill is the bill which authorises the expenditure of up to $18 billion. It authorises the payment of public servants. It authorises the delivery of government services. It is the parliament's approval for the budget of the day in terms of spending commitments.

So, for the period from now until 30 June, this government and either a re-elected government or a new government has supply, has appropriation, has a budget to enable the ongoing functioning of government between now and 30 June. Unlike the debates, for example, in the United States legislature where governments occasionally run out of money because of Congress holding up budget related measures, that is not what is being discussed, debated or is occurring in South Australia.

The debate in South Australia is simply that the attached Budget Measures Bill, which seeks to incorporate some of the revenue and tax concession measures which are related to the budget, is being considered by the Legislative Council. The Liberal Party's position, and the position of some other members in this chamber, is that there is one element to that particular Budget Measures Bill which we will be voting against. The mechanism that we use, according to our standing orders, is that we will make a suggested amendment to that and, if the majority of the members in this chamber vote against the state bank tax measure, then that suggested amendment will pass and it will be sent to the House of Assembly.

It is important to note that, contrary to some claims in the media—again, I think being fed by misinformation from government ministers and spin doctors—there is not the issue of voting down the Budget Measures Bill today or defeating the Budget Measures Bill today, or whatever it might be, that is not going to be the set of circumstances which will occur, whether it be today or later in the week or some not-too-distant future time when ultimately the third reading is considered.

It is the Liberal Party's position that we will be supporting an amended Budget Measures Bill. That means that the bill will pass the Legislative Council, if our position prevails, albeit with the bank tax having been voted against by way of a suggested amendment. I think it is important for that context to be understood, because, as I said, people are misunderstanding and misinterpreting what is going to occur at some not-too-distant time in the future in relation to this Budget Measures Bill.

The context of the Budget Measures Bill and the state bank tax, which has attracted so much controversy, is the view that the Liberal Party has, and certainly other members and a number of community observers have, that the Weatherill government is simply a tax-happy government. It takes the view that the answer to any question is to whack on a new tax or to increase a tax in the South Australian economy. Its record is stark for everyone to see.

In this particular bill, it is seeking to incorporate a new state bank tax and a new foreign investors tax. In a recent budget, it included a new wagering tax. It sought to include a car park tax about three or four budgets ago. There was a massive increase in the ESL tax, or ESL bills, in South Australia, which slugged struggling South Australian families and small businesses in South Australia. The Weatherill government's position, the Treasurer's position and the Premier's position has also been, on the national stage, to argue for increased GST, to impact on all Australians, but clearly to impact on South Australian families and businesses.

In the alternative, the Weatherill government has supported increasing the scope of the GST, for example, to include financial services. If that was to occur, it would mean, for example, that for every transaction through a bank or financial institution, the Weatherill government would be seeking to impose GST, which would see a massive increase in costs being imposed on struggling SA families and costs imposed on South Australian and Australian businesses as well.

As I said, the context of this debate today and the context of the controversy is, in our view, a wrongheaded approach from this government over a long period of time, that the solution to South Australian problems is to tax more, to tax more frequently and to tax more highly, and if anything moves, to whack a tax on it.

The reason why this is a wrong approach can be starkly demonstrated by just looking at the facts after almost 16 years of the Labor government. We have had, over a number of years, either the highest or one of the highest unemployment rates in the nation. We have had low jobs growth figures. Even the Treasurer's own experts within Treasury for each of the last three supposed jobs budgets has looked at what is included and has decided that the estimated jobs growth, according to Treasury in South Australia after these three supposed jobs budgets, will be lower jobs growth than the jobs growth nationally.

Whilst we are seeing increased jobs growth, significant jobs growth at the national level because of national economic decisions that are being taken, South Australia is an anchor on those national jobs growth figures because of the decisions taken by a Labor government over a long period of time in relation to tax and spending promises.

The facts continue with low economic growth figures. Again, the respected economic forecasters Deloittes reported only today that for the last financial year, 2016-17, in its estimation, the increase in economic growth, the GSP growth figure for South Australia, will be 0.7 per cent, less than 1 per cent. Deloittes has estimated the national growth figure at 2 per cent, almost three times the economic growth figure for South Australia. That is the end result of 16 years of wrongheaded, misguided Labor government policies, which have increased the cost of living for families and businesses and have also increased the cost of doing business, in particular for small and medium-sized businesses in South Australia.

As Steven Marshall has outlined on behalf of the Liberal Party, if elected in March of next year the sort of policy direction he believes and we believe the state needs to take is that we have to recognise the incompetence and the negligence of the Labor government's performance over the last 16 years, but we need to head in a new direction. The simple reality is that, if we want to see jobs growth and economic growth in South Australia, we actually have to recognise the fact that the cost of doing business for small and medium-sized businesses in South Australia needs to be not only nationally competitive, increasingly it has to be internationally competitive.

Unless we recognise that—and as the Liberal leader has acknowledged on many occasions, in recognising that we need to recognise the importance for a small economy like ours of the lack of export growth figures that we have seen in recent years under a Labor government—and unless we are prepared to address that we will never address the issue of low jobs growth, low economic growth and low population growth in South Australia.

The brutal reality, after 16 long years of Labor, is that, if you need proof positive that high taxes are not working, look at where we are placed as an economy at the moment. There is need for a change; it is time for a change, and the new taxes, such as the state bank tax, proposed to be imposed in this bill do not solve the problem, but in essence will add to the problem.

I was interested to note that the Premier and the Treasurer have been waxing lyrical in recent days claiming that, because Elon Musk is building a big battery in the north and a number of other

people are investing in the state, that the investment, the jobs growth, the economic growth problems of the state have been solved in some way by this state government.

Again, the statement issued by a major international financial investor group from Europe this morning indicates just how wrongheaded is that approach from the government. The statement highlighted in the morning national media—*The Australian*, *The Advertiser* and other media in South Australia—in relation to the position of Jupiter Fund Management, a fund management group that manages over $80 billion in assets to invest, has indicated, and let me quote what they have said:

> 'For a single state government, in this case South Australia, to implement extra taxes on Australian banks is highly irregular,' Mr Pidcock said. 'As a UK-based investor into Australia, we see this kind of political manoeuvring as very off-putting.'

Sadly, from Australia's viewpoint and South Australia's viewpoint, it is not just talking the talk there in terms of their investment decisions: they have actually walked the walk. Sadly, they have indicated that their Asian income fund, which has almost $1 billion in assets to invest, up until recently had 33 per cent of that invested in Australia, but they had made a wealth management decision, an investor fund decision, to cut that 33 per cent to 25 per cent to reduce exposure to financial services companies and to reduce exposure to Australia generally.

To be fair, they highlighted problems at the national level, I assume specifically directed at the bank tax being imposed at the federal level, as well. Their specific comments were directed for a single state government, in this case South Australia and its position, which has added to the lack of investment attractiveness in South Australia by seeking to impose this investment killing, job growth killing, economic growth killing state bank tax as part of their misguided view as to the solutions to the economic problems the states confront.

We have also seen in recent months since the announcement of the state bank tax in the budget of June this year, growing and surging opposition to the notion of a state bank tax. It is clear from government spin doctors and some government caucus MPs who have been speaking freely over the last weeks in and around the corridors of Parliament House that, as this was portrayed to them at the time of the budget by Treasurer Koutsantonis, this was going to be a massive vote winner for the Labor Party and the Labor government by imposing a bank tax in South Australia.

The position Treasurer Koutsantonis put to the caucus—and I am delighted to see Mr Ngo and Ms Gago as members of that caucus here at the moment—was that this was going to be an enormously clever and popular move by the Labor government in South Australia. The position being put by the Treasurer to Labor MPs and spin doctors was, 'How clever were we (that is, the Labor Party) to impose this tax? Everyone hates the banks and there will be massive approval in the heartland of the marginal seats of Adelaide in particular for this massive new tax on the banks in South Australia.'

That was the position put to Labor caucus members in June of this year to support and justify the position of the state bank tax. What we have seen since then is a series of market research studies released publicly, commissioned by the Australian Bankers' Association but conducted by the reputable market research company Galaxy nationally. I am intrigued that whenever each unfavourable result for the government is published the Treasurer and other government members, in my view, probably defame the professional reputation of Galaxy by inferring that in some way these results have been manufactured because they were commissioned by an interested stakeholder in relation to all of this.

Certainly, if I was the managing director or CEO of Galaxy, I would have taken issue with a number of the statements that the Treasurer and others have made publicly in relation to the professionalism of Galaxy as a polling and market research company, and the inference being made by the government that in some way these numbers were being doctored to suit the views of the commissioning stakeholder.

What that market research has shown is that right from the word go there was strong opposition to the notion of a state bank tax in South Australia, and that that has grown over the period of the last three months since the first research was published in the first week of July. In the first week of July, that research was published, and I am not exactly sure when it was conducted but I imagine either late June or early July.

It showed opposition to the tax at 47 per cent and support at 38 per cent and, in the subsequent two months, because I think the last result I saw was at the end of September some time, published in *The Advertiser*, it indicated that the opposition to that tax had grown by a clear 5 percentage points, now up to a simple majority of 52 per cent, and support for the tax, the government's position, was languishing at 38 per cent.

So, there has been, and there continues to be, strong opposition. Any political party that was able to garner 52 per cent of the vote, and the opposition 38 per cent of the vote, would have a landslide in terms of electoral support.

The clear and unmistakable view of the majority of South Australians is that they do not agree with the position the Labor government is putting. They have the view that, if there is a tax there, they are going to end up having to pay for it in one way or another. I think, frankly, the only people in South Australia who believe that South Australian businesses or individuals or families will not end up paying some of this state bank tax are probably Treasurer Koutsantonis and Premier Weatherill.

I do not think even Labor caucus members believe that anymore because they are getting the message loud and clear from their constituents that they are fearful that if the state bank tax of over $100 million a year is imposed, they will be the ones having to pay increased costs as a result. When we get into the committee stage of the debate, we will explore in much greater detail the Treasurer's claim that this is in some way going to be prevented by a simple clause in the drafting of the bill, but certainly no-one believes that the clause the Treasurer and the Premier have put in this bill will prevent South Australians ultimately in one way or another having to pay the cost of the state bank tax.

I also note the advice that the Under Treasurer has given the Legislative Council Budget and Finance Committee in relation to the Treasurer's own estimates and the government's own estimates of the revenue collections from the state bank tax. This just goes to show how financially incompetent and negligent the government were in terms of their haste to impose a state bank tax. Even before the bill was considered by the Legislative Council, when we put the questions to the Under Treasurer, he conceded that the budgeted revenue collections in the budget in June were a massive underestimate of the actual collections from the state bank tax, if it were to be passed.

The Hon. R.L. Brokenshire: $40 million under.

The Hon. R.I. LUCAS: Forty-seven million, to be precise, over the forward estimates is their latest underestimate of the total collections. It will factor up now from just under $100 million a year. Ultimately, in 2020-21, they are estimating that it is going to collect $112 million a year, which is actually in that year alone $17 million higher than the budget estimate of June of this year. In the space of less than three months, how could you get it so wrong? The simple answer is that you put someone like Treasurer Koutsantonis in charge of your Treasury and you rely on him to sell your message to the community.

Liberal members know that the last person in the world you would want to be selling your economic responsibility or financial responsibility message is Treasurer Koutsantonis. Labor members told me, and I have put this on the record before, that the Labor Party research in 2014 prior to the election, which mirrored the Liberal Party's research, was that the politician in South Australia, Labor or Liberal, with the highest net unfavourability rating in South Australia was Treasurer Koutsantonis. The Labor research confirmed what the Liberal research showed: the politician with the highest net unfavourability rating of any politician in South Australia was—and will continue to be, I am sure—Treasurer Koutsantonis.

Certainly from our viewpoint, the longer and more frequently Treasurer Koutsantonis is out there prosecuting the case for the state bank tax—or frankly anything—the better it is in terms of the Liberal Party prosecuting its case for whatever the issue is. How could the Treasurer, in the space of two to three months, get his own budget estimates in relation to the collections of the state bank tax so wrong?

Frankly, how are we to believe the latest estimate of the numbers? Should this measure pass the Legislative Council I would not put it beyond the Treasurer, if the state bank tax was to survive, that when the Mid-Year Budget Review comes out in December this year, magically the number will

increase even further because there will be some new estimate from the Treasurer and his advisers in relation to the collections from the state bank tax.

Through this recent debate, since June of this year, the Treasurer, as has been the case in many other areas, has made many, many silly and untrue statements in relation to the state bank tax and in relation to the powers of the Legislative Council on budget measures and money bills. Frankly, asking Treasurer Koutsantonis for advice on complicated issues like the constitution, money bills and the powers of the Legislative Council is somewhat akin to asking Kim Kardashian for advice on quantum physics.

It is quite simply demonstrable, as I will now show, that most of the claims that the Treasurer has made in relation to the Budget Measures Bill and the state bank tax are untrue. Either the Treasurer is suffering from a defective memory or he has deliberately chosen to make untrue statements because they do not suit the nature of the argument that he is trying to prosecute.

Let me now refer to just a few of those that the Treasurer has made. In the initial interviews back in July this year on ABC radio and FIVEaa, the Treasurer made a number of statements as follows, referring to the move by the Liberal Party to vote against the bank tax:

> …this is an unprecedented move by the Liberals…our State has got a convention that budgets are not blocked...since 1857 since we had representative government in this State no opposition no legislative council has ever blocked our Budget Measures Bill…

Further on he states:

> Mr Marshall is not just voting and blocking the bank tax he's also voting against payroll tax cuts for small business, he's also voting against land tax exemption for people buying apartments off the plan, he's also voting against foreign investment surcharge to protect South Australians while they're out there trying to buy a house…

Further on in this interview—this particular one is on FIVEaa—he said, 'Since 1857, every South Australian government has had its budget measures passed.' As I will demonstrate in a detailed response to those claims, they are just palpably false, palpably untrue and, as I said, either the Treasurer suffers from a defective memory or he is deliberately ignoring the facts because they do not suit his case.

In a letter that he sent on the weekend and then provided to members of the media on the weekend, he said, 'It is of great concern therefore that some members have indicated that they intend to block the entire Budget Measures Bill because of the major bank levy.' Then on page 2 of the letter he states:

> For perspective, a Budget Bill has never been blocked in South Australia. Blocking a Budget Bill will have severe long-term consequences for stable governance in this state going forward…
>
> If the Bill is not passed as is, the Legislative Council will break the long held convention, setting a new precedent that allows interference in the mandates of the elected Government to set and deliver a Budget that provides a stable fiscal outlook for investors and businesses.

There are many other claims like that but I do not need to put them all on the record. However, the clear inference from those public statements and letters to members is that the Legislative Council will break a long-held convention in relation to amending a Budget Measures Bill, a claim that in the long history since 1857 the budget bill has never been blocked in South Australia, and also inferring, in fact, that the Liberals and other Independent members and minor party members are, in fact, intending to vote against the entire Budget Measures Bill rather than, as I outlined before, just indicating that we are going to vote to amend the Budget Measures Bill.

To summarise, the untrue statements from the Treasurer that this has not happened since 1857, that the Legislative Council cannot amend but can only suggest—and in particular, in relation to that, I look at a series of tweets the Treasurer issued on 1 July when he said that money bills cannot be amended by the Legislative Council, that the Constitution Act prohibits it, that the Legislative Council can only make suggestions to the House of Assembly or block—I refer the Treasurer to the suggested amendments in relation to the car park tax. They ultimately passed through this house, the government accepted those amendments in the House of Assembly, and the budget measures bill of that particular year did not include a car park tax. If one ever needed confirmation of the power of the Legislative Council to suggest an amendment and, through that

mechanism, enforce a position on the government of the day, then the car park tax is the perfect example.

I want to address some of those untrue statements made by the Treasurer and, in particular, look at the history of the Legislative Council over the last 20 years. Later on I will refer to just a couple of examples from a much earlier time in relation to some of the untrue statements of the Treasurer. The first point I make is the arrant hypocrisy of the Treasurer, the Premier and the Labor government in relation to this issue.

On a number of occasions—which I will now outline—the Labor Party themselves actually moved amendments to budget measures bills in the Legislative Council. So it is hypocrisy to claim that the Liberal Party and others moving an amendment to the Budget Measures Bill is unprecedented; the Labor Party in this chamber, in government and in opposition, have actually stood up in this chamber and moved amendments to budget measures bills and money bills contrary to the claims the Treasurer has been publicly prosecuting.

As recently as 2016 (last year), 2015, 2010, 2003 and then an earlier example in 1996, Labor members in government and opposition have actually moved amendments in this chamber to budget measures bills. Last year on the Statutes Amendment (Budget 2016) Bill, the equivalent of the Budget Measures Bill, the Hon. Kyam Maher, on behalf of the Labor government, stood in this chamber and moved suggested amendments to the budget bill. They related to the imposition of a new taxi levy in South Australia, which was controversial and which was being opposed by some members but also by a number of groups in the community.

As a result of that, and as a result of questioning in this chamber during debate, the Labor Party in this chamber moved suggested amendments to the budget measures bill which went to the House of Assembly and were supported by the government of the day. There were also suggested amendments moved by the Hon. Mr Brokenshire on the same issue in the budget measures bill which, again, were passed by the Legislative Council and ultimately accepted by the House of Assembly. So, just 12 months ago, what the Treasurer and others have claimed as unprecedented—as never having occurred since 1857—actually occurred in this chamber. The Leader of the Government, the Hon. Kyam Maher, actually moved suggested amendments to the budget measures bill in this chamber.

In 2015, the equivalent budget measures bill, introduced at the time of the Appropriation Bill, also incorporated amendments moved in this chamber by the Labor government. There was significant opposition to a new royalty measure on extractive minerals being imposed in South Australia. There was significant opposition from some local governments, some small businesses and a range of other people, and in the Legislative Council the Liberal Party raised a significant number of questions during the committee stage. Amendments to the budget measures bill were moved by the Labor Party in the Legislative Council, which then went to the House of Assembly. That was just two years ago, in 2015.

In 2010, there were amendments moved by the Labor Party in this chamber to the equivalent budget measures bill, which was the Statutes Amendment (Budget 2010) Bill. Again, after questions were raised by Liberal members in relation to a provision in the bill—admittedly, this particular provision did not relate to a tax measure, but it was nevertheless incorporated by the government in the budget measures bill—the Legislative Council passed Labor-initiated amendments to their own budget measures bill in the Legislative Council. There was also an amendment from the Hon. Mr Darley in relation to registration stickers, which, again, the Legislative Council passed as an amendment to the budget measures bill in 2010.

In 2003, one of the budget bills that was introduced at the time of the budget was what the government euphemistically called the 'Save the River Murray Levy amendment bill'. It was actually the Waterworks (Save the River Murray Levy) Amendment Bill. Again, the Labor Party in the Legislative Council moved suggested amendments (because they had to be suggested amendments) to the Save the River Murray Levy bill and passed amendments to that budget-related bill in 2003. Similarly, there was an amendment moved by the Liberal Party in 2003 to that budget-related bill and that amendment was also passed by the Legislative Council in 2003.

The most stunning example of all in relation to the Labor Party hypocrisy—equally as stunning as the 2016 example—is when the Labor Party was in opposition to the then Liberal government in 1996. There were two money bills introduced in 1996. One of them was the Gaming Machines (Miscellaneous) Amendment Bill. This involved significantly increasing taxation levels on gaming machine operators in South Australia. The Labor Party indicated that they were not prepared to support it unless the bill allocated more money to, in their view, worthy causes. Those worthy causes were the sport and recreation fund, the Charitable and Social Welfare Fund and a community welfare fund.

The Labor Party, in opposition, actually moved suggested amendments on a money bill in 1996—because, again, as with the bank tax, the Constitution Act says that the Legislative Council can move suggested amendments. The Labor Party, recognising that power, utilised that power and moved suggested amendments in 1996, which ultimately forced the Liberal government to allocate more funding to sport and recreation and charitable and social welfare purposes.

Some millions of dollars were increased into those particular funds, which ultimately had to be agreed to by the Liberal government if they wanted to see the gaming machine increase in taxation bill go through. As I said, ultimately those suggested amendments from the Labor Party in opposition were accepted. They are only the Labor Party initiated amendments. I will not go through all of them, but there are a significant number of other examples where the Legislative Council has moved amendments to budget measures bills.

The 2014 car park tax is a perfect example of a suggested amendment, but there were other examples in 2011 and 2012, which were all in budget measures bills, which related to a biosecurity levy being sought to be imposed, a series of examples in relation to an attempt by the government to recoup police and court costs with a different mechanism in a budget related measures bill, which were defeated on a number of occasions, or amendments were moved to those particular provisions in the budget related bills on those particular occasions.

That is just a recent history over the last 20 years of examples where the Legislative Council has recognised its constitutional right as a house with equal authority to the House of Assembly. The only finessing is that, in relation to a money bill or a money clause, the Legislative Council indicates its view through the mechanism of a suggested amendment. That is, we move a suggested amendment, but as the government knows, or should know, it has all the force and impact of an amendment. That is, the bill only passes through this house having these particular suggested amendments.

Not only has the Liberal Party and Independents utilised that recognised constitutional power, but demonstrating the arrant hypocrisy of the Treasurer on this issue, the Treasurer's own party, both in government and in opposition, has recognised that power and has moved amendments to budget bills, budget related bills and to bills with money clauses in the Legislative Council, recognising that power. Yet, we have had this appalling public posturing from the Treasurer that in some way what has been canvassed on this occasion in relation to this state bank tax is unprecedented, has never occurred since 1857 and every convention in the view of the Labor government has been turfed out the window by the Liberal Party and other Independents or minor parties that might have a similar view.

I acknowledge that there has been a convention that on many occasions oppositions, both Labor and Liberal, have indicated on those particular occasions they have adhered to the most common convention of allowing passage of provisions in budget bills with which they might not have agreed. The Labor Party, to be fair to them, has indicated that on some occasions. I recall former treasurer Foley and the former leader of the government in this house, the Hon. Mr Holloway, indicating that and certainly the Liberal Party in opposition has expressed that view on occasions.

However, there have been occasions where the Legislative Council has said, 'Enough is enough,' and we have indicated that, consistent with past practice, which I have just highlighted, when the Legislative Council takes that view, it has a constitutional right, it has asserted that constitutional right in the past and it has and will continue to assert its constitutional right in the future if it so chooses.

I highlight again the arrant hypocrisy of the Labor Party in some way portraying themselves as never having gone down this particular path in relation to using the constitutional right of an amendment to a budget measure in the Legislative Council.

The other examples that I did want to place on the public record—and whilst my contribution is a lengthy one, members will be delighted I am not going to go through 150-year history of the Legislative Council in relation to money matters—

Members interjecting:

The Hon. R.I. LUCAS: I can hear the groans of disappointment. I am not going to respond by way of responding to interjections, even if they are out of order. I do want to refer to three stark examples where the claims of the Treasurer are just so clearly wrong.

In 1903, for example, in relation to a land tax bill, the Legislative Council made a suggested amendment because they disagreed with the government of the day's proposal in relation to land tax. So, the Legislative Council clearly amended that particular land tax bill and ultimately the government of the day laid the bill aside in the House of Assembly—that is its right under the constitution. The Legislative Council looked at the land tax bill, which was a money bill. It voted against a significant provision in that particular bill.

The suggested amendment went to the House of Assembly, and the government in the House of Assembly laid the land tax bill aside and did not proceed with the land tax bill. So, there is a clear example in 1903 when the Legislative Council actually made the suggested amendment, and ultimately the bill was laid aside and that particular provision was actually defeated.

In 1912, there was an even starker example because in those days when the annual budget came around there was just a single bill. We now have an appropriation bill, which we have passed, and a budget measures bill, which we are now debating, but in 1912 there was just a single bill. What happened in 1912, with the single bill, which was the appropriation bill, the Legislative Council asserted its constitutional right and it amended two significant provisions of that. One of them was an attempt by the government to set up a brickworks, and for the purchase of timber and firewood for resale. The Legislative Council strongly opposed those particular provisions in the appropriation bill. What occurred at the end of that constitutional dispute is that the appropriation bill—that is, the budget itself—was laid aside and there was an election as a result of the defeat of the budget bill.

Whilst this particular debate now is not about defeating the budget appropriation, because we passed it, the claim from the Treasurer that, since 1857, there has never been an occasion when the Legislative Council asserted its constitutional right is palpably untrue.

In 1912, the Verran government was defeated because the appropriation bill was defeated. They went to an election and they got flogged. The government that tried to introduce that particular budget got flogged and they were thrown out of office in 1912.

As reported at the time, at the general election on 10 February 1912 the Verran government suffered unmistakable defeat, only 16 government supporters being returned to the assembly as against 24 successful Liberal candidates. There was a clear example.

The third example, going back in history, is in 1925 when the government of the day sought to tack items into the appropriation bill. There was only the one budget appropriation bill. The Legislative Council strongly opposed an attempt by the government to establish a state government insurance office and strongly opposed a provision of the commonwealth keeping Legislative Council roles, and the Legislative Council suggested amendments to the appropriation bill.

Unlike 1912, when the Verran government went to an election over what they saw as an amendment to, or a defeat of, the appropriation bill, the 1925 government backed down and agreed to the Legislative Council's suggested amendments in the House of Assembly, and the appropriation bill was passed in the amended form as suggested by the Legislative Council.

They are just three examples where again, whilst it is not strictly what is being debated here, the claims from the Treasurer would lead many people to believe that in some way the Liberal Party is proposing voting the budget down, or voting against supply, or voting against appropriation. That is not this debate, but I put those on the public record to indicate that, again, the Treasurer simply

does not know what he is talking about or he is just making facts up, or making statements up, making untrue statements, which are demonstrably false. The facts that I put on the record demonstrate that again.

Let me conclude by indicating again, as I started my contribution this morning, that the Liberal Party will not be voting against the whole Budget Measures Bill. The Liberal Party position will be that the Legislative Council should pass the Budget Measures Bill, but if it supports the position the Liberal Party is putting by way of suggested amendments, we will indicate that we are voting against the imposition of a state bank tax in the Budget Measures Bill.

If our amendments are supported by a majority in this chamber, the Budget Measures Bill will pass. It will go to the House of Assembly, and the government there has three options. As occurred with the car park tax and on a number of other occasions that I have highlighted, it can agree to the amendments of the Legislative Council, jump up and down and say, 'What a terrible lot the members of the Legislative Council are,' but agree to those amendments, and the Budget Measures Bill will pass with the state bank tax clauses removed.

Its second option is to disagree with those amendments and send back their disagreement by way of message to the Legislative Council. That is, the message would come back to the Legislative Council saying, 'We disagree with these amendments. We ask you to change your position.' In that set of circumstances, what would occur is that the Legislative Council, from our viewpoint, would insist on its position. If that is the case, we would insist on that particular position, and then we could either move that the bill be laid aside or we could (the more usual circumstance) send a message to the House of Assembly requesting a conference to settle the differences between the two houses.

The third option that the government and the House of Assembly will have at some stage in the not-too-distant future, if the bill passes in an amended form, as occurred in some of the examples I gave earlier in relation to the land tax bill in 1903, is that the government can lay the bill aside, that is, just say, 'We're not prepared to accept this and we're not going to proceed with any aspect of the legislation.' They are the options in relation to it. Essentially, the ball will be, in the not-too-distant future, in the hands of the government in the House of Assembly, and it is for them to justify their position.

I indicate that the Under Treasurer, in recent evidence to the Budget and Finance Committee, has indicated that, contrary to claims from the government, if the legislation is not proceeded with by the government—that is, they either lay the bill aside or they are not prepared to accept the amendments—the payroll tax concessions that are outlined in this bill, which we will be supporting and I assume a majority of members in this chamber will be supporting, will still be able to be implemented administratively.

So, that is the evidence from the most senior Treasury officer in the state to the Budget and Finance Committee. It would be a more cumbersome process; business would prefer the model outlined in the Budget Measures Bill because it assists cash flow throughout the financial year, but ultimately, as is occurring at the moment prior to this legislation, government administratively can provide payroll tax rebates, as envisaged under the legislation. That has been confirmed by the Under Treasurer.

Similarly, the other tax concession or advantage in this bill is the series of financial incentives in relation to buying apartments off the plan. Again, the Under Treasurer has confirmed to the Budget and Finance Committee that, if this bill was laid aside or defeated in the parliament, the government if it so chose could proceed to provide purchasing of off-the-plan apartment concessions administratively.

So, the claims from the Treasurer that in some way the government will be prevented from providing relief of payroll tax or to purchasers of apartments off the plan is again wrong. They can either choose one of two options: first, they can do what they did with the car park tax and pass the remaining bill and provide those concessions; or, if their decision is to lay aside the bill and not proceed with it, then administratively nothing prevents them from providing the payroll tax concessions to businesses and the off-the-plan apartment financial incentive concessions as well.

The authority for that claim is no less a person than the Under Treasurer, the most senior adviser to the Treasurer of the state.

The Liberal Party's position, in conclusion, is that clearly we strongly oppose the bank tax. We think it is bad for the economy, we think it is bad for jobs, we think it is bad for investment and we think it is bad for the future of South Australia. We will move suggested amendments in the committee stage of the debate. We will be asking questions in relation to the detail in the committee stage of the debate, and we urge the majority of members in the Legislative Council to support South Australian businesses, support South Australian families and support the future of the state by voting against the Weatherill government's state bank tax.

The Hon. M.C. PARNELL (12:12): If we go back to first principles, the annual state budget is a reflection of the priorities of the government of the day. The questions we ask ourselves are: what funds are they proposing to raise, and how will those funds be invested to improve the lives of people and communities? So, it is a statement of the priorities and the goals the government has for our state.

But also, at the risk of stating the obvious, the budget will always contain elements that some people disagree with. The Greens have certainly come out criticising budgets in the past, where they have neglected important areas or where they have promoted activities that are ultimately harmful to people or to the environment. As a consequence, I think it is open to the parliament to amend the Budget Measures Bill—I think that is democracy.

We often hear—and the Hon. Rob Lucas has spoken at some length—about supposed conventions that put the budget and related legislation on a pedestal, and we are told that we cannot touch it because it is the budget. Well, I do not accept that. But, what I do find galling, what I do find hypocritical, is where parties use the supposed sacrosanct nature of the budget to oppose sensible amendments.

A number of times the Greens have proposed amendments to make budget measures fairer, only to be told by the Liberal Party that they cannot possibly join us because it is the budget and that the government is entitled to have its budget unamended. Two recent examples I can give: the passenger transport levy, which we moved to amend. The Liberals would not have a bar of it, not because they thought it was a bad idea but because it was in the budget and they 'don't touch the budget'. I tried to restructure some of the probate fees that were charged against the estates of deceased persons to make them a bit fairer. Again, the Liberal Party would not go near it, not because it was a bad idea but because it was part of the budget and 'the Liberals don't touch the budget'.

Having heard that excuse from the Liberal Party on many occasions, I now find it remarkable that they feel they are quite within their rights to make substantial changes to the budget by removing a major revenue raising measure, in particular the bank levy. As I say, I support the right of members of parliament to propose amendments but I do find the hypocrisy of the Liberal Party quite galling. They say one thing when it suits them, and they do another. They pretend the budget is on a pedestal, but they are happy to knock it off when it suits them or to claim impotence when it does not. As other members have said, they did this with the car park levy a few years ago, and they are doing it again now. I expect it will come back and bite them in the backside if they get to form government after the next election.

But I want to look at the bank levy. It is not the only measure in this bill but it is certainly the measure that has attracted the bulk of debate. The Greens believe that the test of a fair budget is that every South Australian should be able to access quality public services like schools and health care. This means that as a community we must all contribute fairly so we can continue to have these public services and a good standard of living. In my view, it is beyond doubt that the major banks in this country have been undertaxed for many years. The commonwealth Treasury's 2016 Tax Expenditures Statement showed that financial services are undertaxed by $4 billion per annum. In response, the Turnbull Liberal federal government announced a major bank levy.

The South Australian levy is designed in the same way as the federal bank levy and it builds on that levy; however, even after both levies are applied, state and federal, banks will still be significantly undertaxed. If the federal government had done their job properly in the first place and

applied a fairer tax to the big five banks, then the states would not need to step in with a top-up bank levy. The Greens believe that it is time for the big five banks, which recently made $44 billion in pre-tax profits off the back of hardworking Australians, to start contributing more to our community.

I would like to address the current bank scare campaign that has dominated electronic and print media over the last several months. At the end of the day, the banks' orchestrated scare campaign is all about maintaining their enormous profits for themselves, their executives and their shareholders. The banks' campaign is dishonestly playing on people's fears about loss of jobs and economic stagnation. They have implied in their advertising that this levy is a direct impost on South Australian investment, South Australian business and South Australian jobs, but this is patently untrue. In actual fact, the way in which the proposed levy has been designed means that banks cannot avoid the levy by not banking or investing in South Australia.

It is built into the design of the levy that it is not imposed on any particular South Australian assets, so there is no impact on South Australia that is any different to the impact on any other part of Australia. To be really clear, the levy will therefore not disadvantage South Australia compared to other states or territories, but it will provide much needed funds for essential services. The levy proposes to raise about $90 million per year, which is only about twice as much as the five individual CEOs of the big banks were paid last year. The levy represents just 0.2 per cent of the $44 billion in pre-tax profits the big five made last year. People are asking, 'If the big banks really care about jobs, why are they closing branches, and why are they laying off workers whilst they are making record profits?'

I want to refer to a report that came out in July this year by the Australia Institute's senior economist, Matt Grudnoff. This review of the economic impact of the South Australian government's proposed bank levy found that the banks are not only very capable of paying the 0.0036 per cent levy on the same liabilities that the federal government levy is based on, but also that the levy is good economics. In particular, the report notes that the unique structures governing banking in Australia which help make it the most profitable banking sector in the world, also provide justification for requiring those banks to contribute more to the community that ultimately props them up.

Key findings of the report were, firstly, that the bank levy represented only $36 in every $1 million of bank liabilities, so the amount is quite tiny. Secondly, bank levies are common around the world but the federal and state bank levies are only one-third of the International Monetary Fund's safe maximum limit for bank taxes, so it is a modest tax, and I would say too modest. Third, the bank levy could actually be used to create employment if the money raised was used in employment-intensive areas, and health and education are certainly two of those.

Next, as I said before, the bank levy cannot deter investment in South Australia because it is levied on a proportion of the banks' national liabilities. It is not tied to South Australian liabilities. The federal and state governments clearly are suffering revenue problems and they have choices ahead of them: 'Do we raise taxes on workers or do we tax the world's most profitable banks?' Certainly, the Greens support that latter approach. The final point I will mention from that report is that the federal government, according to the Australia Institute, should encourage other states to follow South Australia's lead, as the bank levy is a way for states to reduce their reliance on the federal government.

This final point is important because spending millions of dollars on a dishonest campaign in South Australia is aimed as much at the other state governments as it is aimed at South Australian citizens. The other states are watching South Australia. They are watching this debate and that is why the Australian Bankers' Association have gone all out. Mind you, most people who attend water coolers or barbecues would realise that the obvious question being asked by citizens is, 'So, they can't afford this tax but they can afford to take out full-page ads in the paper and ads on radio and television. Maybe if they hadn't spent the money on those ads, they could have afforded to pay the tax.' It is not rocket science.

I want to refer briefly to an article written by Richard Denniss in *The Canberra Times* on 1 July this year. I refer members to a couple of sentences from this quite enlightening article. Mr Denniss says:

The banks' attack on South Australia shows how scared they have become. When Scott Morrison announced his new bank levy on budget night with no consultation, and no apology, the big banks knew they were in big trouble. And when Jay Weatherill announced his own state-based top-up levy, their worst fears were realised faster than they ever imagined. The entire Australian political class had finally figured out that taxing big banks to fund health and education is quite popular.

The banks are worried. A bit later, the article goes on:

The reason that the South Australian government has introduced its new bank levy is to raise the revenue it needs to fund the high quality services that the people of South Australia want. As citizens of one of the richest countries in the world, there is no reason to suggest that South Australians "can't afford" high quality services. The issue is only whether they are willing to collect the revenues to fund them, and when it comes to the bank tax the answer is a clear "yes". The banks know that, which is why they have launched such an outrageous scare campaign about "jobs and growth". In scenes reminiscent of Gina Rinehart in the back of a ute chanting "axe the tax", the CEOs of the big banks have been doing everything they can to scare the citizens of South Australia into thinking they have to choose between high quality services and jobs for their kids.

And, as I said, there is no choice: we can and must have both. The article goes on:

Central to the strategy of the big banks is to play to the insecurity of the residents of smaller states that unless they genuflect before corporate Australia, they will "miss out" or be "left behind". In reality, if one of the big 4 banks actually packed up and "left" South Australia, the main winners would be the other big 3 who would stay behind and pick up market share. In fact, if one of the big four left, and a South Australian customer with a mortgage of $500,000 switched to a credit union or building society, they could save around $2000 a year from lower interest rates.

While the banks are quick to claim that they have "no choice" but to pass on any taxes to customers, they are strangely silent about the impact of their enormous profits on the interest rates and fees they charge. It's no accident that the not-for-profit building societies and credit unions offer identical products at much lower prices. And if South Australians paid two grand less on their mortgages and spent it in the local shops, it would deliver far greater economic benefits to the state economy than anything the big banks could do.

So, the big banks know that other states are watching. They fear that a contagious wave of fairness might engulf our nation. In conclusion, the Greens believe that we can have essential public services, good health care and quality education. We can also have a solid economy with jobs for our children. This is not some sort of trade-off, as the banks want you to believe. We do not need to choose between public services and jobs; we can choose both.

The Greens support this budget measure as a fair initiative. While these big five banks are making $44 billion in profit, it is only fair that they contribute a tiny amount of this back into our community. It will raise revenue for our South Australian government which will mean either more public services or less taxes paid by ordinary South Australians. The Greens believe that this measure is good for the people of South Australia and it is good for our state overall.

The Hon. R.L. BROKENSHIRE (12:25): I will be brief in my second reading comments but I will be asking a series of questions when we get to the committee stage, particularly relevant to the letter that I received on my phone while at home on the tractor on Saturday afternoon from the Treasurer regarding particular aspects of the bank tax. I have a lot of questions to ask regarding aspects of that.

The Australian Conservatives will stand by what we have said right throughout this: that this aspect of the budget bill we will oppose, and we will oppose it for sound reasons. First and foremost, this government had a pledge card when it first came into office. It has been in office a long time but it is still the same government, it is still a Labor government and it has been continuous now for over 16 years. Its pledge was that there would be no new taxes on the South Australian people or the business sector. That was a pledge, that was a commitment, that was rock solid and that pledge card, we believe, should be honoured.

Secondly, when this government came into office, the last budget that I sat around in state admin was $9 billion; this particular budget just brought down this year is $19 billion. When you look at CPI figures, etc., and when you look at what every mum and dad, pensioner, businessperson, or farmer has to do in this state, they would have loved growth like that—going from $9 billion to $19 billion—relative to their own personal household income or their business. They would have loved that growth.

The questions are: how has the government gone about managing that growth? How has the government gone about managing its budgets? How has the government gone about living within

its means? Well, it has not lived within its means. Treasury officials might think that they are great advisers and great custodians of the finances of the state but you only have to read the Auditor-General's Report, which was a damning report on really where this state is up to. You only have to look at what has been privatised and flogged off and gone into the recurrent budget to see that this state has not been managed properly over a very long period of time.

The government has to manage within its budget cash flows. We saw yesterday $700 million announced for schools. There has been little done for schools, I might add, for the last three years but when we are less than six months—in fact, less than 150 days—out from an election, all of a sudden $700 million has come out for capital works. Schools were getting rung up yesterday: Norwood Morialta is going to get $30 million, Willunga High School is going to get $2 million—the list goes on.

Where are they going to get that money from? They are going to get it from the sale of the Lands Titles Office, would you believe? I never thought I would ever sit in this parliament and see any government, Liberal or Labor, sell the Lands Titles Office or close down the Repat. Never ever in my wildest dreams would I have thought that. However, that is where we are up to now as a state, and it is a dangerous and perilous position. What we have to do is start to lead by example and live within the budget capacities that we are given, which has shown good, strong, sound growth. Contrary to what the Treasurer and this Labor government says, they have had pretty good growth, but they have budget pressures of their own making.

The reality is that when you get legal advice—and I have had some pretty good advice—and when you read the legislation in this budget bill, there is no way that there is a guarantee that this growth tax, over $100 million a year at the moment, will not be passed on to mums and dads, pensioners, farmers and business people. It will be passed on; there is no legal way they can stop it from being passed on, no legal way at all. Also, it will indirectly affect over a quarter of a million South Australians who have, within their superannuation portfolio, shares in banks.

The bottom line is, number one, this government promised no new taxes and, number two, this government has been inept in the way it has gone about the running of the economics of this state. Treasury officials might go back and, around the boardroom table, celebrate the great job they are doing advising this government on how to go about running budgets and getting income and expenditure matters addressed, but I am disappointed with Treasury because I believe they should be much more diligent and prudent in what they advise the Treasurer. If they are doing that but the Treasurer is not listening and is working only with his advisers within his office, then I apologise to Treasury, but from what I hear a lot of these ideas are coming from Treasury.

South Australia is not the most competitive state in which to do business now, but by bringing in a new tax all that is going to do is send a signal to existing businesses that are thinking about whether they stay here, whether they can grow here or, indeed, whether they look at possibly coming here. It is going to send the wrong message to those businesses, absolutely the wrong message to those businesses. I have been out in rural, regional and metropolitan areas having meetings with people and asking them what they think about this bank tax. I can tell the chamber that the absolute majority—not all of them, but the absolute majority of them—said they are very concerned about the bank tax.

I will get more into questioning when we get to the committee stage, but I would like to finish with the fact that on the news on TV the other night and in a letter from the Treasurer to me Saturday afternoon—I am not sure if he went in and signed the letter or it was done electronically; it does not matter, but it was interesting that it was Saturday afternoon that the letter came through—it actually stated that we will be voting down the budget bill. That is not true. We are not voting down the budget bill at all.

There has been a precedent for this, and for a similar reason: the car park tax only one or two budgets ago. The constitution allows the Legislative Council to make recommendations to the lower house that a certain element of a budget bill be removed, can be voted down. That is what it does, so the Legislative Council is doing nothing illegal in this chamber by saying that it wants to remove the bank tax—if, indeed, the majority of people want it removed. We are not voting down the

budget bill. I believe this is bluff from the government. It wants to scare those of us who are opposing this as a bad tax. This is bluff from the government, saying 'If you vote, we'll pull the whole bill.'

Well, let us see what happens. This is not unprecedented, this is not the first time there has been opposition to a tax. Last time, in a sensible and calm way, the government looked at what the Legislative Council put forward with the car park tax and decided it was an unpopular tax. The Legislative Council is the house of review on behalf of the people of this state, and it is the only place the people of this state get a voice. They do not get a voice in the House of Assembly. This is the only place they can get a voice, and the voice at that time was, 'No car park tax'.

So, down went the message and they accepted that, and that was the honourable thing for the government to do. I would expect that they would do the same thing again because they also have a lot of facts and figures that show that the absolute majority of people in this state do not want the bank tax. They do not want it, and the government knows that. The government absolutely knows that a very large majority of the people in this state do not want the bank tax. I look forward to the committee stage and some questioning, but I want to reinforce that the budget bill is alive and well. The budget bill is available to the government to pass the measures and initiatives they want to pass.

The government has not lived within their means, and they have spent far too much economic opportunity in this state taxing and charging people out of existence. They are responsible, by the way, together with the Nick Xenophon party and the Greens, for the exorbitant electricity bills we have in this state. They went down the renewables path and, in order to blame the former Liberal government, decided that they would continue to say that it was all to do with privatisation. They forgot to talk about prime minister Keating, the Labor prime minister, who directed Professor Hillman to do a report that instructed the break up of monopoly electricity supplies in states as well.

Notwithstanding that—and I will put that on the record again so that anyone reading this gets a chance to be refreshed on the facts—we now have a situation where, through the regulator, they could be doing some work on retailers who are not taxed all that highly but are very happy to tax out of existence, through the exorbitant costs of power, what we are trying to do in homes and businesses in South Australia. However, you do not see any initiatives there, but because one sector is making some reasonable return on investment, this government wants to hit them, because they are inept in the way they run the business of managing government.

Work it out. Look at the low inflation over a long period of time—$9 billion only 15 years ago and $19 billion today—and selling off MAC, the LTO, the Lotteries Commission and ForestrySA and none of that being taken off the core debt. The core debt is still actually growing. The core debt is heading north, and there is no plan for that core debt, and then they want to bring in another tax because they still cannot manage their budget. How woeful are they? It is time some of them actually get into business and see how difficult it is to make ends meet when you are in business, largely because of an inept government.

We will be voting this tax down, and I expect to see some common sense in the lower house with the government there realising that this is not knocking out the budget bill, it is simply voting out one aspect only of the budget bill. They should listen to the people of this state who do not want the bank tax.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (12:38): I rise to make some remarks around the Budget Measures Bill, with a particular focus on the element of the bank tax. As members would be aware, the Hon. Rob Lucas, who is our lead speaker and shadow treasurer, has put on the record that the Liberal Party in this chamber is not supporting the bank tax and that we have the view that the rest of the community, or a large percentage of the South Australian community, does not support it either. We will take that part out of the Budget Measures Bill, or recommend to the Treasurer that there be a change.

I have been a member of this chamber for nearly 16 years, and, in the very first budget that treasurer Foley delivered, they broke a promise that I think they had made to the Australian Hotels Association around the gaming tax. That laid the foundation for a government that tries to tax a sector when they see it doing well, or even if they just have a perception that it is doing well, they will tax it.

If you look at some of the other taxes—they call them levies—in one of the earlier budgets, premier Rann and treasurer Foley introduced the River Murray levy. As it became less popular, it

was used to focus on projects on the River Murray, but again it was taxing South Australian water users to actually put money into another project when the government should have been able to manage their budget in such a way that they were able to provide those benefits for the River Murray.

From an agricultural point of view, we have seen the NRM levies continually go up. I am not sure that the landowners are really getting the value for money that they expect to get. Also, we have seen the remissions of the emergency services levy. Again, it is a $90 million hit on the community because the government cannot manage its books. We have had myriad other little levies and changes that have been quite small over the years that we have not agreed to. One was the biosecurity levy, again, to tax farmers and people in regional South Australia.

It comes as no surprise that this Treasurer and this government would say, 'Here is an opportunity. We will tax the banking community.' I heard the remarks of the Hon. Mark Parnell talking about sectors that do particularly well and he quantified it. I think I heard when I was leaving my office that it was something around $34 or $35 per person—he did try to quantify it. It is very easy in these taxes to say, 'It is only a tiny bit. It will not matter. Nobody will actually notice it.' Of course, we know that the banks always pass these taxes on in some way, shape or form. Businesses do; that is how businesses, where they can, will pass the costs and charges on. So, in the end it will be borne by the South Australian community.

I do not do anywhere near as much overseas travel as ministers sitting opposite and some ministers in other chambers, but I do get around a little bit and speak to the international business community. The discussions around South Australia and the parlous state of our economy and the government that we have here really started a few years ago, but built to a bit more of a frenzy. Firstly, of course, around the statewide blackout last year, there was a whole range of commentary asking how a state in a modern First World country could go into total darkness and then have such an unreliable, expensive electricity asset.

Then, of course, there came this decision of the Treasurer this last budget to say that he is going to introduce a bank tax. Again, it sends a very solid message to the international community that our only solution to managing our economy is to increase taxes and charges. There is nothing about trying to cut the size of government, cut government spending, and cut government waste. We have seen the advertising that is going on at present around the government's energy plan. They could have spent a little bit of money keeping the Port Augusta power station open and not have to spend $550 million on an energy plan and the many, many millions of dollars being spent on the advertising campaign.

You think back to some of the comments that have been made, and I noticed in today's paper that the Treasurer rebuts the comments made by those who are opposed the bank tax, asking how they explain South Australia's climbing business investment. Tesla, Neoen and Solar Reserve are the first ones he leads off with. SkyCity is another one. BHP, OZ Minerals and the Macquarie Group are others he mentions.

The first three are a result of the government totally mismanaging the electricity industry here. Effectively, we are paying the world's highest prices for electricity for one of the most unreliable services, so these businesses are investing because South Australians are paying not a tax but you could say an extra cost on their electricity because the assets have been so badly managed. The only reason for that investment being attracted is the poor management of our electricity assets.

SkyCity has taken six years, maybe even longer. I think it was the 2010 election when they were looking at building a new casino and had some discussions with the opposition. That is seven years ago, so it has taken a very long time and they are reluctant to actually come to the table. I am pleased that they are now, but I think it indicates that a lot of the investment is coming off the back of opportunistic investment because the government has managed the state of affairs so poorly.

I echo some of the comments of the Hon. Robert Brokenshire. There is an opportunity for the Treasurer to take a calm approach to this. There is one measure that will be removed or will be recommended to be removed. All the others can pass, if he chooses; the ball will be very much in his court.

I have had discussions with him and he certainly has not been that calm on this particular issue, but I think there is an opportunity for the Treasurer to show a little bit of maturity and say, 'Okay, I have a suite of measures I would like to introduce. One that the majority of South Australians don't want. Here's an opportunity to put the others in place and we will leave this one aside.' I suspect we are not going to see that. I suspect the Treasurer will insist, because he has made it very clear and he has painted himself into a corner.

I can see the government advertising now: the Legislative Council, the Australian Conservatives, John Darley and the Liberal Party are denying business all of these other benefits. We know the games he is going to play. He could actually give those benefits to businesses and the community if he set this part of the bank tax aside.

When the Premier made comments in relation to some issues about regional South Australians and what they might want, such as, 'Well, they don't really vote for us so it gives us the freedom to make decisions we like to make,' I expect the Treasurer thought, 'Well, the big banks don't vote for me or the government so that gives us the freedom to make those choices.'

It is time this government started listening to what the people want and started taking actions that will actually grow our economy instead of taxing it out of existence. I learnt that in grade 3 economics, if there is such a thing—it would have been very early in my primary school days. Maybe the Treasurer did not do that course in grade 3, I do not know, but very early in my education we were given a demonstration of how economies work and how you can tax them more or you can grow them.

I went to a public system, so it was in Bordertown Primary School that I would have learnt that. Sadly, that is 45 years or maybe 50 years ago. Even then, it was pretty simple: you cannot just keep increasing taxes to grow the economy. You have to do it in other ways to stimulate growth. With those few words, I indicate that I am delighted that I am part of the Liberal team that will not be supporting this bank tax.

The PRESIDENT: The honourable minister.

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) (12:47): I wish to thank all members for their—

Members interjecting:

The PRESIDENT: Do you want to speak, do you?

The Hon. T.J. STEPHENS (12:47): I will move that the debate be adjourned, Mr President, so that I can speak at a later time.

Members interjecting:

The PRESIDENT: I am having a discussion with the Clerk, so would you all like to sit down. Okay, the Hon. Ms Vincent.

The Hon. K.L. VINCENT (12:49): Given the time and number of negotiations and amount of discussion that has happened in the public arena in the last few weeks, I was not intending to speak for very long anyhow. Firstly, the Dignity Party cares very deeply about small business in particular and very deeply about workers. That is exactly why we joined the lobby to increase wages for underpaid support workers and secured fair public holiday pay and services for that sector as well. We also got funding to stop small business owners having to take out second mortgages when the NDIS portal melted down and prevented service providers in the disability sector from being paid for months at a time.

When it comes to ensuring fair electricity pricing in this state, the Dignity Party was also part of the lobby for the medical heating and cooling concession, making sure that pensioners got a discount on their electricity fees. We will also continue to lobby for a state-based concession or rebate for people who rely on electricity for life-sustaining equipment. We have also been lobbying for and supporting new employment opportunities in the disability sector, in new technology and in the industrial hemp sector, just to name a few.

We also believe that to provide essential services and to make sure that those who cannot contribute, or who are locked out of contributing, have essential services, those who are able to need to contribute fairly. That is why we think it is fair that the big banks contribute 0.2 per cent of their $44 billion profits, in the same way as has been modelled at the federal level with the federal bank tax, which came into play after reports showed that the major banks are undertaxed by $4 billion per year.

That is why we will be supporting this budget bill, including the proposed bank tax, so that we can see $10.25 million to finally get this state a borderline personality disorder centre of excellence to save and improve the lives of many thousands of people impacted by this severe condition, so that we can finally see the intensive home-based support program reinstated in this state, to shorten hospital stays for people facing mental health crises by 10 days on average. As we all know, it is incredibly expensive—up to $1,500 per person per day—to stay in hospital, so to save that money and to save those lives by shortening those hospital stays, by investing in people facing a crisis, we can do just that.

We also want to see continued funding for the Centre for Disability Health, so that we do not see people with severe and multiple disabilities who simply do not fit into the mainstream healthcare services go without health care, potentially for the rest of their lives. We also want to see the exceptional needs unit maintained at a state level while the NDIS rolls out in the state, to make sure that people do not fall between the cracks and go without disability and healthcare services as a result.

We want to see this state government finally catch up to Victoria and other states in implementing Changing Places facilities, so that the 14,000 South Australians who currently need assistance to change or assistance with their continence supports can finally have an option to visit the city, to visit the state, and not be forced to either stay at home or change on the floor of a public toilet, so that they, just like anyone else, can spend their money and their time in this community.

We want to see public money spent well. We want to see it spent saving money in the long term by shortening public hospital stays, by keeping people well and out of hospital, keeping them well enough to stay in employment, and we also want to see that money save lives.

The Hon. T.J. STEPHENS (12:53): I move:

That the debate be adjourned.

The council divided on the motion:

Ayes 11
Noes 10
Majority 1

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	McLachlan, A.L.	Ridgway, D.W.
Stephens, T.J. (teller)	Wade, S.G.	

NOES

Franks, T.A.	Gago, G.E.	Gazzola, J.M.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Malinauskas, P.	Ngo, T.T.	Parnell, M.C.
Vincent, K.L.		

Motion thus carried.

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) (12:57): I move:

That the debate be adjourned on motion.

The Hon. R.I. LUCAS (12:57): I move to amend the motion as follows:

Leave out 'on motion' and insert: 'to the next day of sitting'.

The council divided on the amendment:

Ayes 11
Noes..... 10
Majority..... 1

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I. (teller)	McLachlan, A.L.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES

Franks, T.A.	Gago, G.E.	Gazzola, J.M.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Malinauskas, P.	Ngo, T.T.	Parnell, M.C.
Vincent, K.L.		

Amendment thus carried; debate adjourned.

Sitting suspended from 13:02 to 14:18.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 2) BILL

Assent

His Excellency the Governor assented to the bill.

INDUSTRY ADVOCATE BILL

Assent

His Excellency the Governor assented to the bill.

APPROPRIATION BILL 2017

Assent

His Excellency the Governor assented to the bill.

LAND AGENTS (REGISTRATION OF PROPERTY MANAGERS AND OTHER MATTERS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Outback Communities Authority—Report, 2014-15

Outback Communities Authority—Report, 2015-16
Reports, 2016-17—
Adelaide Cemeteries Authority
Administration of the State Records Act 1997
Club One
Compulsory Third Party Insurance Regulator
Funds SA
Generation Lessor Corporation
Judges of the Supreme court of South Australia for the year ended 31 December 2016
Legal Practitioners Disciplinary Tribunal
Legal Practitioners Education and Admission Council
Local Government Finance Authority of South Australia
Motor Accident Commission
Office of the Commissioner for Kangaroo Island
Office of the Director of Public Prosecutions
Office of the National Rail Safety Regulator
Police Superannuation Board
Privacy Committee of South Australia
Review of the Operations of the Independent Commissioner Against Corruption and the Office for Public Integrity
South Australian Government Financing Authority
South Australian Parliamentary Superannuation Board
Southern Select Superannuation Corporation
State Procurement Board
Super SA
Surveyors Board of South Australia
Transmission Lessor Corporation
Regulations under the following Acts—
Bills of Sale Act 1886—Registration of Water Interests
Burial and Cremation Act 2013—Cremation Permits
Report on a Review of the Operations of the Judicial Conduct Commissioner for the period 5 December 2016 to 30 June 2017
Variation of the Indenture under the Whyalla Steel Works Act 1958—Variation Agreement dated 30 October 2017

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

Annual Report, 2016—Torrens University

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

Board of the Australian Crime Commission, Annual Report, 2015-16
Annual Reports, 2016-17—
Hydroponics Control Act 2009
Protective Security Act 2007
South Australia Police

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. J.S.L. DAWKINS (14:23): On behalf of the Hon. R.I. Lucas I lay upon the table the Interim Report of the Budget and Finance Committee 2016-17, together with minutes of proceedings and evidence and move that the report be printed.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.E. HANSON (14:24): I bring up the report of the committee into the partial defence of provocation.

Report received and ordered to be published.

JOINT COMMITTEE ON MATTERS RELATING TO ELDER ABUSE

The Hon. K.L. VINCENT (14:25): I bring up the final report of the committee, together with minutes of proceedings and written submissions.

Report received.

Ministerial Statement

VETERANS' ADVISORY COUNCIL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:25): I table a copy of a ministerial statement relating to the Veterans' Advisory Council and the passing of Air Vice Marshal Brent Espeland AM (Retd) made earlier today in another place by my colleague the Minister for Veterans' Affairs.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

MODBURY HOSPITAL CARDIOLOGY SERVICES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): I seek leave to make a brief explanation before asking the Minister for Health a question in relation to the cardiac outpatient services at Modbury Hospital.

Leave granted.

The Hon. D.W. RIDGWAY: In a news release dated 7 October 2015 his predecessor, the member for Playford, stated that, and I quote, 'all current specialty outpatient services accessed at Modbury Hospital will remain'. My questions are:

1. Was the chest pain quick access clinic available at Modbury in October 2015?

2. Is the chest pain quick access clinic available at Modbury now?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:29): Let me thank the honourable member for his question regarding Modbury. The honourable member would be aware, just as the chamber would be aware, that the government is currently undertaking a somewhat extensive exercise to assess the services we provide at the Modbury Hospital. Early on into my taking on this responsibility, the Premier asked that I lead a review to see what improvements can be made to the Modbury Hospital regarding services we provide to the men and women who live within the north-eastern suburbs.

I think it is fair to say that this government is one that is highly committed to ensuring that all South Australians get access to high-quality healthcare services in modern, state-of-the-art facilities. We certainly have been a government that has no aversion to making the tough decisions that are required in order to be able to achieve a high-quality healthcare service for all South Australians, not just now but for many, many years to come. The Modbury review is progressing well. I am pleased to report to the chamber that I have had the opportunity to meet extensively with both community members from the area in a number of different forums and passionate residents of the north-eastern suburbs who care deeply about the Modbury Hospital and the work that is undertaken there.

It is also true that I have met with a large number of clinicians—nurses and doctors and some allied health professionals—regarding the Modbury Hospital. Again, many men and women who work at Modbury, and have for some time, enjoy the benefit of experience, in a clinical sense, to be able to provide views and advice to the government about what best to do in terms of the Modbury Hospital's ongoing role into the future, in terms of provision of healthcare services.

I think it's fair to say—there's no secret or surprise about this—that clinicians don't always agree with each other. It's true that often doctors disagree about how best to provide a particular service to members of the community. That's not unusual in a field that is of a scientific nature and, I think, in many respects it reflects the genuine passion that our clinicians have for these sorts of health services.

But one thing that is difficult is having a review take place that has at its heart the objective of delivering an improved service at Modbury Hospital and having it interrupted with outrageous pieces of misinformation coming from politicians who would seek to exploit fear in the community to achieve a political objective, rather than actually trying to improve the outcomes for residents within the area. Unfortunately, that's exactly what has occurred in the case of the Liberal Party's shrill effort to try to create more anxiety and fear in the community. We know the Liberal Party has form in this area.

Throughout the Transforming Health exercise, which has been a significant undertaking by the government to make sure that we can deliver sustainable and high-quality health services throughout our community for many decades to come, the opposition has sought to exploit, at every opportunity, fear within the community regarding it. It is interesting that when you actually start to analyse the policy the Liberal Party are collating in the lead-up to the next election regarding what they would do with health, it largely reflects, or is a mirror image of, what the government's policy is.

Take today, for instance, where the Liberal Party announced that it is going to retain the pool at the Repat. That's the government's stated position. They haven't taken any opportunity to announce any other extraordinary application of the Repat site for residents of the southern suburbs. What they have done is copied exactly what the state government's position is. What have they done in respect of The QEH? They came out a couple of weekends ago and decided to announce a policy, and guess what? It's exactly the same as the government's policy, except, of course, there is no further commitment to the very substantial investment of a quarter of a billion dollars that this government is going to be making into The QEH over many years to come.

It's unfortunate that they have repeated this effort recently with the Modbury Hospital, trying to create fear in the community that there is some sort of imminent change happening to cardiac services at Modbury Hospital. My advice is that that is not occurring. The Liberal Party, instead, is trying to spread misinformation with the objective of creating fear in the community for their own political ends. It's shameful, and the residents of the north-eastern suburbs will call them out for it.

MODBURY HOSPITAL CARDIOLOGY SERVICES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:34): Supplementary question: will the minister please address the questions. Was the chest pain quick access clinic available in October 2015, and is it available in Modbury today? They are very simple questions.

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:34): I think the South Australian public would forgive the government for having a degree of caution in regard to anything that comes out of the opposition's mouths when it comes to questions of health because we know they have form when it comes to misinformation and spreading fear in the community to serve their only objective, which is a political one, as distinct from one that is consistent with the interests of the health outcomes of South Australians.

MODBURY HOSPITAL CARDIOLOGY SERVICES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): Supplementary question: what is the problem for the minister to answer two simple questions? A yes and a no for either one of those two would be very simple. You don't have to be cautious with the opposition—we are not scaremongering—we want a yes or no.

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:35): I am more than happy to seek some advice in regard to what services were offered a number of years ago at Modbury. What I am focused on is completing the government's review in regard to the services currently provided at Modbury Hospital with a view of how we can improve them into the future. That's our objective because what we want to do is deliver what residents in the north-eastern suburbs want. What they want is a high-quality health service throughout the Northern Adelaide Local Health Network. That's what we are delivering.

We have already committed to a number of investments, both at the Lyell McEwin and the Modbury Hospital, which will stand residents in the northern and north-eastern suburbs in good stead regarding health care into the future. We are never going to be a government that rests on our laurels when it comes to the provision of public health care. It's in our DNA to make sure that all South Australians, regardless of whether or not they have private health insurance, regardless of their own socio-economic status, regardless of their own incomes, get access to high-quality healthcare services.

We are committed to making sure that the investments that are required are delivered. Our state government has a strong record when it comes to investing in public health. I need not again go over all the examples of our substantial investments—we will say that in case we get some other silly questions—but that is what we are going to focus on delivering and we are going to get on with the job.

MODBURY HOSPITAL CARDIOLOGY SERVICES

The Hon. S.G. WADE (14:37): Supplementary question: if the chest pain quick access clinic is still available, why, in August this year, was it deleted from the referral notice within NALHN?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:37): I have already indicated that I am willing to seek advice in regard to the specific question that they have made. All I am going to say is that I know the residents of the north-eastern suburbs, many of whom have been actively engaged in trying to ensure that we get a good outcome rather than a hotchpotch policy that was muddled together very quickly and very hastily because they were concerned around a reshuffle, they were concerned about whatever the news of the day is. We are going to focus on delivering that review, and make sure it delivers a good outcome for the residents of the north-eastern suburbs because that's what they deserve.

FLINDERS MEDICAL CENTRE HYDROTHERAPY SERVICES

The Hon. J.M.A. LENSINK (14:38): My questions are for the Minister for Health.

1. Will the minister give an undertaking that the hydrotherapy pool in the main building at FMC will continue to operate to meet the needs of the community as long as the Daw Park hydrotherapy pool isn't available?

2. On what basis does the government consider the demand for hydrotherapy services has reduced such that the Southern Adelaide Local Health Network can go from two pools to one?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:38): I thank the honourable member for her question. I have an important announcement to make. This Liberal government—sorry, the Liberal opposition earlier today decided—

Members interjecting:

The Hon. P. MALINAUSKAS: —if they were in government they would do this. Their position is to replicate government policy. What an astounding effort! They have been in opposition for in excess of 15 years and they have decided in the lead-up to the next state election that the new tactic they are going to apply when it comes to policy announcement is to copy the government's policy. It is somewhat extraordinary.

We have built a brand-new hydrotherapy pool at the Flinders Medical Centre. I know there are a lot of residents and workers in SALHN who are looking forward to getting access to that pool. We are currently in the process of transitioning off the Repat site. It is an extensive, methodical logistical effort that is underway as we speak. It is very much our hope that that goes as smoothly as

what occurred in the case of the move from the ORAH to the NRAH. Once the transition is complete, all Southern Adelaide Local Health Network (SALHN) users who require hydrotherapy access will get it at the Flinders Medical Centre.

Regarding the Repat site, the Liberal Party knows all too well what the government's position is on this particular issue because they have cloned it. We are going to make sure that we work with the ACH Group to ensure that that pool continues to operate in the interests of those people who live in and around the Repat site. At the Flinders Medical Centre, there is a brand-new pool which will be accessed by all those people who require hydrotherapy and other associated services.

FLINDERS MEDICAL CENTRE HYDROTHERAPY SERVICES

The Hon. J.M.A. LENSINK (14:40): Supplementary: my question arises from the answer, in particular the reference to a methodical logistical transition. Is the Repat pool open today?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:40): That is a unique question from the opposition, who are so creative that they have decided to come up with a Repat policy that, guess what, clones the government's policy. We are in the process of transitioning off the Repat site. We have been a government that has been actually serious about ensuring that those people who are in state government public health facilities get access to good ones.

We know that the opposition deserves a distinction when it comes to consistency in opposing every effort that this government has ever made to invest in brand-new facilities. We saw it with the new Royal Adelaide Hospital, opposed by the opposition. We have seen it with the Jamie Larcombe Centre investment by the state government, opposed by the opposition. We have seen it in regard to our effort to ensure that all people who had access to the Repat site in the past, get access to things like the $185 million-plus investment we have made at the Flinders Medical Centre.

We are serious about putting our money where our mouth is when it comes to the provision of high-quality public health care in brand-new facilities, and we will remain committed to that cause, if we are lucky enough to be elected at the next state election.

FLINDERS MEDICAL CENTRE HYDROTHERAPY SERVICES

The Hon. S.G. WADE (14:42): Supplementary question: given that the minister believes that the government's policy replicates the Liberal policy, will he guarantee that the Flinders Medical Centre—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wade has the floor. Please allow him to ask this question.

The Hon. S.G. WADE: Will the minister give the guarantee, as the Liberal Party has, that we would allow the Flinders Medical Centre current pool to continue to operate as long as the Repat General Hospital pool is not available?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:42): We make the same commitment today that we have previously. The Repat pool will continue to be providing a service to residents in the southern Adelaide area. We are serious about making sure that that pool gets used as best as it possibly can be to service that community. In the meantime, those people who are moving to the Flinders Medical site will get access to a brand-new facility that we are very proud of.

SOUTHERN ADELAIDE LOCAL HEALTH NETWORK

The Hon. S.G. WADE (14:43): I seek leave to make a brief explanation before asking a question to the Minister for Health in relation to inpatient beds in the Southern Adelaide Local Health Network.

Leave granted.

The Hon. S.G. WADE: Last Thursday, during a radio interview on ABC radio, the minister was asked if the closure of the Repatriation General Hospital would lead to a net loss of hospital beds. In reply, the minister said:

> No, well the government is committed to making sure that we maintain the same number of beds; the exact same number of beds that exist at the existing Repat site are being delivered somewhere else in the system.

At the time that the minister made the comment, SA Health's inpatient dashboard showed the Repatriation General Hospital had an all-beds capacity of 230 inpatient beds, and the Southern Adelaide Local Health Network had an all-beds capacity of 942 inpatient beds.

1. Can the minister guarantee that the number of beds in SALHN at the time of his statement will be maintained?

2. When the minister says that there will be exactly the same number of beds in the system, does the system he refers to include public patient beds in private hospitals?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:44): I have said repeatedly—and I am happy to keep repeating it for the honourable member's benefit—that all of the beds and services that are at the Repat site are being delivered somewhere else within the system. Of course, that is by and large at brand-new facilities that we have invested in.

SOUTHERN ADELAIDE LOCAL HEALTH NETWORK

The Hon. S.G. WADE (14:45): So, I would ask the minister: can he confirm that the Southern Adelaide Local Health Network have exactly the same—

An honourable member interjecting:

The Hon. S.G. WADE: I am reiterating the question—

The PRESIDENT: It's a supplementary.

The Hon. S.G. WADE: It's a supplementary question. Can the minister confirm that his answer indicates that there will be exactly the same number of inpatient beds in the Southern Adelaide Local Health Network as there were on the date of his statement, which was last Thursday morning?

The PRESIDENT: I thought the minister answered that question. Would you like to answer that question, or have you answered it?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:45): I think I have already answered it.

AUSBIOTECH CONFERENCE

The Hon. J.E. HANSON (14:45): My question is to the Minister for Science and Information Economy.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.E. HANSON: Can the minister inform the chamber about the 2017 AusBiotech conference?

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) (14:46): I thank the honourable member for his question and his interest in innovation and areas to do with science. He is often at events around Adelaide in this field. The AusBiotech conference is an annual event that attracts around 1,000 delegates from all around Australia and overseas. The conference was held in Adelaide in 2003 and again in 2011, and the 2017 conference was once again held in Adelaide, between the 25th and the 27th of this month.

The conference informs and updates the biotechnology sector with current industry facts and knowledge, bringing together professionals from across the global biotechnology industry for a program of presentations, forums, exhibitions and business and networking events. The conference featured key speakers on a wide range of topics, such as regenerative medicine and its potential to provide solutions for previously untreatable conditions and diseases; clinical trials, including strategies to help Australia maintain competitive advantages and to attract international R&D; key issues affecting the global pharmaceutical industry; fostering Australian innovation; and life science commercialisation and innovation, to name a few areas that speakers spoke about.

The biomedical industry in South Australia is significant. It is estimated that there are over 300 high-tech companies in South Australia. Export figures for medical devices from this state have increased 68 per cent from $160 million in 2014-15 to $268 million in 2015-16, and there is still significant potential for further growth from the sector. One of the highest priorities as a government is growing our health and biomedical science sector, making South Australia a logical place to once again host the AusBiotech conference.

We are making great strides towards building an impressive critical mass of expertise and global presence in this industry. It is a priority not only because it provides that economic imperative to grow the sector, but also because we understand how crucial it is when preparing for the future. The challenges and opportunities we face are mounting, and achievement in the life sciences is accelerating at a stunning pace. As people are living increasingly longer lives, finding new ways to ensure that people around the world can live better, healthier and easier lives is one of the great challenges of our time. Innovation in life sciences is one of the keys to unlocking a better future, and in South Australia we are playing a significant role in meeting these challenges.

Part of the way we demonstrate that is our commitment to innovation and investing in critical infrastructure. A great example of this investment can be found along the Riverbank. Our world-class health and medical precinct is estimated to be a $3.6 billion area, one of the largest biomedical clusters in the Southern Hemisphere, stretching from the Morphett Street bridge all the way down to Thebarton.

This precinct includes the state-of-the-art University of South Australia Health Innovation Building, the recently opened University of Adelaide Health and Medical Sciences Building, together with SAHMRI and, of course, the new Royal Adelaide Hospital. The BioMed City is set to welcome another addition, SAHMRI 2, a state-of-the-art medical research hub that will allow cutting-edge cancer treatment that has never been available before in the Southern Hemisphere.

It is not just an investment for South Australia: some of the world-leading research that is undertaken in this precinct has national and global reach, and we are doing the best to nurture these connections. We are working to attract investment to South Australia to support high-tech companies to grow here and to encourage entrepreneurs to bring ideas to life here. I have outlined a number of times in this chamber a number of ways the government is doing this, through initiatives like the South Australian Early Commercialisation Fund, the recent managers appointed to our Venture Capital Fund and, of course, our Gig City Project.

South Australia possesses some real strengths in many areas that touch on the biomedical industry, including medical and assistive devices technologies. There are a number of fantastic local companies whose locally developed and manufactured devices and solutions are used in clinical and research environments around the world. We are seeing lots of exciting innovations come out of our local South Australian biomedical sciences companies. Just last week we had a great announcement from MedDev Alliance in South Australia, partnering with local company Alcidion Group, to secure a grant from MPT Connect for their hospital 4.0 initiative, which they will use to develop wearable devices to monitor patients' clinical risk data in real time.

We have been very proud as a government to support local companies through our support for the MedDev Alliance in South Australia so that these sorts of companies can expand their capabilities and grow their businesses. The AusBiotech conference offered an excellent opportunity for participants to develop connections among researchers and professionals, and I have no doubt it will help to grow this important part of our economy in the future.

AUSBIOTECH CONFERENCE

The Hon. A.L. McLACHLAN (14:51): Supplementary question: minister, you mentioned export markets. Which is our largest export market for this industry sector 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) (14:51): I thank the honourable member for his questions. I do not have the granulation on where various exports go. I am very happy to take it on notice and bring back an answer for the honourable member, who is very interested in and asks sensible questions about this area. I know that there is great potential in some of our developing nations around Australia. In this part of the world we are seeing increasing prosperity in some of the countries that are close to us, who are reasonably expecting to live longer and more comfortable lives, which provides a great opportunity for South Australian exports.

In terms of where in the last financial year those exports were from the $250 million export market, I am happy to get officials to see whether that data can be broken down and bring back an answer for the honourable member. If it is already publicly available, which I suspect it is, I will point him in the direction so that he may continue to conduct his own research into these matters.

DRUG DRIVING

The Hon. D.G.E. HOOD (14:52): I seek leave to make a brief explanation before asking the minister representing the Minister for Police questions about drug driving in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: On average we see 107 people a week detected for drug driving, or in other words approximately 5,564 drivers per year who choose to get behind the wheel in South Australia whilst under the influence of illicit drugs. *The Advertiser* ran a story yesterday that members would no doubt have seen stating that, of those 5,564 detected drug drivers, some 608 drivers had been caught for a second or third subsequent drug-driving offence over a five-year period.

On average in the last five years 24 per cent of drivers and riders killed on South Australian roads are under the influence of cannabis, methamphetamine or ecstasy. This statistic does not account for those who are under the influence of other mind-altering drugs that affect driving capacity but are as yet unable to be detected.

Whilst drivers who lose their licences after committing two drug-driving offences are required to pass a dependency test before they are allowed behind the wheel again, to try to determine whether they are fit to hold a driver's licence, these repeat drug-offending statistics suggest that the current testing system is deficient.

Whilst the government is in the process of changing the drug-driving laws, which is supported by our party, it is certainly a case where more work needs to be done and more quickly, given the repeat offenders I have mentioned. This has been an ongoing problem in South Australia, as is the underlying issue of increasing drug dependence as well. According to the DPTI website, a first time drug-driving offender will receive an on-the-spot fine and four demerit points, and only if the matter goes to the court does a loss of licence become considered. Given the seriousness of drug-driving offences and the prevalence of it that I have just outlined, anything less than a suspension of licence in our view is insufficient. My questions to the minister are:

1. What is the rationale for only penalising a first-time drug-driving offence with an on-the-spot fine and four demerit points?

2. Would the government support an automatic loss of licence for at least five years for offenders detected drug driving for a third time?

3. How difficult or inconvenient is it for someone to get their licence back, post detection in particular, for repeat offenders?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:55): Let me thank the honourable member for his question. I think it is also probably appropriate that the government acknowledge the constructive and cooperative work that

it has been able to undertake with Family First in regard to the development of the drug-driving bill. It is a credit to, sorry, the Australian Conservatives that they have been willing to work with the government on a piece of legislation that we believe will make a difference when it comes to addressing the challenge that is repeat drug driving in the community.

The government, it is fair to say, has been somewhat shocked up until this point at some of the positions that those members opposite have had in respect of that piece of legislation, not least of which, of course, the idea the government believes should be endorsed to provide that police officers who conduct a roadside drug test that delivers a positive result should have the capacity to search a driver's vehicle on the basis of that positive drug test.

It is somewhat extraordinary that the Liberal Party has opposed that position. I have been shocked a couple of times since I have been lucky enough to be a member of this place, but the day that the Liberal Party opposed the Australian Conservatives' effort to see to it that police officers have the power to be able to search a car after a positive drug test has been delivered is somewhat remarkable. In answer to the honourable member's question, I take it on notice so that the responsible minister in the other place can reply accordingly, but needless to say, the government's position with respect to repeat drug driving is largely reflected in the bill before the parliament.

OUR JOBS PLAN

The Hon. A.L. McLACHLAN (14:57): My question is for the Minister for Employment. Minister, it has been three years since the government released its Our Jobs Plan. I ask the minister to advise whether the government intends to commission an independent review that measures the success of the various components of the jobs plan?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:57): I thank the honourable member for his question and his interest in government programs that support economic development in South Australia more generally. Certainly elements of our employment plan have been assessed. We have talked quite a lot in this chamber about the Frost & Sullivan review and I note the honourable member has asked about some of our automotive programs and how we will subject them to ongoing assessment. I can say, particularly for the automotive programs, we will obviously look at the efficacy of those programs, but our first and foremost efforts are rolling those programs out and continuing to make sure they are providing the support that they have provided in the past.

I do note in relation to employment in South Australia, the disappointment that seems to come from the South Australian Liberals over the last few months in terms of employment. They have loved talking down South Australia as much as they can, seeking to make this state as unprosperous as they possibly can. Over the last two months, we have seen the lowest unemployment rate in almost half a decade in this state.

Last month, we saw only New South Wales have a better unemployment rate than South Australia on the headline figures. This month, we saw our second-lowest unemployment rate in almost half a decade. We have seen about five consecutive months of trend unemployment coming down and they hate it. The state Liberals hate seeing South Australia doing well. It gives them less opportunity to talk us down, less opportunity to scare away investment, and less opportunity to be hating on this state.

WATER SECURITY

The Hon. T.T. NGO (14:59): My question is to the Minister for Water and the River Murray. Will the minister update the chamber on how the state government provides water security for South Australians?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:59): Thank you very much to the honourable member for this excellent question. As we all know, in South Australia, water is a vital resource underpinning the livelihoods and wellbeing of almost every South Australian, and our capacity to support and grow our economy is based on the availability of water. This government

knows that securing our water supplies and investing in water security measures are the only way we can secure the future prosperity of the state and the people who live in it.

Almost everything that happens in this state, in terms of manufacturing, particularly food manufacturing—and think about wool scouring and fabric preparation, think about washing down metal fabrication—requires at some stage in the process access to water, so it is disappointing that, after all these years in opposition, the Liberal Party still don't support ensuring that Adelaide and the rest of the state have a secure source of drinking water for our community. They come up with specious arguments that we should be doing better but, quite frankly, they just don't understand the challenge the state faces, particularly in dealing with the other states and the commonwealth in terms of the River Murray.

Last week, I am advised, a Liberal spokesperson for water, I suppose highlighting his inexperience in this area, attacked our investment particularly in the Adelaide Desalination Plant. This spokesperson for the Liberal Party clearly hadn't been around for the Millennium Drought and had any policy experience of grappling with those issues. He wasn't there when considerations were being made to purchase bottled water to supply the people of Adelaide with drinking water, dire as it was, so scarce was the state's water. Of course, the baseless and ill-informed attacks he made just demonstrate the Liberal Party's ignorance in terms of developing policy positions for the benefit of our state. As for the criticism that the ADP is a so-called white elephant—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: Well, the Hon. David Ridgway is talking about inadequacy to add up—

The PRESIDENT: I ask the minister not to get sidelined by the Hon. Mr Ridgway.

The Hon. I.K. HUNTER: It is such a good sideline, though, Mr President.

The PRESIDENT: I also say, if members of the opposition don't want a 10-minute answer, just let the minister finish without interruption.

The Hon. I.K. HUNTER: Let me just sidetrack about adding up. It was the Liberals who promised in a panicked response in an energy plan that South Australians were going to get a certain amount of money back—$300 saved on their bills—and then 24 hours later, they backtracked. They rolled it back and now we hear that it might be as little as 50¢ a week. Talk about not adding up! The Hon. David Ridgway leads with his jaw. They can't add up to save themselves. They let the state down. They make these specious claims. They go to the heart of their own constituency. They just can't add up.

As for this criticism, the River Murray Water Allocation Plan pledges an extra 50 gigalitres of water for holders of irrigation and equivalent licences in years when allocations are less than 100 per cent on the back of the Adelaide Desalination Plant. Are we to say to the good people of the Riverland that the Liberal MP, Mr Whetstone, doesn't support the extra 8 per cent we have managed to be able to find for dry allocation years for our irrigators to keep their crops alive because of their jihad against the Adelaide Desalination Plant? Is that what we're supposed to tell them? These guys are a joke.

Does the Liberal Party support the extra 8 per cent in a dry allocation year that the Adelaide Desalination Plant has meant we can actually provide to our irrigators, or do they not? Yes or no answer, Mr Ridgway. It is a yes or no answer. You have no clue. You have absolutely no clue. Even a federal colleague of yours, Hon. David Ridgway, the now Prime Minister Malcolm Turnbull recognised the importance of a desalination plant for our state. On 12 September 2007—

The Hon. J.M.A. Lensink: What size?

The Hon. I.K. HUNTER: The Hon. Michelle Lensink wants a smaller desal plant, having less water for irrigators in this state. That's what she is saying: 'Let's halve the size of the desal plant and let's take away the extra water.'

The Hon. J.M.A. Lensink: You're not even using 50 gigalitres.

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Let's take away the extra water we found for our irrigators. That's what the Liberals are advocating: take water away from irrigators. No wonder our irrigators in South Australia don't support the Liberal Party in this state or at the commonwealth level. They have no clue about what they need, and now they are saying, 'Take away half their water.' I will be very pleased to let the people of the Riverland understand exactly what the Liberal policy means for them. The Prime Minister, back in 2007—not then the prime minister, of course—said:

> It is vital to the water security of Adelaide. Adelaide needs a new non-climate-dependent water source. It needs a desalination plant and it needs it now.

The future of water security in our state is about more than politics. Surely to goodness, people in this chamber will agree that it is about the future viability of our state. It takes long-term planning, not short-sighted politicking—which is all the Liberals can do.

What is their water policy? They don't have one; they simply don't have one. They haven't provided any details of an alternative policy at all that would provide South Australians with essential water security, and that is simply unacceptable. It is simply unacceptable for those who pretend to have aspirations to government. Let's have a look at the significant investment that the government has made in securing our state's water future, in contrast to the Liberals' lack of any ideas whatsoever, other than attacking water security for irrigators. Firstly, our investment in the Adelaide Desalination Plant. We knew—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —after the Millennium Drought that we had to build an independent, non-climate-dependent source of water for Adelaide's critical human needs. Is the Liberal Party now suggesting that they do not support such an independent, climate-independent source for critical human water needs for our communities?

The Hon. J.M.A. Lensink: When are you ever going to use 100 gigalitres?

The Hon. I.K. HUNTER: Is that what they are suggesting?

The Hon. J.M.A. Lensink: One in 1,000 years.

The Hon. I.K. HUNTER: The Hon. Michelle Lensink again drops in saying we shouldn't have a 100-gigalitre desal plant.

The Hon. J.M.A. Lensink: When are you ever going to use it?

The Hon. I.K. HUNTER: We shouldn't have a 100-gigalitre plant. The desal plant, at the size that we have, has allowed us to provide 8 per cent more water for irrigators in dry allocation years. What is the Hon. Michelle Lensink saying? 'Reduce that.' 'Reduce it,' that is what she is saying. It is about 20 per cent to keep their critical crops alive, and the Hon. Michelle Lensink wants to take it away from them. She wants to take it away from the irrigators of South Australia. She wants to take away any benefit of factoring in the desal plant into irrigators' water allocations in dry allocation years.

This is what the Liberals have to promise: contrast it with what we have delivered. We take absolute and decisive action when the needs of the state demand it. We took that action to secure our water supply, not just for Adelaide but for the whole state. The Adelaide Desalination Plant is a key component in securing our water supply. The ADP has been operating since October 2011, as we know, and since that time it has produced about 140 gigs of water, which is, of course, shandied in with Adelaide's water supply.

Prior to the operation of the Adelaide Desalination Plant, on average, 40 per cent of Adelaide's annual water supply needs were met from the River Murray, with around 60 per cent sourced from local catchments. These supplies are variable, of course, and are heavily climate-dependent. In a drought year, for instance, up to 90 per cent of Adelaide's water was sourced from the River Murray. Our ADP is a much needed insurance policy that will be vital when South Australia is next faced with drought, as we will be.

The ADP is just one way that the government has secured our water supply. We have also formulated and invested in a policy that ensures that we can make the best use possible of water

captured through rainwater harvesting, stormwater reuse, recycled water and water-sensitive urban design. Since 2014, the government has continued to support rainwater capture through our policy requiring new residential dwellings to have an alternative water supply, such as a rainwater tank system plumbed to toilets for example, or to laundry cold water outlets, or even to a hot-water service to supplement mains water.

To support the community during and following the Millennium Drought, we also provided rebates for rainwater systems and various other water-saving measures. During that time, nearly $17 million was invested in stand-alone or plumbed-in rainwater tank rebates, I am advised. We have increased Adelaide's capacity to harvest stormwater from around 1 billion litres per year in the early 2000s to almost 22 billion litres per year currently. In fact, I am advised that we lead the nation with stormwater harvesting.

We have also increased the amount of wastewater recycled. In 2015-16, SA Water recycled 33 per cent of wastewater from its wastewater treatment plants, equating to more than 31 billion litres. This is the second highest percentage reuse of any water utility in Australia with over 100,000 customers, I am advised. This year, the government has also committed to further increase our wastewater recycling capacity in the Northern Adelaide Plains via the Northern Adelaide Irrigation Scheme.

This project will deliver an additional 12 billion litres per year of high-quality, recycled water from the Bolivar Wastewater Treatment Plant. This is a 60 per cent increase, which will be used for commercial food crops to help expand the state's irrigated primary production industry. Economic analysis has shown that this 12 gigalitres of recycled water per year has the potential to create 3,700 jobs, attract around $1.1 billion in private investment and add $578 million a year to the state's economy. The state government is providing $110 million to the project, with the commonwealth investing $45.6 million.

In addition to large-scale stormwater and wastewater recycling, the government also continues to facilitate water-sensitive urban design at the local level; for example, water-sensitive urban design approaches such as rain gardens—specially designed vegetated areas that filter stormwater run-off and hold it in place for later reuse—and other techniques that capture and treat stormwater are being integrated into developments. Through the Environment Protection Authority we have also been implementing the Rain Garden 500 project, a three-year grant program where local councils, community groups, schools, sporting clubs or groups of motivated individuals can apply for funding to build a rain garden in the Adelaide region.

The Adelaide and Mount Lofty Ranges Natural Resources Management Board also actively invests in water-sensitive urban design in its region, usually co-investing with local councils. Investment of more than $710,000 in grant funding was recently awarded to a range of water-sensitive urban design projects, including:

- rain gardens at the Flagstaff Hill School and at Tracey Avenue in the City of Charles Sturt;
- water-sensitive urban design car parking in the City of Charles Sturt as part of a drainage system upgrade;
- permeable paving in Kent Street, Hawthorn, in the City of Mitcham; and
- water-sensitive urban design features for the Morton Road streetscape upgrade in the City of Onkaparinga.

The Liberal Party has absolute no credibility on water security and policy, just as it has no credibility on energy policy. There is barely a whimper out of the Liberals on standing up for the Murray, and we have heard today that in fact they support taking away the water we have discovered through the policy of putting the desal plant into the mix, finding that extra 8 per cent of allocation, opening allocation in a dry framework year.

Following on from the comments on the weekend, South Australians have every right to be concerned at the prospect of a Liberal government in the coming months, because they have no

understanding of where the Liberals stand on water policy or, indeed, on energy policy. As we have heard from the Hon. David Ridgway, they cannot even count when they try to do their sums.

WATER SECURITY

The Hon. R.L. BROKENSHIRE (15:12): A supplementary based on the minister's answer.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Well, make him earn his money for a change. The minister has just espoused the virtues of the Desalination Plant; why then was the minister's government so opposed to any desalination plant for many years and was actually doing preparation work for a new reservoir? Why were they opposed to a desal plant?

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:13): I don't understand the honourable member's question. We have five or six desal plants that we have built over the years. We have desal plants all over the state. Desal plants are important parts of our infrastructure, and they have to be factored into the whole water utility: how is it most efficient to be utilised?

How is it still possible—after having a Millennium Drought when we almost ran out of drinking water for Adelaide, when SA Water was seriously considering drilling down to the lower aquifers to supply drinking water for the residents of Adelaide, when it was seriously considering finding bottled water—that the Liberal Party in this state now says, 'We don't support the desal plant, we don't support the extra 8 per cent of water that has been found for irrigators in dry allocation years'? They are saying, 'No, let's have a smaller one,' which means having an impact on those irrigators' opening allocations. The Liberal Party are saying, 'Don't give them that water.' How incredible is that?

They have absolutely no clue about how much this state depends on critical management of our water system and supply to apply a sustainable water regime into the future. That is what we have in this state, managed by this Labor government. The Liberals could not even come up with a policy.

TRAUMA COUNSELLING SERVICES

The Hon. T.A. FRANKS (15:14): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Health on the topic of the privacy of those people contacting and accessing the 1800RESPECT trauma counselling service.

Leave granted.

The Hon. T.A. FRANKS: 1800RESPECT is a federal government initiative. It's delivered by Medibank Health Services (MHS), which provides a national sexual assault and domestic violence counselling service. Since its launch in October 2010, Rape and Domestic Violence Services Australia have provided the service, but recently they have withdrawn over a renewal of contracts. In a statement made in August this year, they stated:

> Accepting the sub-contract and the new MHS model would be inconsistent with the values, ethics, quality counselling practices and work-place relations that are foundational to our organisation and culture.

They have raised a range of concerns, but the ones I wish to draw the attention of the minister to are those around privacy and confidentiality. Rape and Domestic Violence Services Australia have stated in a public statement that it is unacceptable to them that the handover of existing client file notes is now required under the new 1800RESPECT contract. They state that to hand over all client file notes resulting from the past six years of counselling for the 1800RESPECT service would, they believe, breach their client confidentiality and contradict Australian privacy legislation.

They also go on to say that they have great concern that, due to Medibank's position, they will not evoke communications privilege to protect client confidence, certainly in the case of being subpoenaed or matters going to court. They have also noted that the recording of client file notes on

the Medibank system is now expected to be kept through the new Aladdin system of Medibank, rather than, as they have in the past, in the particular counsellor's personal file notes that are stored and protected in a way that protects that client's confidentiality. Indeed, they have noted that the recording of phone calls, which is now required under the new contract, would potentially lead those who access the service to experience not only the written documentation being provided to the courts, but also experience the release of their voice recording to the service. My questions to the minister are:

1. Is he aware of the privacy concerns raised by Rape and Domestic Violence Services Australia, who have now pulled out of the 1800RESPECT service?

2. What protections are available to South Australians accessing this service to ensure that their contact with 1800RESPECT is maintained at the highest levels of confidentiality and not shared with other agencies, not kept by a private insurance company in the case of a sale of Medibank and protected in the future?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:18): I thank the honourable member for her extensive question. The concerns that are raised by the honourable member in her question are mainly news to me, so it would be best if I took her question on notice with a view to get a response back to her as soon as possible. I acknowledge her concern for the area in question.

ALLWATER JOINT VENTURE

The Hon. R.I. LUCAS (15:18): My question is directed to the Minister for Water and the River Murray. Has the minister now checked—if the Labor government or the Labor Party was re-elected in March 2018—on what the length of the Allwater joint venture is, and what is the first date on which the government would have the option, if it chose to do so, to end the outsourcing contract without penalty and ensure the function is delivered by staff within its proposed E&WS department?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): I thank the honourable member for his most important question, which gives me another opportunity to stand in this place and point out the gaping hole that exists in the Liberal Party's plan to privatise SA Water. Here we have a party that trots out a spokesperson on the weekend who says, 'If the Liberals get elected to government, we are going to have a review and have a look at SA Water and see what it can tell us.'

We know what reviews mean for new governments: they are looking for an excuse—Liberal governments in particular—to get out of the promises that they have made in the lead-up to the election. This is what we see with the Liberals time and time again and this is what we see foreshadowed just this last weekend. They are actually going to go to the election promising the electorate, 'No, no—trust us this time. I know we promised last time when we said we will never sell ETSA that we won't sell ETSA and then we did four months after winning the election, but trust us this time. We promise we will be different. We have learnt our lesson. We are not going to privatise SA Water—hand on our hearts—you can trust us this time,' and, of course, they will be leading the electorate along.

Then they are going to have a review in which, surprise, surprise, they will handpick their reviewer and the review will say, 'You should privatise SA Water.' That's what they will do. We know the Liberals, when they were last in government, corporatised SA Water. They set it up for privatisation. They know they don't have to bring it back to the parliament. They are just sitting on this because they know, should they win the next election, regardless of the promises that they made to the electorate, they will have a review that throws up something new—it will be some great black hole or something or other. We can predict it now. We can predict exactly what they are going to say and because of that they will say, 'We have to go back on what we said. I am very sorry about that. They made us do it,' and go off and privatise SA Water. That's what their plans are. We know and it has been flagged now by the spokesperson on the weekend.

Again, we have the architect of privatisation over there, the Hon. Mr Lucas. Besides being the architect of closing down schools in this state—I have forgotten, the Hon. Mr Lucas: was it

71 schools you closed when you were last in government? It was also the Hon. Mr Lucas who privatised ETSA as Treasurer. We have this honourable gentleman in this place now trying to say to South Australians, 'Trust us. You can trust us this time.

We have learnt our lesson about privatisation. Remember when we told you that when we privatised ETSA prices will come down?' That's what the Liberals said, 'We will privatise ETSA and prices will come down because the private sector can run utilities much better than the government.' That's what the Liberals said. Lo and behold, have our prices come down for electricity, Mr President? Have they come down, I ask you? You can nod if you like, or shake your head in disbelief—because of course they haven't come down. Yet, compare and contrast that to SA Water in government hands, and what has happened? Bills have come down through two ESCOSA—

Members interjecting:

The Hon. I.K. HUNTER: Are you saying ESCOSA is wrong? Are you now attacking ESCOSA?

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Let's have a look. In the first regulatory period bills came down, an average bill by $44. In the second regulatory period, how much did bills come down by? Hon. Mr Wade, you know this answer? $71 on an average bill.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Then we took the Save the River Murray Levy off businesses and households. On households it was about $40. So just with those three figures, you know the bills have come down. Average bills on water and sewerage have come down over the last two regulatory periods by $171, in government control. Contrast that with ETSA when the Liberals privatised it, and prices went through the roof—ask anybody. I think I have an answer for the honourable member, in fact, in here. 'We blame the ETSA sale' in the *Advertiser* on the front page—the majority of South Australians say that 'privatisation is at fault'.

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: Point of order, Mr President: the minister should know better than anyone else that you can't display materials in the chamber. He is out of order.

Members interjecting:

The PRESIDENT: Order! Will you allow the minister to finish his answer? There are a number of people here who would like a question. Allow him to finish his answer. Will the Leader of the Opposition and the Hon. Ms Lensink try to calm down their interjections?

Members interjecting:

The PRESIDENT: Calm down your interjections. Minister, have you finished?

The Hon. I.K. HUNTER: I apologise to the chamber if the Hon. Mr Brokenshire thought I was using a prop. Of course I was just reading the front page of the paper where it says, 'A majority say privatisation is at fault. We blame the ETSA sale.' Who was the architect of the ETSA sale?

Members interjecting:

The Hon. I.K. HUNTER: Indeed, Mr President. We can all point to the Hon. Rob Lucas across the chamber. That is probably unparliamentary. Perhaps we can just glance in his general direction. Not only did this bloke, the Hon. Mr Lucas, close 71 schools when he was last in government—I think was 71; I will stand to be corrected on that.

Members interjecting:

The Hon. I.K. HUNTER: It is wrong, is it? Okay, it was about 61 then.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Will the Leader of the Government please desist?

Members interjecting:

The PRESIDENT: I would like to hear him answer the question. The honourable minister.

An honourable member: Start again.

The Hon. I.K. HUNTER: I will start again. We have the Hon. Rob Lucas come in and ask about contracts from SA Water, which was exactly the corporatisation of SA Water that the Hon. Mr Lucas's government put in place. It was to fatten the calf for sale. We all know that. If you take away a government instrumentality, which was the E&WS, and you corporatise it and you set it out there, and you take away any power of parliament to have a say in its privatisation, you know what was on their minds.

You know that was what they were going to get to next. They had already privatised ETSA and they had on their minds, 'Let's corporatise SA Water and get it ready to sell it off to our mates in the big business who will let it go off to the big banks and borrow some money.' Of course, they borrow that money at interest rates so you have to go back to the population and say, 'I'm sorry—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —we now have to put our prices up because we have to pay ourselves fat director fees and pay the bank interest rates as well.' That is what privatisation gets you—increased prices, increased bills and worse services to the point where people in South Australia blame the ETSA sale on all the problems we have in the energy sector. Of course they blame the Hon. Rob Lucas and the Liberal Party for delivering that outcome to our state. Why on earth would they trust anything the Liberals have to say about promising about SA Water?

Why on earth would any South Australian absolutely trust the Liberals when they say, 'Hands on our hearts, we will not privatise SA Water.' We know that is exactly what they intend to do. They've got their own private plans. They are not producing them. We know they've got them in their hip pocket, ready to roll, after they have David Speirs' review.

AQUACULTURE INDUSTRY

The Hon. K.L. VINCENT (15:27): I've got a cold. I seek leave to make a brief explanation before asking questions of the Minister for Sustainability, Environment and Conservation about the clean-up of a failed aquaculture venture near Elliston on the West Coast of South Australia.

Leave granted.

The Hon. K.L. VINCENT: A constituent has made me aware that an abalone venture at Anxious Bay near Elliston is in liquidation with its assets auctioned off not long ago and infrastructure still in Anxious Bay not being maintained. I understand there is rubbish, bases and buoys everywhere and that there have been two whole rings, excluding nets, washed up on the beach just north of the Anxious Bay boat ramp.

Since then, my constituent has seen a whole aquaculture lease washed up on Waldegrave Island. Apparently, rings and nets were cleaned up but a lot of underwater equipment was just dragged out into deeper water and left there. My questions to the minister are:

1. Is the minister aware of this mess over near Anxious Bay and Waldegrave Island and is he concerned about it?

2. Is the minister aware that PIRSA aquaculture tendered to clean it up?

3. Will remaining debris from the previous lease, the whole lease, that washed up on Waldegrave Island some years ago also be cleaned up?

4. Will all infrastructure where the current rings, etc., are still in position be removed?

5. Will the clean-up of Waldegrave coastline also be included?

6. Will the clean-up of debris along our West Coast be included?

7. Will the declared aquaculture zone area in Anxious Bay be decommissioned?

8. In regard to any aquaculture venture, will the state government change and amend legislation regarding the placement of financial security by leaseholders for clean-up processes?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:30): I thank the honourable member for her most important question. It is a salutary lesson to those opposite about how to ask questions in this place. No, I am not aware, in response to the first question, of the situation. Aquaculture leases, of course, are handled by PIRSA, not by my agency, but indeed I am concerned at what the honourable member has said, if it is the case.

I am not sure from her explanation whether the failed aquaculture abalone enterprise has gone into receivership or has just been abandoned. That is something I will take up with the minister in the other place and find a response for her. In terms of the issues with the shoreline, the clean-up, again that is something that would normally be handled by PIRSA through their requirements on the licence, but I think in this instance, given the urgency involved with the spread of rubbish that the honourable member has been advised of, I might inquire of the EPA whether they have been out there recently and if not, whether they would go.

Whether the aquaculture zone is decommissioned or not, again is a question that PIRSA can only answer, so I will take that part of the question also to the minister in the other place and bring back a response as quickly as possible. I will undertake to have my office contact the EPA this afternoon and find out what we know about the rubbish, particularly the netting, and whether anyone is currently being held responsible for the clean-up and if not, why not.

Personal Explanation

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 2) BILL

The Hon. A.L. McLACHLAN (15:31): I seek leave to explain a matter of a personal nature.

Leave granted.

The Hon. A.L. McLACHLAN: Last sitting day, I delivered a second reading speech on the Statutes Amendment (Attorney-General's Portfolio) (No. 2) Bill. In my second reading, I read into *Hansard* a letter from the Bar Association which addressed certain issues in respect of that bill. I subsequently received a letter from the Director of Public Prosecutions dated 26 October 2017, which addresses issues raised in the Bar Association letter.

The DPP disagrees with the propositions in the Bar Association letter. I will not read out the correspondence, but the DPP sets out in his letter that the Bar Association correspondence contains 'a number of inaccurate claims that are damaging to the reputation of my Office and my staff'. My reading into *Hansard* during the urgent debate was for the purpose of informing members of the strong views of the Bar Association. Members would know that I received that letter on that morning. I wish to advise the chamber that I hold the Director of Public Prosecutions, his office and staff in the highest regard.

Bills

CRIMINAL LAW CONSOLIDATION (CRIMINAL ORGANISATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2017.)

The Hon. S.G. WADE (15:33): I rise to speak on the Criminal Law Consolidation (Criminal Organisations) Amendment Bill 2017 and I do so as lead speaker for the Liberal team. Over the last 10 years, parliament has taken a series of steps and enacted a number of laws to curb the activities of criminal organisations in South Australia. The Serious and Organised Crime (Control) Act 2008

empowered a court to declare an organisation to be a criminal organisation in order to restrict their criminal activity.

In 2015, serious and organised crime laws were passed that prohibited people from associating with members of criminal organisations. Ten groups have been declared criminal organisations under that act. These criminal organisations have been defined in three ways: firstly, three or more persons meeting, with at least one of their purposes being to plan and engage in serious criminal activity, and their association representing an unacceptable risk; secondly, a declared organisation, as set out above, declared by a court; and, thirdly, an entity declared by parliament, as above, with powers to amend by regulation.

Under the current act, however, a defendant may prove that the criminal organisation with which they are allegedly associated is not an organisation that engages or conspires to engage in criminal activity. This defence puts the onus on the prosecution. The prosecution is forced to establish before a court that the organisation in question is in fact a criminal organisation. The Law Society captures this predicament in a letter that I now quote:

> Under the act it is presently a prima facie defence to each of the above offences for the defendant to prove on the balance of probabilities that the organisation does not have a criminal purpose. If the defendant establishes that prima facie position, then for a successful prosecution the onus turns to the prosecution to prove on all of the evidence, including that adduced by the prosecution, that the organisation has as one of its purposes the purpose of engaging in or conspiring to engage in criminal activity.

This defence has been used by defendants previously, and it is a defence that this bill seeks to remove. The government asserts that the prosecution should not have to prove criminal purpose of an organisation that has already been declared by parliament to be a criminal organisation. Having considered the views of stakeholders, the parliamentary Liberal Party has decided to support this bill.

It has now been more than two years since the parliament declared the 10 criminal organisations. Our party is not aware of any assertion that these organisations have been mischaracterised. In these circumstances it is the view of the party that it is neither necessary nor appropriate for the prosecution to have to rebut beyond reasonable doubt a defence which the defendant merely needs to establish on the balance of probabilities. The burden of proof relates not to the action of individual defendants but to the nature of the organisation with which they are associated.

The Liberal Party respects legal rights. We have shown that in a whole series of bills before the parliament over the last 10 years. This not an area of black and white. We appreciate people of shared values and good faith can come to different conclusions. On this occasion we have determined to support the government's bill.

The Hon. A.L. McLACHLAN (15:37): I rise to speak to the Criminal Law Consolidation (Criminal Organisations) Amendment Bill. I speak in my personal capacity. I have elected to vote on this bill as an individual member of the council. I am exercising my right as a member of the Liberal Party to vote in accordance with my conscience. I oppose the passing of this bill. I voted against the original bill, which is now law.

The relevant sections of the act are offensive to all those who value the rule of law and the doctrine of the separation of powers. I have revisited my words to the council in 2015, when we last debated this law. My views on these laws remain unchanged. The enactment of these laws in 2015 was, and remains, in my view, a blight on our democracy in this state. This bill now before the chamber does not attempt to remedy any of the deficiencies in the existing law. Rather, the tabling of this bill insidiously seeks to make the law even more oppressive. I cannot in good conscience abide by this.

The bill seeks to remove the defences that an accused individual can rely on when charged as being a member of a criminal organisation and either gathering with two or more like others, entering a prescribed place or recruiting another person to the criminal organisation. We must remember that the act imposes restrictions on individual liberties, followed by punishment in situations where there is no need for prosecution or conviction for any crime, but rather on the basis of causing future harm. It has been described in various academic papers as pre-crime or future law.

Prejudice, assumptions and perceptions, rather than independently assessed facts, are the corrosive foundation that underpins the operative act. The defence in the act that will no longer be available if this bill becomes law is that the accused will be acquitted if they can prove that the criminal organisation in which they are alleged to be participating is not engaging in or conspiring to engage in criminal activity.

As certain criminal organisations were declared by the parliament in 2015, the defence was included in the event that the organisation ceased certain activities. The government of the day is under no legal obligation to revoke the declaration once it has been made, although given the circumstances of the declaration, it is my view there is a moral obligation to do so.

The government is also seeking to remove the defence for individuals accused of being in a criminal organisation which has not been declared 'criminal' by this parliament. This is and of itself a clear indication that the government is not concerned with justice. In essence, the government's argument is that the defences make it too difficult for the prosecution to prove an offence has been committed or, as it has been expressed in the minister's second reading, removal of the defences 'will improve the practical workability' of the law. This is cold and heartless mechanical language to describe the unnecessary cutting away of the rights of the individual to ease the burden of the police from having to adduce significant evidence of wrongdoing or, as the Attorney-General in the other place has seductively expressed it, are we trying to help declared criminal organisation members escape prosecution or not?

I refute in the strongest terms the validity of this argument to justify the bill. It is an argument without moral foundation. How do we know these individuals are so dangerous? We rely on untested assertions of an instrument of the state, the police. Hardly an organisation that can be seen as an independent arbiter. Unlike a court, the police are not bound to be open and accountable. In other words, we are not relying on an independent judicial officer to make a determination; we are relying on the police. We are treating their senior officers as thaumaturges. This is unfair on our citizens, and unfair on our police force. It drags our police into a debate and puts at risk their standing in our community.

The premise utilised by the Attorney-General is an evil seed that asserts that certain individuals should not have the protection of the law: that these individuals are so dangerous that any means can be justified to suppress them. This bill is seeking to diminish longstanding and important protections of the criminal law. Individual rights are being curtailed for a perceived improvement in community safety. I argue that the perceived danger has been inflamed by populist rhetoric emanating from government members. The government's logic is one that finds favour with authoritarian regimes: create an existential threat and argue that the rights of certain classes of individuals must be curbed for the benefit of the whole. In other words, the end justifies the means. But the reverse is true: the rights of every individual are to the benefit of the whole community. Individual rights ensure that all are safe from capricious acts of the state.

In my view, the end rarely justifies the means. In a democracy that values the rule of law, it is for the courts to decide guilt upon the prosecution proving their case beyond reasonable doubt. It is not acceptable for a government to simply say it is having some difficulties making the case against certain individuals so it will change the law to make it easier to launch prosecutions. If you follow this train of logic to its natural destination, then over time the government will continually lower the burden of proof as an exercise in seeking efficiencies until they can simply imprison citizens on a whim. This path is the wide one, the easy one, and the lazy one. It is a cold embrace with those such as the police that ask us to trust their judgement while they are able to operate in an opaque environment.

It is not right that we give more power to the state to oppress our citizens on the unholy basis of administrative convenience. We must remember that the organisations that are being targeted have been declared by parliament based on the assertions of the police, who relied on their criminal intelligence. Parliament acted in the role of a court and legislated for certain organisations to be declared as criminal. No evidence was tendered, no burden of proof applied. Rather, the parliament took an unjustified leap of faith and relied on the police to nominate the organisations. No evidence was tabled in this chamber.

Criminal intelligence should only be relied upon to inform police operations. It is not evidence and should never be used to determine fact. At best, criminal intelligence is a collection of loose observations and gossip. It is not truth. It has not been tested in an open forum against a burden of proof. The Attorney-General in the other place, during the debate on this bill, attempted to draw parallels with the federal government initiatives in relation to terrorist organisations in an effort to justify the passage of the bill before us.

I strongly reject the Attorney-General's assertion that this bill can be justified because the same type of laws are being applied to terrorists. A terrorist seeks to attack the very existence of the state. This is a long way from criminal organisations that seek to enrich themselves. What parliament is being asked to do in passing this bill is to equate terrorism with the activities of some motorcycle clubs and therefore turn a blind eye to taking away the right of individuals to have a fair trial when they have been accused of a crime.

There is no justification for demonising certain motorcycle clubs to the same extent as international terrorist organisations. This is reckless and rank populist rhetoric designed to provide an unprincipled and deceitful justification for the erosion of longstanding principles of criminal law. I do not accept that the level of perceived threat justifies the destruction of individual liberties, the breach of the doctrine of the separation of powers and the rejection of key tenets of the rule of law.

As one commentator has phrased it about similar types of laws, the criminal law is increasingly becoming the law of the ruler without proper consideration of the requirements of the just rule of law in a democracy. The police have indicated that these laws have had some positive impact. They have also indicated that they never expected the laws to completely remove criminal activity in certain clubs. I understand that there are other strategies that can be applied to curtailing criminal activity in some clubs. I see no reason why these could not have been attempted instead of adopting such oppressive legislative measures.

These laws were adopted from the state of Queensland, including the defences, which the government now wishes to remove. Yet, the Queensland government is now moving away from such laws and investigating other strategies. Despite this, we foolishly persevere with an approach of penal severity. At the same time, drugs continue to spill onto our streets to such an extent that we need a dedicated ice task force in our state.

I suggest that there are better, more intelligent and alternative strategies to address criminal activity. I seek an intelligent approach to stopping organised crime in this state. Like all in this chamber, I want to protect our citizens from the impact of crime. I renew my calls for an independent body to collate and assess crime statistics to inject some rationality into the debate on the most appropriate responses to criminal activity.

We are all on our individual journeys in this place. When I took my first steps in the law, I had a great respect for and trust in the parliament. I did not find favour in a bill of rights. I did not think such an expression of individual rights was necessary in a democracy such as ours. I believed that the esteemed members of parliament would innately understand the importance of the rights of the individual and that the parliament must always exercise restraint when empowering the executive in its bureaucracy, including and especially the police.

They were values shared by the major parties and espoused by reforming premiers such as the Hon. Steele Hall and the late Hon. Don Dunstan. We have moved far away from measured legislative responses to the extreme. This is fuelled by an unhealthy public debate about the need to be tough on crime rather than seeking intelligent responses to arresting criminal activity. This bill and the relevant sections of the act it amends are representative of an ever-increasing trend towards punitive laws designed to play upon citizens' fear of crime against a backdrop of ill-informed populist commentary.

I am now of the view that the only solution to the malaise in our body politic is a bill of rights. A framework in the form of a grand social compact is needed to guide our community discussion and parliamentary debates. This is my only solution at present—to create a means by which our community can resist the very worst of legislative excesses as we see here before us with this bill. I oppose the bill.

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) (15:48): I thank honourable members for their contributions and their indication of willingness to deal with this bill today. I understand that there may be a question during the committee stage from at least one member, but with that, I again thank honourable members for their contributions and look forward to the speedy passage of this bill through the committee stage momentarily.

The council divided on the second reading:

Ayes 17
Noes 4
Majority 13

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Gago, G.E.	Gazzola, J.M.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Maher, K.J. (teller)
Malinauskas, P.	Ngo, T.T.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES

Franks, T.A.	McLachlan, A.L.	Parnell, M.C. (teller)
Vincent, K.L.		

Second reading thus carried.

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: The amendments themselves are technically quite simple, but I would like to get onto the *Hansard* that if the amendments are successful—and obviously they are going to be—and the defences are removed from the body of the act, what are now the elements of the offence that need to be proved by the prosecution?

The Hon. K.J. MAHER: So if this bill is successful, what are the elements of the offences?

The Hon. A.L. McLACHLAN: Yes. If we go to the fact that the bill is passed and the defences have been removed, what are the things that need to be proved in the absence of the defences? In the government briefings—and, I think, the second reading—it talked about the fact that the elements did change because the defences existed.

The Hon. K.J. MAHER: My advice is that if this bill passes the elements of the offence under section 83GC remain the same. I am advised that the elements for the prosecution to prove are: (1) that the accused person is a participant in a criminal organisation; (2) that the accused person was knowingly present in a public place with two or more other persons; and (3) that those other persons are participants in a criminal organisation.

The Hon. A.L. McLACHLAN: I thank the minister for his answer. In some of the information provided to me, because the defences were in existence there was additional material that I think the prosecution had to prepare for to anticipate the defence. I would just like to get that on the *Hansard*, the impact of the defences, technically, on the prosecution.

The Hon. K.J. MAHER: I think I understand the honourable member's question. While I read out the elements that I am advised the prosecution would need to prove, the follow-up question from the honourable member is: what changes in terms of the defence if this act passes? I am

advised that ordinarily in the defence (as I think the honourable member alluded to) the prosecution would effectively have to disprove something, that the proposition that would have had to have been disproved is that the criminal organisation does not have a criminal purpose.

That would include evidence about the rules of the organisation, including minutes of a meeting, as well as proof of general operations and activities of the organisation. This evidence would need to adequately reflect the purpose of the organisation not just at the time of the relevant declaration but also at the time of the relevant offending.

Clause passed.

Remaining clauses (2 to 5), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LIQUOR LICENSING (LIQUOR REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 October 2017.)

The Hon. R.I. LUCAS (16:02): I rise on behalf of Liberal members to address the Liquor Licensing (Liquor Review) Amendment Bill. This is indeed a comprehensive bill, and I have to say at the outset that, perhaps unlike many other pieces of legislation, I do not think it could be fairly criticised on the basis that the government and the minister, in particular, did not undertake a thorough consultation prior to its arrival in the parliament. This bill has had a long gestation period.

The minister appointed their go-to reviewer, the former Supreme Court Justice the Hon. Tim Anderson QC, to conduct a review of the liquor licensing laws in South Australia. Members will be aware that, in recent times, he has also conducted a review of gambling regulation and licensing, but, unlike the liquor review where we actually saw a copy of the report, I am not sure that we have yet seen a copy of the gambling, licensing and regulation review report.

The review by Mr Anderson QC was comprehensive. I know he spoke to a number of members of parliament, both past and present. Certainly, I was one of a number of persons whom he consulted with. I think that at one particular time during the review he conducted, I was the shadow minister responsible for this particular area that has subsequently become the responsibility of the shadow attorney-general. At that particular time, I was involved with stakeholders in the review. His report, which was dated 29 June 2016, contained over 100 recommendations. He said that he had considered almost 100 written submissions and held face-to-face discussions with 58 other organisations which expressed a view on the liquor licensing review.

In its response, the government indicated that it has accepted the vast majority of the recommendations in full, in part or in principle. There were some notable exceptions and we will address some of those during the second reading and committee stage of the debate. Then—again, to be fair to the government—the government released a draft bill for public comment in November 2016 and there was a seven-week consultation period over the end of 2016 and the start of 2017, and here we are in October 2017, with the bill having passed through the House of Assembly and now in its final stages for discussion and debate in the Legislative Council.

As I said, unlike many other areas that this government has engaged itself in, it would not be fair criticism to say that the government, and the minister in particular, had not been through an appropriate process of, firstly, review consultation, a draft bill and then further consultation, and now final consideration by the parliament.

There are too many measures in this bill for me to sensibly go through all of them. The shadow minister did address some of those in the debate in the House of Assembly. Other members in the assembly debate did address a number of issues. I do not propose to address all of the issues canvassed for amendment in the bill before us, but I will address a number of what I think are more significant issues in the legislation.

The Attorney summarised the bill's position and the government's position by saying that, broadly, there were three goals in mind for the legislation: to reduce red tape, to increase efficiency in the regulation of liquor licensing, and to enhance measures for safe drinking, including for the enforcement of offences under the act. In terms of reducing red tape and increasing efficiency, streamlining the classes of licences and reducing the number of classes of licences in South Australia is an important element in those particular reforms.

I think with the passage of time we will see that, potentially, there will be some problems that will be highlighted by individuals. Certainly, we support the government's general position. Essentially it said, 'We are trying to collapse the number of licences,' and we support that, and essentially, 'If you have an existing provision in your licence, we will find some way to transition you to one of the new licences so that you are not disadvantaged.'

That is the general principle and people with all sorts of strange provisions, restrictions or advantages on their existing licence have been comfortable with the assurance from the government that, in the transition, all of those existing provisions will be protected. That is a comforting assurance. It is not legislatively provided for to any great extent. I will explore that in the committee stage, I guess, but I think it is a statement of policy principle and ultimately it is going to be for the government and the officers working under the new legislation to seek to implement that policy goal.

This is one of the areas where I suspect that whoever is there after March next year may well have an individual licence holder who comes along and says, 'Hey, my old licence allowed me to do this, this and this and I have been transitioned to a new licence and I was given assurance that I would still be able to do the same things, but I am now told that I can't do certain things under this new licence and they are not prepared to allow me to do so.'

Here, in this parliament, we cannot envisage all of those particular circumstances, but I highlight and put on the public record that I suspect that whoever is the minister will have, and the parliament may well have, concerns raised at some stage in the future as this transitioning of old licences into new licence categories occurs and whoever is the minister and whoever is the government is going to have to address that within the framework of the commitments that have been given. That is, the existing entitlements will be protected under the new arrangements.

There are other changes: removing restrictions on the sale of liquor on certain days where there are restrictions—Christmas Day, Good Friday, New Year's Eve, New Year's Day, Sundays. As someone with a very small 'l' liberal view to when liquor should be able to be sold and where it should be sold within reason, I do not have a concern. The Attorney is obviously comfortable in this particular area in terms of trading to remove red tape.

I guess it is not the shoppies union here that controls the issue; it is whatever the old liquor trade union is now called that has a view in relation to this. Clearly, that has been acceptable to the union, the workers and certainly the minister has been prepared to allow freer trading and greater choice in terms of when people can purchase liquor on a number of current restricted trading days.

There is an automatic trading extension on New Year's Eve until 2am on New Year's Day. Again, it makes sense, rather than having to go through various hoops to seek that extension, the removal of various restrictions on obligation of meals for some classes of licenses and a number of other areas where there have been restrictions removed, red tape removed, and the Liberal Party is pleased to support a number of those changes that the minister has introduced.

There was one area during the consultation where all members, I suspect, were being lobbied furiously by stakeholders on various sides of the argument, which is summarised in the government's response to the independent review report. On page 22 it is under the packaged liquor sales in supermarket section. I read onto the public record what the recommendation was and what the government's view was. Recommendation 74 states:

The requirement in section 37(2) that the licensed premises must be devoted entirely to the business conducted under the licence and must be physically separate from the premises used for other commercial purposes, should be retained. Notwithstanding this, the legislation must make it clear that licensed premises can however exist under the same roof as a supermarket.

The government response is as follows:

The Government accepts this recommendation, noting that the new Community Impact and Public Interest Test (the new Test) will still operate as a guard against outlet proliferation, in particular in risky areas. For example, where there is a supermarket within a shopping centre and already a bottle shop nearby within the centre, the application of the Test may well prevent the supermarket getting a licence to establish an additional bottle shop within the supermarket area. However, where that supermarket business owns the bottle shop in question, it may be successful in removing the bottle shop from the separate premises to within the supermarket area, provided it can meet the separation and other requirements.

The physical separation requirements also safeguard against harm. The Government agrees that the 'shop within a shop' concept as set out in recommendation 75 provides significant protection without need for a separate roof, and acknowledges that in fact there are already examples of licences issued under the present Liquor Licensing Act provisions where physical separation has not entailed a separate roof. However, the Government believes physical separation needs to be more than proposed in the Report and should also require a separate entrance. In the case of supermarkets, this would mean that the entrance to the liquor shop must be a separate entrance from the street or shopping centre. Further, to guard against legal arguments about what constitutes adequate 'physical separation', the Government also proposes to legislate that this must include a permanent and substantial physical barrier, nontransparent and at least 2.5 metres high.

Recommendation 75 was:

The licensed premises in respect to a Packaged Liquor Sales Licence should have a separate checkout with an adult operator trained in responsible service of alcohol and supervised/managed by a responsible person at all times.

The government's response is that the government accept this recommendation. This particular issue of packaged liquor sales in supermarkets was, as I said, a relatively vexed and controversial issue. There were strongly held views and lobbyists lobbying on both sides of the equation. You had the views of the supermarket operators. A number of them were strongly lobbying to allow the sale of packaged liquor in supermarkets.

In some cases it was potentially just up and down the aisles with any other product, but in most cases the lobbyists were arguing that in some way there would be a distinction of packaged liquor sales from other products within a supermarket. The argument significantly was practice and precedent in other states and territories. That was the circumstance, that South Australia was an outlier in that respect, and the lobbyists argued that South Australia should allow greater access to the sale of packaged liquor by supermarkets.

There are other stakeholders who are trenchantly opposed to that. The AHA obviously had very strong views. A number of other stakeholders were concerned about the sale of packaged liquor through supermarkets in terms of safe drinking culture and access to alcohol by minors, and there were other persons who opposed major changes in that area.

I think it is fair to say that, while the government's adaptation of Mr Anderson's recommendations has not been widely applauded by everyone in the industry, they battled themselves into a nil-all draw where people were prepared to accept it as a compromise that they were willing to work with. I suspect that when we get our first legal tests of what community interest is and a court ultimately determines, under some of these new provisions, whether or not it will allow the opening of a new outlet next door, attached to or part of a supermarket outlet, a future minister and a future parliament may well need to address and clarify what the intent and the impact of these particular laws were meant to be.

Certainly, at this stage I think most of the stakeholders have, as I said, grudgingly accepted that this was a compromise, and most of them have retreated to their corners, saying, 'Well, let's just see how it operates.' From that viewpoint, the Liberal Party's position has been not to propose any change and to support the government's adaptation of the reviewer's recommendations as incorporated in the legislation we have before us.

Allied with that will be the interesting issue of the new community interest test. As members will be aware, under the current licensing act there is something known as the needs test, which

essentially means that if there is an applicant for a hotel licence or a retail liquor merchant's licence, they have to satisfy a licensing authority that the licence is necessary in order to provide for the needs of the public in that locality. That is known as the needs test.

As a result of the recommendation of Mr Anderson, the bill replaces that needs test with a test based on the concept of community interest. That, supposedly, according to the Attorney, will refocus the application process on community interest rather than focusing solely on competition. The Attorney believes that it will also widen the scope of applications subject to the test. Further on, the Attorney-General indicates that he believes that the new community interest test will consider harm that might be caused, whether to a community as a whole or a group within a community, due to excessive or inappropriate consumption of liquor, the cultural recreation, employment or tourism impacts, and the social impact in and the impact on the amenity of the locality of the premises or proposed premises and any other prescribed matter.

As I indicated at the outset, I suspect that at some stage, once we get the first legal judgements in relation to the impact of this new community impact assessment, a future minister is likely to get complaints from aggrieved parties. In saying that, I do not propose that there is, and we do not propose that there is, any better process that should be adopted. We have accepted the government's acceptance of Mr Anderson's recommendations in this respect and we are prepared to, to use a colloquial expression, 'suck it and see' and see what the impacts are likely to be once it is tested legally.

Other aspects have been raised by stakeholders during the consultation and subsequent to it. One relates to addressing under-age drinking in a number of particular provisions of the act. A number of changes are recommended here, and we have supported the changes proposed in the bill. One in particular is the recommendation of Mr Anderson to allow prescribed persons—and that would be a police officer, inspector, a licensee, a responsible person or a crowd controller—to seize an evidence-of-age document if certain preconditions are satisfied.

If the prescribed person reasonably believes that the person who has produced the document is not the person identified in the document, that the document contains false or misleading information about the name or age of the person, that the document has been forged or fraudulently altered, or that the document is being used in contravention of the act, then that document can be seized. As I said, the prescribed person is not just a police officer; it could be a crowd controller or the responsible person in a hotel or nightclub.

The prescribed person has to provide a receipt about the seizure of the document, which again needs to comply with prescribed requirements. There is an exemption: a passport is exempt from these provisions and cannot be seized by a prescribed person. Regulations may also prescribe other documents that may not be seized, and we will be asking at the committee stage what the government might have in mind in relation to that extra power it has sought.

Again, I think that is probably going to be fraught with some difficulties in its implementation, particularly if there is an overzealous crowd controller or responsible person, but again the Liberal Party is prepared to accept Mr Anderson's recommendation and the government's endorsement of that in the legislation, and we will see what eventuates as a result of the bill over the coming period.

There are three or four areas that the Liberal Party will, when we get to the committee stage, outline in greater detail and we will be moving amendments. The shadow attorney-general outlined, I think, three of those in the debate in the House of Assembly. One has subsequently arisen as a result of further consultation with the shadow attorney-general. I think the amendments have been placed on file in my name.

The government is proposing a three-hour trading restriction between 3am and 8am. It is the Liberal Party's position that the government already has a lock-out provision and, from the Liberal Party's viewpoint, no evidence has been presented to us to convince us whether or not the existing arrangements are successful. There is some debate about it.

On the weekend, I noted a person described on commercial television as a security expert explaining that the current lock-out laws had led to the street brawling in Hindley Street at around

about 3am last weekend, I think on the Friday or the Saturday night, and expressing concern about the operation of the lock-out provisions, so there are certainly differing views.

The government thinks they are the greatest thing since sliced bread. A lot of young people are very angry about the lock-out provisions. As I said, this security expert quoted by commercial television on the weekend took the view of the young person and, I suspect, some of the licensees in the entertainment precinct as well. Certainly, there is not a united view in relation to whether or not the lock-out provisions have succeeded, but the government certainly argues that they have.

We have seen no evidence why, in light of the current operations and significant restrictions, there is justification for a further three-hour trading restriction for a small number of outlets. My personal view is that if there are traders wanting to trade, and if the vast majority of customers are prepared to drink sensibly, then the small number who are not prepared to drink sensibly should have the full force of the law brought crashing down on their heads in a punitive way, but the majority should not be penalised for the actions of the minority in relation to this.

A further imposition of a three-hour compulsory shutdown in relation to trading between 3am and 8am is not something the Liberal Party has decided it will support. It will be moving amendments to, in essence, just return us to the current provisions that still exist but were sought to be changed under the government's bill.

There is an amendment in relation to licence fees. Significant licence fee increases have been potentially flagged in the consultation, and by 'significant' I am talking about, in some cases, licensees up for many thousands of dollars extra in terms of the licence fee they have to pay. There is the capacity under the current bill, I am informed, for the parliament to disallow the regulations, clearly, but, as is the case with a liquor licensing bill, it is possible for a government to introduce a package of regulations, one part of which is a massive increase in licence fees. If the opposition or a minor party then seeks to disallow it, the argument is, 'Well, if you disallow that, you are going to disallow all the regulations under the licensing act. What a terrible lot you people are. You will be doing this and you will be doing that and you will cause all this havoc.'

The amendment that the shadow attorney-general has crafted with parliamentary counsel's advice simply says that the licence fee regulation should be a licence fee regulation by itself. All the other regulations can be done together, but when the licence fee regulation comes, it will be just the licence fees. It does not predetermine a position for anyone; it just allows an opposition or an Independent party or a third party, if it so chooses, to seek to disallow or support a disallowance of a massive increase in fees. If they do not support it, then they do not have to support the disallowance, but there will not be this criticism that you have to disallow every regulation under the licensing act as opposed to just the specific ones that relate to licence fees.

There is also an amendment that the shadow attorney-general has flagged in relation to a recommendation from Mr Anderson to legislate to require that offences relating to the sale of liquor to minors and strict liability offences with offending licensees be recorded in a register and details published on the CBS website. The government has accepted that recommendation and inserted section 135A into the bill to publish the names of certain licensees on the CBS website who have been convicted of an offence. These details will be removed after five years from the date of convictions.

The AHA has strongly opposed what they call the blacklist, claiming the licensee has already been penalised and, further, if they have taken reasonable steps to remedy the problem—that is, perhaps terminating the employee responsible and implementing new policies—why should they continue to be ostracised by being publicised on a blacklist for a period of time? The AHA's argument is, 'Look, they as the licensee might have got into trouble because a particular manager or employee has done the wrong thing and that employee and the licensee gets penalised for that.'

The licensee may well argue, 'Here were our instructions. The particular employee didn't follow the instructions. Rightly, they have been penalised and so have we. We accept that fact,' but they are arguing that if that person has then been terminated, 'We have got rid of it, we have convinced the appropriate authorities that we have implemented the changes,' why should they continue to be ostracised by having their names kept on a blacklist? So, the shadow attorney-general has an amendment seeking to correct that particular position.

The final amendment, which has come as a result of a discussion between the houses, concerns this age-old argument about not being allowed to stand in certain areas to have a beer at a table in a hotel; that is, you have to be seated to have a beer. The current president of the AHA at one of his Christmas lunches a number of years ago highlighted the absurdity of this provision, and there has been a convoluted process allowed where, if you go through the local government council, you are able to get around that if you get the appropriate approvals.

The amendment drafted by the shadow attorney-general seeks to put in the legislation a scheme of arrangement that will allow greater flexibility, in terms of allowing in certain circumstances customers to stand with their mates around a table drinking a beer. They are not going to be required by the Liquor Licensing Act to sit down and, more particularly, if they do not sit down, the licensee will not be then penalised under the act for not ensuring that their drinking customers are seated whilst drinking a beer at a particular table.

I suspect there might even be a couple of government backbenchers who might be interested in that provision, so I urge members to have a look at that amendment from the shadow attorney-general when we get to the committee stage of the debate, potentially some time later this week, although if other matters take precedence it might not be until the next sitting week that that amendment is considered by non-government and backbench members. It seems to be an entirely sensible amendment, and I suspect that some government backbench members and their mates might be quite happy to see greater flexibility for drinking in certain circumstances in certain hotels around South Australia.

With that, I indicate the Liberal Party's support for the bill. When we do get to the committee stage of the debate, we will explore those amendments. There are amendments from the Hon. Tammy Franks and possibly further amendments from the government. Yes, there is the infamous amendment moved by the member for Florey, which will need to be discussed and debated in this chamber. It is now part of the bill. There was a massive outcry about that provision, so we will be interested to see the government's position in relation to that when we get to the committee stage of the debate.

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

STATUTES AMENDMENT (YOUTHS SENTENCED AS ADULTS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2017.)

The Hon. K.L. VINCENT (16:33): Given that last sitting week I spoke at some length on a similar bill to the one before us, I do not intend to speak at any great length today, but can I just say that this government has yet again sought to bring into force a range of measures that disregard our human rights commitments under the United Nations Convention on the Rights of the Child.

As the Guardian for Children and Young People, the Youth Affairs Council of South Australia (YACSA) and the Law Society in their submissions and comments on this bill have noted, this bill does not take into account a child's cognitive development. We now know, based on research, that the brain is not fully developed until young people are up to 25 years old.

The bill contravenes well-established international legal principles. The bill is likely to fail to achieve its desired outcome of reducing serious juvenile crime. There is no evidence to suggest that it will work and plenty to suggest that it will not. These measures completely ignore the need for rehabilitation of young offenders in particular, as I spoke about at some length in my last speech.

The Aboriginal Legal Rights Movement reminds us that 15 Aboriginal juveniles died between May 1989 and May 1996: five of these deaths were in institutional settings; four juveniles died in adult prisons; and one died after escaping from a juvenile detention centre. So, given that the Aboriginal Legal Rights Movement opposes this bill on that basis, given that the Guardian for Children and Young People opposes this bill, and given that the Youth Affairs Council of South Australia (YACSA) and the Law Society, representing the legal profession, oppose this bill, we, in the Dignity Party, simply cannot give our support to this ill-thought out and retrograde bill.

The Hon. J.A. DARLEY (16:35): This bill will give the courts the ability to use the sentencing principles of adult offenders rather than youth offenders when sentencing juveniles who have been tried as adults. I understand that the primary sentencing consideration for adults is to protect the community from harm, whereas for young offenders rehabilitation is the key sentencing consideration. Rehabilitation should be the key principle for the sentencing of young people, except in the most severe circumstances. Advance SA recognises that there are exceptional circumstances where the safety of the community may be placed at risk if rehabilitation is the primary sentencing consideration. It would be unacceptable to allow for there to be a risk to the community for the sake of rehabilitation.

During briefings on this matter, I was advised that the courts will have discretion as to whether they sentence youths as adults or not. I am glad that this is the case, as Advance SA has serious concerns that this bill could see 10 year olds and 11 year olds being sentenced as adults. I think there are very few people in the community who would think that 10 year olds and 11 year olds should not have rehabilitation as the primary sentencing consideration except in very rare and exceptional circumstances.

I am glad the courts will have discretion and that it is not automatic that youths tried as adults will be sentenced as adults. We will rely on the court's discretion for this but it is important that these concerns are put on the record.

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

STATUTES AMENDMENT (SACAT NO 2) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2017.)

The Hon. A.L. McLACHLAN (16:38): I rise to speak to the Statutes Amendment (SACAT No. 2) Bill. I am the lead speaker on behalf of the opposition, and I indicate our support for the second reading. Honourable members will recall that SACAT began operating in March 2015. Initially, it heard matters transferred from the former Guardianship Board, Residential Tenancies Tribunal and the Housing Appeal Panel.

Firstly, the bill confers a number of other jurisdictions to SACAT. We are advised that this is in line with the intended stages of transfer as contemplated when the original bill established SACAT's path. The added jurisdictions relate to areas such as local government, land and housing, taxation and superannuation, environment and farming, energy and resources, food safety and regulation, and community matters such as births, deaths and marriages.

The bill also makes a number of technical amendments to various acts which are used by SACAT. The government advises us that this is intended to improve the efficiency of the tribunal. These technical amendments are operational in nature and follow on from the experiences of the tribunal during its infancy. By way of example, there is an amendment to section 47 of the act to enable the registrar, authorised in writing by the president, to dismiss or strike out proceedings for want of prosecution without this needing to be heard by a tribunal member.

There are also amendments to the Mental Health Act to explicitly provide that a level 1 community treatment order expires when SACAT makes a level 2 order, and so on. This removes the current uncertainty of various orders operating at the same time. Other amendments to the Mental Health Act include removing duplications when short-term treatment orders are made by health professionals. The amendment will require the Office of the Chief Psychiatrist to only send SACAT copies of such notices that are reviewable by SACAT or if SACAT has requested copies, rather than the current requirement to send all notices relating to short-term treatment orders made by health professionals.

This bill also amends the Guardianship and Administration Act to make provision for the appointment of an alternative guardian at the same time as the guardian avoiding the need for urgent appointments if a guardian dies. There are a number of other technical amendments of a similar nature, and the opposition is supportive of the same.

Whilst the opposition is supportive of this bill, the opposition will observe with great interest whether they deliver the efficiencies that have been claimed. It is important to note that there have been concerns raised regarding the operation of SACAT during its early days. It is particularly concerning, in the event that these issues are not resolved, when many more jurisdictions are being transferred to it. In essence, it will then be building on quicksand.

The government has moved further amendments to the bill following the release of the Hon. David Bleby QC's statutory review, which was finalised and published on 1 August 2017. The report was subsequently tabled by the Attorney-General in parliament on 26 September 2017. The review made several recommendations for amendments to be made to the act, with the government indicating its support for the bulk of those, some of which were reflected in the government's amendments to the bill which passed in the other place.

One suggestion, for example, was a proposal for greater oversight by SACAT of private administrators appointed under the Guardianship and Administration Act 1993. Following this advice, the government introduced an amendment to the bill which will enable additional oversight measures to be introduced by regulation after further consultation has occurred. I am also pleased to see that the recommendation that the president of the SACAT be engaged on a full-time basis has already been implemented as from 4 July. The government must ensure that the tribunal operates smoothly if it is to be a success, and a full-time president will assist this.

I note the review also highlighted the difficulties that have been experienced by having SACAT operate in two separate premises. The review recommended co-location to improve efficiency and access for members of the public. In his ministerial statement dated 26 September, the Attorney-General indicated that the government accepts the rationale behind these recommendations and will work towards obtaining co-location for SACAT.

Given that even more jurisdictions will be transferred, I asked the minister what the government is doing to work towards this co-location, and within what time frame the government intends to look into this and effect the same. I asked that responses to these questions be provided in the minister's second reading summing-up. I will briefly quote some remarks made by the Hon. David Bleby in his executive summary:

> The overall conclusion is that SACAT is an evolving functional entity that, subject to some reservations, generally delivers on its key objectives. However, the continued effective operations and expansion of SACAT will depend in a large part on appropriate funding and resources.
>
> The Tribunal has been underfunded since its commencement and still has insufficient resources to be able to achieve all of its statutory objectives. One of its most compelling needs is the consolidation of its premises onto one site.
>
> The desired impact of the bold but commendable move to a paperless case management system has in many respects been compromised by technology problems which are only now beginning to be resolved for the long-term benefit of the Tribunal.
>
> Further resources need to be invested in training and development of both members and staff, and significant recommendations are made in relation to the continued use of Streams and the current leadership structure.

Whilst the bill before us implements a number of recommendations contained in the report, I note the calls for increased funding and resources. Given we are now transferring more jurisdictions into SACAT, there is an even greater need for the government to ensure the problems already experienced during the early stages of the operation are resolved.

I thought I should touch upon the Law Society's submission, dated 15 September 2017. This is particularly in regard to the training of staff. In regard to the amendments transferring births, deaths and marriages into SACAT, the society raised the following concern:

> The Society appreciates the efficiencies which may be associated with the change of forum proposed, i.e. from a Court to the Tribunal. However, it would be essential that only those members from the SACAT who have received relevant training to deal with children and young people, including children and young people who have been the subject of child protection concerns, be allocated such matters.
>
> The Society urges the government to ensure that SACAT members who hear applications brought in relation to the changing of children's names, have not only the training but also the required empathy to be able to conduct and hear such applications before them.

I ask the minister to indicate whether the government has considered these concerns and, in particular, whether appropriate training will be provided to staff who will be hearing matters that relate to children and young people. Again, I look forward to receiving the answers in the minister's second reading summing-up.

The government has filed two sets of amendments. I indicate to honourable members that the Liberal Party will be supporting both amendments. The amendment set 1 [Employment–1], filed on 9 October 2017, follows on from the recent passing of the Land Agents (Registration of Property Managers and Other Matters) Bill. The amendment simply seeks to transfer review and disciplinary provisions contained in the Land Agents Act from the District Court to SACAT. The government has advised that this was not done in the earlier land agents bill, due to the uncertainty about the timings of when each bill would be dealt with in parliament.

We have been advised by the government that the amendment in set 2 [Employment–1], filed on 24 October 2017, corrects an error in the wording of the transitional provisions regarding the transfer of jurisdiction from the District Court to SACAT to ensure certain appeal rights are adequately described. The Liberal Party will be supporting those amendments and also supporting the second reading.

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

STATUTES AMENDMENT (COURT FEES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2017.)

The Hon. A.L. McLACHLAN (16:48): I rise to speak to the Statutes Amendment (Court Fees) Bill. I speak on behalf of my Liberal colleagues to indicate that the Liberal opposition will be supporting the second reading of the bill. The bill has been introduced following a review of the Civil Court fees, which was conducted by the state's administration council at the request of the Attorney-General. The Attorney-General indicated that the review recommended that Magistrates Court lodgement fees be charged on a tiered basis.

I note that the member for Bragg in the other place requested a copy of this report from the Attorney-General. His response indicated that the Courts Administration Authority does not wish to publicly release the said report. Therefore, the Liberal opposition is at this time forced to rely in good faith on the assertions of the Attorney-General in providing our support to this piece of legislation. I ask the minister to advise the chamber in the second reading summing-up why the report is not available for members to peruse ahead of or during the debate. Nevertheless, in his second reading speech, the Attorney-General indicated that the report identified:

> …several options for restructuring of court fees and to improve the efficiency of civil court matters including, relevantly, to move to a tiered civil claim lodgement in the Magistrates Court that vary depending on the amount claimed.

The bill before the chamber therefore amends the Magistrates Court Act to enable fees to be charged on the value of the amount claimed. The Attorney indicated that the fees will then be fixed by regulation.

We have been advised that tiered civil court fees are used in equivalent courts in all other jurisdictions other than New South Wales and Tasmania. The bill also amends the Supreme Court, District Court and Sheriff's acts. Whilst we are advised that tiered lodgement fees will be first introduced in the Magistrates Court following the passage of this bill, the amendments to the other acts will enable the introduction of such fees in the higher courts in the future, should the government wish to do so.

I ask the minister whether he can indicate whether the report only discussed the introduction of civil court fees in the Magistrates Court or whether it included discussion regarding the higher courts as well. I ask for a response to this question in the second reading summing-up. I make this inquiry because, should this bill pass, there will be legislative ability to apply tiered fees to the High Court, should the government wish to do so. Without the benefit of the report, it is difficult to ascertain

whether the potential introduction of tiered fees in the higher courts was also the subject of scrutiny and discussion by the Courts Administration Authority.

I now turn to the Law Society's submission, dated 28 June 2016. I note that in a letter of the same date to the Manager of Accounting Services at the Courts Administration Authority, the Law Society raised concerns about the effect the proposal might have on access to justice. I will quote a couple of passages from that submission, as I believe it is important that we reflect on these issues, and I will ask the minister to respond to the concerns the society has raised. I quote:

> The society strongly opposes the introduction of tiered fees. The Society understands that fees collected by the CAA remain in general revenue rather than being directed to or resulting in increased expenditure on courts and court based services.

The society went on to add:

> …the society is strongly opposed to the proposed introduction of a fee for listing a matter for trial and consider the current trial fees should remain. The suggested fees would be a tax on access to the justice system…

It goes on to say:

> To charge a filing fee on entry to the court system effectively only for the introductory process and then to charge a further substantial fee before the courts will perform their primary function is a fundamental obstacle to access to justice.

I note that the society's position on these issues has not changed since that time, for their recent submission dated 1 September of this year reiterated their objections. In particular, they stated:

> …we are opposed to any proportion of fees collected by the CAA forming part of the State's general revenue and therefore being of the nature of a tax, rather than being directed to or resulting in increased expenditure on courts and court based services.

In relation to tiered fees, the submission stated:

> …the amount of the fee is set on the basis of the amount of the unrealised (and potentially never realised) award, encouraging manipulation of claims and increased post-filing amendment of claims. It is not acceptable that there be even a perception that the court/state financially benefits based on the value of a claim rather than the cost of provision of services.
>
> The society is very concerned that the proposed introduction of further fees will have a serious adverse impact upon access to justice in this state. It is fundamental to a civilised society operating under the rule of law that its citizens be able to access its courts.

As I have indicated, the Liberal Party supports the second reading.

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

AUSTRALIAN ENERGY MARKET COMMISSION ESTABLISHMENT (GOVERNANCE) AMENDMENT BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:55): I move:

> That this bill be now read a second time.

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

Leave granted.

The Government is amending the *Australian Energy Market Commission Establishment Act 2004* to improve the governance of the national energy markets. The pace of change in energy markets is accelerating and as such it is important for key energy market institutions to have the capability for managing change in the energy markets.

The Australian Energy Market Commission makes rules which govern the electricity and natural gas markets, including the retail elements of those markets. The Australian Energy Market Commission also supports the development of these markets by providing advice to the COAG Energy Council.

The Bill amends the *Australian Energy Market Commission Establishment Act 2004* to allow for an increase in the number of commissioners from a minimum of three to a maximum of five. Increasing the number of

commissioners will increase the diversity of skills amongst commissioners, allow the Australian Energy Market Commission to engage more broadly with stakeholders and better provide for succession planning.

Consequential changes to the quorum in the Bill to reflect the principle that decision making should occur with majority consensus amongst commissioners as much as possible. In the event of equal votes, the Bill provides for the Chair to exercise a deciding vote.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Australian Energy Market Commission Establishment Act 2004*

4—Amendment of section 3—Interpretation

A definition of *eligible MCE Minister* is inserted. The new definition is relevant for nomination purposes under the measure.

The definition of *MCE (States and Territories)* is repealed. The measure renders it redundant.

An interpretative provision relating to rounding fractions is included for the purposes of calculating two-thirds of eligible MCE Ministers.

5—Substitution of section 12

Proposed substituted section 12 provides that the AEMC is to comprise a minimum of 3 and a maximum of 5 Commissioners. One commissioner will be appointed as the Chairperson. The Chairperson and other Commissioners will be nominated for appointment by at least two-thirds of the eligible MCE Ministers.

6—Amendment of section 13—Terms and conditions of appointment

This amendment clause provides that if a vacancy occurs in the AEMC and, at the time of the vacancy, the AEMC consists of 3 or fewer Commissioners, a person must be appointed to fill the vacancy. In addition, if a vacancy occurs in the AEMC and, at the time of the vacancy, there were more than 3 commissioners, the vacancy must only be filled if the vacancy occurs in the office of Chairperson.

7—Amendment of section 14—Acting Chairperson or Commissioner

The amendments to subsections (1), (5) and (6) are consequential.

Proposed new subsection (3) provides that the Minister may appoint a person nominated by a minimum of two-thirds of the eligible MCE Ministers as an acting Commissioner during a period for which a Commissioner is not able to perform official functions or the office is vacant and the vacancy is required to be filled (in accordance with section 13).

8—Amendment of section 21—Meetings of AEMC

These amendments provide for the quorum at meetings of the AEMC to be one half of the total number of Commissioners (ignoring any fraction) plus 1. Related amendments are also made, including giving the Chairperson a casting vote in the event of a tie.

9—Transitional provision

A transitional provision relating to existing Commissioners continuing to hold office is set out.

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

TOBACCO PRODUCTS REGULATION (E-CIGARETTE REGULATION) AMENDMENT BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:55): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the *Tobacco Products Regulation Act 1997* to introduce a range of measures to regulate the sale, supply and use of e-cigarettes. The Bill prohibits:

- sales of e-cigarettes to children;
- retail sales of e-cigarette products without a licence;
- indirect sales of e-cigarettes, such as internet sales;
- e-cigarette sales from temporary outlets, sales trays and vending machines;
- the use of e-cigarettes in areas that are smoke-free under the Act;
- advertising, promotion, specials and pricing promotions for e-cigarettes; and
- retail point of sale displays of e-cigarettes.

Electronic cigarettes, also known as e-cigarettes, are battery operated devices that vaporise a solution into a fine aerosol that is inhaled into the lungs. The latest World Health Organization report on electronic cigarettes released in August 2016 concludes that the evidence for the safety of e-cigarettes and their capacity to aid smoking cessation has not been established, and that there are possible risks from active and passive exposure to electronic cigarette vapour. There are also concerns about the risk that electronic cigarettes may serve to initiate young people in nicotine use and smoking.

South Australia does not have legislation that regulates the sale, use and promotion of e-cigarettes that do not contain nicotine and do not resemble a tobacco product. Currently these products can be legally sold or supplied to children, advertised and displayed, and used in enclosed public places.

Amendment through the passing of this Bill will regulate e-cigarettes in a similar way to tobacco products. This aligns with the recommendations in the Final Report of the Select Committee on E-cigarettes. The Bill includes those recommendations that can be implemented legally and effectively through amendments to the *Tobacco Products Regulation Act 1997.* This also includes the Select Committee's recommendations that prohibit the sale of e-cigarettes from temporary outlets and vending machines. In addition, the Bill strengthens the objects of the Act by including e-cigarettes and it increases the flexibility of the Act to remove restrictions on e-cigarette products if they have been approved for therapeutic use in Australia.

The Bill aims to have a positive public health impact by regulating e-cigarette products and reducing the potential for harms to the South Australian community. Importantly, these measures will reduce the likelihood that children will be attracted to e-cigarettes, while still allowing access by adults who choose to purchase these products. It will also protect other members of the public from being exposed to e-cigarette vapour within legislated smoke-free areas. I commend this Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Tobacco Products Regulation Act 1997*

4—Amendment of long title

This clause amends the long title of the Act to insert a reference to the regulation of the sale, advertising and use of e-cigarette products.

5—Amendment of section 3—Objects of Act

This clause amends the objects of the Act to insert references to e-cigarettes and e-cigarette products.

6—Amendment of section 4—Interpretation

This clause amends various definitions in the Act to take account of e-cigarette products. The clause also inserts definitions of e-cigarette and e-cigarette product for the purposes of the Act.

7—Amendment of section 6—Requirement for licence

The clause inserts a new paragraph providing that a person must not carry on the business of selling e-cigarette products by retail or hold themselves out as carrying on such a business unless the person holds a licence under Part 2 of the Act.

8—Amendment of section 9—Licence conditions

The clause amends provisions in section 9 to allow the conditions of a licence to include conditions in relation to e-cigarette products.

9—Amendment of Heading to Part 3

The clause amends the heading to Part 3 to include a reference to e-cigarette products.

10—Amendment of section 30—Sale of tobacco products and e-cigarette products by retail

The clause amends the offence provision in section 30(5) to include a reference to e-cigarette products.

11—Amendment of section 36—Products designed to resemble tobacco products

The clause amends the section to include a reference to e-cigarettes.

12—Amendment of section 37—Sale of products by vending machine

The clause inserts a new offence prohibiting the sale of e-cigarettes by means of a vending machine, with a maximum penalty of $5,000 and an expiation fee of $315.

13—Insertion of section 37A

This clause inserts a new section as follows:

37A—Sale of e-cigarette products from temporary outlet

Proposed subsection (1) makes it an offence to sell an e-cigarette product by retail from a temporary outlet, with a maximum penalty of $5,000 and an expiation fee of $315. Proposed subsection (2) makes it an offence for an occupier of premises to cause or permit another person to sell an e-cigarette product by retail on those premises in contravention of proposed subsection (1), with a maximum penalty of $5,000 and an expiation fee of $315. Temporary outlet is defined as a booth, stand, tent or other temporary or mobile structure or enclosure, whether or not part of that booth, stand, tent, structure or enclosure is permanent.

14—Amendment of section 38—Carrying tray etc of tobacco products or e-cigarette products for making of successive retail sales

The clause amends the offence provision in section 38(1) to insert a reference to e-cigarette products.

15—Amendment of section 38A—Sale or supply of tobacco products or e-cigarette products to children

The clause amends the offence provisions in sections 38A(1) and (5) to insert a reference to e-cigarette products, and makes other related consequential amendments.

16—Amendment of section 39—Power to require evidence of age

The clause amends section 39(1) to insert a reference to e-cigarette products.

17—Amendment of section 40—Certain advertising prohibited

The clause amends various provisions in section 40 to extend to e-cigarette products the advertising prohibitions that currently apply to tobacco products.

18—Amendment of section 41—Prohibition of certain sponsorships

The clause amends section 41 to extend to e-cigarette products the prohibition on certain sponsorships that currently apply to tobacco products.

19—Amendment of section 42—Competitions and reward schemes etc

The clause amends section 42(1) to extend to e-cigarette products the restrictions on the promotion of sales by competitions and reward schemes that currently apply in relation to tobacco products.

20—Amendment of section 43—Free samples

The clause amends section 43 to prohibit the offering of free samples of e-cigarettes.

21—Amendment of section 66—Powers of authorised officers

The clause amends section 66 to allow an authorised officer to seize and retain e-cigarette products if the officer reasonably suspects that an offence against the Act has been committed in relation to the products, or that the products may afford evidence of an offence against the Act.

22—Amendment of section 69—Powers in relation to seized products

The clause amends section 69 to allow the powers in the section in relation to seized tobacco products to apply to e-cigarette products.

23—Amendment of section 70A—Confiscation of products from children

The clause amends various provisions in section 70A to allow for the confiscation of e-cigarette products from children in the same manner as tobacco products may currently be confiscated under the provisions of the section.

24—Amendment of section 71—Exemptions

The clause amends section 71(1) to allow for the Governor to exempt by proclamation e-cigarette products or a class of e-cigarette products from the operation of the Act subject to conditions set out in the proclamation.

25—Amendment of section 85—Evidence

These amendments are consequential on the amendments to section 37.

26—Amendment of section 87—Regulations

The clause amends the regulation making provisions in section 87 to insert references to e-cigarette products consequential on other amendments in the measure.

Schedule 1—Transitional provision

1—Existing licences

The clause provides that licences in force on the commencement of the measure will be taken to authorise the retail sale of e-cigarettes and that existing licence conditions will be taken to include reference to e-cigarette products wherever tobacco products are referred to.

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

HEALTH CARE (PRIVATE DAY PROCEDURE CENTRES) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:56): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is introducing the Health Care (Private Day Procedure Centres) Amendment Bill 2017 to Parliament to amend the Health Care Act 2008 ('the Act') to:

- remove health services involving the administration of local anaesthetic from the definition of a 'prescribed health service' in relation to the licensing of premises as private day procedure centres; and
- insert a power for the Minister to confer exemptions in relation to specified prescribed health services by notice in the Gazette.

The *Health Care (Miscellaneous) Amendment Act 2016* amends the Act to enable the licensing of stand-alone private day procedure centres. This brings South Australia into alignment with other jurisdictions and provides a range of measures, including the ability to impose specific licence conditions, to ensure that potential safety and quality risks are addressed.

In accordance with the *Health Care (Miscellaneous) Amendment Act* 2016, a person must not provide a prescribed health service except at premises in respect of which a licence is in force as a private day procedure centre. Prescribed health services are defined as:

- a health service that involves the administration of general, spinal, epidural or major regional block anaesthetic; or
- a health service that involves intravenous sedation (other than conscious sedation); or
- a health service that involves the administration of local anaesthetic; or
- as prescribed by the regulations.

The administration of local anaesthetic was not included as a prescribed health service in the original Bill that was consulted on in March and April, 2015, and which then entered Parliament last year. The intention had been to capture procedures of sufficient complexity or invasiveness using only local anaesthetic in the *Health Care Regulations*

2008. This would have avoided the scope of the licensing system being applied too broadly and unnecessarily capturing within scope a range of minimally invasive or low-risk procedures using only local anaesthetic.

However, an amendment to the Bill was proposed in the Legislative Council to include the administration of local anaesthetic as a 'prescribed health service' for licensing purposes. A further amendment excluded services provided by a medical practitioner in the course of practice as a general practitioner; and by a dentist in the course of general dentistry practice, being the two largest groups of practitioners using local anaesthetic to undertake minor procedures in their private consulting rooms or office based surgeries. The ability to make further exclusions via the regulations was also added and the Bill was passed by Parliament in May, 2016.

During the recent stakeholder consultation on the subordinate legislation, the draft *Health Care (Private Day Procedure Centres) Variation* Regulations 2017, it became apparent that substantial concern exists regarding the inclusion of the administration of local anaesthetic as a 'prescribed health service' in the Act.

Stakeholders including the Australian Medical Association, Royal Australasian College of Surgeons and other colleges and associations representing a variety of medical and health practitioners, such as the Australian Society of Plastic Surgeons, Australasian College of Dermatologists, Australian Podiatry Association, Royal Australian and New Zealand College of Ophthalmologists and Royal Australian and New Zealand College of Obstetricians and Gynaecologists, expressed substantial concern that local anaesthetic was included in the licensing criteria and that only general practitioners and general dentistry were exempted from this criteria in the Act.

They are concerned that the legislation appears to prohibit specialists and other practitioners from performing routine surgical procedures using local anaesthetic in their private consulting rooms or office based surgeries. It is argued that restricting the performance of these procedures to licensed private day procedure centres will lead to a number of unintended negative consequences and adverse patient outcomes, including an increase to the cost of basic minor procedures imposed on patients and lengthy delays to a significant number of important diagnostic procedures and other treatments.

A broad range of minimally invasive, low-risk procedures are performed under local anaesthetic in practitioner's private rooms or office based surgeries. For example, by a dermatologist to diagnose skin biopsies and remove malignant or non-malignant skin cancers. A podiatrist uses local anaesthetic to undertake procedures on ingrown toe nails, warts and skin lesions. Ophthalmologists use local anaesthetic for eyelid skin biopsies and lesion excision, drainage of abscesses and intravitreal injection of medication for the treatment of macular degeneration. Obstetricians and gynaecologists use local anaesthetic for the insertion or removal of hormonal implants and intra-uterine devices and the investigation, biopsy and treatment of pre-malignant or potentially malignant conditions of the genital tract. Radiologists use local anaesthetic in their practices to facilitate ultrasound guided joint and tendon investigations or during aspiration biopsies of breast lumps. These are just some examples of the use of local anaesthetic for the performance of a substantial range of minor procedures by a large number of different medical and health practitioners.

The consistent message communicated by the majority of stakeholders with respect to the consultation on the draft regulations was that an amendment should be made to exempt all registered medical, dental and health practitioners in the course of their normal scope of practice from the local anaesthetic criteria. Exempting all registered practitioners clearly undermines the provisions of the Act pertaining to local anaesthetic and makes it redundant. It is therefore sensible to remove the sections of the Act referring to the administration of local anaesthetic.

The South Australian legislation would then be consistent with other jurisdictions that require facilities to be licensed based on the higher levels of anaesthetic (general, spinal, epidural, major regional block) and intravenous sedation (other than conscious sedation). No other jurisdiction includes the administration of local anaesthetic within their private day procedure centre licensing criteria.

Where more complex or invasive procedures are performed under local anaesthetic these will be prescribed by regulations, as was the original intention. A good example of this is the tumescent technique for liposuction, where a large volume of very dilute solution of local anaesthesia is injected into the fat beneath the skin, causing the targeted area to become tumescent. To this end it has been proposed with stakeholders that the cosmetic surgical procedures listed in the New South Wales' *Private Health Facilities Amendment (Cosmetic Surgery) Regulations 2016* be replicated for inclusion in the South Australian regulations. It is understood that the majority of stakeholders, including the Australasian College of Cosmetic Surgery, support this approach. Prescribing these specific procedures by regulation, rather than in the Act, will provide the flexibility to add additional services as and when required in response to changes in technology and service delivery methods.

It should also be noted that the existing thirty-one private day procedure centres that have already been declared by the Australian Government and issued with a facility provider number under the *Private Health Insurance Act 2007 (Cth)*, on the basis of a previous recommendation by SA Health, will be issued with a deemed licence under the Act's 'grandparenting' provision.

In addition, this Bill inserts a power to confer exemptions in relation to specified prescribed health services by notice in the Gazette. This power will be used to make exemptions for emergency services organisations including the South Australian Ambulance Service, MedSTAR and the Royal Flying Doctor Service, as well as providing the flexibility to make any further exemptions in the future. There are two further clauses in the Bill which are administrative in nature and simply redesignate sections.

The Government believes that the proposed amendments will bring South Australia into alignment with other state and territory jurisdictions, by setting an appropriate threshold for licensing based on patient safety, without unnecessarily restricting the provision of essential health services utilising local anaesthetic in private practitioner's consulting rooms or office based surgeries.

The *Health Care (Private Day Procedure Centres) Amendment Bill 2017* will come into operation immediately after section 10A of the *Health Care (Miscellaneous) Amendment Act 2016* comes into operation, which has been delayed until 1 May, 2018, to enable an appropriate lead-in time for premises meeting the requirement to be licensed to prepare for licensing, including the requirement to attain accreditation to the National Safety and Quality Health Service Standards.

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 *Health Care Act 2008*

4—Amendment of section 89—Preliminary

In Part 10A section 89, this clause proposes to delete paragraph (c) from the definition of *prescribed health service* thereby removing from that definition a health service that involves the administration of local anaesthetic. The clause also makes a consequential amendment to delete subsection (2).

5—Insertion of section 89L

This clause proposes to insert a power for the Minister to make general exemptions from the operation of Part 10A of the Act or specified provisions of that Part by notice in the Gazette. Such exemptions may be granted on conditions the Minister thinks fit and a failure to comply with a condition will be an offence with a maximum penalty of $20,000.

6—Redesignation of section 89—Other staffing arrangements

In Part 11 section 89, this clause resolves a conflict in the numbering of certain provisions.

7—Amendment of section 92—Conflict of interest

This clause is consequential on the redesignation in clause 6.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 2) BILL

Final Stages

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

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (REVIEW) AMENDMENT BILL

Introduction and First Reading

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

At 16:59 the council adjourned until Wednesday 1 November 2017 at 11:30.

Answers to Questions

PRISONER SUPPORT AND TREATMENT

In reply to **the Hon. J.S. LEE** (19 October 2016).

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse): The Minister for Correctional Services is advised that:

The state government unveiled the Reducing Reoffending: 10% by 2020 (10 by 20) Strategy on 11 August 2016. In December 2016, the independent Strategic Policy Panel produced a report detailing six key strategies and 36 associated recommendations.

While all of the panel's recommendations are relevant to Aboriginal offenders, Strategy Four, Strategy for Aboriginal Offenders, specifically recommends targeted and culturally appropriate services and programs for this cohort. The Aboriginal Reference Group, formed to support the 10 by 20 panel, will continue to provide strategic advice to the Department for Correctional Services (DCS) and support the development of an action plan to achieve this strategy.

The department's Aboriginal Services Unit (ASU) works across DCS to oversee the development of culturally appropriate services, policies and procedures. The unit also actively participates in the growth of partnerships and support for Aboriginal community organisations, and other government departments; and for the provision of targeted services to Aboriginal prisoners, offenders and their families. The department's Aboriginal Liaison Officers (ALOs) provide similar support to offenders and their families.

Programs developed by ASU specifically aimed at addressing the needs of Aboriginal offenders include:

- The Aboriginal Elders Visiting Program (AEVP) is a volunteer program where Aboriginal Elders visit prisons across the state. Aboriginal Elders engage with Aboriginal men and women to encourage and provide support in a culturally appropriate manner. The AEVP assists prisoners to re-establish and strengthen their connection to family and community prior to exiting prison. Aboriginal Elders, through their cultural authority, assist in strengthening family kinship ties; and remind and encourage offenders of their cultural and family responsibilities within their community.

- Our Way: My Choice program is an Aboriginal preparatory and wellness program for Aboriginal men. The program aims to increase the self-awareness and engagement of its participants. It is a valuable tool in preparing Aboriginal participants in a culturally safe learning environment to enable enhanced receptiveness towards the department's criminogenic programs such as the Violence Prevention Program (VPP), Sexual Behaviours Clinic (SBC), Sexual Behaviours Me Clinic (SBC Me), and Making Changes (MC).

- Respect Sista Girls 2 is a cultural and wellness program for Aboriginal women. The program aims to build self-awareness and self-esteem by providing participants with the necessary tools to empower them to make better life choices which will enable them to fulfil their obligations, roles and responsibilities within their families and the wider Aboriginal community.

- The DRUMBEAT program is designed to build trust through a safe and non-confronting therapeutic process. The program has been designed for people for whom English is not the first language, and who have limited skills or confidence communicating in English. DRUMBEAT transfers learning through both an experiential learning process (traditional Aboriginal learning from observation and practice) and cognitive behavioural therapy (self-awareness through cognitive reasoning). The program targets six recognised 'risk factors' associated with criminal behaviour and recidivism; low self-esteem, alienation, isolation, poor use of recreational time and poor social skills, drug and alcohol use and emotional control.

- The delivery of specific Aboriginal numeracy and literacy programs through Port Augusta TAFE and Pakani Arangka. Pakani Arangka, which means 'a good growing place', is located at Port Augusta Prison. The unit allows for cultural interaction amongst prisoners whilst providing a range of culturally specific programs.

- The Aboriginal Services Unit is also responsible for increasing the participation of Aboriginal people in employment across the department. Currently approximately 4.5% of the DCS workforce identifies as Aboriginal. The DCS Workforce plan 2017-20 has a target of 6% Aboriginal participation.

Further to this, the department administrates a Community Grants Program with the aim of providing innovative services and programs to enhance protective factors for offenders in relation to their recidivism. Protective factors include addressing matters such as employment, health, housing, relationships, finance and budgeting, and a range of other key life skills. Several of the Community Grants projects are specific to Aboriginal offenders.

In 2015-16, through the Grant Program:

Kokotinna Towilla Program – 'Healing Our Spirit' supported Aboriginal males exiting prison with the aim of reducing and preventing re-offending.

The Aboriginal ConneXtions Centre provided a six-week 'live work training' course in construction for 10 Aboriginal offenders. Participants learnt skills in construction including flooring, plumbing and painting.

The Empathy, Not Sympathy – Gutter 2 Glory Program provided support to 24 Aboriginal offenders with services including reconnection with family and culture, diversion from incarceration, reduced homelessness and engagement with mental health services. Importantly, through this program three participants gained active employment and six commenced education.

In 2016-17 further grants have been offered:

The Aboriginal Foundation of South Australia Inc. Retaining Wall Training Program will deliver civil construction units of competency for women to undertake live-works training to construct a retaining wall at the Adelaide Women's Prison.

The engagement of a workplace mentor at Aboriginal Recruitment and Training (ART) Services will increase their capacity to employ and retain more Aboriginal staff with a history of offending. ART's current workforce includes over 80 Aboriginal employees, of which a significant number have had some contact with the justice system. The mentor will work with current ART employees that have offended or reoffended and are at risk of losing their employment.

Through the Aboriginal Visitors Scheme, Aboriginal Legal Rights Movement will trial a visiting program at the Adelaide City Watch House and Holden Hill Police Cells to better meet the needs of Aboriginal communities. The visiting program will make contact with up to 40 Aboriginal adults per month.

The Men Accessing Services project aims to reduce recidivism among Aboriginal men by providing a dedicated point of contact within the community to assist with case plans and throughcare in the Riverland areas of Berri, Barmera, Renmark, Loxton and Waikerie.

Marra Dreaming will run 40 Connecting Through Art workshops for Aboriginal participants. This program is directed at Aboriginal female offenders in Adelaide Women's Prison and Pre-Release Centre and aims to encourage women to engage with Marra Dreaming upon release.

EQUAL OPPORTUNITY COMMISSION

In reply to **the Hon. S.G. WADE** (9 May 2017).

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse): The Minister for Police is advised that:

The recommendations are currently being addressed in priority order and recommendation 27 is scheduled to be addressed in 2018.

Currently, maternity leave arrangements in South Australia Police (SAPOL) are addressed through the Office for the Public Sector determinations and SAPOL's General Orders. These documents state that members, whether taking paid or unpaid maternity leave, have the right of return to their position. The vacancy can be carried, or backfilled on a temporary basis by secondment or relieving into the position. If the position no longer exists through restructure then the member returns to a position that is similar. The position can be permanently backfilled if the member's maternity leave reaches its expiration period and the member relinquishes the position.

DRUG DETECTION DOGS

In reply to **the Hon. T.J. STEPHENS** (20 June 2017).

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse): The Minister for Police is advised that:

Approved funding will see the number of operational passive alert drug detection dog teams expanded by two police members and two Labrador dogs.

GIG CITY NETWORK

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (22 June 2017).

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

Stage 1 of the Gig City Adelaide program was launched at TechInSA on 3 August 2017.

As at 3 October 2017, eleven (11) precincts are now connected to the Gig City network.

EscapeNet Pty Ltd, a local Adelaide internet service provider, has been contracted by SABRENet to deliver affordable gigabit-speed internet services to key innovation precincts using the SABRENet fibre optic network.

PUBLIC TRANSPORT CONCESSIONS

In reply to **the Hon. M.C. PARNELL** (22 June 2017).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The Minister for Transport and Infrastructure has advised that:

There is a current process by which full time interstate secondary or tertiary students are able to receive public transport concession fares in South Australia.

Interstate students visiting South Australia can apply for a student card at Adelaide Metro InfoCentres, upon showing their interstate student card to confirm their eligibility. The card must state 'Full Time' with a current valid date. The cost of the student photo ID card for interstate students is $15.00, which includes the photo.

Student concessions on public transport for South Australian residents are funded by the responsible state government department. For example, concessions for primary and secondary school students are funded by the Department for Education and Child Development.

South Australian students travelling interstate must apply to that jurisdiction for a student card. Information about applying for student cards in each jurisdiction is generally available online.