LEGISLATIVE COUNCIL

Wednesday, 15 November 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:34 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

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

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

Motion carried.

Bills

DOG AND CAT MANAGEMENT (DOG ATTACKS) AMENDMENT BILL

Introduction and First Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (11:35): Obtained leave and introduced a bill for an act to amend the Dog and Cat Management Act 1995. 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) (11:36): I move:

That this bill be now read a second time.

The government is introducing the bill, the Dog and Cat Management (Dog Attacks) Amendment Bill 2017, to insert a new provision in the Dog and Cat Management Act 1995, regarding a duty for people to exchange details and provide assistance where dogs are involved in certain prescribed incidents. Specifically, the new offence will apply to the owner or person responsible for the control of a dog involved in an attack on another person or animal in charge of a person which results in physical injury.

According to statistics, over the last five years the number of dog attacks has steadily been increasing. Nationwide media reporting, particularly in recent months, has disclosed a number of disturbing dog attacks against people and other animals where the owner has left the scene of the attack. The government, together with the Dog and Cat Management Board, is committed to reducing the number of dog attacks within the community. Around two-thirds of South Australians own either a dog or a cat. In relation to dogs, there were 292,047 registered dogs in South Australia in the 2016-17 financial year.

When you consider the significance of dogs in our community, it is no wonder that dog attacks impact the lives of many South Australians. In order to ensure that people feel safe in their local neighbourhoods, it is important that our legislation contains provisions that help to deter irresponsible dog ownership and impose appropriate accountability. The bill aims to do this by imposing a duty on dog owners or persons responsible for the control of a dog to give reasonable assistance to any person or animal that is injured in a prescribed incident and to take reasonable steps to provide prescribed information.

The bill defines a prescribed incident as one that involves an attack or harassment by a dog on a person or animal that ends up causing physical harm. Further, the bill defines prescribed information in respect of a dog to mean the name and address of the owner or the person responsible for the control of the dog at the time of the incident, and the registration number of the dog, providing the dog has been registered.

The bill imposes a maximum penalty of $5,000 or an expiation of $315 for anyone who fails or refuses to comply with the new provision, noting that in court proceedings certain defences may be considered to be relevant. The new offence is an additional provision to the extensive amount of work that has already been undertaken in the last few years in relation to dog and cat management. This included a citizens' jury on reducing unwanted dogs and cats in July 2015 and a subsequent suite of legislative amendments, most of which became operational in July this year.

On 1 July 2018, the introduction of mandatory microchipping will make it much easier to identify a dog and its owner, and most dogs born after 1 July 2018 will be required to be desexed. These provisions are expected to assist local councils with the management and investigation of dog attacks. However, the new offence goes even further in efforts to reduce dog attacks in the community.

In summary, the government is seeking to strengthen and complement existing provisions in the act in order to emphasise its commitment towards encouraging responsible dog ownership and reducing the number of dog attacks. I commend the bill to the house.

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

BUDGET MEASURES BILL 2017

Final Stages

Consideration in committee of message No. 295 from the House of Assembly.

The Hon. K.J. MAHER: I move:

That the council do not insist on its suggested amendments.

The Hon. R.I. LUCAS: The Liberal Party's position is and has been quite clear. We have not changed our position in relation to the Budget Measures Bill. This is not just the bank tax, this is the Budget Measures Bill. The Liberal Party's position in relation to the bank tax element of this is that it is a bad tax, it is a tax on jobs and investment, it is a tax on economic growth in South Australia and, in our view, the only people in the state who believe the story that banks would pay it and nobody else would—that is, families and businesses would not pay the $100 million bank tax—are the Premier and the Treasurer.

Unsurprisingly, given the position that we have expressed on a number of occasions, we continue our very strong opposition to the bank tax. However, this bill is the Budget Measures Bill: it is not just the bank tax bill. It includes a number of other elements, the three significant elements being the payroll tax concessions, the stamp duty and other concessions in terms of off-the-plan apartments, and it also imposes a foreign investor tax, which has been imposed in most other jurisdictions or is in the process of being imposed in most other jurisdictions in the nation.

I think it is important to remember and note that this is not just a bank tax bill as it does include a number of other elements. The government has been out there criticising those who have opposed the bank tax element of the bill by saying that in so doing we are voting against payroll tax concessions for thousands of small businesses, voting against stamp duty concessions and other financial incentives for purchases of off-the-plan apartments in particular. As we have indicated publicly, that is not our position. We are prepared to support a Budget Measures Bill. We are prepared to support a Budget Measures Bill minus the bank tax element of it.

Our position on this particular vote will be that the Legislative Council insists on its position and we will then move that there be, in the normal course of events, a motion to establish a conference of managers between the houses so that ultimately the decision that has to be taken by the government in the House of Assembly will be whether or not they are prepared to go to a conference of managers to see whether or not the payroll tax provisions, the stamp duty and other financial incentives for off-the-plan apartments and, indeed, also the foreign investor tax elements of

the Budget Measures Bill will continue or not in the absence of a bank tax, or the government can make the decision in the House of Assembly, if they so choose, to lay the bill aside.

Given that this has been a fast moving series of events this morning, I want to make it clear that in the event that the Legislative Council votes to insist on its position, or its amendments, there will then be a subsequent motion moved by me in the absence of a motion moved by anybody else, to establish a conference of managers in the normal course of events.

My suggestion to those who have supported the government's position in relation to the Budget Measures Bill—that is, for example, the Greens and the Hon. Kelly Vincent of the Dignity Party—who have essentially, for a variety of reasons, indicated that they supported the whole of the Budget Measures Bill and the government's entitlement to that being passed, is that, in that event, it would be entirely consistent with that position to adopt a normal course of action that would ensure that the final decision on this rest with the House of Assembly as the originating house for the Budget Measures Bill, to decide whether or not they wish to proceed with the remainder of the Budget Measures Bill through a process of going to the conference of managers and reaching some agreement in the conference of managers.

It would have a similar potential outcome to the car park tax debate of about three years ago, except the proposed course of action to resolve the difference of opinion between the houses would be in a conference of managers rather than the government in the House of Assembly agreeing to suggested amendments of the Legislative Council.

Our position remains steadfast and clear: we will vote to insist on our amendments in the first instance. As I said, for the reasons which I will further expand on when I move the second motion in the event that the Legislative Council insists on its amendments, we will be moving for a conference of managers and for ultimately the decision to be taken by the originating house in relation to the Budget Measures Bill, which is the House of Assembly. Ultimately, that means the government can make a decision as to whether or not it wants to lay the bill aside or whether it is prepared to follow the usual process of trying to resolve a difference of opinion between the houses.

The Hon. K.J. MAHER: I thank the honourable member for his contribution. I indicate that, once we have this vote—and I think we all know how the vote will look; it will look like it looked last time (I think everyone is on the record restating their positions from last time)—it is likely to be an 11-10 vote for the council insisting on its suggested amendments. That occurring, the Premier has stated that that is the end of the bank tax. It will not be pursued. It will not be taken to an election. That budget measure is finished.

Given that, there is absolutely no point whatsoever in a deadlock conference. A deadlock conference is designed for when there is a possibility of something changing for legislation to pass. There is no possibility of something changing. I do not think there is any possibility of any single member here changing their view or their vote. Given that, I will be moving, after the vote on the suggested amendment, that the bill be laid aside. The Premier has stated that the government will now go back and reconsider budget measures.

It would be a complete and utter break with every convention, every single way a budget has ever been framed, to go to a deadlock conference and for a budget to be negotiated by a committee of the parliament. It is the case that the government of the day crafts a budget. To suggest that a committee of the parliament take that out of the government's hands and craft a budget would not just be a break from tradition about passing a budget, it would be a complete and utter change from a century of how budgets are crafted. This would be something completely new, completely different probably from any time a budget has ever been formulated in this state.

We will have this vote and then the government will be moving to lay the bill aside. I have given assurances to other members, and I will repeat for *Hansard*, that if the vote goes down, as it is expected to do in a moment, the budget levy is then dead. The government will not keep pursuing it and the government will not be taking it to an election.

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: If that is the will of this chamber, the government will then go back and have a look at budget measures, have a look at how the budget is reframed and recrafted, but it is abundantly clear, if that is the will of this house, that there is no prospect of anyone changing their mind.

The Hon. M.C. PARNELL: The Greens' position on the bank tax has not changed. We believe the banks can afford to pay a sensible contribution, a reasonable contribution. We want them to pay, we ask them to pay, and we support the provision which makes them pay. The banks have implicit guarantees from the Australian community: they are too big to fail, we prop them up, we cannot live our lives without them, and that is a two-way street. They need to contribute back to society. We want them to pay.

Australian banks are the most profitable banks on the planet. The National Australia Bank announced—in the same week that the upper house of this parliament was rejecting the bank tax—$5.3 billion profit and 6,000 jobs to go, and these people are complaining about a very modest impost that would raise much-needed revenue for the state and would hardly dent the bottom line of the banks at all. So, our position has not changed.

In relation to what now appears to be a game of chicken between the government and the opposition about how to proceed with this, the opposition's position is that they think this should be a lower house problem, which is why they suggest a conference—a deadlock conference—of managers. The minister quite rightly says, 'What's a deadlock conference going to achieve, because nobody has changed their mind?'

My view on this is that the Legislative Council needs to own the consequences of its decision to effectively block a major revenue item. We think the government should have the right to go back to the drawing board and recraft their budget measures. They can look at revenue items and at spending items, but to have this bogged down in a conference of managers that will achieve nothing is the wrong outcome.

Whilst I am supportive of the tax and other measures that are in the budget bill, I do not think the Liberal approach makes sense. There is no prospect of a deadlock conference achieving anything. I think that laying the bill aside and giving the government time to come back with something in the final sitting week is the best we can hope for, so we will be supporting the government's position.

The Hon. R.L. BROKENSHIRE: On the bank tax, Australian Conservatives have not changed. We led the call for the bank tax to be dropped because it is bad for South Australia. It is making us a laughing stock interstate and, I might say, internationally. That is from commentators and business people that I have scoped widely. There has been no guarantee at all that this money, this growth tax, will not hurt every mum and dad, every pensioner, every farmer, every family and every business in this state. The government has not been able to guarantee that, and therefore we will not be changing our position of opposing the one element that is a bad tax for South Australia and a broken promise by the government, which said that there would be no new taxes. So, I make that clear.

The Leader of Government Business and the honourable minister for business and a range of other portfolios has clearly said to this chamber today that the government now want to lay the budget aside. That is their call; they are the government. They want to lay the budget aside and have a look at other measures that they may be able to consider or implement, or tweak their budget or do whatever they want to with their budget. From Australian Conservatives' point of view, that is the prerogative of the government of the day. We never have and we never will attempt to block a budget bill, and I make it clear that we are not blocking the budget bill—it is simply one element.

The government has now accepted that that element is untenable, and so they are saying that they want to lay their budget aside at this point and rework it, effectively, so that they can see how they can come up with measures differently. We think that is fair and reasonable; that is the call of the government of the day. Therefore, whilst we absolutely and fundamentally will not waver from the bank tax itself, as one element, we accept the government's call that the government put this aside. That is their call, not ours.

We have never asked them to put it aside; we have never, ever said anything about the rest of the budget. We have actually supported all of the rest of the budget, and I have made that very clear, as has my colleague the Hon. Dennis Hood. If the government want to lay their budget aside and rework it, that is the prerogative of the government of the day. That is our position, right now, for this house.

The Hon. J.A. DARLEY: I indicate that I have not changed my view. I have said from day one that the bank tax was a bad idea and that I do not support it, and I will be insisting on the amendments suggested by the Legislative Council.

The Hon. T.A. FRANKS: I rise to add some observations. Obviously, the Greens continue to support a bank tax; we believe the banks can afford it. It is quite a miniscule tax when you compare it—in fact, SACOSS observed that the CEOs' salaries of the five top banks actually amount to half of what this would raise in a year. So, five salaries, double that, this is the tax we are requiring them to pay—put that in context.

We have seen an unprecedented campaign, akin to that which was mounted about the mining tax at a federal level. We have seen the Australian Bankers Association go to war over this tax. We have been told by the Australian Bankers Association that it is an unpopular tax. We have seen poll after poll—the poll that decided that Nick Xenophon, former senator, would be the most popular premier. What we have not seen from the Australian Bankers Association is the questions asked to get those answers. If you look at their website, the questions are not provided.

Mark Henley from Uniting Communities has asked several times for the original questions to be provided. If the banking association is ringing up people and saying, 'A bank tax is bad for jobs—do you support a bank tax?', you will get a certain answer. But is a bank tax really bad for jobs? Is a bank tax actually bad for this state? The Greens say, 'No, a bank tax is good for this state.' It is a miniscule amount being required from people who are in a very privileged position. We do support the banks in this country in a way they do not enjoy around the world. It is why we avoided some of the global financial crisis impacts, and it is time for them to pay their fair share.

I am not scared of the Australian Bankers Association campaign, and I will tell you why: because I have just reviewed my emails. We have seen an unprecedented advertising campaign. There have been TV ads, there have been full page ads in our newspaper day after day, there have been press releases, there have been surveys, there have been, probably, push polls, one assumes, to get out these stories.

I have received a total of 33 emails. I go through these emails, and it is quite interesting. They start back in September and they conclude just in this last week. The ones in the last week I have to share with you—they are the most interesting of all. If we take some of those emails, the 33 I have received, one is from Stephanie Arena from bankers.asn.au. She is the director of media for this campaign that the Australian Bankers Association is running.

Another is from Paolo, who works at banksa.com.au; another is from Lynn, who works at nab.com.au; another is from Rob, who works at banksa.com.au; another is from Tania, who works at banksa.com.au; another is from Matthew, who works at banksa.com.au; another is from Olivia, who works at banksa.com.au (according to their email addresses); and another is from Debbie, who works at the NAB.

Most of these emails came through in lots of three, four and five, so it does look a lot bigger than it is, but if you take them apart, 33 emails, and we have just seen that those ones are from bank employees. I have one here from Terry Melburnian. I cannot find a Terry Melburnian in existence, but he sent me a few. At first he has called his email address terry@exanple.com, but then he has corrected it and changed it to terry@example.com: Terry clearly giving some directions to the staff of the banks.

Then, I think some banking staff have got a little bit bolshie. They have been directed to send us emails, but they have not been terribly supportive of what the banks are asking them to do. This is where, unfortunately, it gets a little bit graphic and I might have to leave out some words. We have one from [expletive] Morris, whose email address is [expletive]@[expletive].com.au. We have

another from My cats [expletive] is now prime minister, [expletive]@cat.com.au. We have another from Never [expletive] in a toaster, [expletive]@toaster.com.au.

We have one titled, 'My cat's breath smells like cat food'—this person is clearly a Simpsons fan—at banksare[expletive]bags@unfunnycampaign.com.au. We have one from thebanksare[expletive]wits@allbanks@[expletive]wits.com.au, and we have one from eat[expletive]banks@[expletive]banks.com.au. This week, the one I found the most amusing, which made it very clear that they were not on their side, was from bankywankywillyweepoobumbugger@autogeneratedbybanks@[expletive]knuckle.com.au.

When you add that up I think I have about four or five emails. Nice campaign, banks. How many thousands or tens of thousands of dollars have you put into this to get what appears to be less than what I can count on one hand of real emails, real passion from people who believe the banking campaign? The Greens do not believe this campaign. The Greens will not fall for this campaign. The Greens will fight for a fair taxation system.

The Hon. R.I. LUCAS: I do not want to prolong the debate but I have two quick points to make in response to the point the Leader of the Government made. First, just to be clear in terms of the motion relating to the conference of managers, the mere fact that the Legislative Council might pass a motion requesting a conference of managers does not mean that a conference of managers will be established. If the government in the House of Assembly maintains its position they will reject the proposal for a conference of managers and will lay the bill aside in that place.

So, I think it is important to recognise that if a motion for a conference of managers is passed in this council, the final decision on a conference of managers or on laying the bill aside in the House of Assembly would occur in the House of Assembly. Given the government's current position, if that motion is passed that may well be a decision the House of Assembly takes some time later today.

The second point I want to make is in response to what the leader said, that nobody's position has changed. The reality is that the government's position has changed; the government just announced, at 11 o'clock today, that their position has changed, that is, they are not going to pursue the bank tax at this particular stage. I have to say that I do not believe the Premier, the Treasurer or the Leader of the Government that this is the end of the bank tax. If the Labor government is re-elected they would dust off the bank tax and seek to reintroduce it, if they can get support in both houses.

That will be a decision that a future Labor government, if re-elected, will take, make no mistake about that. The mere fact that the Premier and the Treasurer say it is dead and dead for all time is just a statement of their current position. I, and many other South Australians, do not believe them in relation to that.

My point is that the government is saying that nothing has changed, but it has changed, the government now says that the bank tax will not be part of the budget measures. They still say they support the payroll tax element, they still say they support the off-the-plan apartment concessions, and they still say they support the foreign investor tax. If the government's position has changed, and changed significantly, that they are not going to pursue the bank tax but they support the other elements, then the logical course of action is for a conference of managers to adopt the government's position that the bank tax is not being pursued but the government wants to pursue the payroll tax, the off-the-plan apartment concessions and the foreign investor tax. The process for doing that is to do what the Legislative Council has suggested—

The Hon. K.J. Maher interjecting:

The CHAIR: Order! The Leader of the Government will please desist.

The Hon. D.W. Ridgway interjecting:

The CHAIR: The Leader of the Opposition will desist. The Hon. Mr Lucas has the floor.

The Hon. R.I. LUCAS: Contrary to what they are saying, that nothing has changed, clearly something has changed, the government has changed its position. The logical position, given that the government is now saying it does not want the bank tax—it is not going to support the bank tax any more, it recognises the reality of the situation, and it also says that it wants all the other elements

of the Budget Measures Bill—is that it can do exactly as occurred in relation to the car park tax budget measures bill of three years ago: it can pass everything else and adopt its new position in relation to recognising the reality that the bank tax is not capable of being supported in the Legislative Council. For those reasons, I reaffirm our position that we will be insisting on the Legislative Council amendments.

The PRESIDENT: I will put the motion in the positive, that the committee insists on its suggested amendments.

The committee 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. (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.		

Motion thus carried.

The PRESIDENT: As the council has insisted on its suggested amendments, it is for the council to determine whether it should request a conference or lay the bill aside.

Conference

The Hon. R.I. LUCAS (12:09): I move:

That a message be sent to the House of Assembly requesting that a conference be granted to the council respecting the suggested amendments in the bill and that the House of Assembly be informed that, in the event of a conference being agreed to, the council will be represented at such conference by five managers and that the Hon. Andrew McLachlan, the Hon. Kyam Maher, the Hon. Tung Ngo, the Hon. Robert Brokenshire and the mover be the managers of the conference on the part of the Legislative Council.

The council divided on the motion:

Ayes 9
Noes 12
Majority 3

AYES

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

NOES

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

Motion thus negatived; bill laid aside.

DISABILITY INCLUSION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2017.)

The Hon. T.A. FRANKS (12:16): I rise to indicate that the Greens support this bill. We understand that there will be amendments. I have a particular question that I want to pose at this point, of which the minister is aware. I would like some clarity about the wording around the community visitors provision, as to why it says 'may' and not 'must' or 'shall' provide for the community visitors. With those few words, the Greens wish this bill a speedy passage so that we can conclude it before parliament concludes for the year.

The Hon. J.M.A. LENSINK (12:16): I rise to place some remarks on the record in relation to this bill. As honourable members would be aware, the National Disability Insurance Scheme (NDIS) is currently being rolled out across Australia, including South Australia. Under the NDIS the state government will no longer directly fund disability services; instead, they will be administered by the National Disability Insurance Agency (NDIA), which will work directly with eligible participants to establish personalised plans based on their needs and goals, and give them choice and control over their own lives, which I think is something that is universally supported.

Following the full implementation of the NDIS, the Disability Services Act 1993, which was designed to regulate services and provide funding mechanisms, will therefore become redundant. This particular bill promotes the rights and inclusion of people living with a disability in South Australia. It establishes a framework to ensure a coordinated and consistent planning approach is taken across state and local government to provide greater equality and access to services and facilities.

One of the key components of the bill is to require the state government to develop a state disability inclusion plan, which is part 4 of the bill, which will be reviewed once every four years and requires annual reports on its operation. It also requires all state departments, statutory authorities and local councils to develop disability and access inclusion plans. That is part 5 of the bill. The DAIPs must align with the six outcomes of the National Disability Strategy and adhere to those guidelines and regulations. Whilst many departments and a few local councils already have a DAIP, the bill prescribes that agencies produce an annual report from which a statewide summary will be presented to the minister. The plans can be updated at any time but must at least be reviewed, with a report submitted, once every four years.

Another key component of the bill is the establishment of an updated disability screening scheme which will apply to service providers operating under the NDIS, as per the national Quality and Safeguarding Framework. The details of what will be contained in this will be in the regulations, which will depend on negotiations at a national level. However, the state government has indicated that they are aiming for the standard that currently applies to working with children checks.

Under the bill, any person working with a person living with a disability who does not hold a current screening check will face a maximum fine of $20,000 for the first or second offence, and $50,000 or imprisonment for one year for a third or subsequent offences. Any person who has been deemed a prohibited person, which is someone who does not have a check, found working with a person living with a disability will face fines or potential imprisonment.

The bill also has a provision for the establishment of a community visitor scheme, which is in part driven by the NDIS Quality and Safeguarding Framework. I note that in last year's annual report, the Principal Community Visitor, Maurice Corcoran, had recommended that a disability component to the visitor scheme be established, so that is welcomed. Reviews must be undertaken of the act after the third and before the fourth anniversary of its commencement.

I am grateful to the new minister, the Hon. Katrine Hildyard, for the briefing, and in particular to Dr David Caudrey, who continues to provide advice to the state government on this, for his

participation in the briefing. I have also sought the advice of our colleague the Hon. Kelly Vincent. Clearly, as she has a lived experience of disability and lives in this space every day, her advice will be important to us and we look forward to receiving any amendments that she might have for future consideration. With those comments, I commend the bill to the house and look forward to the additional contributions and debate on this legislation.

The Hon. K.L. VINCENT (12:21): I simply want to place on the record that, while the Dignity Party does support the general principles of this bill in terms of allowing people with disabilities more choice and control and also ensuring that more state government agencies incorporate disability inclusion plans, we do have some concerns, particularly around the fact that there is currently no real onus on councils to implement those plans in terms of there being no oversight, for example, of how those plans are being carried out. It is all very well and good to require agencies to have an inclusion plan—which some already do, as other speakers have pointed out—but it does not necessarily lead to change unless you have someone overseeing and following up with those agencies. That is the kind of change we would like to see.

As the Hon. Ms Franks, I think, mentioned, we would also like to see the state government compelled to establish a community visitor scheme, rather than having the option to do so, in the wording of the legislation. That is the nature of the amendments that we are currently working on. We appreciate that it is late in the piece, but it has been a lengthy, complex and nuanced discussion, so I appreciate the patience and enthusiasm that my parliamentary colleagues have shown. I look forward to keeping them updated on those amendments.

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

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome students and teachers from Renmark High. It is good to see you come down here.

Bills

AUSTRALIAN ENERGY MARKET COMMISSION ESTABLISHMENT (GOVERNANCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 October 2017.)

The Hon. K.J. MAHER: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. R.I. LUCAS (12:27): I rise on behalf of Liberal members to support the second reading of the Australian Energy Market Commission Establishment (Governance) Amendment Bill. The government introduced this bill, which provides the AEMC with the ability to increase the number of commissioners in the Australian Energy Market Commission from three to five and some other related consequential amendments.

The member for Stuart, Mr Dan van Holst Pellekaan, has had carriage of this particular measure for the Liberal Party and he has advised that the AEMC makes the rules that govern the electricity and natural gas markets. The governance arrangements of the AEMC are determined by the Australian Energy Market Commission Establishment Act 2004 and, as members will know, for many, many years South Australia was the lead legislator for national energy legislation.

The current act requires the AEMC to consist of three commissioners, inclusive of the chairperson. Following a review by the COAG Energy Council, it was recommended that the number of possible commissioners be increased to five, with the minimum remaining at three. The reasons given for increasing the number of commissioners is to manage the increasing workload of the AEMC. It was argued that by increasing the number of commissioners it would seek to increase the

diversity of skills and experience that has been built into the appointment protocol and matrix used by the COAG Energy Council.

Whilst I will not have a significant number of questions, I know the government has a very senior energy adviser available to the council. We will be seeking some further information in relation to what is the skill set base which is missing from the current group of commissioners and what particular areas of expertise did the COAG Energy Council envisage should be represented on the AEMC through the appointment, potentially, of additional commissioners?

The consequential amendments relate to the appointment process and quorum requirements relating to the appointment of additional commissioners. It obviously makes sense if you are going to increase the number of commissioners potentially that the quorum would change.

We have been advised by the member for Stuart that the COAG Energy Council had undertaken consultation on the amendments. The member for Stuart received submissions on this bill from a range of stakeholders. His assessment was that they were generally supportive of the changes in the legislation. With that brief contribution, I indicate the Liberal Party supports the second reading of 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) (12:30): I thank the honourable member for his contribution on what is a very simple and straightforward bill. I look forward to the speedy progression through the committee stage. I might just ask for an indication if there are any questions in committee stage, because I will get the officer around for that. With that, I look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: Could I ask the minister whether he has advice and can indicate who the current commissioners are and what their areas of expertise or speciality are? Can the minister indicate what the COAG Energy Council envisaged should also be represented in terms of the skill set base by increasing the number of commissioners?

The Hon. K.J. MAHER: I thank the honourable member for his question. I can indicate my advice that the three current people are Mr John Pierce, who is a policy expert, an economist and a former under treasurer for New South Wales; Mr Neville Henderson is an energy expert, in particular with previous experience in the Victorian Power Exchange; and Dr Brian Spalding, who has had experience with AEMO and NEMMCO and specifically the New South Wales market operations. I am advised that there is the desire for greater diversity of experience. One such area that has been discussed is from the consumer side and consumer representation on the board.

The Hon. R.I. LUCAS: Does the South Australian government have a policy position in terms of the increased skill set base, given the legislation is likely to pass? Indeed, is the South Australian government going to be suggesting an additional nominee for the position of commissioner?

The Hon. K.J. MAHER: I am advised that the selection process does not allow states to put forward individuals and that the COAG Energy Council is already going through an expression of interest and selection process for possible new people to fill this role. So, it is something that the COAG Energy Council is undertaking and retains control over.

The Hon. R.I. LUCAS: Correct me if I am wrong, but I assume the COAG Energy Council comprises the South Australian Premier or the South Australian energy minister.

The Hon. K.J. MAHER: My advice is that the COAG Energy Council comprises the energy ministers.

The Hon. R.I. LUCAS: On that basis, I assume it is entirely possible for the South Australian energy minister to nominate someone, or is that not possible? Does it have to be self-nomination?

The Hon. K.J. MAHER: I am advised that anyone can nominate in the process, but recommendations are made through an independent selection process.

The Hon. R.I. LUCAS: Can I clarify that? So, the final decision will be taken by the energy ministers—the COAG Energy Council—but when you say 'an independent process', does that mean the energy council's commission; that is, the group of consultants or experts to provide the recommendation?

The Hon. K.J. MAHER: My advice is: yes, in effect there is an independent selection panel that has been put together to make those recommendations.

The Hon. R.I. LUCAS: Can I clarify that the independent selection panel is not a senior energy bureaucrat from each of the jurisdictions who is answerable to the ministers? When you talk about 'independent', does it mean someone unrelated to the jurisdictions' energy advisory bodies, groups or departments?

The Hon. K.J. MAHER: I am advised that is correct. My advice is that there are no public servants on that committee.

The Hon. R.I. LUCAS: In relation to the decisions of the COAG Energy Council, is that a requirement for unanimity in terms of who should be the additional commissioner? It has not been uncommon in the past for big jurisdictions in the Eastern States to have a particular view as to who should be on a particular body. A smaller jurisdiction like South Australia may well say, 'We don't think that person is suitable.' What is the voting arrangement on the COAG Energy Council? Does it need the agreement of all jurisdictions and all energy ministers, in essence, or can the big states outvote South Australia?

The Hon. K.J. MAHER: The protection in the bill—I think it is in part 2, clause 4(3), for the purposes of what we are talking about—provides for two-thirds of eligible ministers to agree to that.

The Hon. R.I. LUCAS: So, it is still technically possible for the big states to outvote South Australia, but they would have to get the two-thirds majority—that is the reality. Is that the normal voting procedure for the COAG Energy Council; that is, do most decisions of the energy council normally require a two-thirds majority?

The Hon. K.J. MAHER: My advice is that this is a new measure that is being introduced now. There had been other ways in which consensus was reached or votes were taken.

The Hon. R.I. LUCAS: I understand that this is a new measure, but a number of ministerial councils operate on the basis of consensus—and the minister would be familiar with the operation of ministerial councils. If one of the smaller states, like South Australia, does not agree on a national curriculum matter in education issues, for example, that is, essentially, almost a veto in terms of it being able to progress as a national initiative.

Are the normal operations of the COAG Energy Council similar, and therefore this provision, which is a two-thirds provision, obviously is less than consensus and it would be possible for the bigger jurisdictions to outvote South Australia, for example, if we were strongly opposed to a particular appointment?

The Hon. K.J. MAHER: My advice is that for this particular council, for matters of policy, the voting arrangements had been a super majority if consensus is not reached, but it tends to be a consensus model that is used as—

The Hon. R.I. LUCAS: What is a super majority?

The Hon. K.J. MAHER: A super majority is N minus two. You have to get a super majority of N minus two. In effect, my advice is that you could have two voting against but no more—an N minus two super majority—but for matters of laws and regulations that are unanimous, consensus is required.

The Hon. R.I. LUCAS: My final question is: in relation to the current expertise on the body, do any of those persons have any relevant personal experience in terms of the private sector operation of entities in the National Electricity Market?

The Hon. K.J. MAHER: I am advised that I cannot give a definitive answer on that. We do not have the complete employment history of all, but it is likely that at least in one of the cases they had done consulting work with private companies.

The Hon. R.I. LUCAS: Can I ask the minister, through his adviser, to take it on notice. I am happy to receive a response by way of a letter post the passage of the bill. My specific question is: it is interesting if someone has been an adviser, but in particular I would be interested to know whether someone has actually had skin in the game, that is, has had management or an equity position in a private sector operator in the National Electricity Market. I am happy to take that on notice.

The Hon. K.J. MAHER: I am happy to take it on notice and ask that a response be forwarded post passage.

The Hon. M.C. PARNELL: I have some new questions, but I want to pursue the line of questioning of the Hon. Rob Lucas, because it seems clear that there are fractious relations between various jurisdictions. With this new two-thirds rule that is in there (and I will get the minister to clarify whether I have this right or wrong) we have nine jurisdictions in Australia: six states, two territories and the commonwealth. Western Australia is not part of the National Electricity Market, and I think Northern Territory is not, so maybe that gets us back down to seven. Does that mean that it takes five jurisdictions to agree, so seven minus two? Do I have the numbers right?

The Hon. K.J. MAHER: My advice is that WA is included for this purpose because of the operation of the national gas market. The Northern Territory recently applied the national electricity law, so they would be included, so it would be nine, so the relevant number of two-thirds with nine is pretty simple at six.

The Hon. M.C. PARNELL: I thank the minister for his answer; it was not something I had thought about before the Hon. Rob Lucas started that line of questioning. The issue I want to raise in relation to this bill concerns the effectiveness of the Australian Energy Market Commission in setting rules that will govern the National Electricity Market.

There was a heading in one of the online energy journals back in September which referred to Mr Ross Garnaut (whom everyone has heard of), the energy expert. The headline was 'Garnaut slams AEMC move to delay 5-minute settlement switch'. That will not mean a lot to a lot of people, but it is of critical importance to the energy market; it is about changing the settlement rules which currently allow for gaming of the system by fossil fuel generators, and it disadvantages some of the more nimble and fast-responding renewable generators and battery storage.

This dispute came to a head because the AEMC did finally agree to the five-minute settlement rule, but postponed the implementation of that rule until July 2021—in other words, years out. That resulted in a lot of criticism from the renewable energy sector and the storage sector, which basically saw this as an attempt to prop up the fossil fuel industry. As well as Ross Garnaut's criticism, reported in the press, The Australia Institute also came out saying, 'Battery technology and renewables are being deliberately hobbled by the incumbent's vested-interest resistance.' Basically, the criticism was that the AEMC was deliberately going slow.

The question that directly relates to this bill is: if, as I understand it, part of the rationale for the bill is that the AEMC has an increased workload and that there was a desire to have an increased diversity on the board, is there any indication that the AEMC will work faster under this new arrangement? Are they more likely to approve real changes in a timely fashion rather than delaying them for years and years? That is the single biggest criticism of this organisation in the energy sector.

The Hon. K.J. MAHER: My advice is that part of the aim of this is to make it more efficient and more effective but also, as I stated earlier, to make it more representative of the greater range of views. That is why one of the areas being looked at is a consumer representative as well.

The Hon. M.C. PARNELL: I thank the minister for his answer. I have another question which relates to the mechanism by which these laws are changed. Again, I ask the minister to correct me if I have this wrong, but my understanding is that South Australia is the lead legislator. That means

that for any of these national energy market, national electricity or national gas laws, South Australia legislates and all the other states apparently have an automatic incorporation mechanism. So, they have their own laws, which say that whenever South Australia passes it, it becomes law. I see nodding, so I assume the minister is in agreement with that.

My question is: what capacity, if any, does South Australia have, as lead legislator, to put things on the agenda that might not otherwise be put on? In response to earlier questions, we talked about the COAG Energy Council and the fact that you have all these other jurisdictions on it. Is there any capacity for South Australia, as lead legislator, to either change any of these national bills or, in fact, to promote amendments to these bills that may be adopted by other states?

The Hon. K.J. MAHER: I think instructive is one of the answers to the Hon. Rob Lucas's question in terms of the method of operation for decision-making with the COAG Energy Council. We are the lead legislator, and the honourable member is right in that my nodding my head did indicate that when we change our legislation it takes effect in other states: basically, other states say, 'See SA'. But as an answer to an earlier question, for legislative change it requires unanimous agreement of the COAG Energy Council. So, although we are the lead legislator, nothing could be done without that unanimous agreement of energy ministers. We could not, of our own volition, change the law, then have it change everywhere else, without that agreement from the COAG Energy Council.

The Hon. M.C. PARNELL: I thank the minister for his answer. That pretty much confirms what I thought, but I will just take this opportunity to put on the record: I don't like it, to paraphrase a certain Senator. I do not like it, and the reason I do not like it is that in terms of the tiers of government and the balance of powers, effectively we have the executive, albeit the executive of different jurisdictions, making decisions that bind the legislatures of those various jurisdictions.

In my early days in this place, when I was young and foolish, I moved lots of amendments to national energy laws, electricity laws, gas laws, and the refrain from the government benches was always the same: 'You can't do that. You're not allowed to change this piece of legislation, because members of the executive from different states have got together in Canberra, and they've agreed differently, so therefore we can't change it.'

I want to make the point that, whilst I am all in favour of trying to achieve national uniformity in legislation, when it comes to energy I think even at risk of channelling the energy minister, Mr Tom Koutsantonis, in another place, he has talked about how the system has failed us and how South Australia needs to go it alone at different times, how we need to put special rules in to override the national system because we are so let down by it. It strikes me that it is inconsistent then to maintain that this parliament is effectively a rubber stamp for the executive, as evidenced by decisions of the COAG Energy Council. So, I will put that on the record. That is a spray.

The second spray I will put on the record is that, notwithstanding that the government and, I suspect, the opposition do not support tinkering with these national laws, an amendment that I think is absolutely necessary—but I think the Clerk or the President would have ruled me out of order had I tried to move it because the title of the bill relates to the governance of the AEMC—is that we really do need to look at the objects of the AEMC and we need to include climate change considerations. Unfortunately, the way it was constructed several years ago, they take into account market conditions, efficiency and security of supply, and they are all important, but it is not their job to take into account the climate emergency and our imperative to reduce our carbon emissions.

We need to insert those decision-making criteria back into all of these different national bodies, starting with the Australian Energy Market Commission. If they had it as part of their marching orders that they had to take the environment into account, I suspect they would have been quicker out of the blocks in approving some of the rule changes that specifically advantage renewable energy and battery storage. Having got that second spray off my chest, they are my only questions.

The Hon. R.I. LUCAS: Just one brief comment in relation to what the Hon. Mr Parnell has raised. It is certainly my view that nothing that occurs can restrict the power of the South Australian parliament to do what it so chooses. If the power of the argument from the Hon. Mr Parnell or others was sufficient to sway a majority in this house to amend a nationally agreed piece of legislation, that

is entirely proper. I cannot see that anyone could rule the Hon. Mr Parnell or anyone out of order in terms of moving an amendment.

He is right, however, to indicate that, generally, the government and the alternative government have adopted positions that these have been nationally agreed and therefore there is a very high threshold. I think there have been the occasional minor examples, but my understanding of the situation would be that if South Australia, as the lead legislator on this, stood on its digs, and in particular the Legislative Council said that we would not pass this bill until this amendment was made, the government would have to take it back to the COAG energy ministers council and seek agreement, and if they could get the agreement then that amendment would be part of the nationally agreed position.

If the COAG Energy Council did not agree, then that would be the end of the bill. The government just would not proceed with the legislation because, on that particular front, they do not have the agreement of the COAG Energy Council to proceed. Ultimately, my belief is that the Legislative Council in the South Australian parliament has the power to amend legislation as it comes before us.

It has consequences and he is quite right to say that on many occasions he has sought to move amendments and the government, Liberal or Labor, and the opposition, Liberal or Labor, have said, 'We don't agree with that because this has been nationally agreed and for us to be picking it apart would mean that the whole thing would fail. We think the public interest is best served by having the bill that has been nationally agreed, even though you have improved it in this particular area, or not.'

My personal strong view is that nothing prevents the Hon. Mr Parnell, on this occasion or any future occasion, moving an amendment. He ultimately would have to convince a majority in this chamber to support that and that would then result in a process the energy minister would have to take back to the COAG Energy Council to see whether or not the other jurisdictions would agree.

The Hon. M.C. PARNELL: By way of clarification, because possibly I did not make myself clear, I accept everything that the Hon. Rob Lucas has said. When I offered the opinion that I would be ruled out of order, I did not mean to suggest that I would be ruled out of order because I was trying to mess with a nationally agreed system. I thought that I would be ruled out of order because I would be trying to go beyond the title of the bill, which is to do with the governance of the AEMC, whereas the amendments I suggested I would like to move relate to the objects of the AEMC.

Whilst I know that there is a fair bit of latitude coming from the top table, I have not moved that amendment. I am just flagging that next time one of these Australian Energy Market Commission laws comes up that has a broader title that does not just involve governance, for example, I might reprise the Greens' position, which is that we think the objects are deserving of amendment as well.

Clause passed.

Remaining clauses (2 to 9) 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) (12:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:57 to 14:18.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2016-17—
Australian Health Practitioner Regulation Agency
Department for Correctional Services
Principal Community Visitor
South Australian Fire and Emergency Services Commission
Review of the Road Traffic (Emergency Services Speed Zones) Amendment Act 2013 dated August 2017

Question Time

KINGSTON SE BOAT RAMP

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Kingston boat ramp.

Leave granted.

The Hon. D.W. RIDGWAY: As members may recall, I think two weeks ago I asked the minister a question about the Kingston boat ramp and he described that the Kingston council had applied for an emergency dredging permit to dredge the channel from the boat ramp out to sea. Unfortunately, that permit expired and so the EPA is now, I think, going through a process to put in some permanent measures.

I have since spoken to the Kingston council and it appears that the council was required by the EPA to install a silt trap so that any silt stirred up by the dredging did not float back upstream and cause a fish kill. Of course, the silt net was not available—it had to made especially and was not delivered or made available until after the permit had expired.

I have since been made aware that the sea rescue boat for the South-East is housed—not moored but housed—in Kingston and, of course, it is not able to access the boat ramp. We have a serious issue there now where if the marine rescue boat is called upon, it has to be driven down to Cape Jaffa, where I think it can still get into the water. Of course, if the incident it is going to is north of Kingston, we are talking several hours' delay in getting that sea rescue vessel up to where it is needed.

My question to the minister is: given that it has come to light now that the sea rescue vessel is unable to use the Kingston facility, would that constitute a reasonable request for another emergency permit, given community safety and that as we are about to enter the busy boating season people's safety may be at risk because this vessel is not able to enter the water at Kingston, which could cause several hours' delay in getting to anybody in trouble north of Kingston?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I thank the honourable member for his additional question on this topic. I also have received further advice on the matter, so I will share that with the chamber now, and I thank him again for raising it. Further to the answer that I provided on 2 November to the question from the Hon. Mr Ridgway on this very topic, I am informed that council was aware in April of this year that a licence would be required for the dredging activities at Maria Creek. I repeat this: I am informed that council was aware in April of this year, 2017, that a licence would be required for the dredging activities.

I am also advised that in the week of 6 November 2017 the council supplied further information to the EPA as part of the licence application. I understand that this information included the dredging management plan. The EPA is currently seeking public feedback as required under the Environment Protection Act 1993, and I understand that the EPA is working to assess the application as quickly as possible.

KINGSTON SE BOAT RAMP

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): Supplementary: minister, I just ask you to address the question of the emergency dredging permit in relation to the marine

safety vessel. We now have a situation where that vessel cannot enter the water and be put to the use that it is meant to be put to in a quick and fast way to potentially save lives out at sea if anybody calls for it. Does that constitute another opportunity for an emergency permit to be granted so that we can make sure, as much as we possibly can, that people are safe at sea?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:23): I thank the honourable member for the follow-up question. As I have advised the chamber previously, and as I am sure all honourable members will understand, the EPA can only act in accordance with its governing act. This act, the Environment Protection Act 1993, provides circumstances under which exemptions can be provided. These relate to threats to life, property or the environment. The EPA has exercised its powers under these provisions, I am advised, and granted an emergency authorisation on 28 September. As previously advised, this was because of the potential imminent risk of flooding arising from forecast rainfall and the creek condition at the time.

I understand that a further exemption in late October could not be granted as the circumstances at that time did not meet the threshold required. Notwithstanding that, the council was asked to monitor the climatic conditions over the following weeks and to inform the EPA of any imminent threat to life, property or the environment. As far as I know, they have not done so. As I said, the EPA is working to grant the application to council in respect of the dredging.

In the meantime, if conditions change, then there is an ability within the act for the EPA to grant emergency authorisation for works; however, the conditions must satisfy the requirements under which these authorisations can be given. The EPA will be getting its advice on how the act operates in-house from those who may be trained in the nuances of the act and the provisions of it.

I am not in a position to make any statement about whether the boat ramp issue is, in fact, under the act, something that could be defined as an imminent emergency, but I can ask the agency to give me that advice. I would have thought if that was the case, they would have themselves notified council of it and would have acted accordingly. All the advice I have before me says the EPA are acting as quickly as they can in accordance with the act that lays out its responsibilities.

KINGSTON SE BOAT RAMP

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): Supplementary question: could the minister please ask the agency about the risk to life because of the sea rescue vessel not being able to use that facility? I know the previous risk to life was from inundation and flooding. We are now in the busy boating season, not in the middle of the winter raining season, so I expect that the real risk to life would be any delays in getting that vessel out to sea.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:26): That is a question of course that I will direct to them, but I suspect it will turn on a definition of 'imminent threat' or 'imminent emergency', rather than a hypothetical one. Again, this is something that I will be need to be guided on by a legal interpretation of the operation of the act and that's what I will be requesting the EPA to give me some advice on so that I can bring it back for the honourable member's benefit as soon as possible.

CHEMOTHERAPY TREATMENT ERROR

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before directing a question to the Minister for Health on the subject of chemotherapy dosing.

Leave granted.

The Hon. J.M.A. LENSINK: I refer to the minister's letter to Mr Andrew Knox dated 3 November 2017, in relation to the internal forensic investigation into the chemotherapy dosing bungle. In that letter, the minister stated that once the disciplinary proceedings have:

> …completely concluded, I propose to provide you and the other families involved with the relevant documents, subject to any legal considerations.

In a letter dated 8 August 2016, the Premier stated that:

It is the government's intention that the findings of the internal forensic investigation also be made public.

The Premier went on to say that:

SA Health intends to provide you and the other families impacted with a copy of this review as soon as possible after its completion.

My question to the minister is: why has the government extended the delay in the release of the internal forensic investigation from the date of completion of the report to some future date after all the disciplinary proceedings have concluded?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:28): I would like to thank the honourable member for her question. I acknowledge the member must have a copy of the correspondence that I have written privately to Mr Knox. That is not a problem within itself, but her having that correspondence and talking to it in the chamber, I presume, gives me the capacity to be able to talk to it without infringing upon any confidentiality that Mr Knox may have wanted during this process.

Let me state from the outset some basic principles around my perspective on the chemotherapy incidents that took place a couple of years ago—I don't recall having had a chance to be able to provide my thoughts on that—and then I will attempt to directly answer the Hon. Ms Lensink's question.

Clearly, the events that occurred a couple of years ago in respect to the chemotherapy dosing errors, principally at the Royal Adelaide Hospital and also the Flinders Medical Centre, are nothing short of a failure on the part of SA Health. There have clearly been failings within the internal systems that led to this incident occurring and I think it is important to acknowledge that. It was acknowledged by my predecessor, and it is an acknowledgement that I maintain. We are not going to attempt to sugar-coat what clearly has been a failure.

Since that has been acknowledged, I think that puts the government in a strong place to be able to make sure we commit ourselves to preventing such an incident ever happening again. That is why the government welcomes the select committee's report that the Hon. Mr McLachlan tabled yesterday; we welcome that contribution. We see that contribution as occurring in addition but also in complement to a number of other inquiries that have occurred into this situation, this error, most of which have been independent.

Of course, we await the outcomes of the current coronial inquest that is being undertaken almost literally as we speak. There are a number of reviews underway or concluded, and the government thus far has accepted almost all of the recommendations that have been presented to it and indeed implemented many of them.

In respect of the more precise question that the Hon. Ms Lensink has asked, I am very keen as Minister for Health to ensure that the Premier's commitment that he outlined to Mr Knox in his correspondence, which the Hon. Ms Lensink referred to, is honoured in full in both technicality and spirit. The investigations that have been undertaken—what we referred to as an internal forensic investigation that's been led by the Crown Solicitor's Office—haven't been concluded by virtue of the fact that it hasn't seen its full implementation being realised.

I have to be very careful, not in the interest of the government but in the interests of all concerned in this matter, including the victims of the chemo dosing errors, to ensure that we don't prejudice any potential disciplinary proceedings that may or may not be underway. That means that we have to complete the process in its entirety before said documents can be handed over.

That is undoubtedly a potential source of frustration for those people who would like to expeditiously be able to see the conclusion of the said investigations, and that is understandable. Indeed, I find it frustrating—I think we all do—but due process takes time. It is important that we uphold due process in such a way as we get the right outcome. Once that has been completed, then the documents will be handed over.

While I instinctively want to go into more detail, I am being very cautious and deliberate in the words that I am choosing so as not to undermine that process. We have to be very careful that we don't prejudice an outcome which would be to the detriment of all concerned. That is exactly the

advice that I am acting upon. I am hoping that sooner rather than later that process will be complete and we can make available the relevant information as is appropriate.

CHEMOTHERAPY TREATMENT ERROR

The Hon. S.G. WADE (14:33): A supplementary question, if I may: can the minister therefore confirm that the report of the internal forensic investigation will be made public?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:33): The findings of the investigation, I anticipate, will be made public subject to obeying and acknowledging formal legal considerations. What I am focused on in respect to sharing information is making sure that the government honours the commitment that was made by the Premier to Mr Knox and indeed other chemo dosing victims.

CHEMOTHERAPY TREATMENT ERROR

The Hon. S.G. WADE (14:34): A supplementary question, if I may: I am beginning to notice the distinction the minister is making between the findings of the review, which indeed the Premier undertook to make public, and the review itself, which the Premier committed to make available to the family. I therefore ask: can the minister assure the house that the victims will not be subject to any gag order in relation to the report of the forensic investigation report?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:34): I am not aware of any gag order ever being applied by the government in such circumstances, certainly not up to this point. Mr Knox and other chemo dosing error victims have been on the public record regarding their circumstances for some time, and I have to say that I welcome that. Their advocacy and their pain should be public because it helps inform the government's response to this, amongst other things, and helps to make a contribution to preventing any of these things ever happening again.

CHEMOTHERAPY TREATMENT ERROR

The Hon. S.G. WADE (14:35): Supplementary question: I appreciate the minister's surprise, but in the context of the fact that Mr Chris McRae, the second victim of this chemotherapy dosing scandal, who has since died, was subject to a gag order by this government in relation to a compensation order, I seek an explicit commitment that the victims and their families will not be subject to a gag order in relation to the forensic investigation report.

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:35): I have received no advice and bear witness to no suggestion that there will be gag orders about information that is made publicly available.

CHEMOTHERAPY TREATMENT ERROR

The Hon. S.G. WADE (14:36): The minister doesn't seem to appreciate my question. I wasn't—

The Hon. P. Malinauskas: Hang on, how is this a supplementary question?

The Hon. S.G. WADE: No, it's a supplementary question.

The PRESIDENT: The minister has actually answered on two occasions now.

The Hon. S.G. WADE: With all due respect, Mr Chair—

Members interjecting:

The Hon. S.G. WADE: Sorry, can you hear me because I am having trouble hearing myself?

The PRESIDENT: Will the honourable Leader of the Government leave this to me? This is another question about putting gag orders on. The honourable minister has answered that.

The Hon. S.G. WADE: I think the minister misunderstood my question because he answered in relation to the findings. I didn't ask a question in relation to the findings—

The Hon. I.K. HUNTER: Point of order: the honourable member is engaging in debate, when he should be taking a point of order or asking for a supplementary.

Members interjecting:

The PRESIDENT: Will the minister please take his seat. If it is anything to do with gag orders, I won't allow it, but if it's something else I am quite happy for you to ask any supplementary.

The Hon. S.G. WADE: With due respect to you, Chair, I believe the minister has misunderstood my question because he is answering in relation to findings. I am not asking a question about findings.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I am asking a question about the report.

The PRESIDENT: I don't think it's up to me or you to try to think or realise that the minister didn't understand. He looked like he understood your question quite clearly. Were they your supplementaries or—

The Hon. S.G. WADE: They are my supplementaries, yes.

The PRESIDENT: The Hon. Mr Wade.

CHEMOTHERAPY TREATMENT ERROR

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking a question of the Minister for Health in relation to chemotherapy dosing.

Leave granted.

The Hon. S.G. WADE: The Coroners Court is currently considering deaths relating to the chemotherapy dosing bungle. The minister is personally represented by counsel, Mr Golding, and a series of separate counsels representing SA Health staff involved. My questions are:

1. Has the minister been briefed on SA Health's case to the Coroners Court proceedings?

2. Why did the minister's counsel support efforts by counsel for a staff member of SA Health to stop admission of evidence in relation to the case of Mr Andrew Knox?

3. What confidence can the community have that there has been any change in culture in SA Health, when the government supports efforts to keep the focus narrow, rather than take every effort to learn every lesson?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:38): I thank the honourable member for his question. I simply repeat my earlier remarks regarding chemotherapy underdosing. My first focus in this particular area, as minister having taken on this portfolio and set of responsibilities, along with my office, is to ensure that we go about the business of implementing the recommendations from the various independent inquiries that have looked into this issue. That has to be our focus. The coronial inquiry will run its course, and it should do so in accordance with the respective rules and due process that the Coroners Court will undoubtedly comply with.

My focus, as Minister for Health, is to get on with the business of implementing the recommendations that we have at hand in order to ensure that we can reinstate quality clinical governance regimes as best as we possibly can, so that we can prevent such incidents occurring in the future. That has to be the firm focus of people in positions of responsibility.

I have no doubt that the honourable member would seek to reagitate this issue repeatedly. I trust he does so not with political objectives in mind but, rather, with a sincere public policy objective. We are utterly transparent around what has occurred up to this time. That is why I was very keen to put on the record my remarks about my perspective as the new Minister for Health on the chemotherapy underdosing error. We have to acknowledge the failings that have occurred up to this point because only then can we be serious about getting on with the business of ensuring that we honour the recommendations of the various independent inquiries, with the view of preventing such an incident occurring in the future.

CHEMOTHERAPY TREATMENT ERROR

The Hon. S.G. WADE (14:40): Supplementary: will the minister ensure that his counsel stops acting to support moves to exclude the Knox case from the Coroner's consideration?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:40): I am not going to be making a running commentary on the coronial inquest, for obvious reasons. It is an independent matter before an independent court. I will uphold the principles of not providing a running commentary on that. What I do look forward to is the coronial inquiry being completed in due course and, if and as appropriate, it informing government policy going forward.

Parliamentary Procedure

VISITORS

The PRESIDENT: I welcome the second wave of students and teachers from Renmark High—welcome here.

Question Time

INDUSTRIAL HEMP

The Hon. J.E. HANSON (14:41): My question is to the Minister for Manufacturing and Innovation. Can the minister update the chamber on how new legislation paves the way for the development of industrial hemp 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) (14:41): I thank the honourable member for his question. On Sunday just passed, 12 November, the Industrial Hemp Act and the associated regulatory framework came into full effect. This means that the cultivation of industrial hemp and the processing and manufacturing of industrial hemp products in South Australia can now take place, and it also allows for hemp seeds to be used as a food and a food ingredient in South Australia.

I particularly recognise the Hon. Tammy Franks and all the work she has done in the development of the Industrial Hemp Act. She has long been a champion of this industry. Indeed, it was the Hon. Tammy Franks who originally introduced the bill into this place and who has worked very hard in the spirit of cooperation to help develop the regulatory regime that would work in South Australia.

I also know that the Hon. Kelly Vincent has been a great supporter in this area of industrial hemp and food, and I am sure, now that hemp products—hemp seeds and hemp oil—can be used in food products, that they will make a great addition to her very famous blueberry muffins. I am sure that, if any honourable members would like to avail themselves of her famous blueberry muffins, she will be more than willing to do a weekend of baking at some stage.

Under the regulatory framework, potential growers, processors and suppliers of hemp for industrial purposes will be required to meet certain conditions, such as being a fit and proper person and engaging their activities under licences that are issued. I know that the section in the regulatory regime borrowed heavily from other acts and regimes, particularly the act that allowed the growing of poppies. I recognise the work of the Hon. David Ridgway on that bill and on the industrial hemp regime. I know that both the Hon. Tammy Franks and the Hon. David Ridgway participated in the hemp round table that occurred earlier this year looking at possible industrial uses, and I thank them for their participation in that and their work in promoting and coming to where we are today.

There are potential economic opportunities in South Australia. It is anticipated that pretty quickly there could be a farmgate value of around $3 million a year for industrial hemp, but that will depend on how primary producers and manufacturers and processors choose to take up any opportunities that are presented. Industrial hemp is produced from plants with very low THC content—less than 1 per cent in the leaves, flowers and stems. Importantly, its consumption provides none of the psychotropic effects that higher THC-content plants would have. It has been successfully grown in other jurisdictions and around the world, mostly for fibre and seed production, and is used

in a whole array of areas such as textiles, papers, ropes, fuel, oil, stockfeed, beauty products and, of course, food products.

I would also like to thank a number of people who have been heavily involved in getting to where we are today. Teresa McDowell from Hemp Hemp Hooray and Graeme Parsons from the Industrial Hemp Association of South Australia have been strong advocates for many years and I thank them for their work and their continued advocacy. Hemp Hemp Hooray is running a hemp food fair on 18 November in Mount Barker, and I am sure anyone who is in that area of the Adelaide Hills will get along to that.

There had been questions previously from the Hon. David Ridgway about trials that have been held in the past, about 20 years ago, in various areas of South Australia, and I have reported that there are further trials being conducted by SARDI in the Riverland and in the South-East. I understand there are trial sites that started last month in and around Loxton and Kybybolite, with the first sowings undertaken between 20 October and 23 October, last month. These trials aim to determine the crop's optimum sowing and growing period and the suitability of using different areas and different types of plants for optimum growth.

The government has also established an office of hemp that looks at potential uses and the industrial and economic benefits that might arise from this industry. Prior to the regulatory regime coming into force on Sunday there had been a number of inquiries from primary producers about looking to possibly include industrial hemp as part of the rotation of crops they grow, and I am sure we will see this emerging industry provide another possibility for primary producers.

HAMPSTEAD REHABILITATION CENTRE

The Hon. K.L. VINCENT (14:46): I seek leave to make a brief explanation before asking the Minister for Health questions about staffing at the Hampstead Rehabilitation Centre.

Leave granted.

The Hon. K.L. VINCENT: An article in InDaily last week outlined issues with recruitment and retention of suitably qualified rehabilitation specialists at the Hampstead Rehabilitation Centre. Recently I have become aware that patients of Hampstead have been telephoned and advised that appointments they had scheduled for December this year and January of next year have been cancelled. My questions are:

1. How many patients have been advised that their clinic appointments have been cancelled, and can more expect to be notified?

2. Have patients been advised of when these are likely to be rescheduled and which doctor they will be seen by?

3. Were any queries raised about the suitability of specialist rehabilitation candidates during the recruitment process?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:47): I thank the honourable member for her question. Clinicians at the Hampstead Rehabilitation Centre did take action on 31 October this year. That was as a result of the return of Dr El Shafei to work at the rehabilitation centre. It is an industrial matter that, of course, has received a bit of media attention, including the media attention the honourable member has referred to.

It is a complex industrial matter and I am advised it is currently before the South Australian Employment Tribunal. SA Health is working hard to support all staff while this issue is being resolved. Because the matter continues to be before the tribunal, I do not want to provide any further comment for reasons that are, I am sure, obvious.

By way of background, on 31 October this year doctors located at Hampstead held a stop work meeting in response to a ruling that was made by the South Australian Employment Tribunal itself. What SAET had determined was that the doctor mentioned earlier would return to work on 31 October.

The respective doctors to which I refer, that had a stop-work meeting, were supported in their action by SASMOA, and all doctors from the Central Adelaide Rehabilitation Service engaged in that stop-work meeting at 9am on 31 October. It resulted in no admissions to rehabilitation programs, for both inpatient and ambulatory services, being accepted into CALHN. This excluded rehabilitation-in-the-home services. Any existing rehab patients at the rehabilitation centre who were considered as medically unstable were transferred to an acute hospital, either an emergency department or a ward. There was some detriment to outpatient clinics.

The action ceased at 11am on Friday 3 November following an order from the SAET tribunal. I do not intend to go into substantial detail on the proceedings. Needless to say, SA Health would like to see this issue get resolved as quickly as we can so as to prevent any industrial action having implications on services and indeed patients.

I am more than happy to take on notice the specific elements of the honourable member's question. It is an unfortunate industrial issue that is complex and is between staff as distinct from being really with SA Health, I am advised, so it makes it a difficult issue for SA Health to handle. But in terms of what the more specific applications are that the Hon. Ms Vincent has asked about, we are more than happy to take that part of the question on notice.

HAMPSTEAD REHABILITATION CENTRE

The Hon. K.L. VINCENT (14:51): Is the minister able to comment on the other topic in my question, which was regarding patients of Hampstead being advised that their appointments for December and January have been cancelled? How many have been notified? Are any more likely to be notified, and when will those appointments be rescheduled to?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:51): Again, for the sake of accuracy I think it might be prudent that I take that question on notice. If I can find out more information informally, I am happy to provide it to the honourable member as quickly as we can.

CHEMOTHERAPY TREATMENT ERROR

The Hon. J.S. LEE (14:51): I seek leave to make a brief explanation before asking the Minister for Health questions in relation to chemotherapy dosing.

Leave granted.

The Hon. J.S. LEE: I refer to the minister's letter to Andrew Knox, dated 3 November, in relation to the internal forensic investigation into the chemotherapy dosing bungle. In that letter the minister stated that the internal forensic investigation has 'informed SA Health's ongoing disciplinary proceedings being taken in relation to its own staff members'. My questions to the minister are:

1. How many staff members have been subject to disciplinary proceedings?

2. How many of the disciplinary proceedings are under public sector regulation and how many are under health professional regulation through the Australian Health Practitioners Regulatory Authority?

3. How many of those have been resolved?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:53): Again this question goes to the issue that I attempted to explain for the Hon. Ms Lensink. The government and I have received very clear advice around constraints upon information that I can share publicly, due to not wanting to prejudice the outcome of those investigations.

To put it in a hypothetical context, if there were investigations taking place, and unnecessary or undue comment was made publicly, that could be construed as being an undermining of due process that needs to be followed in any disciplinary hearing, and then that would be highly problematic, because I think that what everybody wants is an outcome here. If someone has done something wrong, and it is unequivocal, and it is deliberate and conscious, then there needs to be an appropriate remedy or punishment associated with those areas. But they are for other bodies to make, not me personally. That will ultimately be up to an appropriate tribunal.

So the government is not in a position to go into substantial detail, because we are at pains to focus on making sure we do not do anything to undermine the outcome. I'm happy to say that it's more than one person, but beyond that, again, the government has to act on and I have to act on the advice I have received in regard to due process.

CHEMOTHERAPY TREATMENT ERROR

The Hon. S.G. WADE (14:54): Supplementary: considering that the question was completely about how many, the numerics, and the government was able to give us running details on the number of people who are being investigated in relation to Oakden, how would it be possible to prejudice the proceedings by indicating the number of people who are subject to them?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:55): If it helps honourable members, I'm more than happy to take the question on notice.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to acknowledge former minister Mr David Wotton. It is good to see you here. I don't think you have had a hair out of place for 30 years.

Question Time

CHEMOTHERAPY TREATMENT ERROR

The Hon. J.S. LEE (14:55): Supplementary: given the minister's answers and given that it is more than two years since the bungle was exposed publicly and there has been enough time to do four major reports in relation to it, why do the disciplinary proceedings remain unresolved?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:55): If there are disciplinary proceedings occurring, the Hon. Ms Lee has asked a question that I have been asking myself. I think generally speaking when it comes to disciplinary proceedings that occur within government, sometimes they take too long and I think it would be in the interests of all concerned if we could have a more expeditious outcome of these matters sometimes.

That said, I'm certainly not going to be a minister who seeks to use my position of authority in such a way that prioritises expeditiousness over and above due process and results because the last thing I want to see happen here is me exercising a ministerial influence in a way that prejudices an outcome and then denies any relevant victims the outcome they are looking for—people being held to account. While I sympathise with the tone of the question from the honourable member, it doesn't change the fact that we are making and I am making very deliberate decisions around this matter to make sure we get the right outcome.

RESOURCE RECOVERY

The Hon. G.E. GAGO (14:57): My question is to the Minister for Sustainability, Environment and Conservation. How does South Australia compare nationally when it comes to resource recovery?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57): I thank the honourable member for her most important question. This week is National Recycling Week and here in South Australia there is an awful lot for us to be celebrating. We are recognised both nationally and of course internationally as leaders in the resource recovery industry. For many South Australians, recycling is a normal part of everyday life. We separate out our recycling our plastics, our cardboard and our glass. We compost and use organic waste bins on the sink and much, much more around the house.

This has not come about overnight. It has developed over a number of years, and it hasn't come about without quite a bit of work being put in by government agencies, local government agencies, community organisations and of course industry. Years of legislative reform have brought

about this shared sentiment that recycling is a necessary and easy part of our lives, and the easy part is quite crucial to making sure that we get higher rates.

Particularly, South Australians can be proud of our container deposit scheme. Today on the steps of this building, I met with members of the resource recovery industry to celebrate this year being the 40th anniversary of the container deposit scheme legislation and the CDS has been part and parcel of our lives in South Australia for many years. It is ingrained as part of our state's identity, so much so that the scheme's legislation is the only piece of South Australian legislation, at least that I'm aware of, to be listed as a state heritage icon.

Four decades on from South Australia introducing the scheme, we are seeing other states and territories follow suit. The first cab off the rank in January 2012 was our neighbour to the north. After a bit of a bumpy start, the Northern Territory scheme commenced.

Five years on from that, now New South Wales will be the next state to offer a 10¢ refund on containers. Their scheme, I am advised, will start in December of this year. I am also advised that the ACT will follow suit in early 2018. The Queensland scheme will commence in July 2018, and Western Australia has announced that their container deposit scheme will commence in January 2019.

And why wouldn't they, Mr President? Since implementing the scheme, our state of South Australia has seen many benefits to our economy and our communities, and particularly to our environment, and also to our reputation as a clean and green state, which has flowed through to many other areas of the economy.

There are many factors that led to South Australia making the move to adopt such a forward-thinking piece of legislation. Of course, South Australia has a long history of recycling beverage containers dating back as far as the late 1800s, although at that time those beverages were mainly alcoholic. Local beer and soft drink manufacturers practised their own form of voluntary recycling and return in order to recover and refill their refillable bottles. I remember collecting some of those old lemonade bottles from the back of the shed occasionally (the ones with the marble stopper in them) and taking them back to the shops, and exchanging about 30 or 40 of them for a bag of 5¢ mixed lollies.

The system served the South Australia community well until the introduction of single-trip, non-refillable beverage containers in the late 1970s, which changed everything. This led to increases in containers and litter and posing potential threats to the environment, particularly of our waterways. The then Labor government of Don Dunstan responded to the increase in litter from these single-use containers on 1 January 1977, and the container deposit scheme commenced.

Ever since, the scheme has helped South Australia lead in recycling and has been incredibly popular with almost universal support across the state. Over the last 40 years, the scheme has yielded many benefits to South Australia beyond its direct impact on our environment and resource recovery sector. It is clear that the rest of Australia sees the value of what we are doing, and there are many outcomes that South Australians can be proud of.

For every 10,000 tonnes of waste diverted away from landfill we create about 9.2 full-time jobs, compared to just 2.8 if that same amount of waste ended up in landfill. The waste and resource recovery sector is one that employs nearly 5,000 South Australians. It is worth about $1 billion a year to the state and returns about half a billion dollars to the state's economy through GSP.

Community groups have come up with clever ideas to utilise the scheme to generate income to support their activities. For example, the South Australian Scouts run a recycling centre that includes refund depots as well as collection services for event organisations and also hotels. This scheme is a major source of income for this not-for-profit organisation, underpinning the services they provide to young South Australians. Scouts have told me that their low rate of scout membership fees in South Australia is directly because of the container recycling that they do as an organisation, allowing them to run their business, essentially, in a way that is going to be much cheaper for families than in comparable states to our east.

South Australia is now diverting 3.91 million tonnes of waste, or 81.5 per cent of all waste, away from landfill—and that is a fantastic outcome. This government has built on the successful

legislation implemented by previous Labor governments and has taken decisive action to improve and protect our environment whilst simultaneously growing our economy. A lot of the credit for that goes to the person who asked me this question today, the Hon. Gail Gago. It was through her leadership, whilst a minister, that we continued to improve our recycling rates since taking office and banned lightweight plastic bags—another fantastic reform that is now being copied around Australia, led right here in South Australia by the Hon. Gail Gago. I congratulate her on that leadership.

Just last month, Victoria announced that they are going to introduce a ban on single-use plastic bags as well, after they have had a consultation period. Now I am advised that New South Wales is the only state or territory to not have announced or introduced a ban on lightweight plastic bags. They cannot hold out too much longer, I would have thought.

It is through this sort of work that our state is regarded as a leader in the waste and resource recovery industry. It would be tempting, I suppose, for some to rest there and say, 'That's fantastic; there's not much more we can do,' but that would be an admission, I think, of failure. We need to continue to improve and we need to continue to encourage the community to recycle more. We need to educate the community, particularly our young people, who are some of our best educators because what they learn they take home to their families and encourage them to put those processes in place.

In recent years, we have announced a number of bold new initiatives, including our ambition to make Adelaide the world's first carbon neutral city. This and many other initiatives put South Australia ahead of the curve and make us a leader in Australia in resource recovery and the ever expanding global low carbon economy, where we expect our leadership will provide our state and our economy with great advantages in the future. We at the front, leading not just the nation but many of the countries in our region, can actually take advantage of being early adopters, encouraging industry to set up in our state, encouraging research to set up in our state around some of the pressing issues that other states and countries will need to resolve in coming years.

Congratulations to all those involved in industry and community groups. I think I was advised that about $60 million a year is returned to community organisations in our state through our container deposit legislation and the way it acts and the way they are being collected by those community organisations. It is a fantastic foundation for those community organisations, and it is a resounding success for an initiative led by a Labor government. This Labor government will get on and deliver similar initiatives into the future, particularly around emissions reduction and particularly around our ambition to make Adelaide the world's first carbon neutral city.

LAND TAX

The Hon. J.A. DARLEY (15:06): I seek leave to make a brief explanation before asking the Minister for Employment representing the Treasurer a question about the expected 2017-18 land tax revenue.

Leave granted.

The Hon. J.A. DARLEY: I understand the Valuer-General is currently undertaking a revaluation of the state's properties. I have been advised that this is necessary because over time property values have become skewed relative to market value, with some areas of South Australia being at market value and others being well below. I understand the revaluation is likely to result in increases of up to 100 per cent in site values for various geographical locations and for certain classes of properties.

I have been contacted by constituents who have recently experienced a 15 per cent increase in site value of residential properties, which in turn has resulted in a 30 per cent increase in land tax this year. My question to the Treasurer is: in the circumstances where there is a dramatic increase in the overall site value across the state, will consideration be given to lowering the land tax scale of rates to avoid a massive increase in land tax revenue?

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) (15:07): I thank the honourable

member for his question directed to the Treasurer. I will refer that to the Treasurer and bring back a reply for the honourable member.

RIVERINE RECOVERY PROJECT

The Hon. T.J. STEPHENS (15:07): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the Riverine Recovery Project.

Leave granted.

The Hon. T.J. STEPHENS: Minister, you travelled to the Riverland in August 2016 to announce the second $34 million phase of funding as part of the $98 million Riverine Recovery Project. This project is centred on improving the ecological health of 11 wetlands between South Australia and the Victorian border. It seeks to restore a number of functions through environmental recovery while at the same time delivering water savings through wetland management regimes.

In particular, there were projects announced based on the Woolenook Bend wetland, which includes areas of the Squiggly Creek system and Jermacans Causeway. Construction work was planned to have commenced, with a scheduled completion of October 2018. I have been further advised that no on-the-ground work for those two projects has started. Furthermore, the community has raised concerns that it has now been 16 months and works are yet to begin. My questions are:

1. How many of the Riverine Recovery Projects have started on-the-ground works?

2. Why haven't on-the-ground works begun for the Woolenook Bend wetland at Squiggly Creek and Jermacans Causeway?

3. When will the works at Squiggly Creek and Jermacans Causeway begin?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:08): I thank the honourable member for his most important question. The Riverine Recovery Project is a $98.9 million joint commonwealth and state government funded project, as I am advised, due for completion in mid 2019. The project aims to recover up to 15 gigalitres of environmental water, maintain or improve water-dependent ecosystem health, optimise conditions for ecological community recovery, increase community knowledge and improve the scientific knowledge and understanding of floodplains, wetlands and environmental river management.

The phase 2 wetlands project is a $33.3 million component of the Riverine Recovery Project and primarily involves the construction of capital infrastructure at selected wetlands sites to improve fringing wetland habitat and contribute to the overall project water savings target. The Department of Environment, Water and Natural Resources has partnered with SA Water as the constructing authority for the construction works.

I am advised that the phase 2 wetlands project includes works at 11 priority wetlands, covering 458 hectares of wetlands and 50 kilometres of anabranches, and 7,362 hectares of associated flood plain will benefit from these works, spanning about 440 kilometres of the River Murray. Further sites are being considered, I am advised, following confirmation of construction cost estimates received as part of the tender process. A formal approval of phase 2 wetlands occurred on 21 June 2016—and that's probably the date and the event the honourable member is referring to in asking the question of me—and the project has now entered the implementation phase.

The construction contract has not yet been awarded, however. On-ground works are expected to commence in November 2017. Upon the contract award, a construction schedule will be issued which will advise the construction commencement date. It is expected that the phase 2 wetlands project will foster the recovery of 16 endangered wetland plants across four river reaches and double the number of managed wetlands where native fish are dominant.

The phase 2 wetlands project is also expected to contribute to the full suite of local frogs—that's nice to know—and key water bird species being found at the wetlands. Other outcomes will include partnered management arrangements with traditional owners for the management of the Sugar Shack wetland complex, returning this complex of permanent and intermittent wetlands and creeks to the way they were for the ancestors of today's traditional owners of that area.

Community engagement will also continue towards increasing awareness and knowledge, strengthening relationships with traditional owners and building long-term river stewardship for communities along the River Murray. The Riverine Recovery Project community partnerships participatory budgeting project is enabling ongoing engagement with the community, ensuring a lasting legacy of knowledge and understanding long after the infrastructure sites are completed.

The project is being run via YourSAy and 19 compliant applications were received, I am advised. The applications have come from individuals, community and environmental groups, with the support of local government and other authorities. The projects represent a range of ideas from events, a movie, on-site works and interpretive signage. Following the public selection process, the department has offered 12 applicants further funding to deliver the projects, which will be completed later on.

That is a brief update on the project. The large amount of the spend on environmental works and engineering works; the smaller spend on the community consultation and projects as well. All of them are going through a very lengthy phase of work up, particularly, as you would expect, the $34.3 million component of the Riverine Recovery wetlands project, which requires construction of capital infrastructure that requires certainly going through a process of testing the environmental outcomes from the proposed project and then going to tender and then scheduling the appropriate works on ground. That is why there never was any answer to be expected from June 2016 of early works happening. It was a long-term plan and it went through its various stages and, as I say, we are about to go to the award stage shortly.

RIVERINE RECOVERY PROJECT

The Hon. T.J. STEPHENS (15:13): Minister, do you have any idea of when the first sod of soils will be turned on those two projects and when we could expect some completion—approximately, even?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:13): No, I don't, but, as I said, we expect the construction contract, which hasn't been awarded for on-ground works, will be awarded very shortly. We are expecting those works to commence in November (this month), so it can't be very far away. What I will do is go back and task my agency to find out, in particular in those two projects the honourable member raised, where we are up to with the award of contracts and where the first turning might well be, but I might tell the honourable member a week after I do it.

COUNTRY HEALTH

The Hon. R.L. BROKENSHIRE (15:14): I seek leave to make a brief explanation before asking the Minister for Health some questions about Country Health SA.

Leave granted.

The Hon. R.L. BROKENSHIRE: I am very happy to place on the public record that I have little to no faith in Country Health SA and the appalling job they have done in representing rural and regional South Australians when it comes to providing adequate services, adequate budgets for infrastructure and the general decline of country health in much of South Australia. I appreciate the minister will paint the gloss about the new hospital at Berri and upgrades at Mount Gambier and Port Lincoln, but—

The PRESIDENT: Can the honourable member not pre-empt the minister's answer and just get straight to the question.

The Hon. R.L. BROKENSHIRE: I know what he is going to say, sir. Out there, when we get away from fantasy land and we get into the real land, the fact is that the health department is failing country South Australians. I will just highlight to the minister that you only have to pick up the latest edition of the *Yorke Peninsula Country Times* to see that there is much damage being done in Country Health SA. In particular, I highlight—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Brokenshire is on his feet asking a question.

The Hon. R.L. BROKENSHIRE: In particular, I highlight the decision of this government to deliberately downgrade the Yorketown Hospital. When I was there at a public meeting with the Hon. Stephen Wade and others, the answer from Country Health SA was that they could actually shift these services to Wallaroo. We now have a headline in the *Yorke Peninsula Country Times* called 'Pulling the plug' and comments from the medical fraternity, those people trying to be service providers to that hospital, saying that the hospital is in crisis and that there are significant staffing concerns.

We have seen some of the medical practices at Moonta and Wallaroo say that they will no longer contract to the government for providing medical services at Wallaroo. We are therefore now seeing enormous pressure on the medical services of Kadina. My questions to the minister therefore are:

1. Does the minister acknowledge that Country Health SA is not fulfilling its obligations to rural and regional people?

2. Does the minister agree that the doctors—who by the way can't get to see their patients a lot of the time because they are being called away to backfill positions, notwithstanding some locum services—are telling the truth and that there are problems in providing services?

3. What does the minister intend to do to fix the dreadful situation facing the Wallaroo Hospital and many other country hospitals in South Australia?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:17): Let me thank the honourable member for his dissertation. Whether or not there is much fact in the honourable member's question is, however, a separate point.

The Hon. R.L. Brokenshire: Mr President, here are all the facts. Here they are, sir.

The PRESIDENT: The Hon. Mr Brokenshire, allow the minister to answer.

The Hon. R.L. Brokenshire: There they are, sir, and for you, minister.

The Hon. P. MALINAUSKAS: Mr President, I have just received from the honourable member the *Yorke Peninsula Country Times*—a good publication. Country papers throughout our state do an outstanding job in advocating local issues and do a good job of raising concerns that are specific to country people. Let me acknowledge their important work.

I am very confident, once I get a chance to sit down and read this article, which I most certainly will do, I am sure that somewhere in the paper there will be a disclosure of the familial link that this paper has with a candidate running for parliament at the next state election, if indeed that is the case.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: Let me respond to the honourable member's question by pointing out that this government is indeed very committed to country health throughout the state. We acknowledge that it is very important, as the state government goes about its business of delivering high-quality public health care, that we also do it as best we can in regional environments.

That, of course, is challenging. It is challenging to be able to deliver high-quality services in a state such as South Australia where the population is highly dispersed and the population within our regional areas is relatively low when you take into account the extraordinary geographical distances which we have to deliver those services within.

Nevertheless, we do our best, and that includes in and around Yorke Peninsula. I am more than happy to take on notice the specific nature of the questions that the honourable member has asked, but make no mistake that this government is serious about making sure people in regional areas get access to high-quality public health care.

COUNTRY HEALTH

The Hon. S.G. WADE (15:20): Supplementary: in the light of the minister's assertion that the government has committed to Country Health, how does he explain the fact that in the most recent budget the government could find $900 million for capital works in metropolitan hospitals but not one dollar for a country hospital?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:20): Infrastructure upgrades happen in stages, and we have been upgrading the infrastructure in the regions throughout the life of this government. We remain utterly committed to it. Now, of course, it's time to commit to our suburban hospitals. We have built a brand-new quaternary hospital that doesn't just service metropolitan Adelaide, but also services the whole state. As I have gone around the new Royal Adelaide Hospital—which, of course, those opposite would never have had built—I can't tell you how often, when I have been speaking to patients, that I meet patients who come from regional areas and are very grateful for the fact that they are now in brand-new accommodation in the form of a quaternary hospital.

We have invested in the regions; we have invested in a brand-new quaternary hospital within the CBD; and now we are in the business of upgrading our suburban hospitals. We deal with these things in stages, and we want to make sure no-one is left behind. The Liberal Party would be leaving everybody behind. The Liberal Party would have people stuck in age-old, archaic, run down, not fit for purpose facilities. We know that. We know what their position is in respect to public health care: sell it where you can. That's the policy and ideology that underpins Liberal Party policy. We saw it with the Modbury Hospital—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —and I am sure that every one of those members opposite, including the shadow health spokesperson, would never have been party to, or ever have contemplated, doing such a safe thing with The QEH. I am sure of it. I am sure they wouldn't have made that mistake. It would be astonishing if they did. Wouldn't it be astonishing if there is ever any suggestion that the shadow health spokesperson might have been linked to contemplation around the sale of The QEH? If that had come out, it would have been extraordinary, but we know in respect of Modbury that their record stands clear. They sold the Modbury Hospital and they believe in privatisation when it comes to public health care, but we don't.

The Hon. R.L. BROKENSHIRE: Point of order on factuality: no government has sold the Modbury Hospital.

Members interjecting:

The PRESIDENT: Order! Time has expired.

Matters of Interest

MATES IN CONSTRUCTION

The Hon. T.T. NGO (15:23): Attending this year's MATES in Construction SA charity lunch has given me cause to reflect on why we need to be so passionate about suicide prevention and support for those bereaved. I would like to start with some confronting truths:

- almost one in two Australian adults will experience mental illness in their life;
- one in five Australian workers have taken time off in the past year because they felt mentally unwell;
- it is estimated that 19,000 working weeks are lost every year in South Australia due to mental health related compensation claims; and
- construction workers are six times more likely to die from suicide than a workplace accident.

Put simply, mental health and suicide prevention is everyone's business. The MATES in Construction program is based on the idea that everyone in the building and construction industry has a part to play in improving the mental health and wellbeing of workers and to reduce suicide. Since MATES in Construction was established in 2008, every person involved has worked tirelessly towards furthering suicide prevention in the construction industry.

My understanding is that there are over 120,000 people currently trained in the program, with over 6,000 cases managed thus far. I congratulate MATES in Construction on the outstanding work they do. It is fitting that the word 'mates' is in the name of the program, as it is about mates looking after mates. Having someone reach out during difficult times can make a world of difference. Helen Keller recognised the value of this, saying, 'I would rather walk with a friend in the dark than walk alone in the light.'

Suicide prevention continues to be a high priority area for all—for all areas of government, the non-government sector, private enterprise and the general public. The South Australian Suicide Prevention Plan 2017-21 was recently released and has three important priority areas:

- making people a priority;
- empowering communities; and
- translating evidence into practice.

The state government recognises that suicide is complex and the solutions are not found in one government department. It requires a whole-of-community and whole-of-government response.

SA Health supports the Office of the Chief Psychiatrist to facilitate an implementation of this plan across communities, local councils, government services and partner agencies. Evidence shows that personal attitudes towards suicide behaviours can either help or hinder someone's likeliness to get help or give help. We must work together to debunk the myth surrounding suicide, and change the way we think and communicate about its prevention.

MATES in Construction SA has been, and continues to be, a strong partner agency. Recent studies have shown that regional and remote areas can be particularly impacted by suicide. Our suicide rates tend to rise with increasing reality. In June 2016, the South Australian government committed to a number of strategies to assist the Whyalla community. From the health portfolio a further $150,000 was committed to the development of an industry base, while being a support program run by MATES in Construction SA in the mining, steel and associated industries in Whyalla.

The peer-based program gives workers the skills and knowledge to look out for one another and to provide early intervention support for mates who are at risk of suicide. Field officers have provided training, held on-site visits and connected workers in need of support to a case manager. The expertise that MATES in Construction SA brings to steel industry workers will be invaluable to their resilience and that of their families into the future. I thank MATES in Construction for taking up this challenge, and I also thank the hundreds of people who came along and supported the lunch. I look forward to hearing of its continued success and growth in supporting South Australians.

SA TOURISM AWARDS

The Hon. J.S. LEE (15:28): I am delighted to rise today to speak about the 2017 SA Tourism Awards. It was a great privilege to join the shadow minister for tourism, my esteemed colleague the Hon. David Ridgway, at the 33rd South Australian Tourism Awards gala dinner on 10 November at the Adelaide Convention Centre. It was a spectacular evening that attracted a strong crowd of some 860 people. It was a pleasure to sit next to Mr Shaun de Bruyn, Chief Executive Officer of the SA Tourism Industry Council. Congratulations to board members, management and staff of SATC and SATIC on their incredible commitment and contribution to building and advancing the South Australian tourism sector.

The tourism awards certainly brought back fond memories as I recall my time working at the SA Tourism Commission in the late 1980s and early 1990s. My work experience in this sector allowed me to develop a deep appreciation of the incredible opportunities and significant contributions made by our tourism industry.

The South Australian tourism sector is an exciting industry and a major contributor to our state's economy. The value of tourism in South Australia currently stands at $6.3 billion, with a total of 18,000 tourism businesses that employ 36,700 people, many of whom are young people and people from diverse backgrounds. The industry is providing employment opportunities in metropolitan and regional South Australia.

There was a total of 33 tourism award categories this year, which celebrate and acknowledge outstanding tourism businesses in South Australia. Well done to all the judges who had to make tough decisions in choosing winners. Finalists and winners are from all regions of South Australia, and they all demonstrated great passion, innovation and hard work to showcase the best tourism products and services South Australia has to offer.

Today, I would like to put on the record my heartfelt congratulations to all the South Australian tourism award winners. First up, Hahndorf Resort Tourist Park is the proud winner of the Premier's Award for Service Excellence. I have had the pleasure of knowing Brian and Lynn Schirripa for many years now. They are the most generous and delightful people, and their family has lived and worked in the Adelaide Hills for over 36 years. It is an outstanding achievement by the family in successfully managing the Hahndorf Resort Tourist Park. A well-deserved award. The other exceptional award winners were:

- in the category of major tourist attractions, Adelaide Zoo, which is also the winner of the RAA People's Choice Tourism Award, a new category added this year;
- in the category of tourist attractions, Calypso Star Charters;
- in the major festivals and events category, Santos Tour Down Under;
- in the category of festivals and events, Sounds by the River;
- the ecotourism category award was won by Murray River Walk;
- the South Australian Museum won the cultural tourism category award;
- the Qantas Award for Excellence in Aboriginal and Torres Strait Islander Tourism was won by Aboriginal Cultural Tours SA;
- in the specialised tourism services category, Proud Mary;
- in the category of visitor information services, Clare Valley Wine, Food and Tourism Centre;
- in the business event venues category, Adelaide Hills Convention Centre;
- in the category of major tour and transport operators, Wrightsair was the deserving winner;
- the tour and transport operators category award went to Adelaide Haunted Horizons—that would be pretty scary for me to do, but one day I might;
- in the category of adventure tourism, Calypso Star Charters;
- Destination Riverland won the destination marketing category, which the member for Chaffey will be very happy to hear;
- in the category of tourism restaurants and catering services, The Tasting Room, Mayura Station;
- Dudley Wines was the winner in the category of tourism wineries, distilleries and breweries;
- Hahndorf Resort Tourist Park, again, was the winner in the caravan and holiday parks category;
- Mulberry Lodge Country Retreat won the award in the hosted accommodation category;
- Griffen's Marina at Blanchetown won the award of unique accommodation;

- The Frames at Paringa won the award for self-contained accommodation—

Time expired.

GENERAL MOTORS HOLDEN

The Hon. D.G.E. HOOD (15:33): I rise today to speak about General Motors Holden in the wake of the closure of its site at Elizabeth after some 60 years of operations, marking the end of Australia's automotive manufacturing nationally. The history of Holden in Adelaide dates back to 1856, when James Alexander Holden started a saddlery business in Adelaide, South Australia. This unique business evolved over the years, firstly from repairing upholstery and supplying tram cars for Melbourne to becoming the exclusive supplier of American car manufacturer General Motors in Australia. In 1931, the companies merged, becoming General Motors Holden.

After World War II Holden returned to producing vehicle bodies, and in 1948 manufactured the first all-Australian motor vehicle. The first Holden, 48-215, which colloquially became known as the FX, was officially unveiled by Prime Minister Ben Chifley on 29 November 1948. Despite the cost of the car being $733, including tax, which at the time represented some 94 weeks wages for the average Australian, the car became an overnight success and Holden could not satisfy demand.

Remarkably, by 1958 Holden sales accounted for over 40 per cent of total Australian car sales, so within 10 years of their first car they had captured over 40 per cent of the market. That certainly is nothing to be sneezed at and something that Australians should be extremely proud of, and the fact that the uptake was so quick and so thorough. By 1962, Holden had sold a million vehicles and it took a mere six years for them to sell their next million. In 1964, Holden employed an impressive 23,914 people across seven locations in Queensland, New South Wales, Victoria and South Australia. Despite competition from imported vehicles, Holden's sales continue to remain strong and they celebrated 25 years of continuous sales leadership in 1975.

Things changed in the 1980s, which saw tumultuous times for car manufacturers in Australia, and Ford actually overtook Holden in sales for the first time ever. In the 1990s, Toyota increased its Australian market share, outselling both Ford and Holden, but despite this Holden increased its market share from 21 per cent to 28.2 per cent over the decade, a very substantial market share, as no doubt members would agree.

Holden announced a $400 million V6 engine plant, to be opened in Port Melbourne, and shortly thereafter began exporting these engines to Korea, China and Mexico. This was the biggest investment Holden had made in Australia in 20 years and it certainly was an important move in diversifying the market for Australian manufacturers. Ten Holden plants throughout the nation employed thousands of Australians, with its Elizabeth site, designed to be the company's so-called model plant, opening in 1960. At its peak this plant alone built some 780 cars every single day.

My understanding is that most Holden employees loved their jobs and working conditions were quite good and were enjoyed by many. Of course, employees were very sad when ultimately the announcement to close the Elizabeth plant was made. South Australia's endearment for the iconic brand was certainly most evident when police had to be called in to subdue hundreds of its fans when the very last Holden rolled off the production line just recently, and I am aware that the red manual VFII Redline V8 Commodore is now being kept as a museum piece.

Holden has indeed formed a significant part of South Australian history. There are few people who live in South Australia who have not had some association with Holden, whether it be through purchasing one of their vehicles, working for the company or knowing someone who works for the company. In fact, my own brother Michael has worked for Holden for more than 20 years and will finish up there in December this year. Holden has shaped our automotive history and it is certainly something that we South Australians can be proud of, although of course we are very sad at their ultimate demise as a local manufacturer. Whilst they have ceased manufacturing, there are a handful of skeleton staff still employed at Holden who will progressively finish their work there over the coming months.

WOMEN IN PARLIAMENT

The Hon. G.E. GAGO (15:38): I have been fortunate enough to have served the people of South Australia in this place for almost 16 years. During that time, I have seen incredible change and

progress made across South Australia. One area of change, however, which disappoints me is the representation of women in politics. There has been much public discussion over the years about the place of women participating in particular in federal politics in Australia. We have seen our first female prime minister subjected to disgraceful slurs and commentary. We then watched Australia elect Mr Abbott as prime minister, and instead of taking the opportunity to increase the diversity of his cabinet Mr Abbott appointed a cabinet with only one woman in it.

Even now, the Turnbull Liberal government has only five female cabinet members. Turnbull has even gone so far as to mislead Australians about having—this was his quote—'more women in my cabinet than any previous government'. The gender inequality in our federal parliament is so bad that our Prime Minister has to resort to making up stories about it.

Although the state of women in federal politics is woeful, South Australia also faces challenges. When I was elected to this place in 2002 over 40 per cent of Labor members serving in the South Australian parliament were women, and 25 per cent of Liberal members were women.

In the other place, SA Labor at 43.5 per cent had the highest proportion of women of the two major parties in any lower house in Australia. We were truly at the front of the fight for equal representation. However, these numbers have dropped over the last 16 years. Sadly, now just over 32 per cent of all Labor members are women. However, that downfall pales into insignificance in comparison with the numbers of the opposition. The percentage of women representing the South Australian Liberal Party in 2002 was 25 per cent and it has now shrunk to a disgraceful 18 per cent.

Over the last 16 years, the number of women in total across all parties serving in the South Australian parliament has gone from 30 per cent to just over 26 per cent. The United Nations recommends a minimum proportion of 30 per cent of women in parliament. The Parliament of South Australia has failed this standard.

The Labor Party of South Australia meets the standard through a determined and persistent commitment to equal representation, but we can and will do better. The opposition's lack of commitment to gender equality disenfranchises South Australian women from having real input into decision-making. I suspect that one of the reasons the opposition has shown time and time again how woefully incapable it is to represent and serve the people of South Australia is that it continues to fail to give women in South Australia the equality, respect and opportunities they deserve.

The opposition's continued dereliction in nominating and supporting women in parliament is shameful and numbers as low as theirs have no place in our civilised democracy. However, I certainly acknowledge that improvement can be made on all fronts. Indeed, unfortunately, the number of women in this place representing Labor has dropped and that is something that must and, I am sure, will change. However, that decrease is nothing compared to the loss of female representation in the opposition.

I know that the Labor Party has worked hard and will continue to work to encourage and support more women to enter parliament. We support women to achieve office, represent our state and increase the robust and excellent decision-making abilities of our state. However, I see no evidence that the South Australian Liberal opposition aspires to this. In fact, the last 16 years has indicated that they have been, as I said, derelict in their efforts to address gender equality. This is shameful.

For the upcoming 2018 election, I am very pleased that over 40 per cent of candidates and members currently announced by the SA Labor Party for seats in the other place are women and half of our known Legislative Council candidates are women. The progress made by the opposition is moderate, to say the least. Less than 25 per cent of their members and candidates for the other place heading into the next election are women, and I remain concerned about the gender representation in the opposition's nominations for the Legislative Council so far.

I also note that despite Mr Xenophon's stated purpose of changing South Australian politics, of the six SA-Best candidates known to be standing for the election, only two are women. I call on all parties and members of the South Australian parliament and in particular I call upon the opposition

to do more, to be better and to ensure that the future of the South Australian parliament is representative and inclusive of women.

TAXES AND CHARGES

The Hon. R.I. LUCAS (15:43): I rise to talk about tax and tax policy in general. At the next state election in March next year, there is going to be a clear choice for the people of South Australia, and the two clear issues that people are indicating are of greatest concern to them relate to the cost of living and to jobs, the economy and economic growth. Both of those are being driven by the current Labor government's addiction to tax and taxation—either new taxes or increasing existing levels of tax. The Marshall Liberal government has mapped out a clear vision for the future first enunciated in the groundbreaking and far-reaching '2036' vision document released early last year and added to by a series of policies that have been released over the last 18 to 20 months.

In looking at the Labor government's approach to economic policy direction, cost of living and jobs, as I said, its clear record demonstrates an addiction to increasing taxation. We have seen just in the last few years the massive increase in the emergency services levy bills being imposed on struggling South Australian families and on South Australian businesses in South Australia.

That was an impost of some $90 million-plus a year when first imposed. A Marshall Liberal government has committed itself, from its very first budget for the financial year 2018-19, to reducing the emergency services levy bills by $90 million a year. This will mean that struggling South Australian families will have that money in their pockets, which they can spend on businesses and services in South Australia, helping create economic growth and jobs in South Australia rather than that money going into the coffers of Treasurer Koutsantonis and Premier Weatherill and being wasted on any number of particular programs and projects and wasteful expenditure that this government has engaged in over the last 16 years.

We have also seen the attempt to introduce a new car park tax, which was defeated. We have seen the successful introduction of the wagering or gambling tax in South Australia. We have seen the attempt to implement a bank tax, which at least for the moment has been successfully defeated, and the endeavours from the government to implement a foreign investor tax, which I suspect will continue to be state government policy as well.

In addition to that, we have seen, because the evidence was given by the Under Treasurer, the state government actively exploring increasing the GST from 10 per cent to 15 per cent. We have seen them exploring extending the GST to financial services. They have continued to say that one of the reasons why they implemented the bank tax was that the banks had avoided the imposition of the GST.

What Premier Weatherill and Treasurer Koutsantonis do not acknowledge is that, if a Weatherill Labor government is re-elected and they are successful in applying the GST to financial services, then virtually every financial transaction that one engages in in the banking and financial sector potentially might have the 10 per cent GST whacked onto them. It would be a massive increase in taxation on struggling South Australian families and on South Australian businesses, if the Weatherill government is re-elected.

There is going to be a clear choice. I for one do not believe the Premier and the Treasurer when they say they will not persist with the bank tax. We have heard that from this government before. This government promised, for example, not to increase gaming machine taxation, actually gave a letter of comfort to the Hotels Association, and broke that commitment in the first budget after the election.

Struggling South Australian families and businesses should not believe the government when it says that it is not going to implement a bank tax. The only reason why they might not is if they are successful in increasing the GST to 15 per cent, or in extending the GST to cover financial services and other areas.

There is a clear choice. If a Weatherill Labor government is re-elected with Treasurer Koutsantonis, there will be a further massive increase in taxes—either a bank tax or a big increase in GST or GST being extended—whereas a Marshall Liberal government is committed to reducing state taxes and charges and reducing wasteful expenditure in the public sector.

FIRING RANGE SAFETY

The Hon. J.A. DARLEY (15:48): I rise today to speak about the Marksman firing range and their recent experience with SAPOL. To provide a bit of history on the matter, in 2008, Julia Morris purchased a shooting package at the Marksman and used the guns at the facility on herself to complete suicide. She had earlier been discharged from hospital as she had attempted suicide. In 2009, Raymond Jast completed suicide in a similar fashion at the Marksman facility.

A coronial inquiry into the deaths found that, although doctors reported over 800 individuals as being medically unfit to have a firearm, only 54 were banned. The inquiry recommended that the Marksman facility develop and install tethering devices that would ensure that the firearms could not be reversed.

In response to these recommendations, the Marksman developed tethering devices in 2012 and applied to the SAPOL firearms branch to vary their licence so that the tethering devices could be installed. I understand that the Firearms Branch needs to approve any changes on any active South Australian range. However, they could not get SAPOL to approve the tethering devices as Firearms Branch had begun proceedings to cancel Marksman's licence. This decision was appealed through the courts, which found in favour of the Marksman facility. However, SAPOL still would not inspect or approve the tethering devices.

Sadly, in 2015, Marksman had another suicide on its premises when Brenton Winton McConnal turned one of the firearms on himself. In the resulting coronial report from the inquest into Mr McConnal's death, the Coroner was scathing in his criticism of SAPOL and their handling of the matter. The Coroner found that Mr McConnal's death could have been prevented had SAPOL worked in conjunction with Marksman to approve the tethering devices. Instead, the Coroner found that SAPOL was committed to one course and one course only, namely to put Marksman out of business as a commercial firing range.

It is disappointing that this was the course of action that the Firearms Branch decided to take, and it is little wonder that there are some who question whether SAPOL has the best interests of the community at heart. Unfortunately, I have had other dealings with the Firearms Branch where their actions and behaviour have been questionable. I acknowledge that the Firearms Branch need some improvement, but I do not want to tarnish the reputation of all sworn officers of SAPOL, as I acknowledge that most do an excellent job under the current framework.

MUSIC INDUSTRY

The Hon. J.M. GAZZOLA (15:51): This November has kicked off with some great celebrations and milestones. We are celebrating Ausmusic month; there have been two more inductees into the South Australian Music Hall of Fame; and Multicultural Youth SA has launched their Miss Mysa social enterprise and celebrated their 20th birthday, as has Music SA.

Another highlight has been the SA Music Awards. This year, the celebration of South Australia's great musical talents took place at Thebarton Theatre. The member for Elder, Annabel Digance, representing the Premier, opened the SAM awards following an energising surprise performance by Tkay Maidza. Some 500 people attended, including key interstate figures, such as Rod Yates, editor of Rolling Stone Magazine, John Wardle of the National Live Music Office, Harvey Saward, director of Remote Control Records and Dorothy Markek, programming manager at Double J Radio ABC.

The awards included public voted people's choice awards over 12 categories, in addition to the approximately 17 peer voted awards. A.B. Original stamped their mark on the 2017 event, bagging six awards. Other winners included The Gov in the category of Lifetime Achievement Award, George Swallow, who was loudly cheered on to the stage as he accepted the Best Music Venue Award for the Grace Emily Hotel, and first time award winners the Young Offenders, who won the Punk Award.

It was a great night of celebrations supported by major partners, including Music SA, Moshtix, Weslo Security, Novatech, Thebarton Theatre, the AHA, Duografik and TheMusic.com.au. Supporting partners included the Government of South Australia, Arts SA, APRA AMCOS and Adelaide City of Music.

In addition, there were numerous beverage partners and presenting partners, which helped bring the annual awards to fruition for 2017. In other celebratory news, Music SA has reached a milestone, its 20th birthday, and has been recently nominated as a finalist in the 12th annual Ruby Awards in the category of Sustained Contribution by an Organisation or Group.

Music SA has been a registered training organisation since 2010 and is a not-for-profit company that continues to contribute to the development and profile of original contemporary music in our state. Music SA plays a key role in South Australia, with many achievements, including publishing the first annual live music census, facilitating the Umbrella Winter City Sounds Festival and Music SA online guide and partnering with AIR to bring the Indie-Con and AIR awards to Adelaide, plus many more great achievements.

Also marking a 20th birthday anniversary this month is Multicultural Youth SA. MYSA went all out, celebrating its birthday and the launch of its social enterprise, Miss Mysa Events (MME). MME is a fabulous initiative of the MYSA team that will see their clients, many of whom face various barriers in gaining long-term employment, gain work experience and paid work. As MYSA CEO, Tamara Stewart-Jones, describes:

> Social enterprise has enabled us to activate a customised strategy to support employment outcomes. Miss MYSA Events is a boutique event styling and management service with a social conscience. This commercially viable business creates pathways into careers for our young people to receive training and work experience in retail, event management, hospitality, cookery and barista services, forestry, custom stationery, eclectic furniture hire, and warehousing.

Earlier this month, I also attended the Adelaide Music Collective's most recent inductions into the South Australian Music Hall of Fame. 3D Radio and Masters Apprentices were inducted at the Wheatsheaf Hotel, where a supportive crowd, including minister Hildyard, cheered in the inductees.

3D Radio was launched in 1979 by former premier Don Dunstan. The station, to which I hold a subscription, was inducted for its significant contribution towards supporting and promoting local artists, bands, venues and labels for the past 40 plus years. It would be true to say they provide an important voice for the local music industry for many musicians, particularly pre-internet era and still today with commercialisation effecting radio play. Congratulations to the most recent South Australian Music Hall of Fame inductees, the nominees and winners of the SAM Awards and a very happy 20th birthday to Music SA and MYSA.

Bills

JURIES (AUSLAN INTERPRETERS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.L. VINCENT (15:59): Obtained leave and introduced a bill for an act to amend the Juries Act 1927; to make related amendments to the Criminal Law Consolidation Act 1935; and for other purposes. Read a first time.

Second Reading

The Hon. K.L. VINCENT (16:00): I move:

That this bill be now read a second time.

When it comes to people's ideas of a good time or aspects of the justice system that they are keen to get involved in, participation on a jury is not something that would usually come up on somebody's bucket list. However, there is one way to get someone to desperately want to do something: that is to tell them that they can't. To date, that has been the situation when it comes to deaf people who require an Auslan (Australian Sign Language) interpreter in order to participate on a jury—they have not been able to do so.

This has gained media attention in many states. In fact it was partially the call through the media of Drisana Levitzke-Gray and her struggle to appear on a jury when called up to do so as a deaf person that led her on the path that would see her become Western Australia's Young Australian of the Year in recent times.

We have also sent a high-profile case of Gaye Lyons go all the way to the High Court from Queensland, yet we still have not achieved equality for people who need an Auslan interpreter to appear on juries.

This is in spite of the fact that we are required to enable full participation in all aspects of society to people with disabilities, including deaf people, under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and also in spite of the fact that investigating participation of people with disabilities on juries, including deaf people, was identified not just as an action but as a priority action under the Disability Justice Plan 2014-2017.

While many of the aspects and goals of the Disability Justice Plan have been achieved both through changes in practice and legislation, which thankfully have been unanimously supported by this parliament, investigating and allowing the participation of people with disabilities, including deaf people, on juries has remained unactioned under the Disability Justice Plan.

Given that that plan, as it stands—of course, as I have said, it goes from 2014 to 2017; and here we are fast approaching the end of 2017—still has not been actioned, I wanted to make sure that we put that priority firmly on the legislative agenda so that we remember not only that deaf people still face barriers to full participation in society but that there are aspects of the Disability Justice Plan which go far and beyond just legislative change when it comes to people participating in the justice system as victims of crime, or indeed offenders. Equal participation in the justice system must mean just that, where there is sound evidence to provide for it: equal participation in all aspects of the justice system.

Of course, members would be aware, particularly those who have a law degree or a particular interest in law, which as members of parliament we typically do—

The Hon. S.G. Wade: Hear, hear!

The Hon. K.L. VINCENT: 'Hear, hear,' says Mr Wade. I am glad to hear that his qualification has not gone to waste, but of course I already knew that, having listened so keenly to his speeches over the last few years. Members would be aware that the main barrier to deaf people participating in a jury is the current law around what is termed 'the 13th person'—that is to say that 12 people can be on a jury and no other person can be in the space or room where the jury is deliberating, for fear that that 13th person may have an undue influence on the jury or otherwise share what would be private information with members of the public.

Given that an Auslan interpreter, not being a member of the jury, would be viewed as a 13th person in that deliberative space, they have, to date, not been allowed to participate in jury proceedings, despite the fact that they are allowed to appear in court to assist witnesses, victims and offenders of crime. So, I began to look around—including the media case and the arguments that had been made by deaf people themselves through the media—at what research exists to support the idea that deaf people whose first language is Auslan should be able to fully participate in juries with that assistance.

I became very interested in a study that the University of New South Wales, together with the Australian Catholic University and Heriot University, has done: research looking into whether or not deaf people should be allowed to participate as jurors and whether Auslan interpreters can adequately provide that service without disrupting other members of the jury or interfere in the jury process. The study that the University of New South Wales did as part of this collective conducted mock criminal trials using Auslan interpreters and made judgements about the accuracy or otherwise and other factors, such as whether it disrupted other jurors too much.

Pleasingly, the results that that very comprehensive research of a number of years came back with was that deaf people should be allowed, where appropriate, to participate fully as jurors with the assistance of an Auslan interpreter. The primary aim of this research-applied project was, of course, to investigate the capacity of deaf people who use sign language to participate in the administration of justice by serving as jurors. Research of this kind had never previously been conducted in Australia or, it is believed, internationally. The project expanded Australia's knowledge base about court interpreting and jury service by pioneering the first study of its kind.

Additionally, through further collaboration with an international partner investigator with a proven track record in legal sign language and interpreting research, and collaboration with an international interpreting researcher, this project has fostered the international competitiveness of Australian research.

In so doing, that research led the New South Wales Law Reform Commission to recommend that the Jury Act 1977 of New South Wales should be amended to reflect the following: that people who are blind or deaf should be qualified to serve on juries and not be prevented from doing so on the basis of that physical disability alone; that people who are blind or deaf should have the same right to claim exemption from jury service; and that the court should have power to stand aside a blind or deaf person summoned for jury duty if it appears to the court that, notwithstanding the provision of reasonable adjustments, the person is still unable to discharge the duties of a juror in the circumstances of the trial for which that person is summoned.

That is exactly the bill that I have drawn up for members to peruse today: a bill that allows for people who are deaf and rely on Auslan interpreting to do so and to have the Auslan interpreter present in all matters relevant to the trial; but also allows for exemptions where a deaf person's deafness may not be able to be accommodated and may impact on the case.

A particular example I can think of might be where a case includes evidence of a voice recording where, for example, jurors might be required to be able to distinguish between two voices if they were trying to decide which of the two voices was the guilty person in question. It is my view that this exemption is justified and appropriate.

I understand that some of the deaf people I spoke to about this bill were satisfied that an Auslan interpreter would be able to convey differences in a voice using spacial difference or different facial or hand gestures, for example, but given that I think that is quite subjective and that what the New South Wales Law Reform Commission has recommended, based on that very comprehensive research that has been carried out by the University of New South Wales, I think at this stage it is appropriate to have that exemption for cases in which audio recordings are involved as evidence, and where it cannot necessarily be directly interpreted into Auslan, where, for example, as I have said, there might be two voices and a person needs to very carefully distinguish between two very similar sounding voices.

Of course, equality before the justice system, in terms of participation of people with disabilities, including deaf people, should not come at the cost of the accuracy or viability of a court case. I am very happy to remain open to other feedback on that, but based on the feedback I have received and current research I think it is prudent to restrict the bill to have that exemption where audio evidence may disproportionately impact the ability of a deaf juror to participate.

I want to touch briefly on some of the amendments that have been made to the bill as a result of feedback. Originally, I had drafted the bill such that it would have covered interpreting services for not only deaf people but other people who are hearing but may have a first language that is not English or who may otherwise be fluent in English but struggle to understand the often nuanced and complex legal language that can be used as part of being on a jury.

This was, I am not ashamed to say, a thought bubble of my own that I thought we may as well investigate since we were looking into this issue, but again the feedback I have received, based on current research and understanding, is that it is prudent to restrict it simply to people who are deaf and whose first language is Auslan, second language English, to have access to that interpreting service.

We have also provided amendments clarifying the level of qualification that an Auslan interpreter must have in order to provide interpreting services to assist a deaf juror, and this indicates that the bill includes a tertiary, VET or university qualification in interpreting and accreditation from NAATI (National Australian Accreditor for Translators and Interpreters).

Importantly, we must also provide protections for those who may be harassed in their role as an Auslan interpreter, where a hearing juror might try unduly to get information from the Auslan interpreter about what they have said to a deaf person or what are a deaf person's thoughts that they perhaps have not shared with the rest of the room.

So, a person who, for the purpose of obtaining information about the deliberations of a jury in criminal proceedings, harasses an interpreter assisting a juror in the proceedings, or who seeks to improperly influence a member of a jury to act in a way that might improperly influence the outcome of judicial proceedings, is guilty of an offence. In other words, you cannot harass the interpreter to try to persuade the deaf juror to cast their vote a particular way or to make particular observations. There are offences relating to that.

There are also requirements for the Auslan interpreter themselves to take an oath to interpret accurately and not to use their skills as an Auslan interpreter to influence proceedings. Their role is simply to directly interpret what is being said in the court, not to unduly insert their own beliefs, opinions or wants. That offence, to unduly use your powers as an Auslan interpreter to influence the proceedings, carries a maximum gaol sentence of 10 years, and the offence of a person unduly trying to influence the interpreter, and therefore to influence the deaf juror, carries a monetary penalty.

So, there are protections in this to ensure that the interpretation is accurate, that the deaf juror is protected in terms of not having other people impact on or interact with the Auslan interpreter. The Auslan interpreter is there simply to adequately and accurately interpret exactly what is being said in the courtroom and exactly what the deaf person, as the juror, wishes to communicate—nothing more and nothing less—and there are protections to provide for that through punishment of either inaccurate interpreting or of using your powers as an Auslan interpreter to influence the jury. Indeed, if you want to influence the deaf juror you will receive punishments as well.

Those punishments or protections are in place under the bill: that the Auslan interpreter is required to have a high level of accreditation, and that they are required to take an oath to interpret correctly and accurately to the best of their abilities. I have touched on the research that has been carried out by the University of New South Wales through the collective group, including Professor David Spencer. He wrote to me on behalf of the group on that issue, and I certainly thank him for that, as well as thanking the many other deaf and disabled people who have written to me with their views. I am confident that with those protections in the law and the research that has been carried out—that is not only nation-leading but, it would seem, world-leading—as well as our obligation under both the UN CRPD and the Disability Justice Plan, we can and should adequately provide for deaf people to have that right. They have spent their time and money bringing court cases to fight for this for so long.

As I said, the Disability Justice Plan is laid out to last until 2017 and then, hopefully, be reviewed and renewed. Here we are in 2017, and it is time to move forward with this important measure. Before I conclude I would like to add that I am aware there is an appetite to allow assistance to participate on juries for people with disabilities other than hearing-related disabilities, or being deaf, as well.

There is an appetite, I think, as you would have gathered from the research, for blind people to also be assisted where necessary and indeed for perhaps even a person with a physical disability who might need assistance to have a support worker present to assist them with personal care, for example, as they carry out their jury duties throughout the day, or it may even be that a person requires the assistance of a communication partner because of a communication difficulty or speech-related disability that affects their speech, to participate in a jury. We have, of course, already allowed that for witnesses, victims and offenders in cases, so I think we need to look at moving this forward.

Of course, the priority recommendation, 1.4, under the Disability Justice Plan does look at investigating ways for people with disabilities, not just deaf people, to increasingly participate in juries, and I am certainly keen to see that happen, but I think given that we still have not moved forward with this recommendation in any way and given that the current nation-leading, world-leading research is around, particularly, deaf people participating in juries, let us follow the evidence, let us follow the appetite and finally help deaf people increasingly see equality before the law, including in all aspects of the justice system. With those few words, I commend the bill to the chamber and look forward to members' discussion and support.

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

Motions

WATER RESOURCES MANAGEMENT

The Hon. T.A. FRANKS (16:22): I move:

1. That this council—

   (a) notes that it is in the best interests of South Australia for the commonwealth water portfolio to be separated from the agricultural portfolio and that it is held by a separate minister as it is in the South Australian government; and

   (b) notes the history of gross mismanagement of water resources and the Murray-Darling Basin in this country.

2. That the resolution be transmitted to the House of Assembly seeking its concurrence thereto; and

3. On the House of Assembly's concurrence, requests that the President conveys the resolution to the Prime Minister of the Commonwealth of Australia.

I move this motion today because we in this parliament should all stand together against the watering down of our water rights. If we do not, our river may well die at its mouth. As we continue to hear the stories of mismanagement and corruption, even in this past 24 hours, it is abundantly clear that our river, our environment and our farming communities in South Australia are in trouble.

The explosive *Four Corners* investigation, 'Pumped', into the rorting of the Murray-Darling Basin Plan showed the rest of the nation what we in South Australia have been saying for far too many years. We have been, we are being and we will continue to be ripped off for as long as we have a water minister who is beholden to the top end of the country and indeed the top end of town.

The latest story is painfully familiar to us. Big corporate irrigators are exploiting the plan at the expense of downstream river communities and the health of the Murray River. As if that was not bad enough, we have a National Party water minister all but cheering them on. It is a joke, it is a disgrace and South Australia and the South Australian parliament should not stand for this.

What we wanted, of course, was a royal commission or an independent judicial inquiry so that we could get to the bottom of this and get justice—so that we could get water and justice for our river and for our communities—but instead we have been handed yet another parliamentary roadshow. A roadshow is probably the kindest way of putting it given the antics we have seen right here in Adelaide during the public hearings for this committee. Indeed, we have our own water minister in this place being denied the opportunity to provide evidence himself to the members of that roadshow inquiry.

We know how this normally goes. The big states and the big irrigators win out and we are left here doing the heavy lifting to keep the Murray flowing from source to sea. But what we have now here in this parliament is an opportunity to rewrite that ending. While Barnaby Joyce (no longer MP; Barnaby Joyce, citizen) takes a little while out of parliament—or depending on how his by-election campaign goes takes permanent leave of parliament—Prime Minister Malcolm Turnbull is the temporary caretaker of the water portfolio, so he now has a chance to show leadership and sort out the real dual allegiance issue.

My beef with Barnaby is not that he might back the Kiwis at the cricket: it is his inability to back South Australia. His allegiance in this case is quite clear and it is certainly not to the downstream communities, our state or our environment. What we need now while Barnaby has been temporarily benched is to make the rules of this game fair and to decouple the water and agriculture portfolios. This is why I am moving this motion and it is why I have brought it before parliament with some urgency. Imagine the strength of our statement if we stood together across both chambers for South Australia as a state parliament should and demand that the Prime Minister do the same. If we demand that he follow our example here today and have different ministers responsible for the water and agriculture portfolios, we would indeed rewrite the ending.

Another crucial consideration in this whole debacle is of course the fact that under the Coalition agreement, the Nationals hold the water portfolio. It is a secretive agreement and it must be made public, particularly the sections relating to the water portfolio. This deal directly affects the health of the River Murray while ensuring that a minister who does not care a jot about

South Australian interests is in charge of the basin. That is why it is so important that at a commonwealth level this water portfolio is split from the agriculture portfolio, as it is in South Australia. The basin plan is vital but while we continue to see the other states blatantly try to rort the system and avoid their responsibilities to people and the environment, it is difficult to see it delivering the full benefits promised to those of us downstream.

With the ever-growing lack of trust between the basin states, it is vital that the Prime Minister now stands strong and delivers the exercise in compromise that is the basin plan. However, this will not be achieved with a water minister like Barnaby Joyce, who only cares about the interests of upstream irrigators. The Greens are committed to the Murray-Darling Basin Plan. Australia is already seeing positive outcomes from the plan, including improved freshwater flows. These keep the Murray Mouth open and wetlands replenished, leading to healthier vegetation and increased numbers of waterbirds and fish. The plan has been a crucial step towards improving environmental outcomes for our water systems, but we must do more.

I want to remind members present that, as it stands, the plan only provides the bare minimum of water needed to keep the Murray Mouth open and the Coorong alive. It still leaves many wetlands and native species at risk. The plan was already a compromise. It was never good enough to begin with and gave us only that bare minimum amount of water to maybe keep the water from the river flowing. Demanding that the plan be delivered on time and in full is like begging not for a favour but for justice. While we here make that plea, we often note that the River Murray may well die from its mouth, but at the moment it is rotting from its head. With those few words, I commend the motion.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:28): I rise to support the motion and I commend the Hon. Tammy Franks for bringing it forward for debate. I certainly agree that separating the commonwealth water portfolio from the agriculture portfolio is not only in the best interests of South Australia, it is also in the best interests of the Murray-Darling Basin and the nation. Our nation's former agriculture and water minister is the best example of why these two portfolios need to be separated.

We have had a federal water minister who was more concerned with ensuring that his political donors got the best financial deal and the most water from the nation's most important river system than ensuring its survival for all river users and, indeed, coming generations. This has been possible because he has had oversight of both portfolios. Decisions like the appointment of Ms Perin Davey to the Murray-Darling Basin Authority, a former staffer to Nationals' Senator Ron Boswell and a member of the National Irrigators Council—which fortunately did not go ahead—were biased choices for what is a legislatively independent and expert authority.

Following the explosive *Four Corners* program, Mr Joyce rejected any suggestion that a full inquiry was needed into allegations that his political donors had illegally pumped billions of litres of water out of the Darling River for their own benefit. Instead, he attempted to mislead a pub of Shepparton locals that the problem was with the greenies and that the water portfolio better sat with agriculture, so he could ensure that his big cotton-growing mates could benefit from the water and the money flowing from the Murray-Darling Basin.

We also know that the National Irrigators Council wrote to Mr Joyce in October 2016, asking for the 450 gigalitres of water crucial to the Murray-Darling Basin Plan, crucial to South Australia signing on to the compromise agreement, to quietly go away. That was in their letter to Barnaby Joyce. 'Mr Deputy Prime Minister, will you make these extra 450 gigalitres of water quietly go away?' Mr Joyce then attempted to do just that at the November 2016 Ministerial Council meeting.

He also claimed it was impossible to deliver the basin plan because of the effects on agricultural production. This is a functional example of the outcome of having the water and agriculture portfolios together. These are outcomes that affect our river and all those who depend on it.

This motion that the Hon. Tammy Franks has brought to us today also has a strong constitutional argument behind it. With the exception of matters covered by state referrals of power, the key elements of the Water Act 2007 introduced by the Australian government were based on its constitutional powers to legislate on matters relating to Australia's obligations under international

agreements, such as the Biodiversity Convention and the Ramsar Convention on Wetlands. These obligations are primarily environmental in nature.

It follows then that the commonwealth water responsibilities and obligations are better managed, I would suggest, from within the environment portfolio. Such an approach would also be consistent with our current state practice. In terms of the history of the mismanagement of the water resources of the Murray-Darling Basin, this is of course why we have a Water Act and a basin plan.

For well over a century, there have been agreements, policies and plans that sought to manage water resources in the Murray-Darling Basin. It took the extended Millennium Drought for all states to finally recognise that, despite all these efforts, all these plans and all these policies, too much water was still being harvested and extracted from the basin for the river's long-term sustainability.

Under the Water Act and a basin plan, there is a requirement to ensure that basin water resources are managed in an integrated and sustainable way for all basin states, including of course South Australia. This includes returning the equivalent of 3,200 gigalitres of water to the environment from all other water users.

While South Australia supports the implementation of the basin plan in full and on time, this also needs to be backed up by effective compliance measures. If there is to be effective commonwealth oversight and leadership on compliance, then this is another reason why the water portfolio should be ring-fenced from those responsible for advocating for consumptive users.

From our perspective in South Australia, this is a no-brainer. This is what we should have been doing all along at a federal level. When the Prime Minister was the water minister and environment minister, the same logic that pertained under that Howard government, that pertained under the Labor government that followed, should be, we suggest, back in place now.

The decision to hand over both portfolios of agriculture and water policy to Nationals leader Barnaby Joyce was a failed experiment. It failed majestically; it has failed hugely for South Australia. I stand with the honourable mover, and I hope all members of this house, in asking the federal government to reconsider that position.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:33): I rise on behalf of the opposition to make some brief comments and indicate that the opposition will be supporting the Hon. Tammy Franks' motion. I am not sure that one parliament can advise another parliament or prime minister or premier on the make-up of their cabinet; nonetheless, the opposition, unlike the minister opposite, are very proud of the fact that we have Senator Ruston, a local South Australian, who is the Assistant Minister for Agriculture and Water Resources.

We do not have her storming out of meetings, swearing and cursing, like the minister opposite. She tries to play a very good role for South Australia. I think we should be proud of the fact that we have her in the tent fighting for us, and that we, the state Liberals, join with her to continue to make sure that South Australia's interests are looked after and protected.

We are prepared to support this motion today. I think it is an opportunity to let everybody know that the state Liberals value the River Murray. We want to make sure that, when any future decisions are made, the Prime Minister is aware of what we feel and how we think that should be reflected.

As we all know, there are on all sides of politics some interesting times in Canberra. We may well see some reshuffles and some other arrangements change over the course of time in the next few months, so I think it is of some use to make sure the Prime Minister is aware of our thoughts. We are happy to support the motion.

The Hon. T.A. FRANKS (16:35): Just briefly, I simply want to thank both the Hon. David Ridgway and the honourable minister Hunter for their contributions and support and note that this now, if it passes, goes through in a timely manner for the other place to consider it.

Motion carried.

Parliamentary Committees

SELECT COMMITTEE ON ADMINISTRATION OF SOUTH AUSTRALIA'S PRISONS

The Hon. T.J. STEPHENS (16:35): I move:

That the report of the select committee be noted.

I rise today to speak about the report from the Select Committee on Administration of South Australia's Prisons, which I tabled yesterday. I would firstly like to acknowledge the contributions provided by my colleagues the Hon. Tammy Franks MLC, the Hon. Justin Hanson MLC, the Hon. Tung Ngo MLC and my friend and colleague the Hon. David Ridgway MLC. I would also like to acknowledge the outstanding efforts of committee secretary Leslie Guy and also the research officers, Dr Trevor Bailey and Dr Margaret Robinson. Their work has ensured that the committee was able to run as smoothly as possible. The valuable input from those who provided submissions and oral evidence throughout the process must also be acknowledged.

This select committee was formed on 30 November 2016 to inquire into the government's administration of the state's prisons. In particular, we were tasked with specifically looking into matters such as the cost and impacts involved, forecasted capacity and whether there was a correlation between overcrowding and the breakdown of administration.

Furthermore, there was also a need to inquire into a number of incidents that occurred between July and October 2016, which included a prisoner being prevented from re-entering Yatala Labour Prison—I will repeat that: from re-entering Yatala Labour Prison, not escaping—the death of a prisoner, along with three officers, following an altercation at the same location, and a seven-hour siege in Port Augusta. It has been shown through submissions provided to the committee that the pressures placed on prisons, such as overcrowding and recidivism, have an adverse effect on their administration and the safety of prisoners, employees and the public. Public safety is a point of focus that has led to an increase of the prison population, and it was a point of focus in the recommendations put forth by the committee.

The committee looked into placing specific emphasis on the rates of recidivism within the state's correctional system and what could be done to considerably cut down this figure. The current estimation is that 46 per cent of all prisoners return to the system following their release. This is simply far too high and places a greater than necessary strain on the administration of the state's prisons. We have put forward 16 recommendations that we believe will aid in addressing some of the issues presented to the committee.

When I moved the motion to establish this committee, we were told that for the cost the state pays to house a prisoner, the South Australian public should have confidence that the system is delivering an outcome in a rehabilitation context. From the submissions we received, there is far more that can be done. The men and women within the department perform an excellent job day to day. Our measures seek to give them more opportunities to address the rehabilitation aspect of a prison sentence, while at the same time increasing their own level of safety. I am of the belief that these measures, if implemented, would not only be of benefit in the short term to the prison population, but long term would cost the state less in housing prisoners and have a substantial effect in reducing overcrowding.

The lessons that can be taken from the incidents that the committee was formed around are based on a common-sense approach to our prison administration. This is something that we have made a point of addressing through our recommendations. The first recommendation put forth, and one such example of a common-sense approach, is in regard to projections of prison populations.

Prisoner numbers have been understated consistently in recent budget estimations by the Department for Correctional Services. The additional numbers in the prison population has placed a strain on budgetary measures that the department puts in place. It would seem to most that if the modelling is consistently off, something within its approach has to change. Due to this point, the committee has put forth a recommendation that would see DCS reviewing its predictive modelling with a view to ensuring a greater accuracy and more reliable budget setting. Data that is more reliable would aid in addressing surge periods and overcrowding issues, which place a great deal of strain

on the system but also on the mental health of prisoners and those working within Correctional Services. Preparing adequately would help to alleviate this.

Criminogenic programs are viewed by many around the world as being of great importance in equipping prisoners for a life once their sentence has been completed. As such, there has been a couple of recommendations in the tabling of this report that aim to increase the participation rate for prisoners within these efforts. The first of these centres around allowing all prisoners to commence and complete required criminogenic programs before the expiry of their non-parole period.

If rehabilitation is not provided to a satisfactory level, there is a flow-on effect down the line following a prisoner's release. There is more likely to be a greater cost to the community through aspects such as welfare payments and housing. Reducing the overall cost to the public while at the same time providing those who have served their sentences with critical skills that prevent reoffending is another measure that seems to be a clear, common-sense approach.

Building upon this recommendation, we are of the view that remand prisoners should be allowed to opt into these criminogenic programs. As a committee, we took in submissions that showed that there are no such programs in place for prisoners on remand. This is important as some may find themselves in remand for up to two years before trial. When coupled with the fact that sentences can include time served, it demonstrates a lack of forward thinking within policy. It lets go of any notion of rehabilitation, instead promoting a culture of institutionalisation and leaves many poorly equipped for life when released, thus increasing the rate of recidivism.

Nationally, we have the highest rate of remand prisoners. It would seem quite reasonable to try to reduce this number or, at the very least, provide many of them with an opportunity to prepare for life following their sentence. If these prisoners were able to opt into these programs, we could immediately begin to tackle the rehabilitation aspect of a prison stay. This could only lead to more positive outcomes for the community while being an efficient use of resources and time.

Many of the issues faced by those within South Australia's prisons revolve around their mental health. It is an issue of great importance within the prison system. The rate of reported prisoners with mental health issues is quite significant. This only puts further strain on our prisons whilst at the same time increasing the rate of recidivism. To that end, we recommend that DCS improves access to mental health services for both prisoners on remand and sentenced prisoners who do not have acute mental health issues.

Furthermore, we are of the view that mental health services in prisons be made available to match the mental health services available within the community, with DCS to investigate whether Medicare would fund mental health services for prisoners by paying for 10 psychological visits. This recommendation would bring the prison system into line with the services available for the general public. This cannot be done, however, without recommending that health services be provided in a timely manner to address delays in staff access and attending to short and long-term health issues. Addressing mental health issues is an imperative.

Delivering a service to the prison population that is of a high standard has a preventative effect, which has been demonstrated overseas in places such as the great state of Texas. As part of the submissions provided, we were shown that addressing health concerns and creating better rehabilitation outcomes has allowed them to shut a number of prisons within that state. It is working proof that effectively dealing with the cause, not the symptom, can have a tremendous influence in taking the pressure off the prison system. Once again, providing adequate resourcing at the heart of the issue should have a great impact in bringing down the cost to the public, the rate of recidivism, and therefore the long-term effects of overcrowding.

This committee has put forward 16 separate recommendations, which it believes can help better outcomes for the department, the general public and the prisoners themselves. This is no small number. If we are not addressing the issue of why many of these people find themselves in prison, we can never truly reduce the rate of recidivism and, as such, our prison population will continue to grow.

If we address the problem at the cause, we cannot only rehabilitate a greater number of those in the prison population, but adjust the ever-growing upward trend of those within our prisons. This would place less strain on the system, giving the state and the taxpayer a more beneficial return

on expenditure and, more importantly, create a positive outcome for the offender and the public. I commend the report to the house.

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

SELECT COMMITTEE ON CHEMOTHERAPY DOSING ERRORS

The Hon. A.L. McLACHLAN (16:45): I move:

That the report of the select committee be noted.

The select committee of the Legislative Council, which was established to inquire into and report on the chemotherapy dosing errors at the Royal Adelaide Hospital and the Flinders Medical Centre in 2014 and 2015, has completed its report. As members would be aware, it was tabled yesterday.

I remind honourable members that the select committee, in addition to being tasked by the chamber to inquire into the chemotherapy dosing errors, was also specifically asked to focus on the extent to which the culture, governance and management of the relevant hospital departments and their associated statewide services contributed to the risk of errors; SA Health's and government's response to the errors, including the inquiry led by Professor Marshall; the suitability of SA Health's incident management processes in terms of patient safety, transparency and institutional risk management; and the impact of risk management, including the management of legal risks, on the support of victims and the transparency of the health system, in particular the use of confidential agreements.

The committee was made up of myself as Chair, the Hon. Mr Darley, the Hon. Mr Dawkins and the Hon. Ms Gago. I would like to thank all members of the committee for their support to me as Chair and for their diligent work and commitment on the committee. I also wish to thank the secretary, Mr Anthony Beasley, and the research officer, Ms Carmel Young.

After considering all of the evidence before it, the committee made 19 findings and 12 recommendations. The committee met on 14 occasions to hear evidence. We took evidence from a total of 31 witnesses. Hearings began on 31 May 2016.

I am aware that other members on the committee are going to speak to the report. It is my intention to revisit those particular issues in the report that were of special interest to myself and to provide an overview of our findings.

Between July 2014 and January 2015, 10 patients with acute myeloid leukaemia—five at the Royal Adelaide Hospital and five at the Flinders Medical Centre—received an incorrect daily dose of their treatment, instead of the correct dose of twice daily.

The Central Adelaide Local Health Network and its hospital, the Royal Adelaide Hospital, had a protocol which contained the incorrect dosage. That protocol was adopted by the Flinders Medical Centre as a new protocol without checking its veracity independently, and thus other patients were treated incorrectly.

Throughout the inquiry, patients and their families provided evidence of their painful and distressing experiences in dealing with SA Health and the South Australian insurance corporation. Committee members were deeply moved to hear of the extent of the psychological and physical impacts of the chemotherapy underdosing, not only on the patients themselves but also their families and loved ones. The treatment error has had an adverse impact on their lives and lives of their families.

The evidence of the patients and their families clearly demonstrates the absence of a coordinated patient-centred approach by SA Health to their physical and psychological needs. I thank them and their families for attending committee meetings, giving evidence and reliving painful memories and circumstances of their treatment.

The committee could not have done its work without their courage. Patients were left in a position of uncertainty, never knowing the potential impact of the chemotherapy underdosing on the chances of surviving their illness. The realisation that the error also prevented the opportunity to access further trials and studies was a constant source of anguish for the patients and their families.

The committee found that the patients who received an incorrect treatment were adversely affected by unacceptable standards of governance within SA Health. This was evident in the poor management of the protocols by certain clinicians; the decision to make changes to the protocol without the prior consent or knowledge of the patients; the failure to report the incidents at the highest level of the Safety Learning System, as required by SA Health's policies and procedures; a reluctant and inconsistent approach to open disclosure; and the absence of dedicated care coordinators from the time the error was identified. Patients gave evidence to the committee on the stress they felt from their treatment by SA Health and the government insurer. As one patient stated:

> I am a dead man walking. I don't know when I am going to fall of the perch…so I don't want my family to go for years asking for compensation. The victims and the families deserve compensation for this, because it has been just one big stuff up. Families don't deserve to have to go through years and years of waiting for compensation, and fighting. It has been 18 months of hell already. Unless it happens to you and your family, you don't realise how stressful it is.

One patient's wife also highlighted the stress on family members advising the committee:

> We have just had enough. We have got enough stress in our lives. We want the time we have to be quality time and not have all this stuff going on.

I want to highlight one piece of correspondence that was sent by SA Health to the patients. The patients were highly distressed to receive a letter, dated 27 May, from Professor Moyes, the former CEO of the Southern Adelaide Local Health Network. The letter, which was sent four months after the open disclosure process began, provided an apology for the error and advised that their haematologist would liaise with them on future treatment. Patients were extremely critical of the generic nature of the letter, the timing and the content—driven, it appears, by the need to limit liability and the presumption that the victims had actually received some support. One patient told the inquiry that the letter was impersonal and lacked any understanding of what the patient had been through:

> It was an awful, awful letter. She didn't have any clue who I was, what I had been through, what had happened. I could have died the week before. Just a letter, no contact, nothing.

Professor Marshall, who undertook a review on behalf of SA Health, when speaking about the letter, said:

> …that certainly was one that was lacking in empathy…It was much more likely to be considered an offensive letter.

The committee formed the opinion that the error and the response to the error were unequivocal evidence of a systemic cultural problem within SA Health. The then SA Health chief executive, Mr Swan, told the committee in respect to the email in relation to the chemotherapy protocol (and for the benefit of members, the incorrect protocol was distributed by email) that its content was:

> …manifestly inadequate in its context, clarity and course of action that should have been taken.

The lack of response to the email by senior clinicians further demonstrated noncompliance with SA Health policies and guidelines. This is the email that alerted the correction to the error:

> Importantly, senior clinicians of the Royal Adelaide Hospital who received this email and were aware of the error in dosing should have identified its shortcomings, complied with SA Health policies and guidelines, and taken immediate remedial action. I find this action deplorable.

The Marshall review was of the opinion that this lack of noncompliance was not a one-off occurrence at the Royal Adelaide Hospital. I quote from the review:

> The panel was informed that medical staff at the RAH did not frequently lodge incidents in the SLS and were slow to respond, if at all, when asked to review an incident that had been lodged by someone else.

The committee was very concerned by the lack of action within SA Health with regard to numerous commission reports and reviews, spanning a 10-year period that had consistently identified ongoing systemic cultural deficiencies.

The committee determined that the findings of one particular review, the Brook and Phelps review, are fundamental to cultural change that must take place within SA Health. However, the committee is very concerned by the poor progress against the action plan set out by Professors Brook and Phelps. The committee believes that SA Health must pursue excellence in all its endeavours to ensure the best possible practice in clinical governance.

The committee acknowledges that work is being undertaken in relation to improved safety incident reporting, and work was being done during the course of the time the committee was sitting. Nevertheless, more work is required in relation to safety and quality within SA Health, and which should be underpinned by a whole-of-department commitment.

It is important for honourable members to note that high staff turnover of senior management and key clinical leadership positions did have a significant impact on SA Health's capabilities. The staff turnover had a negative impact on morale, the ability to make timely decisions and to implement, report and review recommendations. The result was an unhealthy hierarchy organisational environment within SA Health, resulting in a culture of blame, fear of retribution and inertia.

Having said that, I would like to acknowledge that much good work is undertaken in SA Health, and that the majority of those working in SA Health, particularly in the front line, do an excellent job, and this was acknowledged by the patients themselves. The committee recognises that the ability of staff to carry out their duties is often hampered by lack of action by senior leaders in responding to the findings and recommendations of previous reports and reviews.

There should have been robust structures for the handling of chemotherapy protocols in the first place. Projects were delayed or awaiting EPAS, the electronic system for managing health records. Putting off the inevitable or putting in alternate interim arrangements meant that there was a fertile ground for a mistake. A mistake occurred and there was a poor response, as I have indicated.

Future responses to errors must be patient-centric and done with compassion and understanding. Certainly the previous reviews and subsequent reviews acknowledged the same. As I said, work is being done to address these issues and against set time frames. In essence, it should not have taken media interest in the plight of the patients and their families to drive change in SA Health. SA Health should be pursuing excellence regardless, and this is going to be an ongoing cultural challenge for the leaders in SA Health.

I thank the patients for their courage in attending the committee hearings and giving evidence of painful circumstances for both them and their families. There was one disappointment: that there were a number, I think two at least, senior health officials who had moved, one overseas and one interstate. One provided a response in writing; the other refused to give evidence, except in camera.

The limits of the jurisdiction of a select committee are such that the committee decided to take evidence in camera, as for the benefit of its findings it needed the evidence. But, it was disappointing to all members of the committee that former senior health bureaucrats did not have the same courage as the patients themselves to respond to the legitimate inquiries of the select committee of this parliament. To me, as a parliamentarian, that was a great disappointment and a reflection of the poor culture that infected SA Health under their leadership. I am personally thankful that they are no longer with the health department.

To leave on a positive note, I think that during the time of the committee SA Health and its executives understood the challenge ahead of them, and acknowledged the pain and suffering they had caused these patients.

The Hon. G.E. GAGO (16:59): I rise to support the select committee's report into the chemotherapy underdosing of 10 patients at the Royal Adelaide Hospital and Flinders Medical Centre who were suffering with acute myeloid leukaemia. I would like to thank the other committee members: the Chairperson the Hon. Andrew McLachlan; the Hon. John Darley; the Hon. John Dawkins; our secretary Mr Anthony Beasley; and our research officer Ms Carmel Young. I support all 17 recommendations found in the report, and believe that the implementation of these, along with changes already made in response by the RAH and Flinders Medical Centre, will ensure that such a dreadful incident will be prevented from ever happening again.

The incorrect dose was given as a result of the introduction of a new chemotherapy treatment protocol by the Central Adelaide Local Health Network and the Royal Adelaide Hospital which contained an incorrect dose. To make a mistake of this magnitude is a terrible thing, but the issues that concerned the committee even more were what can only be described as the shocking mishandling and inaction by some senior clinicians and bureaucrats that followed. The committee heard from many of the patients involved and their families about how this had a devastating impact

on their lives, and about the enormous pain and suffering it inflicted. I would like to thank and acknowledge the patients and their families who came in and shared their very painful stories with us for the courage they showed in doing that.

The committee found the underdosing occurred because of unacceptable governance practices within SA Health. Some of these practices included the mismanagement of the acute myeloid leukaemia protocols, the decision to make changes to protocols without the prior consent of patients, failure to follow SA policy and procedures relating to the reporting of incidents, and the uncoordinated approach to open disclosure of errors.

It was very clear to the committee that the patients involved and their families suffered substantial physical and psychological strain. Whilst giving evidence they recounted consistent examples of painful and distressing experiences with SA Health and SAICORP, detailing many examples of the paucity of coordinated care and lack of support. They felt their treatment after the error was discovered lacked respect, empathy and understanding.

Another area that demonstrated a lack of patient-centred care was the way compensation was handled by SA Health and SAicorp. Patients were advised by SAicorp to engage legal representation to make a claim. Small claim offers appear to have been made grudgingly, often under the threat of the offer being withdrawn altogether if they did not hurry up and accept, and often under the cloak of confidentiality clauses. As one patient said, 'I am a dead man walking…Families don't deserve to have to go through years and years of waiting for compensation, and fighting.'

The committee found it was completely unacceptable to require gravely ill people who had been subjected to a medical error to go to the additional time and expense of obtaining legal representation to enable them to make a claim for compensation. It found that at the time, SA Health and SAicorp lacked corporate policies and procedures that could provide an empathetic, patient-centred approach. It is pleasing to note that SA Health and SAicorp have since made the appropriate changes to their policies and procedures.

Another factor contributing to the mishandling of this incident was the lack of clear reporting lines, which resulted in inaccurate public statements. This in turn further distressed, angered and frustrated patients and their families. The lack of coordinated communication, delayed and scarce information, particularly up the chain of command, resulted in misinformation being given to the CEO of SA Health, the minister and the Premier, particularly in relation to seriousness of the incident, how the incident was being managed, and how it had occurred.

From the evidence that the committee received directly, as well as from findings from other investigations conducted by independent bodies or authorities, it was found that high staff turnover in senior clinical and management positions, plus the past decade of health services facing significant and rapid organisational change, impacted on morale generally. It also curtailed the ability to follow through and implement the recommendations made by a number of earlier reports to address a number of organisational concerns that had been previously identified. The committee found that in some parts of the organisation this had created an unhealthy hierarchical organisational environment, resulting in a culture of blame, fear of retribution and inertia.

A number of actions have been taken to investigate the underdosing incident, including this committee's report and other independent reviews. Earlier reviews have already caused important steps to be undertaken, and significant progress has been made.

The Marshall report made multiple recommendations, all of which have been accepted by SA Health and have either been completed or are currently being undertaken. An additional independent review into the use of the SLS system was commissioned as a result of the Marshall review. Conducted by the Australian Commission on Safety and Quality in Health Care, the review involved more than 600 staff members across CALHN, and the final report found a clear commitment to providing high-quality care within CALHN. The recommendations made by this report have been accepted by SA Health and an action plan has been developed.

Steps stemming from these recommendations include the referral of several clinicians to the Australian Health Practitioner Regulation Agency and targeted safety learning systems training for medical officers in the Central Adelaide LHN. Over 25 per cent of junior medical staff have

undertaken this targeted training over June. Additionally, almost 3,000 staff members in the Central Adelaide LHN have taken open disclosure training as of 15 June.

This training educates clinicians about the best way to communicate with patients and their families after an adverse event and the process of open disclosure. This training will help prevent any patients who undergo adverse events and their family members from having their anguish and pain compounded by inappropriate and non patient-centred responses by staff, including clinicians. The Coroner is also undertaking an investigation into the deaths of some patients who had been subjected to the underdosing.

I am confident that the full undertaking of these important steps, in addition to the 17 recommendations of this committee, will ensure that a mistake of this magnitude and the subsequent level of ineptitude within the LHNs will never occur again.

The Hon. J.A. DARLEY (17:07): I am pleased to rise to speak to the report of the Select Committee on Chemotherapy Dosing Errors. The committee was established to inquire into the dosing errors which occurred at the Royal Adelaide Hospital and the Flinders Medical Centre in 2014 and 2015, with particular focus on what contributed to the error, the response from SA Health and the government, the suitability of SA Health's risk management and the impact this risk management had on affected patients.

Evidence heard by the committee really painted a bleak picture of the entire debacle. It was not only the fact that such a crucial mistake had been made, it was also the subsequent mishandling of the matter. The committee found that a mistake was made because proper protocols within SA Health were not followed. Not only were they not followed, it became clear to the committee that staff, including management, had little or no knowledge of the protocols. Clearly, there is room for improvement there.

Once the mistake had been identified, protocols to report the error were also not followed. As a result, underdosing continued for some patients. When patients were advised or discovered that they had not been receiving the correct dosage, the manner in which they were treated is, quite frankly, appalling. No information was provided to them, nor were any notes made on their medical files that they were the victim of underdosing and would require more intensive medical monitoring.

Some patients were told via the media of how widespread the problem was, and others were forced to sign a gag order as part of receiving their compensation. This was incredibly insensitive, as comfort and support could have been found in other patients who were experiencing the same issues. Psychologically this would have been invaluable to patients during their time of need.

Patients overwhelmingly reported that SA Health's handling of the matter lacked empathy and sensitivity. The government seemed more concerned about covering themselves rather than what was best for the patients, patients that had already been through quite a traumatic event.

Patients gave evidence that they faced a fight throughout every step of the process. Even though the government had made public statements that the matter had been addressed, in reality, issues continued and it was often not until there was further scrutiny through the media that things got moving. This is clearly not what is needed at a time when a person is trying to fight cancer. The last thing they want is protracted argument with SA Health and the government over compensation, reimbursement of legal fees or even an apology. This is especially so given that they know their time with their family is limited and precious.

The committee has made a number of recommendations and, frankly, it cannot be difficult to improve on how this entire matter was dealt with. I only hope that the report will give some comfort to the victims and their families who have struggled long enough with this issue and provide impetus for the government to implement changes in line with the recommendations.

The Hon. J.S.L. DAWKINS (17:10): I rise to support the motion to note the report. Can I say at the outset that I have served on a number of select committees on some issues that were of concern to a lot of the members of the committees and to the general public, but I think this inquiry probably brought up the most disturbing and distressing evidence about the manner in which some members of the South Australia community were treated in the SA Health system that I have ever been aware of.

The inquiry was initiated by a motion in this house of the Hon. John Darley. The committee was ably chaired by the Hon. Andrew McLachlan, and I served on the committee together with the Hon. Gail Gago, who obviously has a great depth of knowledge of working in the health system. We were served by Mr Anthony Beasley as secretary and Ms Carmel Young as the research officer.

In its very early stages, the inquiry highlighted some very ordinary culture in SA Health. I was concerned at various stages of the inquiry that, despite the determination of some in SA Health and the dedication towards that, there were other areas of SA Health that are absolutely determined to not change culture. That is something that can happen in a lot of bureaucracies and it happens in some bureaucracies outside government. I think we have all been aware of that, but the minister in question time only today used the words 'failure' and 'failings'. These were words he used to describe his impressions of this matter.

I would just say that we were concerned about the lack of response to a number of aspects of this very disturbing matter and the way in which some very good members of the South Australian community were treated. I very much hope that those cultural matters are changing. I think it is important. I just want to highlight a few of the key findings that the committee has put in this report. I do so without wanting to repeat things my colleagues have said, but from my stance, I think these are worth putting on the record.

The affected patients and their families were adversely affected by the treatment they received from SA Health and SAicorp when seeking compensation. It was unacceptable to impose on patients who were gravely ill, and who had been subjected to a severe medical error, the additional burden of getting lawyers to make claims as well as enduring the prospect of ongoing and potentially long-term litigation.

I think the approach by SA Health and SAicorp demonstrated a lack of compassion and appreciation of the additional psychological and physical burden placed on patients and their families by the manner of these actions. We certainly saw in the evidence given to us the psychological impacts that had been placed on these people as well as the obvious medical impacts. Overall, I think the response to the incidents by SA Health lacked a holistic approach to coordinated care. After the dosing error, the treatment of the patients was identified as being disrespectful, lacking a sense of empathy and any understanding of their pain and suffering.

Of course, there were the significant delays. I was gobsmacked by the fact that a number of officers of SA Health could not seem to explain the great delays in the discovery of these errors and the delivery of that information not only to the patients but up the stream in the department. It still distresses me that some people seem to think that was okay.

One aspect I paid particular attention to was that the appointment of care coordinators was not offered to patients early enough after the treatment errors were discovered. In fact, I think when the department came to us and indicated in evidence that this had been done, it was almost like it was a great novel idea to do this. To me, there was a great underestimation of the psychological needs of the patients and the psychological burden that was placed on their families, particularly with the increasing information that was coming out in the media.

We do not want these things to happen in the future but, unfortunately, we do have human error. Where there are errors detected, they need to be communicated early and people need to be able to have one person who they can go to for their particular needs.

I was concerned that the directive by the then CEO of SA Health that a root cause analysis be conducted seemed to be determined as unnecessary by both of the LHNs involved, and there seemed to be a lack of monitoring of this directive by the SA Health safety and quality unit. There were certainly no clear lines of communication across the LHNs, SA Pathology and SA Health. In fact, I think the lines of communication could not have been more unclear. Many of us were disturbed by the fact that there was almost no communication.

In earlier contributions, members spoke about the letter of apology that was sent to patients. It was inadequate. It was certainly sent way too late, but it was also regarded as being disrespectful, lacking in empathy or any understanding of what these people and the people close to them had gone through.

In conclusion, I think this whole matter has been riddled with delays and with, as I said, that lack of communication. The Hon. Mr McLachlan referred to the fact that we have had very senior staff, such as CEOs and people paid significant amounts of money, who have moved on and seem to have a total disregard for what happened behind them.

The amount of movement of senior staff in this whole sector during the period of our inquiry I thought was remarkable and disturbing. I will say that I do trust that SA Health is making changes, not only to avoid these errors as much as possible but also to make sure that the protocols around dealing with errors are improved. Obviously, there have been many reviews done that have made recommendations in that area.

I started off by saying how distressing a lot of the evidence, and I think the attitudes from some in the department to these issues, was to me. During the earlier period of this inquiry, I was involved in a fundraising activity with people who work in the health system, who work for SA Health in the Gawler area, people who are very good people on the ground—nurses and other people in that area—who were distressed by the disregard and the way in which this impacted on the reputation of the jobs that they do.

I think that that is something that we need to take into account. Those people, the people who look after us when we go to hospital or in other scenarios are out there every day, not on the big high salaries, and they were very distressed at the way in which these things had happened and of course were in front of the media daily for a very long time.

With those words, once again I thank my colleagues on the committee. As is generally the case with committees of this place, I think it was a very constructive committee in the way that it worked. Once again, I thank my colleagues and the staff of the committee and commend the report to the council.

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

Motions

SWAFFER, MS K.

Adjourned debate on motion of Hon. K.L. Vincent:

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

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

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

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

(Continued from 9 August 2017.)

The Hon. S.G. WADE (17:23): I rise on behalf of the Liberal team to support this motion. Kate Swaffer was named South Australia's Australian of the Year in 2016, in particular for her work in dementia advocacy. It is a pleasure, on behalf of our side of the house, to welcome her to the chamber today.

Kate has had a long association with dementia. In fact, she was a nurse in Adelaide's first dementia unit in the 1970s, but in 2008 it became more personal. Before her 50th birthday, she was diagnosed with dementia. In the 10 years since, Ms Swaffer has continued to live a full life. She has completed three university degrees and is currently undertaking a PhD. Locally in Adelaide, she has been an ambassador for Dementia Australia, which until recently was known as Alzheimer's Australia. It is in that role that I have had the pleasure of meeting with Ms Swaffer.

Nationally, Kate has advocated for better services and outcomes for the more than 350,000 Australians currently diagnosed with dementia, and in that role has sat on numerous committees and councils. Internationally, she is chairwoman, chief executive and co-founder of Dementia Australia International and she was the first person with dementia to be a keynote speaker at a World Health Organisation conference. She is quoted as describing her advocacy mission in these terms:

I advocate in Australia, locally and globally to try and change the post-diagnostic experience to where people can learn to live with dementia, not only to die from it.

I am reminded of the phrase from the *Dead Poets Society*, 'A life lived in fear is a life half lived.' We need to support people with a diagnosis of dementia to live life to the full. We need to encourage people to look forward to ageing as an exciting chapter of life. I appreciate that Kate was a person who experienced early-onset dementia, but for a greater proportion of people dementia does occur later in their life. We need to encourage people to look forward to ageing as an exciting chapter of life. Like every other chapter, it will have its challenges, and that is more likely to include dementia than in earlier chapters, but our later years should be embraced.

I acknowledge Kate's effective advocacy for people with dementia. My party and I are pleased to be associated with this motion and we thank the Hon. Kelly Vincent for bringing it to the council.

The Hon. J.E. HANSON (17:26): I rise to speak in support of this motion. I recommend that in accordance with that, a minor amendment be made to the final point to acknowledge Ms Swaffer's belief that people with dementia are not and should not be defined by their disease. I move, in paragraph 3:

Delete 'dementia patients' and insert 'people with dementia'

Ms Kate Swaffer has been named as South Australia's Australian of the Year in 2017 and that was for her contribution, of course, to dementia awareness. Nationally, dementia is the largest known cause of death and disability of older Australians. By 2050, without a known cure, dementia is estimated to cost in excess of $80 billion for the care of over 900,000 Australians who, it is predicted, will have a diagnosis. Of these, 50,000 will be from South Australia. I wish to inform you that dementia-friendly communities is a priority for the ageing portfolio and for the work of the Office for the Ageing. I now acknowledge what the Hon. Mr Dawkins was saying.

As such, the contribution to dementia awareness of Ms Swaffer is to be commended. Ms Swaffer, a former nurse, was diagnosed with younger-onset dementia in 2008 at just 49 years of age. At this time, healthcare professionals and service providers advised her to prepare her end-of-life affairs, resign from her job and to give up studying and live for the time that she had left. They also suggested that she get acquainted with aged care as soon as possible. Since her diagnosis, as indeed the Hon. Mr Wade has already pointed out, Ms Swaffer has gone on to complete three degrees and is currently undertaking her PhD focusing on understanding the lived experience of dementia and improving the lives of those living with it and those who support them.

Ms Swaffer is now an internationally recognised speaker and advocate for more than 47.5 million people with dementia around the world. The poet, author, activist and academic sits on many boards, steering committees and scientific panels, providing an academic and consumer perspective and helping to set research priorities for dementia. Ms Swaffer is also the chairwoman, chief executive and co-founder of Dementia Alliance International, which is a global charitable organisation. Ms Swaffer is the only Australian to be a full member of the World Dementia Council and is the first person with dementia to ever have given a keynote speech at the UN World Health Organisation event.

Accordingly, I support the motion proposed by the Hon. Ms Vincent and note the contribution to dementia awareness of Ms Swaffer. I congratulate Ms Swaffer on being named as South Australia's Australian of the Year, recognising her role as chairwoman, chief executive and co-founder of Dementia Alliance International, and I acknowledge her role as a local, national and international advocate for people with dementia.

The Hon. K.L. VINCENT (17:30): I am very pleased today to bring to a vote this motion acknowledging Kate Swaffer being named as South Australia's Australian of the Year 2016 and also recognising her role as chairwoman, chief executive and co-founder of Dementia Alliance International, and acknowledging her role as a local, national and international advocate for the rights of people with people with dementia and for the better treatment of those people. It is particularly an honour and a thrill to be doing so with Kate and her husband in the chamber. I would like to again acknowledge their presence here this evening.

We know the work that Kate does day in, day out is so important, but it becomes even more so when you take a moment to look at the figures which indicate that more than 413,000 South Australians are diagnosed with dementia, according to the Dementia Australia website, and 244 new diagnoses will be made each and every day. As other speakers have mentioned, dementia is the second leading cause of death in Australia. The number of people with dementia in Australia is expected to rise beyond 1 million by 2056.

Mr Wade made an apt point when he quoted the *Dead Poets Society*, saying: 'A life lived in fear is a life half lived'. I first learnt that proverb in Spanish from watching *Strictly Ballroom*, but the sentiment is very much the same.

The Hon. I.K. Hunter: Show-off!

The Hon. K.L. VINCENT: Less a show-off than a nerd, Mr Hunter. Anyhow, I will take the compliment. But Mr Wade is completely right. Yet just yesterday at a Dementia Champions morning tea that we are very lucky to hold with reasonable regularity here at Parliament House, we heard a number of startling statistics. We heard a number of startling statistics, but the one that most stuck with me was the estimate that one in 10 people admits to being afraid to communicate with a person known to be diagnosed with dementia—one in 10. And that is only the people who will openly admit to harbouring that fear. Unfortunately, regrettably, I would be willing to bet that the real number is probably higher.

It is through speaking to people like Kate and watching the episode of *You Can't Ask That*, in which Kate appeared alongside other people with dementia and answered anonymous online questions in honest and often humorous ways to try to educate the community at large about dementia, that I was really struck by the fact that the changes to a person's mind, their capabilities and to their life chances are very frightening. But often the answers to these questions that most stuck with me were where people were talking about how they had felt abandoned by family and friends since their diagnosis or increasingly isolated as fewer and fewer people were willing to engage with them as their diagnosis progressed. To me, that is the real sadness.

When it comes to a complex and often severe condition like dementia, it is difficult to select just one sadness. I think there are many, many travesties that can come with a diagnosis of dementia. But, on top of the challenges that the person diagnosed with dementia, often even newly diagnosed with dementia, and their family face, to couple that with the ignorance, fear and stigma that exists in the community, often even within those closest to the person diagnosed with dementia, I think that is a real travesty.

It is not just for the cost savings that we could make in properly treating dementia. It is not for the quality of life whilst slowing down the disease that we could achieve by properly investing in treating and researching dementia. It is the quality of life that I believe we all stand to gain from being properly educated about dementia and from not being afraid to reach out and educate ourselves to learn more and to learn from people with dementia, as Kate shows us, having completed three university degrees since her diagnosis, for a start—not before but since. As this shows us, people with dementia still have so much to give and so much to teach us, and so it is up to us to be willing to listen.

It is not only important that we save money and save the healthcare system and provide better life chances for people diagnosed with dementia, it is also important that we challenge that stigma wherever we encounter it so that we do not live a life half lived by living in fear.

The Hon. S.G. Wade: Say it in Spanish.

The Hon. K.L. VINCENT: Gosh, I have not practised in a long time and this is going to be tough for Hansard, but I will give it a go: vivir con miedo es como vivir a medias. I have not practised for a long time and it is very rusty, and I have not got my r. There it is: the r's.

The Hon. S.G. Wade: Hansard will fix it.

The Hon. K.L. VINCENT: That is a triple or quadruple r. I am not sure, but Hansard are on to it. Anyhow, you have distracted me, Mr Wade, from this very serious topic. So, it is up to all of us to counter the stigma and ignorance that exists about dementia in the community wherever we

encounter it. Given that, from the statistics that I have just quoted to you, it is estimated that over a million Australians could well be diagnosed with dementia by 2056, it is not only up to us to create a better life for those currently diagnosed with dementia. If that was not reason enough, which I certainly think it is, we also have to create the life that we might want to live should we be diagnosed with dementia. We all stand to benefit, and we have already benefited so much from the work of Kate Swaffer.

It is not just Kate, but also the group of people she is empowering to stand up: the group of health professionals who are now better educated about dementia and what it means and, perhaps even more importantly, what it does not have to mean. That education is very much occurring, thanks to the work of her and people like her. Long may it continue. On behalf of all of us here this evening, and also those who are out of the room, thank you for your continuing work. Long may it continue. I very much look forward to continuing to find it difficult to catch up with Kate because she is forever on a plane somewhere, off to make a speech or meet with somebody to represent the best interests of people with dementia. Long may that work continue. Congratulations from all of us to you, Kate Swaffer, and thank you on behalf of all South Australians for the fantastic work that you are doing.

I had written it down, but I completely neglected to say that I am thankful to Mr Hanson for bringing the amendment forward on behalf of the government to change the wording from 'dementia patients' to 'people with dementia'. That is, of course, something that I would usually be very much advocating for. I think it might have been a copy and paste error that led to the original wording. The intent was very much to be focused on the social model of disability, as I hope my remarks, both previously and tonight, have illustrated. However, given that the mover cannot amend their own motion, I am grateful to the government for amending it. I support the amendment.

Amendment carried; motion as amended carried.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: SUSTAINABLE PRAWNS FISHERIES MANAGEMENT

The Hon. J.M. GAZZOLA (17:39): I move:

That the report of the committee on Sustainable Prawns Fisheries Management in South Australia be noted.

The Natural Resources Committee first heard about the matters concerning the Gulf St Vincent prawn fishery in 2014, when it was presented with a publication entitled *The Old Man and the Sea: a South Australian Story*. The publication was written by prawn fisher, Maurice Corigliano, about the decline of Gulf St Vincent prawn fishery. The committee subsequently heard evidence about the history and status of the fishery from a variety of stakeholders, who took the time to present to the committee during formal hearings.

The committee heard that prawn fishers in Gulf St Vincent were unhappy with the number of boats able to work in the gulf, and believed that a reduction in the number of licences would be the solution to creating a more sustainable fishery. The committee also heard that some Gulf St Vincent prawn fishers wanted the South Australian government to invest in a licence buyback scheme to reduce the number of boats actively fishing for prawns in the gulf.

These prawn fishers also blame the South Australian government for the poor state of the prawn fishery because they said the government was responsible for too many licences being made available initially. To gain a more thorough understanding of this quite complex matter, the committee sought out evidence on South Australia's other two prawn fisheries on the West Coast and in the Spencer Gulf.

Although the committee heard that there were important ecological differences between the two gulfs, they heard that the way in which the Spencer Gulf prawn fisheries and their industry association worked together to manage sustainability in the Spencer Gulf was an internationally recognised model for best practice. It was aspects of this model that PIRSA subsequently adapted for Gulf St Vincent, and that the committee decided should be given a proper chance to work in the gulf.

Although the committee was sympathetic to the plight of prawn fishers in Gulf St Vincent, after careful consideration it considered that a state government funded buyback scheme was not

the best option. The committee's conclusion was that it appeared that the model for co-management and management strategies, as implemented by PIRSA, were working effectively to achieve the desired outcome, being a reduction in the number of prawn boats in Gulf St Vincent, but minus the high price tag associated with a buyback. Consequently, members agreed that this new cooperative model should be given an opportunity to continue.

I wish to thank all those who gave their time to assist the committee with this report, and I commend past and present members of the Natural Resources Committee: presiding member the Hon. Steph Key MP, the Hon. Robert Brokenshire MLC, the Hon. Paul Caica MP, the Hon. John Dawkins MLC, Mr John Gee MP, Mr Chris Picton MP, Ms Annabel Digance MP, Mr Peter Treloar MP and former member the Hon. Gerry Kandelaars MLC, for their contributions.

I am confident that all members worked cooperatively on this report. Finally, I thank members of the parliamentary staff for their assistance and I commend the report to the chamber.

The Hon. J.S.L. DAWKINS (17:43): I rise to support this motion and endorse the remarks of the Hon. Mr Gazzola, who probably knew far more about fishing when he was a teenager than I will ever know. This has been an example of a difficult issue that has been brought to the Natural Resources Committee and one that I think we have dealt with in a very measured manner. There are a lot of issues on which we do not want to give expectations to people that we can change the world. However, we will listen to them and see what we can do in the course of getting people in the agencies to also take note of the issues.

I think the matter highlighted, as the Hon. Mr Gazzola said, the significant differences in many of the various groups of water, if you want to call it that, in South Australia—the significant difference between not only Gulf St Vincent and Spencer Gulf but also those waters on the West Coast, which is basically part of the Great Australian Bight. So, there are significant differences.

Overall, I think the committee was very honest with this group, which is also, no doubt, passionate about the gulf and what they do. As I have learned over my years in this place, most people who have anything to do with fishing are quite passionate. Once again, I endorse the work of the committee, particularly under the leadership of the Hon. Steph Key, and I endorse the report.

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

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: RETURN TO WORK ACT AND SCHEME

The Hon. J.E. HANSON (17:45): I move:

That the final report of the committee on an inquiry into the Return to Work Act and scheme be noted.

This is the final report into the referral for an inquiry into the Return to Work Act and scheme. It follows on from the committee's interim report, which was tabled in May this year.

The committee has made a total of 18 recommendations. For some areas of the scheme which are still rapidly evolving, the committee recommended the mandated review further explore matters into the future. For other areas, including those around the support and services available for workers, the committee made pragmatic recommendations to help further the scheme to be one where there is reasonable support offered to all.

Well-functioning workers compensation schemes are integral to modern society. Schemes must strike the balance of being both socially and financially sustainable. Arguably, for years South Australia's previous scheme, known as WorkCover, struggled to achieve either. The WorkCover scheme consistently produced return-to-work rates that were below the national average, required one of the country's highest employer premiums to operate and was extremely underfunded. Scheme reform was needed.

Just over two years ago, on 1 July 2015, the Return to Work Act came into full operation and the Return to Work Scheme commenced. The new scheme had a greater focus on early intervention, customer service and recognition of the health benefits of good work. This scheme has moved away from being adversarial and too often focused on medico-legal matters.

From a financial sustainability perspective, the Return to Work Scheme also strives to maintain affordable employer premiums to ensure that South Australia remains competitive in regard to other Australian jurisdictions. In fact, the scheme's average rate has dropped from over 3 per cent at its highest point to 1.8 per cent this financial year. This represents a significant saving for employers, of course; on top of this, the scheme is now funded with $501 million in net assets.

Of course, as with any reform it is important to stop and ensure that the changes are working. The Return to Work Act prescribes that the Minister for Industrial Relations cause a review of the act, its administration and operation. This review is due to commence next month and is required to be completed within six months after that. The committee expects its report to serve as a foundation for the minister's review.

The committee heard that many workers are better off under the Return to Work Scheme. Income support is now paid for the first 52 weeks at 100 per cent of pre-injury earnings, permanently injured workers can access both economic and non-economic lump sums, and services such as mobile case managers provide a greater level of face-to-face service than the scheme has seen before. Further, workers who are assessed as having a whole person impairment of 30 per cent or more are now considered seriously injured and are able to access income support until retirement and medical support for life.

However, while many workers are better off, the committee received a number of submissions about the negative impacts of the scheme and heard of circumstances where the act's hard and inflexible criteria created gaps in the safety net. Unless a worker meets the act's definition of 'seriously injured' they will receive income support for a maximum of only 104 consecutive weeks.

Further, injured workers' access to medical expenses ceases after 12 months when income support will stop. The cessation of income and medical support is automatic. This means irrespective of a worker's capacity for work, that worker's employment prospects and whether or not further treatment is required, all support will cease.

Some submissions cited that the scheme's new time limits for income and medical support would promote workers to be independent and return to work. However, the committee heard many stories of workers having to rely on limited social support benefits, turn to family members for help, or having to go without. The committee heard concern from some workers, including those with psychiatric injury, who may be unable to afford necessary medication, as it is not only too expensive but also not covered by the Pharmaceutical Benefits Scheme.

The committee found that the scheme may also discriminate against those with psychiatric injury. The act appears to have increased the threshold that must be met for psychiatric injury claims to be considered compensable. This threshold is arguably more difficult to reach for workers with psychiatric injury compared to those whose injuries are more visible. Further, economic and non-economic loss lump sums are not afforded to those with pure or consequential psychiatric injury. The committee also heard the test used to assess whole-person impairment for psychiatric injury, known colloquially as GEPIC, does not take into full account the impact on the worker or their ability to work or function in everyday life, a fairly critical scenario.

The committee also notes that, while the scheme's average premium rate has dropped, the scheme remains one of the least affordable for employers when compared to other jurisdictions across Australia.

Unfortunately, areas of the scheme were difficult to inquire into due to its evolving nature. While there has been a reduction in new disputes in the scheme, there is a backlog of appeals to be heard. As such, this has caused some confusion in parts of the scheme, with many waiting to find out the outcome of these cases and to assess the impact that those cases may have on future decisions.

The committee recognises that some of the recommendations it has made may result in increased costs to the scheme. Therefore an approach which balances the interests of workers and employers should be adopted.

This inquiry has been one of great interest. It received over 50 submissions as well as hearing from witnesses over 11 public hearings. The committee heard and received evidence from

a wide section of the community, including injured workers and their unions, employers and their associations, the medical and legal professions, ReturnToWorkSA and others interested in the Return to Work Scheme. They have all greatly assisted the committee with undertaking this important inquiry.

I would like to thank members of the committee for their time and their efforts during this inquiry, in particular, of course, the Hon. John Darley; the Hon. John Dawkins; from the other place the committee's presiding member, the very hardworking member for Ashford; the member for Wright; the member for Fisher; and the member for Schubert. Finally, I would like to express my appreciation to the committee staff: firstly the committee's executive officer, Ms Sue Sedivy; Mr Peter Knapp, our research officer, who has been providing additional support during Ms Sedivy's leave; and Ms Peta Spyrou, who is a very hardworking research officer for the committee. I commend the report.

The Hon. J.S.L. DAWKINS (17:53): I rise to endorse the motion, which notes what I think is a significant body of work in a complex area that has undergone significant change in recent years, particularly in the last two years. It is not an area I profess to be an expert in, but I think it has been one where once again we have had, as the Hon. Mr Hanson said, a large number of witnesses, I think witnesses that have all been—while some have different views—very genuine in wanting to assist the process.

I think that is the value of good parliamentary committee processes. I think I have made this comment before. Sometimes we do not get earth-shattering responses to our recommendations in writing at the end, but some of the changes that happen behind the scenes on the way—and I will not mention names, but some ministers are nodding in the chamber—sometimes ministers find helpful. I think there are a number of things in this report that are very well worth taking up.

I am not going to delay the chamber a great deal, but it will not surprise anybody to know that, in all the evidence we have taken on this matter, I have had a particular interest in the way in which people with a psychological injury are treated. I have taken the opportunity to highlight with some of the agencies and other groups the need to better treat people who initially are coming up with a psychological injury.

In the previous report on the chemotherapy underdosing, in terms of the attitudes to people, the culture in some of these agencies has been pretty ordinary towards people with a psychological injury. I think those things are changing, but recently I have had evidence to say that one key agency and the peak body that works with it or the association of employees that works with it are lacking in this area, so we need to keep plugging away.

I think this report does make some important distinctions along the way in regard to the way in which psychological injuries are treated as compared to physical injuries, particularly physical injuries that are quite apparent to people. If people have a broken leg or a broken arm, people make an adjustment for them because they can see it. We do not do that very well with a psychological injury, but we are getting better.

There are many aspects in this body of work that I think go towards that and I put it to the Minister for Industrial Relations and all who have carriage of the Return to Work Act that more and more work needs to be done in that area. With those words, I support the motion.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: REPORT 2016-17

The Hon. T.T. NGO (17:58): I move:

That the 79th report of the committee, entitled Annual Report 2016-17, be noted.

The committee spent the year concentrating on finishing the report on biodiversity and attending to its various statutory responsibilities. There were three inquiries active during this financial year: waste management, strata titles and biodiversity. The report on biodiversity was published, the strata titles inquiry continues and it was formally decided to not proceed with the waste management inquiry.

As in other years, the committee's statutory responsibilities were dominated by the receipt of referrals of development plan amendments (DPAs). A significant proportion of the committee's time was spent in the exercise of parliamentary scrutiny of DPAs. The previous financial year saw committee members heavily involved with the passage of the Planning, Development and Infrastructure Bill. This year saw the bill's passage through the parliament. The next financial year will start to see the implementation of the new act and, consequently, a vastly changed role for the committee.

Pursuant to the Development Act 1993, the Minister for Planning referred 27 development plan amendments to the committee. Six of the DPAs required witnesses to be called and additional information to be obtained before making a determination on the amendment. Details are in the report.

The biodiversity inquiry investigated the regulatory and policy framework to determine whether it appropriately supports terrestrial and marine ecological processes, biodiversity values and abates species extinction. The evidence showed that the condition of biodiversity in the state continues to decline. This was despite the efforts of the state and federal governments, industry and private landholders in South Australia.

There is no reason to believe that this trend will improve without a change to the way we approach biodiversity conservation. The report focused on several key themes and suggested a range of measures, including legislative reform, improved management of threats and greater involvement of the community. The rationale for the inquiry on waste management was overtaken by events and the committee decided not to proceed.

Committee membership had one change during this period. The member for Goyder, Mr Steven Griffiths, resigned. On behalf of all the committee, I would like to say both he and his knowledge are missed and his contribution was appreciated. Joining the team is the member for Bright. I commend this report to the chamber.

Sitting suspended from 18:01 to 19:47.

The Hon. M.C. PARNELL (19:47): I rise to support the motion that the report of the Environment, Resources and Development Committee be noted. I have served on this committee for 12 years and, when the parliament is sworn in after the next election, I hope to be able to continue to serve. In the last year, as in all previous years, the main focus of the committee's work was planning. The committee considered a large number of development plan amendments, which are more commonly known in the community as rezoning proposals. We took evidence in relation to many of these and we made recommendations to the minister about several of them.

As well as exercising our reactive statutory responsibilities to review planning policy, we also took on a number of proactive issues. The biodiversity inquiry was the most important of these, and later today I will be bringing to a vote a bill that gives effect to one of the committee's key recommendations for a state biodiversity planning policy. I expect that that bill will have widespread support, and I hope that it will become law by the end of the year.

Another issue I want to raise in relation to the committee's work over the last year is our consideration of the minister's use of major development powers. Under the old Development Act, or even the new Planning, Development and Infrastructure Act, the committee has no formal role in major development declarations, and I think that is unfortunate. However, it does not mean that the committee cannot weigh in when it thinks that it is appropriate.

Members will recall that yesterday the planning minister made a statement to the House of Assembly that he was withdrawing his declaration of 19 April this year that certain aged-care facilities would be regarded as major developments and thereby be exempt from the objectives and principles of development control contained in the local planning schemes.

The declaration was the first time that section 46(1)(b) had been invoked since the Development Act 1993 came into operation. In short, it provided that certain aged-care facilities valued at over $20 million would be taken out of the hands of the Development Assessment Commission or the local council and gave decision-making power to the Governor, which effectively means the minister. As well as changing the decision-maker, it also removed appeal rights, rights of

judicial review and, most importantly, it allowed the developer to bypass established planning policy in local development plans, including height limits.

I spoke at some length about this last month when I introduced a motion to the chamber, so I will not repeat what I said then, other than to say that the first three developments that were called in under this power at Glen Osmond, Norwood and Joslin all attracted considerable community opposition. The residents had a range of local concerns around amenity, overlooking, traffic management, overshadowing, heritage and other concerns. However, they were also dismayed that the minister would have given himself the power to approve nine-storey developments in two-storey zones. It was this aspect that really brought the planning system into ridicule and disrepute.

The role of the Environment, Resources and Development Committee in this matter is that we agreed to undertake a short inquiry into the issue, with evidence provided by neighbouring local residents, the developer (Life Care) and the planning department. At the conclusion of the evidence, the committee resolved to write to the planning minister urging him to do three things: abandon the major project declaration, give an early no to the three developments and embark on a proper process for planning for future aged-care requirements.

Whilst the minister did not specifically reference the committee's letter in his statement yesterday, he has now delivered on the first point, and that is a good outcome. Life Care has also conceded on the second point by withdrawing their three applications and resolving to go back to the drawing board and also back to the negotiating table with local residents. That too is a good outcome and I am delighted that Life Care has chosen to value its relationship with its neighbours, and I think that augurs well for the future.

We now await action on the third point: a proper process for planning for future aged-care requirements. Hopefully, this will begin in the new year but more likely after the election. Whilst it is not my call, I think that the Environment, Resources and Development Committee could play a useful role in that review. When discussing the role of the ERD Committee with the various residents groups, I made the point of reminding them that a standing committee of parliament could not actually force the government to do anything that it did not want to do; however, I always hoped that raising the issue of major development declarations in parliament would help common sense to prevail. I am glad it has. I am glad that the ERD Committee was able to help broker an outcome that both protects the rights of local residents but, just as importantly, helps protect the integrity of the planning system.

I do not want to get too dewy-eyed about the integrity of the planning system because it has a great many faults and very often delivers outcomes that are bad for the community, bad for business, bad for the environment and not in the long-term interests of South Australians. Nevertheless, I think the ERD Committee played a useful role in this current controversy and I have contacted the minister to thank him for his concession. I also want to put on the record my thanks to Life Care for agreeing to reconsider its proposals and for its commitment to more respectfully engage with their neighbours about future development proposals. I also want to thank again the three residents groups: Caring about Joslin, Oppose Glenrose Hi-Rise and Concerned Residents of Norwood for Compliant Development.

Having identified a good news story—and lest anyone think that I am going soft in my crusade for better planning laws—I also want to outline some of the frustrations I have with the ERD Committee. At the top of the list is the fundamental flaw in having an oversight committee of parliament that is under the effective control of the government. As a consequence, the committee has never brought a motion to parliament that is at odds with what the government wants.

Since the Development Act came into operation on 1 May 1993, the disallowance power of the ERD Committee has never been used to force a vote to disallow a change to planning rules. This is a function of the fact that the government controls the committee. There are six members of the ERD Committee and three of them are from the government. The Parliamentary Committees Act provides that the presiding member comes from the government benches and has both a deliberative and a casting vote. The rest, as they say, is history.

The other glaring fault is that the ERD Committee does not get involved in scrutinising planning instruments until after they have come into operation; in other words, after the horse has bolted, after the zoning change and after the developers have begun lodging their applications. Only

then does the ERD Committee get to consider the planning changes. By then, it is too late to do anything. Even if the committee was not government controlled, it is far too late to seriously influence the outcome.

In many cases, the involvement of the committee is a complete waste of time and only serves to give false hope to the community and to local councils that see the committee as a last opportunity for a review and genuine scrutiny. Far too often this is a cruel hoax, and this situation must change. My advice to whichever party forms government after the next election is that the whole of the committee system needs to be reviewed.

In relation to the ERD committee, I am offering three reforms to start with. Firstly, give the committee real power to scrutinise planning policy. It is completely unacceptable that an oversight body has no real powers of oversight—it should not be a government-controlled committee. Secondly, provide that no changes to planning policy come into operation until after it has been considered by the committee. Giving planning policy changes to the ERD committee a month or so after the horse has bolted is not good enough.

Thirdly and finally, whilst I am on good terms with the current Chair of the committee, the consolation prize for one lucky government backbencher of an extra $33,000 in their salary, a dedicated government car and a dedicated chauffeur is completely at odds with public expectation. It is undeserved, unnecessary and a complete waste of well over $100,000 of taxpayers' funds. I commend the committee's report to the council.

Debate adjourned on motion of Hon. J.M.A. Lensink.

Motions

OAKDEN MENTAL HEALTH FACILITY

The Hon. S.G. WADE (19:56): I move:

That on the prorogation of the present parliament, should the Independent Commissioner Against Corruption present to the President a report on his inquiry into the matters surrounding the Oakden Older Persons Mental Health Service facility and, on the expiration of 28 days thereafter, the report be deemed to be laid upon the table of the Legislative Council, the President is hereby authorised to publish and distribute that report.

On reading this motion, members will notice it has echoes of the sister motion that was moved by the Hon. R.I. Lucas on 1 November. The Hon. Mr Lucas's motion relates to reports of the Auditor-General, and this motion is a sister motion in that it seeks to achieve a similar outcome in relation to matters under the act in consideration of the Independent Commissioner Against Corruption.

Members would recall that the ICAC Commissioner appeared before the Economic and Finance Committee in both May and October this year. In May, he advised the committee, and therefore the people of South Australia, that he was undertaking an inquiry into possible maladministration in relation to the Oakden older persons mental health facility.

It would be fair to say that the South Australian community has been shocked by the level of abuse and neglect of older South Australians in this facility over an extended period, and they were disbelieving that a responsible government could have so poorly managed the health system that that situation could have arisen. So, it was hardly surprising to the South Australian community that the ICAC Commissioner saw that as a prima facie case of maladministration and he initiated an inquiry. When he appeared before the crime and public integrity committee in October, his opening statement primarily related to that reference. With the indulgence of the house, I would like to quote sections of his statement. He said:

When I last appeared before the committee in May of this year, I announced that I would be conducting an investigation into matters surrounding the Oakden older persons mental health facility.

I told the committee on that occasion that I hoped to have the investigation completed within six months. Since announcing the investigation, I have engaged resources to assist me. We have been working diligently to collect information relevant to the investigation and to identify and speak to those who might be able to assist. I have issued 13 summonses seeking relevant documents, and in answer to those summonses I have received more than 37,000 documents comprising in the order of 200,000 to 300,000 pages of information. You will appreciate that that is a significant volume of information to review and assess.

Later in the statement, he said:

> …both the volume of the material and the time taken to receive it has exceeded my initial expectations.

Further on, he stated:

> Given the large volume of evidence that has been and will continue to be collected, I will not be in a position to complete my investigation this year. That is unfortunate and regrettable because I appreciate that there is a great deal of interest in the outcome of my investigation, but I will not rush the investigation. It is an important matter and it must be investigated properly. I will endeavour to finish the investigation as soon as possible.

Later in that same hearing, Mr Tarzia, the honourable member for Hartley in the other place, asked:

> Getting back to the Oakden report, Commissioner, will you issue your final report on Oakden before the 2018 state election?

The commissioner responded:

> I would hope to, but I can't give you a time when it will be released. It will be released when it's ready. I will complete it as soon as I can.

I appreciate that the commissioner's report, if there is to be one in relation to this matter, may or may not be completed before the election, but what is clear is that it will not be completed before the end of this calendar year, and therefore in all likelihood it will be after the last sitting day of the parliament before the next election.

For similar reasons as the Hon. R.I. Lucas gave in relation to the accountability issues in relation to the Auditor-General's reports, I would argue that it is also in the public interest for the ICAC reports that are received beyond the sittings of this parliament, when the reports are received by the President of the Legislative Council and the Speaker of the House of Assembly in a non-sitting period, that those reports be tabled. I think it is a matter of accountability of government but I think it is also a matter of fairness to members. Let's not forget that the Hon. Lisa Vlahos is standing for election in this council. It is only fair to her that the cloud in relation to her service in the ministry will be, if you like, eliminated by the release of the Independent Commissioner Against Corruption's report.

Given the shortness of time before Christmas, before we break for at least the Christmas break if not until the election, I indicate to members that I propose to bring this matter to a vote at the next sitting Wednesday.

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

The Hon. K.J. MAHER: Mr Acting President, I draw your attention to the state of the council.

A quorum having been formed:

POLICE OMBUDSMAN

The Hon. R.L. BROKENSHIRE (20:04): I move:

That this council—

1. Notes the recently tabled Acting Police Ombudsman's annual report;
2. Notes the strongly held concerns of the Police Association of South Australia in respect of the annual report; and
3. Challenges the aspect of the annual report which attacks the Police Association of South Australia.

This is an important motion. I apologise to my colleagues that I have not been in a position to bring in this motion earlier, but the reality is that it is only a few weeks ago that we had the annual report of the Acting Police Ombudsman laid on the table in the House of Assembly; in fact it was only on 26 September 2017. I was concerned when I saw aspects of the report. Since then, there has been some media comment on it as well.

Before going on, I have a letter from the Police Association of South Australia to the Hon. Chris Picton MP, Minister for Police. I seek leave to table this letter rather than read it.

Leave granted.

The Hon. R.L. BROKENSHIRE: I could read in the second document, but I seek leave to also table it. It is a story by Mr Nigel Hunt headed 'Police lash integrity slur' in the Adelaide *Advertiser* from 1 November 2017.

Leave granted.

The Hon. R.L. BROKENSHIRE: Those two are tabled. That will save some time tonight. I know that members have a lot on their plate tonight, so I appreciate the concurrence of you as Acting President and also of my colleagues.

The focus of the motion that I have moved is that the house acknowledges the strongly held concerns of the Police Association of South Australia in respect of the annual report of the Acting Police Ombudsman. This association has outlined in the letter (now tabled) to the Minister for Police its robust disagreement with several of the ombudsman's assertions. Amongst those it repudiates is that it is a partisan player in the operation of the Police Disciplinary Tribunal and that it is not well placed to assess whether the structure of a police disciplinary framework is in the public interest. The association considers that the effect of these and other assertions was to portray the organisation and its members in a false and potentially damaging light.

I will finish now with a couple of other points because colleagues and the wider community can see, once those two documents are published in *Hansard,* the concerns that I put to the parliament on behalf of the Police Association, which I must say is really on behalf primarily of the 4,000 members.

Under the Westminster system, we have something that I strongly believe in, and I am sure my colleagues do, which is, when it comes to law, you are innocent until proven guilty. When there are complaints or reports on a police officer, my observation is that it is the opposite: they are actually guilty until proven innocent.

What I am saying is that, when there are issues regarding integrity structures that police have to look at regarding a complaint or a report on a police officer, it becomes quite difficult for that police officer. The police officer does not have a lot of places that they can go to seek advice. That is why 99 per cent of police officers are members of the South Australian Police Association. The Police Association, I would expect, would be there to actually stand up for and support their police when there is a complaint laid against an officer that has to be investigated.

I know from personal experience, from many years working with police, that the Police Association still wants the law absolutely upheld. There are occasions when they can see straight away that a police officer has erred or breached the code of conduct or, in cases, committed an offence. They do not necessarily go in to bat for or support them. If they have committed a criminal offence, then they realise that goes before the courts.

Most of the complaints about police are quite frivolous but can be very concerning to individual police officers and their families. There tends to be the attitude within society today, if a police officer picks up certain people for an offence, that, 'We didn't like the fact that that police officer picked us up for speeding'—the person was in breach of the law by speeding—'We didn't like the fact that the police officer then looked over our car, and we didn't like the fact that they defected the car.' Therefore, they will raise some allegation about the behaviour or how the police officer handled the matter and it becomes a complaint. You can imagine how that becomes quite stressful for an officer. Those investigations can take some time. There is a trend in society, unfortunately, that that seems to be growing.

I strongly support what the Police Association has said in that letter to the Minister for Police, the Hon. Chris Picton. There are other issues that need to be considered as well, but I will leave it at that at the moment. I advise the house that, given we will be getting up from the parliament after the next sitting week, as far as I know, I intend to put this to a vote. Certainly, as far as I know, we have at the most two sitting weeks if the government takes the optional sitting week, which I understand probably will not occur before an election. We are then up for about five months. I advise my colleagues that I intend to put this to a vote on the next Wednesday of sitting.

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

NEWSTART ALLOWANCE

The Hon. T.A. FRANKS (20:12): I move:

That this council—

1. Notes that Newstart, at $269.40 per week for a single person with no children, is significantly below the poverty line of $426.30 a week, as defined by the ACOSS Poverty in Australia Report, 2016;

2. Acknowledges the nine South Australian councils that, as of 15 November 2017, have called for Newstart to be raised: Port Adelaide Enfield, Streaky Bay, Salisbury, Playford, Onkaparinga, Mount Gambier, Kangaroo Island, Copper Coast and Clare Valley;

3. Commends the work of the Anti-Poverty Network in raising these issues at all levels of government; and

4. Calls on the federal government to increase the level of Newstart as a matter of urgency.

Since I gave notice of this motion, just yesterday, anticipating that it would be delivered this evening on 15 November, there has actually been another council to add to that list. Last night, the Adelaide city council made a decision to join this campaign as the 10th local council in our state, taking the number over the past two months to 10 local governments—five metropolitan and five regional—representing some 583,000 or so South Australians who have joined the chorus of business, union and welfare groups calling for an increase in the grossly inadequate Newstart Allowance.

This is an important campaign, and it has been driven by the leadership of the Anti-Poverty Network. At this point, I particularly want to single out Pas Forgione for his outstanding efforts in devoting his expertise, time and passion to the Anti-Poverty Network, and also commend all of the members of the network. Indeed, there is a great need, sadly, for the work of the Anti-Poverty Network in our state. There is also, sadly, an ever-widening gap between the rich and the poor in this country. The way we choose to treat those who are the most disadvantaged in our society says a great deal about our values and the kind of society we wish to live in.

When I was at university, I learnt in sociology about theories of deserving and undeserving poor. Unfortunately, I think those theories have taken hold in contemporary Australia, rather than what I would prefer to see, namely, the Australian values of egalitarianism, mateship and a fair go. Despite national economic growth, the level of Newstart Allowance has not been raised in real terms for 23 years. To quote Catherine Yeomans, the CEO of Mission Australia, who was writing in the Huffington Post last month:

> As the cost of housing and basics continue to rise, many people have to choose between paying the rent so they can keep a roof over their head and paying for the other essentials they need to survive…
>
> Even with supplements and rent assistance, income support payments are falling well short of the income that's actually needed to cover bills, food and rent. This is leaving families and individuals with unacceptable choices.

The situation she refers to is simply not good enough, but where is the action? A snapshot of poverty in Australia provides a shocking picture that should prompt urgent action. According to the ACOSS report in 2016, Our Poverty in Australia, the poverty line—which is 50 per cent of median income in this particular definition—for a single adult is $426.30 a week. For a couple with two children, it is $895.22 a week. Despite Australia's 20-year economic growth, there are around three million people living in poverty. One in six children under the age of 15 lives in poverty. Gone are the days when our prime minister promised that no child need live in poverty in this country.

Child poverty in Australia increased by two percentage points over the decade 2003-04 to 2013-14. Of people receiving social security payments, 36.1 per cent were living below the poverty line, including 55 per cent of those receiving Newstart Allowance, 51.5 per cent of those receiving Parenting Payment, 36.2 per cent of those receiving the Disability Support Pension, 24.3 per cent receiving Carer Payment and 13.9 per cent of those on the Age Pension. Of people below the poverty line, 57.3 per cent relied on social security as their main income, and 32.1 per cent relied on wages as their main income.

Between 2012 and 2014, poverty rates increased for children in lone-parent families (from 36.8 per cent to 40.6 per cent); those who are receiving Youth Allowance (from 50.6 per cent to 51.8 per cent); and those receiving Parenting Payment (from 47.2 to 51.5 per cent). For unemployed households, the rates remained very high (61.4 per cent to 59.9 per cent from 2007 to 2014). The

vast majority of people below the poverty line were in rental housing in 2014 (59.7 per cent), with most in private rental housing (44.2 per cent). Only 15.5 per cent of people living below the poverty line were homeowners.

That is a lot of statistics and, of course, the stories behind those statistics are often more powerful. I have spoken to people and they have no food to put in their pantries. They have no need for a pantry because there is simply nothing to place in it. They are embarrassed to have people over to see these empty pantries and will go out of their way to cover that shame. That comes from the attitude we have in this country that somehow it is acceptable for people to live in poverty and that somehow it is their own fault. It comes from the idea that there are deserving and undeserving poor.

Last month, during Anti-Poverty Week, SACOSS shone a light on the inequalities faced by those living in poverty, pointing to 10 poverty premiums paid by low income earners in South Australia. Essentially, these are extra costs borne by those living in poverty, costs that those with higher incomes can effectively buy their way out of. According to Greg Ogle from SACOSS, retailers are focused on luring premium customers who are equipped with the means to pay on time, to prepay and to buy in bulk and it is these people who benefit from the generous discounts on offer. The situation is simply perverse. It should not cost more to be poor, but it does. These are just some of the cost of living stressors faced by those trying to survive on Newstart, demonstrating that the allowance is utterly inadequate.

In recent years, we have seen a war waged on our most vulnerable and our most in need. We have seen a war on the poor when we need a war on poverty. I am proud to represent a party, the Greens, that has always stood for the most vulnerable in our society, championing kindness, equality and the common good. This war on the poor needs to end and instead we must urgently wage war on poverty itself. The Greens are committed to turning this around, building a system that does right by those who generally do it tough. Raising the level of Newstart would go a significant way to ending this war on the poor.

It is true that only the federal government can raise Newstart, but in the absence of leadership at a national level, the duty to speak up for those suffering disadvantage falls to others. Local councils have started to take up the slack, speaking up for their residents and taking a stand for those in desperate need of financial relief. For those who would say that councils should stick to the Rs, I would point out that it is not just roads, rates and rubbish, but it is indeed residents that councils are there to represent.

It is appropriate for this chamber to recognise the significance of such efforts and to join the call, standing with struggling jobseekers across South Australia. The nine councils that I noted yesterday in the official part of this motion have now been joined by Adelaide city council and the campaign continues to grow. There is good reason for local councils to take this stance. According to Pas Forgione, State Coordinator of the Anti-Poverty Network, South Australia:

> Raising Newstart is a no-brainer: for the unemployed, it would mean a greater capacity to eat well, look after their physical and mental health, stay connected to their community and social supports, cope with emergency expenses, more effectively search for work, plus much less financial stress.
>
> Increasing Newstart would benefit local economies, by increasing the spending power of those on low incomes, whose extra funds would circulate through local businesses. It would also reduce the strain on Council community services assisting the growing number of people [who are] experiencing hardship.

The Anti-Poverty Network has shown wonderful and considerable leadership in spearheading this campaign and raising the issues of poverty at all levels of government. It is now time that the federal government took leadership in raising the level of Newstart to ensure that Australians need no longer live below the poverty line. Hard times can befall us all and every South Australian should have the real support they need when they need it, support to be able to pay the rent on time, to be able to afford to put food on the table and to keep the lights on. This is the kind of support that an income support scheme, such as Newstart, should provide, but instead of real support the current levels simply condemn our most disadvantaged to living in poverty.

I conclude by referring to Senator Richard Di Natale, the leader of the Greens, in his National Press Club address of March this year. He bemoaned and said:

[While the old parties] promised jobs, jobs, jobs… neither party was honest enough to say… that our labour market has changed for good. Rapid globalisation and a culture where employers see wages as nothing more than a cost to be pushed down to raise profits, means that hundreds of thousands of Australians have found themselves out of work and [are] scared senseless about what the future holds for them and their families.

We know that the emerging technologies are going to rapidly and dramatically change the face of work. We know that for every job that is advertised there are at least 10 people who are looking. We always talk about the 16 per cent of people who want to work more hours, but we never hear about the more than one in four Australians who want to work less hours. A four-day work week or a six-hour day might actually make many Australians happier and create more opportunities for others.

We need to look beyond what the current status quo is and certainly not accept a dog-eat-dog society, where people are pushed into poverty by necessity. Having our eyes held up to higher goals where every Australian lives with dignity and in a state that we would be proud to have our friends and family also live in is something that we should be striving for.

So, while I understand that members may not see that this motion applies to them, I would ask them to reconsider in their parties and with their policy hats in mind why it is that we continue to blame the poor for their situation; why it is that in Ceduna or Playford, for example, we can trial the idea of cashless welfare, but we have yet to embrace trialling a universal basic income. One strips people of their dignity; the other would afford them their dignity. The Greens will be pushing for universal basic income to be accepted, and we will continue to fight until the old parties agree with us. I commend the motion to the council.

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

AUDITOR-GENERAL'S SUPPLEMENTARY REPORTS

Adjourned debate on motion of the Hon. R.I. Lucas:

That on the prorogation of the present parliament, should the Auditor-General deliver to the President any supplementary report emanating from the Office of the Auditor-General, the report is deemed to be laid upon the table of the Legislative Council and the President is hereby authorised, upon the presentation of that report to the President, to publish and distribute that report.

(Continued from 1 November 2017.)

The Hon. S.G. WADE (20:26): I rise very briefly to endorse the motion put forward by the Hon. R.I. Lucas, and put it particularly in the context of issues that are of current concern in my portfolio, that being health. As the Hon. R.I. Lucas highlighted in his speech when moving this motion on 1 November, the issues that the motion addresses were raised in the Auditor-General's Annual Report earlier this year. The Auditor-General highlighted that reports prepared by the Auditor-General must be delivered to the President of the Legislative Council and Speaker of the House of Assembly and then tabled on the next parliamentary sitting day.

He suggested that the availability of the reports is restricted by limitations in the parliamentary sitting days. For example, in the last election year the Auditor-General was unable to table a report between the last sitting day, being 28 November 2013, and the first time the next parliament sat on 6 May 2014. The Auditor-General has indicated that he has previously expressed his view to the government that his report should be able to be tabled out of session, and in fact had suggested changes to legislation that the government was considering in what I understand is called the simplified process to facilitate that.

If we support the Hon. R.I. Lucas's motion, which I strongly urge the council to do, when the parliament is prorogued, if the Auditor-General's reports are presented to the President of the Legislative Council, they could be made public soon afterwards. The two reports that I would particularly like to highlight are the reports that the Auditor-General has indicated he is currently undertaking.

In his Annual Report, Part A, Executive summary, pages 1 and 27, the Auditor-General has advised the parliament that he is currently working on a supplementary report on the new Royal Adelaide Hospital public/private partnership. This is a $2.3 billion construction, with a life-of-project cost of more than $11 billion.

The massive $600 to $700 million blowout in the cost of the project to the state, plus the 17-month delay, has been an area of acute public concern. My view is that public concern is likely to both increase and broaden over the coming months, particularly as we see the impacts of the government's poor planning process in relation to the new Royal Adelaide Hospital.

We have seen that with the tragic situation of the chest clinic, where some of our most vulnerable patients were asked to make a marathon trip of two kilometres from the outpatient clinic opposite the old RAH to pharmacy, radiology and inpatient services at the new RAH. I predict that there is a whole series of issues that will become of acute concern to the community in the coming months. The Auditor-General's reports in relation to the Royal Adelaide Hospital project have been some of the most illuminating for both this parliament and for the public. I believe it is fundamental to a full public consideration of the performance of this government that that report be available.

During a recent appearance of the Auditor-General before the House of Assembly's Economic and Finance Committee, the Auditor-General indicated that he had been unable to complete this report because SA Health has not provided requested documents and information in a timely fashion. We are faced with the prospect that the parliament and the public may well be deprived of the opportunity to see this report not only because the sittings of this current parliament are concluding shortly but also because of the failure of the agency itself to provide the documents to the Auditor-General.

If I may, I will quote from the *Hansard* of the Economic and Finance Committee in the other place. Mr Richardson, the Auditor-General, said to the committee:

> We are progressing an audit of the new Royal Adelaide Hospital. There have been delays in receiving some documentation for that audit which may impact on its completion date, so that is slightly behind schedule.

He went on to say later in his evidence:

> I mentioned that we are doing work on the Royal Adelaide Hospital. In fact, I have just written to the chief executive of Health asking for her attention in trying to speed up access to information. We have had a process, which has been a good process, and I don't feel that the people who have been seeking to assist us are trying to hold us up. They have had some difficulties, though, in meeting our requests for documentation. I do feel the pressure of meeting the reporting obligations that I have to the parliament…

I am not asserting that the bureaucrats in SA Health are deliberately delaying the work of the Auditor-General. I would note that the Auditor-General was sufficiently concerned to actually write to the chief executive. Be that as it may, the Auditor-General's comment that he does feel the pressure of meeting the reporting obligations he has to parliament is, I think, a cleft stick.

The fact of the matter is that if we do not give the Auditor-General the capacity to table reports out of session through providing reports to yourself, sir, as President of the Legislative Council, we put the Auditor-General in a dilemma. Does he or she expedite the report such that it can be available for tabling at an earlier sitting day, and perhaps make a compromise—perhaps compromise is not the word—make an adjustment for the quality of the report?

The Auditor-General has indicated that he feels the pressure of his reporting obligations to parliament, but if we support the motion of the Hon. R.I. Lucas, we take that pressure off. We allow the Auditor-General to complete his or her report in a time that suits the Auditor-General, knowing that he or she will be able to make that report available to the public at a time of their choosing. I think that the situation in Health highlights the wisdom of the motion of the Hon. R.I. Lucas, and I would urge the council to support it.

The Hon. M.C. PARNELL (20:34): I, too, believe that this motion makes a lot of sense; in fact, it surprised me that we do not have a standing order or a sessional order of any type that allows for out-of-session tabling of reports from oversight bodies such as the Auditor-General. It makes sense to me that, just because the parliament stops sitting for five months around the time of the election, that does not mean there are not other people doing important work. I support the idea presented in this motion that, if the Auditor-General provides something to the President, it can be distributed.

I do have a question of the mover. The wording of the motion is that it is on the prorogation of the parliament. It seems to me that the Auditor-General could provide a report between the end of

November, when this current session will effectively stop sitting, and the prorogation, or may in fact have a report that is after prorogation but before parliament sits again. There are two distinct periods.

Parliament was prorogued, in relation to the last election, on 15 February. My understanding is that what will happen when we finally finish our work this year is that a date for resumption sometime in February will probably be set, and then before that date is reached the Executive Council will go to the Governor and parliament will be prorogued.

I guess what I would like the Hon. Rob Lucas to satisfy us on is, firstly, if the Auditor-General provides a report between, say, 1 December and let us say 15 February, that that would be covered by the motion and, secondly, if the Auditor-General had a report from, say, 15 February until parliament resumes again in the first week in May, for example, that that would also be covered. I want to make sure that any Auditor-General's report between when we stop sitting and when parliament resumes in, I presume, May will be covered.

The Hon. R.I. LUCAS (20:37): I thank members for their contributions and indications of support for the important motion before us. I am disappointed that no member of the government has indicated support for the motion, but the indications of support from the crossbenchers are sufficient to see the passage of the motion.

In relation to the questions raised by the Hon. Mr Parnell, my advice is that the terms of this resolution are exactly the same as the one or two previous precedents in relation to this issue: that is, in the period leading up to an election, prorogation does not occur on that date in February but occurs soon after the parliament concludes its work and the bills are assented to. That is certainly the advice I have received in relation to previous elections.

The situation, and the advice I have been provided with, is that generally just before the election period itself starts, which is that date in mid to late February, given that the election is 17 March, there is the dissolution of the houses and, once the houses have dissolved, it is just physically impossible to be able to present reports. I think the date to which the member is referring is closer to the date when the houses are dissolved and it is just not possible to provide the opportunity for the Auditor-General to present reports, so that covers the period from February through to May, the period that the member is talking about.

My advice is that there is technically a short window of opportunity. If 1 December was the last sitting day and the bills that we passed were not assented to until a week or 10 days later before the parliament was actually prorogued, if the Auditor-General presented something then, there might be an argument that the Legislative Council President might say, 'Technically, that did not occur.'

I would have thought that in those circumstances the Auditor-General may well delay the presentation, if the President was going to interpret it in that particular way. He might delay the presentation of the report until 15 December, or whatever it might be, so that it is clearly within the terms of the period covered by this particular motion. It would be entirely possible for him to present it again, if he wanted to, if the Legislative Council President said, 'I am interpreting this as being before the prorogation by one day and, therefore, I do not have to make it public.'

I think it would be an interesting public debate, if the Auditor-General indicated that he had presented it one day prior to the prorogation and the Legislative Council President had decided he was not going to release the supplementary report into the NRAH on that technicality. Good luck to the President and the government of the day on sustaining that particular argument. In those circumstances, a sensible auditor-general would just present it again a day after the prorogation of parliament, but it may well be he leaves them, having read this resolution, until the parliament is prorogued and before that date in February, and any report that becomes available he will present to the Legislative Council President.

That is the best of my advice, the Hon. Mr Parnell. Given the good sense of the Auditor-General and, I am sure, the willingness of the Legislative Council President to comply with the wishes and intentions of the Legislative Council, I think any report that is completed within this general time frame that we are talking about would be made public as part of being transparent and accountable. With that, I thank members, with the exception of the government members, for their indication of support for the important motion.

Motion carried.

Bills

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

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2017.)

The Hon. M.C. PARNELL (20:43): This bill of the Hon. David Ridgway is very simple in its intent. His proposition is that there must be one person on the State Planning Commission who has expertise in agriculture or primary production. When we look at the composition of the State Planning Commission in the Planning, Development and Infrastructure Act, we can see that the parliament has approved a system that is based on what you might call skill sets or an expertise-based system, and the list does not include agriculture or primary production. I understand that the honourable member sees that as a gap and he is seeking to fill it, but there are some problems with the way he has gone about this.

First, I think that there is an assumption made—I think it is an erroneous assumption—that the State Planning Commission will make a great number of decisions in relation to agriculture and primary production, when I think the reality of the situation is that most activities that fall into that category do not require planning approval. A farmer does not need planning approval to grow wheat or to graze sheep or, in fact, for most things. It is even possible to switch crops or to switch from cropping to grazing and not have to go before any planning body for approval.

The other shortcoming in this bill, I think, is that the range of expertise set out in the act uses the following words:

> The Minister must, when nominating persons for appointment as members of the Commission, seek to ensure that, as far as is practicable, the members of the Commission collectively—

in other words, it does not have to be a particular individual, but collectively—

> have qualifications, knowledge, expertise and experience in the following areas…

So, the four words are 'qualifications, knowledge, expertise and experience', and then there is a list, (a) through to (f), of a range of areas, including economics, finance, commerce, planning, urban design, development, building construction, etc.

The Hon. David Ridgway's proposed amendment does not require qualifications, it does not require knowledge and it does not require experience. He has limited it to only expertise, so I think it does stand out like a sore thumb in relation to how people are chosen for this commission. I do not think it is well targeted.

I am sympathetic to looking again, after the election, at the appropriate composition, and if we are going to have a bit of an auction I have a few categories of people that I think the commission would benefit from having on as well. But I do not think this really works as drafted, so whilst I appreciate what the honourable member is doing, the Greens are not able to support it.

The Hon. T.T. NGO (20:46): I rise to speak on behalf of the government. The government opposes this bill on the basis that appointing at least one member of the State Planning Commission with expertise in agriculture or primary production is not required to ensure these matters are thoroughly considered in the implementation of the planning system.

The government agrees with the Hon. David Ridgway that the State Planning Commission is influential on planning outcomes for South Australia. It is for this reason that the act defines the important qualifications and expertise that commission members may collectively have in delivering its functions. The qualifications and expertise required were debated in the Legislative Council as recently as 2016 and cover a breadth of experience, including economics, commerce or finance; planning, urban design or architecture; development or building construction; the provision or management of infrastructure or transport systems; social or environmental policy or science; and local government, public administration or law.

There is also no argument that agriculture and primary production are critical drivers of the state's economy, but there are many industries and businesses that have bespoke needs in relation to the planning system which will need to be considered by the commission in developing the new strategy and planning rules for our state.

Given the breadth of issues that the commission may be required to address in its delivery of the planning system, the act has been written to enable the commission to appoint one or two persons to act as additional members from a list established by the minister to deal with any matters arising under the act. Specific categories can be developed for this purpose, one of which could certainly be primary production and agriculture. The act has been written in this way to acknowledge that the commission may from time to time require additional expertise to address specific planning issues. The commission may also seek professional advice on any matter from state agencies, run inquiries on a particular matter or consult with a range of entities on planning issues.

In closing, agriculture and primary production is one of a diverse range of issues that can impact on both urban and regional planning. To single out this one specific field of expertise over many others is not something that the government can support.

The Hon. R.L. BROKENSHIRE (20:49): I rise to place on the table the Australian Conservatives' position. I see this as a good initiative. I do not know whether Labor members generally get out into rural and regional areas and the interface that often. I hear of one who is on Kangaroo Island a lot just at the moment, but that is an aside and it is a personal interest. By and large, I do not see a lot of Labor members out in the country, especially dealing with people who have terrible situations as a result of bad decisions, or decisions that are made perhaps without the right expertise, by the commission.

Where you have an interface between rural, residential and the like, and subdivision issues or change of land use issues come up regularly, that is especially where you need someone with some expertise. The Hon. David Ridgway is a big enough man to defend himself, but I do not think, from what I understand, he was saying that it would be just anyone with country residential knowledge. My understanding was that it would be someone with specific expertise.

It would be no different to a lot of committees and boards that we have where it says that two shall be men, two shall be women, one will have expertise in certain farming practices, one will have it in economics and another one will have it in governance and law. This sort of thing goes on all the time and there is a reason for that in a lot of legislation so that you get a proper cross-section of the community to deliberate on the situation that they have to consider with appropriate input from that commission or that board.

I think this actually ties in really nicely with the right to farm legislation that Australian Conservatives will be putting to a vote in the Legislative Council on the next Wednesday of sitting. I believe this could assist people like Mr Peter Grocke, as an example, who has had an absolutely shocking time. They are generational farmers, who are very good and dedicated farmers. Mr Grocke wanted his sons to come home with him on the farm, but planning decisions there have made it extremely difficult for him. For those types of people—and there are lots of them—I think there is a lot of wisdom in this amendment and therefore I advise the house that Australian Conservatives will be supporting it. If there is a division called, we will be voting with the Hon. David Ridgway and his party.

The Hon. J.A. DARLEY (20:53): For the record, I indicate that I will be strongly supporting this amendment. It is absolutely essential in the peri-urban areas of South Australia that on the commission you need someone with rural planning or agricultural experience. I have had plenty of examples in recent days in the Barossa area where decisions have been made by planning assessment panels. They have had no rural experience and they just completely ignore any aspect of agriculture when it is up against urban areas. With that, I support the amendment.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:53): I will quickly conclude the debate and thank members for their contributions. I want to make a couple of quick comments. I think I know where the numbers are and I am very encouraged that it looks like we will have the numbers. I am interested that the government and their spokesman tonight, the Hon. Tung Ngo, said that agriculture and primary production is a critical driver of the economy, yet they do not recognise that

there are some significant issues that the Hon. John Darley spoke about in the interface between agriculture and urban development and also conflicting uses of agricultural land (vineyards versus broadacre land).

I think it perhaps shows the government's lack of understanding of agriculture when the Hon. Tung Ngo says it is a specific industry. It can be called a specific industry, but it is so broad these days, with on-land aquaculture; horticulture; intensive animals such as pigs, chickens, and livestock; grain; covered horticulture; broadacre horticulture; and vignerons. It is quite broad and so there are some real challenges.

It is my view that the Planning Commission would be enhanced by having someone of that expertise who actually understands it, because clearly the government does not understand. In relation to the issues that the Hon. John Darley and the Hon. Robert Brokenshire spoke about regarding Mr Grocke, PIRSA accepts that there is a problem, but they have no leadership from above to work out how to sort that problem out. With those few words, I commend my bill to the parliament.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.L. BROKENSHIRE: On clause 1, given my friend the Hon. Mr Ngo's comments on behalf of the government, can the Hon. Mr Ngo highlight to the chamber how the government formulates and appoints the people who are currently on the commission?

The Hon. T.T. NGO: I will have to seek further advice from the minister, because I am not fully across how they were appointed.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LIMITATION OF ACTIONS (CHILD SEXUAL ABUSE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2017.)

The Hon. M.C. PARNELL (20:59): This will be a very quick contribution because I just want to put on the record my thanks to the Hon. John Darley for introducing such a sensible measure into this parliament. The bill amends the Limitation of Actions Act. It removes the statute of limitations for civil claims relating to child sexual abuse. This was a recommendation of the federal Royal Commission into Institutional Responses to Child Sexual Abuse. It is a measure that has already been undertaken in New South Wales, Queensland and Victoria and it is about time we did it here in South Australia. The Greens are pleased to support the Hon. John Darley's bill.

The Hon. A.L. McLACHLAN (21:00): I rise to speak on the Limitation of Actions (Child Sexual Abuse) Amendment Bill 2017. I speak on behalf of the Liberal opposition and indicate that the Liberal opposition will be supporting the second reading and the passage of the bill. This bill seeks to amend the Limitation of Actions Act to remove current time limitations for lodging civil claims that arise from child sexual abuse. I know that the bill is similar to one introduced in the other place by the member for Bragg; however, this bill differs slightly in its application. The government has,

however, repeatedly forced adjournments on occasions that it has been called to a vote in the other place.

Both bills seek to implement recommendation 85 of the Royal Commission into Institutional Responses to Child Sexual Abuse, which called for state and territory governments to remove statutory limitation periods for claims brought by a person resulting from sexual abuse in an institutional context. The current act seeks a statutory limitation for personal injury claims of three years. This limitation period begins once a child turns 18. This means that once a child who has suffered abuse in an institutional setting has turned 21 years they are prevented from pursuing any civil action relating to their injuries.

This bill goes further than the recommendation in that it removes limitation for all child sexual abuse victims, not just those who have suffered abuse in an institutional setting. When introducing the bill, the Hon. John Darley cited an extract from the report, which states:

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

Thus, the extension of the bill seeks to implement that advice. This extension recognises that an immediate complaint by children of sexual abuse is relatively unusual. More often, victims of child sexual abuse delay talking about or reporting the offending against them. There are a multitude of reasons why this is so. The age and the development of the victim, the severity of abuse and the relationship they have to the abuser all contribute to this. Some victims are manipulated into remaining silent, often for many years, by their abuser. Some may also suffer from repressed memory.

The Liberal Party recognises that all victims, regardless of whether they were abused in an institutional setting or otherwise, are susceptible to the same. The Liberal Party therefore supports the bill and its extension beyond victims in an institutional setting. I commend the bill to the chamber.

The Hon. J.A. DARLEY (21:02): First of all, I would like to thank the Hon. Mark Parnell and the Hon. Andrew McLachlan for their contributions and I ask all members to support the second reading of the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. J.A. DARLEY (21:04): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (PROMOTING USE OF VACANT LAND) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2017.)

The Hon. T.T. NGO (21:05): I rise on behalf of the government. The government opposes the bill as it has the potential to divert public money, that should be used to purchase and manage land for open space for public purposes, to be retained in public ownership. This bill does not provide any real or long-term public benefits. While it may resolve some people's concerns about vacant and derelict privately owned land, it does so at the expense of investment in public-owned land for open space and recreational purposes. I therefore oppose this bill.

The Hon. J.M.A. LENSINK (21:05): This is a bit of deja vu. The Hon. Mr Parnell moved a motion in this place that we voted on quite recently in relation to the Le Cornu site, which I understand to be the target of this particular bill. The Liberal Party did not oppose that particular motion, on the

grounds that it was interfering in setting a precedent in terms of what people could and could not do with private property. This bill takes it even a step further, which is to expand the scope of that, enabling local councils to step in where land has not been used and to put it under statutory lease.

In relation to the Le Cornu site, I understand that the Adelaide city council have made it clear that they have no desire to interfere with the Le Cornu site in such a manner. Again, this measure is to undertake that sort of non-compulsory nature of taking over the site, and therefore the Liberal Party is opposed.

The Hon. M.C. PARNELL (21:07): To sum up, I thank the Hon. Tung Ngo and the Hon. Michelle Lensink for their contributions, neither of which surprises me. In relation to the Hon. Tung Ngo's contribution, he makes the point, and I think it is a strawman argument, that money would be better spent on permanent facilities that the government owns, rather than spending money on a temporary facility that might not last too long. His concept was that it would be a bit of a waste of money. I certainly understand that argument.

My view would be that short-term temporary infrastructure need not cost that much money and, if we look at the case of Le Cornu, we could have had a park for 28 years. It could have had trees in pots. It could have had removable playground equipment and picnic tables, but the community would have had the use of it for 28 years.

The Hon. Michelle Lensink's position was consistent with the approach that was taken to the motion that I moved some time ago. The Liberal position is that private property is pretty much sacrosanct, and if someone wants to keep their site an ugly, empty, blighted lot for 28 years that is their right, and the state should not intervene. I disagree.

I am not sure if I misheard the Hon. Michelle Lensink, in relation to the Adelaide city council's attitude. Having the ability to step in and use the land temporarily was exactly what they wanted. I thought the honourable member might have said that it is not what they wanted. Well, it was. They have tried with the Makris Corporation to get their hands on that site so they could use it, and it is only because those overtures have amounted to nothing that I have come up with this idea of a bill. Nevertheless, I can see where the numbers lie tonight. We have a lot of business before us. I am disappointed the bill will not pass, but I do not propose to divide on it.

Second reading negatived.

GENETICALLY MODIFIED CROPS MANAGEMENT REGULATIONS (POSTPONEMENT OF EXPIRY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2017.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:09): I rise with a degree of pleasure to speak on behalf of the opposition and indicate at the outset that we will be opposing the bill to extend the moratorium on GM crops until 2025, and also the intention of the bill for it to be made a decision of the parliament to overturn that moratorium. I am also aware that the government has filed some amendments to extend that moratorium for 10 years to 2028 and indicate that we will also be opposing that amendment. I indicate at the outset of this debate that, from the opposition's point of view, it is interesting to see that we now have a clear position from the government in relation to their policy on the GM moratorium.

The Hon. Tung Ngo, in the most recent debate in relation to planning, said that agriculture and primary production was an important and critical driver of the South Australian economy, yet his government, the government he represents in this chamber, is prepared to extend the moratorium for 20 years from when it was first introduced without any sensible or accurate or expert review.

The opposition's policy, if we are elected to government, is that one of the first jobs I would do as the minister for agriculture would be to commission a high-level expert review of our position, and we would do that within the first six months of the moratorium that we have had now for 10 years. The government often says and mostly through its spokesman, the Hon. Leon Bignell, that we get

this wonderful premium for all of our production because we are GM free, yet he has not been able to produce any quantifiable evidence of the magnitude of that benefit.

I was on 891 radio with the Hon. Mark Parnell several Mondays ago, when I mentioned our position to David Bevan, the 891 presenter and he said, 'That's just a cop out. Why don't you make a decision?' In the next few minutes, I will outline why it is not possible. He suggested, 'Why don't you have a parliamentary select committee.' He then went on to say we all get paid heaps extra to be on parliamentary committees and indicated that we all had lots of spare time and we could investigate this on a parliamentary committee. I will indicate that it is not possible to look at all the aspects of a GM moratorium with a parliamentary committee.

We all know that we come into this place with a level of expertise that we bring to parliament. The Labor Party are a little bit narrow, mostly sort of union bovver boys and party apparatchiks; nonetheless, they would say they have a little bit of a diverse background. If you look at it from a scientific point of view, we have the Hon. Ian Hunter who has a science degree. The Hon. Mark Parnell has a law degree—

The Hon. M.C. Parnell interjecting:

The Hon. D.W. RIDGWAY: —and an economics degree and a planning degree. We always look to the Hon. Mark Parnell when it comes to listening to his debates on planning because he is an expert in that area. We have a couple of farmers: the Hon. Robert Brokenshire, myself and the Hon. John Dawkins was involved in agriculture many years ago—

The Hon. P. Malinauskas: You are a politician. You are not a farmer.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: —prior to coming into parliament. It is interesting, Mr President. I see you have twin heads. I am not sure. They do not look alike those two heads, that is for sure. I am not sure which one is the best looking. You two can decide that. I say that the parliament is not a place to make these very detailed scientific evaluations. Often political decisions and decisions are made here for reasons other than the actual facts. I do not believe that you can handle this in a parliamentary sense whether it is a select committee, a standing committee of the parliament or to have that decision here in the parliament.

I will go through some of the comments that were made by the Hon. Mark Parnell. Often we are a bit focused on the current situation where we have GM canola available in all states and not here, and that is why we need to get the experts to do the review. The Hon. Mark Parnell did indicate and show a bit of, shall I be so rude to say, ignorance about farming systems and farming practices. He looks at the price of canola in isolation. When you are farming, you may have a four, five or six-year rotation. You may actually choose to grow a crop, mow the paddock or spray it as a chemical fallow so that you grow a better crop the year after and you control weeds in subsequent crops. So it is actually a five or six year rotation.

Particularly with the GM canola, farmers grow it to control weeds. It is not to make it an extra profitable crop, but it is a rotation and a management tool that canola is used for.

The Hon. R.L. Brokenshire: Clean up weeds, that's right.

The Hon. D.W. RIDGWAY: And it cleans up some weeds. There are people who use it not to make money but as an important tool in their rotation program. Modern farming systems are not all about each crop making the most money; it is about making sure you get the best possible income over a range of seasons and the best possible way to control some weeds. Often what we find with Roundup Ready canola is it is a much easier and cheaper chemical and less environmentally damaging than some of the chemicals you might use in the lentil crop or a wheat crop or some other crop that you may grow. So you cannot just look at it in isolation.

One of the debates that is often used and also why we need the high-level review, because I am not a scientist—we all get bits of information—

The Hon. J.E. Hanson: No!

The Hon. D.W. RIDGWAY: The Hon. Justin Hanson jokes. That is the reason why this is a flawed plan. You are making a joke of an issue that is not a joke at all, the Hon. Mr Hanson. This is a serious part of modern agriculture.

When you look at farming operations, people say, 'They are going to be beholden to the big companies—Monsanto, Bayer and all the others.' Most farms—and the Hon. Robert Brokenshire would attest to it—are very complex businesses. Many often turn over at the very least hundreds of thousands of dollars, if not in some cases million of dollars. They actually make business decisions based on what is the best for their business to return a profit, pay the bank, pay all the costs and try to actually get ahead.

The Hon. R.L. Brokenshire: And look after the environment.

The Hon. D.W. RIDGWAY: And look after the environment, too. To say that people would be beholden to the big chemical companies, I think is a little bit flawed. Again, it is why we need the independent review that we would set up if we are elected next year to actually have a look at all of the facts.

It is interesting; I note that the government and the Hon. Mr Parnell—I nearly called him a minister then—refers to the government inquiry. Well, it wasn't a government inquiry, but there was some sort of research commissioned by PIRSA, I think, and the University of Adelaide. I have the executive summary and recommendations here. It interests me a little because certainly they do talk about the world interest in clean and green food. I am sure that is why the government has premium food from a clean environment. The recommendations, which I think are important, state:

1. Invite SA businesses interviewed as part of the study to a presentation and discussion of the findings.

2. Liaise with Food SA to include the findings in industry workshops it will be conducting as part of developing their 'Growth through Innovation Strategy'.

3. Depending on sufficient industry support, provide a briefing to relevant Government Ministers on the findings and implications for Government policies and programs.

I would be interested to know whether any of those three recommendations have been implemented and where the thought from the government came to actually amend this bill to extend the moratorium until 2028, because clearly you do not actually have a government policy that is unreviewed and not looked at for more than two decades.

This government had review after review after review. We had the Menadue review into health that did not mention anything about building a great new hospital. Five or six years later the government decided to build a $2.3 billon hospital. There is a whole range of things that this government has done, but they have neglected every aspect of this particular sector.

They had this particular review, looked at it and then decided that they were not interested in progressing it any further. In fact, my understanding is that that particular review went up on the PIRSA website and then came down again and then went up again a few weeks later.

Again, it is why after a decade we think it is appropriate to take a breath and have a look at the benefits we are getting, if the minister claims we are getting all of these wonderful benefits. It is interesting that we have one of the world's leading research centres at the Waite but we have seen nothing but a flood of people leaving that facility. Researchers are leaving. It is one of the world's great grain research facilities.

The Hon. R.L. Brokenshire: Where is this?

The Hon. D.W. RIDGWAY: At the Waite. Of course, we have also had the government, under the leadership of the Hon. Gail Gago, when she was the member, reduce the funding for the Centre for Plant Functional Genomics by about $1.2 million. One of the industry advocates writes:

We are very fortunate that Adelaide is home to the world-renowned Waite research precinct however support for it from state and federal governments is dwindling. And to make matters worse, because of the GM moratorium in SA, we are now seeing money from the private sector for research and development going interstate instead of being spent locally.

Again, it is time to have a look at the moratorium and the benefits that the minister and Premier Weatherill claim that we get and see whether they are in the best interests of South Australia. We also need to look at the future. If we are right now at the crossroads of 10 years of a moratorium, and the government's amendment will not extend it for another 10 years, we are at the halfway point of a 20 year journey, if the government's amendment is successful. I think we need to look to the future, and that is where you need experts. In 10 years' time, the Hons. Tung Ngo, Justin Hanson, Kyam Maher and Michelle Lensink might still be here, but pretty much I think the rest of us will be retired.

An honourable member: Not Mr Lucas, surely?

The Hon. D.W. RIDGWAY: The Hon. Rob Lucas may still be here, getting his third wind. Having said that, it is important to get the experts to have a look at the future, and some of the future things are really worth looking at.

Something that I think is quite topical and interests me as a South Australian is the medical use of cannabis. I have the view that, in terms of any plant that grows in the world, if we can take something out of it that helps human health and mankind, we should actually do it. I am told—but again I am not a scientist—that there are hundreds of different strains of cannabis. Some are good for epilepsy, some are good for Alzheimer's, some are good for dementia, and some are good for cancer and pain relief. However, we need to do decades of testing and research to find out which are the particular ones that have the chemical make-up to provide the best outcomes.

We may well find that, to fast track that, those plants will need to be genetically modified. Once we have identified what we need to do, we may find that that is required. Again, that is why we need the experts to have a look at this. There is some other great work being done. Canola is likely to become available soon that, I am told, contains very high levels of omega-3 oil, which is what we see in fish. I have an article that states:

> When you do the calculations, if you can achieve 12 per cent levels of DHA in the canola oil, then one hectare of this crop can meet the same production levels produced by 10,000 ocean fish. And we couldn't have achieved this using conventional plant breeding methods.

Is that a crop we can grow in South Australia? Can the experts look at it and give some advice to government about whether in the next 10 years it will be worth growing? Maybe it is not worth it. As I said, I am not a scientist and I do not know. We have no scientists in this chamber who are specialists in this particular highly specialised field.

The issue of climate change I know is very dear to the Hon. Mark Parnell's heart. I think we all see extremes in weather. We see the hottest, the wettest, the driest, the windiest somewhere in Australia each year. I have been a farmer who has experienced the devastation of a frost. Droughts are easy enough to live with, in one sense—it is not going to rain and you know there is nothing coming. A frost is when the crop grows really well and then there is a little bit of a dry spell, and you get a cold night, a cold change, and the frost comes in and you lose an entire crop of barley, wheat or canola.

There is potential—and, again, that is why we need experts to have a look at this—for frost and drought tolerance to be put into our mainstream crops such as wheat and barley. I am so nervous because it is such a risky thing to extend the moratorium until 2028 without having a look at the halfway point to ask: is this the best thing going forward? Are there some opportunities for South Australian primary producers to cope with climate change and some of the variabilities we are likely to see?

There are other things, too. I think that there is potential in lucerne and rye-grass, which give particular traits of extra production per hectare, digestibility and a whole range of other particular benefits. Again, we should get the experts to look at that to make sure that, if we extend the moratorium, we are not denying our primary producers something that every other primary producer in the nation will have. I have been looking at some information in a publication that talks about the commercialised crops. I will read a couple of passages from it:

> There is evidence that the GM crops being grown around the world today have lowered farm-level production costs. Other significant benefits include:
>
> - higher crop yields

- increased farm profit
- improvements in soil health
- reduced CO_2 emissions from cropping.

It then goes on to talk about crops in the pipeline. Again, I am no scientist, so I actually want the experts to have a look at these statements and do some analysis to see whether it is sensible to continue the moratorium and whether or not it is a benefit financially. I know there is a lot of work being done on potatoes and grapes around disease resistance. I know there is some research being done on allergen-free nuts. At nearly all the primary schools in South Australia kids cannot have nuts at school, so I suspect there are some benefits.

They are saying that some work is underway to boost the levels of carotenoids, which are the yellow and orange pigments found in plants. They can be converted into vitamin A, which is essential for normal growth and development, immune system function and vision. Antioxidants can protect the body by neutralising the activity of free radicals. It also talks about essential fatty acids, and it goes on and on. It states that research is also continuing on new and improved crops with agronomic traits, including corn, which of course we do not grow here, as well as canola and a couple of others, including wheat and barley.

It is clear to me that we are not equipped with the expertise, not even in a parliamentary committee. We have all been on them, and there are one or two people who are really focused and passionate, and the rest are just there toeing the party line and being the ones who make up the numbers. To me, it is absolutely the wrong thing to do to give the parliament the control over whether or not we extend the moratorium. I cannot believe a government that says that the food sector is one of its seven strategic economic priorities, yet it does not consult. It is a bit like the old 'announce and defend'.

There has been zero consultation with industry to say that the government has put on the table their policy that we are going to extend this moratorium until 2028—a 20-year moratorium without talking to industry at all. I guess that encapsulates a statement the Premier made a few weeks ago when he said, 'They really don't vote for us out there in the country, so we are not interested in their views.' That is disgraceful. It is the one industry that was here: this state was founded on agriculture. It is a disgraceful and arrogant statement that the Premier made in that particular interview around GM. It is a disgrace to go to a 20-year moratorium without any proper scientific review that this is the best thing to do for South Australian farmers and our economy.

I know the Hon. Mark Parnell and some of the people who share his view say, 'These things are not safe. We are putting these strange, different things and genes into plants.' We do not get the parliament of any country to decide whether a new drug is safe to be released to the community; we have the experts do that. There is scientific analysis, it goes through a testing regime and then a recommendation is made for a new drug, and this is no different. The parliament does not have the expertise to do this particular analysis.

I guess we are all very uncertain about what the next parliament may look like. There may be some members of this chamber who may not be here after the next election, and I am sure there will also be some in the next chamber. I am sure the Hon. Mark Parnell will say, 'Yes, but if really good information came to hand then the Greens would be prepared to consider it,' but we do not know what the make-up of the parliament will be. Are any scientists going to be standing for election for the Legislative Council? I doubt it. I am not sure we are going to get too many more people who have had any practical experience in farming.

From a practical point of view, I am not sure that any of the candidates I am aware of come with that skill set. To me and to the Liberal Party, it is absolutely time to have the proper scientific review to try to quantify it. I have been on the radio and the television saying, 'If there's a quantifiable benefit that we can measure and say we are getting $10 million, $20 million, $30 million or $40 million a year benefit, then let's measure it and make that judgement based on that particular information.'

We do not have that and certainly the parliament is not the place to make that judgement. To go for 17 years, as the Hon. Mark Parnell wishes to do, or 20 years, as the government wants to

do, with no review and no expert involvement, that to me says to the farming community, 'Here we are: there are 22 of us. You get stuffed. We know best.'

I am not prepared to stand up for that. It is not worth the risk of locking our farmers out of the review and it is not worth the risk, not knowing what the next parliament is going to be like. We have no idea what members will be here. I do not want to be one of the members of this parliament who says, 'The 22 of us, we know better. We are not interested in having a review and having a good look at what the facts are.' I think we are failing the primary production sector of our state in a big way if we do not actually implement and have a review.

With those words—I cannot speak strongly enough—I indicate that we will be opposing the bill and we will be opposing the government's amendments, and I encourage other members to do the same. It is simply not worth the risk.

The Hon. R.L. BROKENSHIRE (21:31): I will try to be more brief than the Leader of the Opposition. Firstly, I appreciate and respect the reasons that the Hon. Mark Parnell has put this particular proposal to the parliament. He has been consistent and I would expect that from the Greens. I have respect for the Hon. Mark Parnell. He is a good man. I am happy to contribute to this debate.

I want to place a few things on the record. There is a study being conducted by Mecardo industry analysis that is comparing the price differentials between the states for GM and non-GM products. I will put to the parliament in a moment some preliminary comparisons—I am advised that they are still to be finalised—of agricultural commodity prices between South Australia and other states. They do not show any evidence of a price premium for South Australia, being non-GM, over other states for like-for-like products.

Interestingly, today, I have been looking at all of the traders, because one thing my family still gives me the opportunity to do is to make a decision on when we do trade. We have canola sitting at Port Adelaide and Tailem Bend right now and we have to make a decision on where we are going to trade. It is disgraceful that today I also had to sign a sustainable canola declaration to actually show that we have the cleanest, greenest, most sustainable canola in the world, but we do not get any more money for it. We get diddly squat more. In Victoria, just over the border, they get more. I will come back to that in a moment.

In spite of what the minister for primary industries, Leon Bignell, espouses on the radio and elsewhere about South Australia getting this beautiful price for being GM, first, he has not shown any evidence and, second, it does not happen, and I cannot see that it is going to happen. On the other hand, he talks on behalf of his government about climate change and the like. It becomes very frustrating and confusing for farmers because one thing that GM can do is to address food shortages if there is to be climate change. People do not want to take a tablet, as we saw in movies about the future when we were kids at school, that you could take one tablet a day and you would not have to have any other food intake. That does not happen in reality. As they experiment with synthetic food, I would suggest to you that synthetic food is going to be much more of a concern than GM.

Both GM and non-GM products can be produced in the same state, even on neighbouring farms, and can be segregated through the entire supply chain. That is a statement of fact. It happens in Western Australia, Victoria and other states, and it happens across the world. I have a photo here, which I seek leave to table, a photograph entitled 'Simply canola oil'.

Leave granted.

The Hon. R.L. BROKENSHIRE: That was taken at the Maitland Sporting Club on the Yorke Peninsula, the best malt barley growing region in the world. Their 20-litre canola oil containers are imported through Singapore, from multiple origins, including Canada, which grows and exports GM canola. Therefore, in tabling this, I am saying that many GM products are already available in South Australia and are sold here, despite the moratorium.

The irony of it is that, as with the example of the GM canola that I have just tabled, I am advised that the hybrid seed for that GM canola for Canada, which is belting us around the ears at the moment when it comes to infiltrating our export markets and making it harder for South Australian

farmers, is grown in the South-East and is then exported to Canada, where they then grow GM canola. Where the hell are we as a state?

I also advise members that, if you look at trade lamb saleyards, Victoria has a 3 per cent premium over long term to South Australia. Look at the saleyards for trade steers: Victoria holds a 3.5 per cent premium over long term. This is a state that has GM, and they get a 3 per cent premium to their farmers on prime lambs, trade lambs and on trade steers. Canola in Geelong holds a $7.80 premium over Adelaide. Canola in Kwinana holds a $30 premium over Adelaide, minus receivals of $17.70—nevertheless, still a premium.

Wheat: Geelong holds an $8.90 premium over Adelaide and wheat in Kwinana holds a $25 premium over Adelaide, minus a receival of $10.80. There are premiums at times, however, on average where there is no apparent premium, and I acknowledge that when it comes back to farm gate, to the grower, but they are short lived. But when a short-lived premium does occur, it is as a result of supply and demand.

I will finish with a couple more points, and that is that farmers in South Australia have led the world on dry farming technology. Before we went to no-till and continuous cropping, regularly we saw dust drift right over Adelaide and we saw drift on the roads to the point where graders were out in the Murray Mallee grading the roads, the Karoonda Highway, from Tailem Bend through to Loxton—graders out there grading so that vehicles could actually pass.

Farmers used to build their fences—and I was involved in this as a young kid and was taught how to do it—on a base fence so that you could lift up the fence as the drift came in. That is how you built your fences. We do not do that any more because farming practices have changed. When it comes to things like omega-3, there is unbelievable research and development occurring at the moment where they may be able to improve canola, with genetic modification, so that it will have huge benefits with omega-3, something that is essential to life.

When you look at the challenges of Third World countries, when you look at the fact that we have to double food production by 2040, I think it is, to even allow people to enjoy the food supply they have around the world now, notwithstanding that my goal as a food producer and the goal of my family as farmers is to ensure that those people who are dying of starvation at the moment can be fed, and that would make for a safer world, a happier world and a world that was more integrated.

One of the ways through this may well be genetic modification. So, to extend that opportunity further out to protect and enhance all that I have highlighted tonight would, in my opinion and that of our party, be wrong. Therefore, whilst we look forward to whoever is in government early in the next term having a proper debate on this, I would say at this stage, from all the time I spend with farmers right across the state, that the absolute majority of the farmers actually want an opportunity to make a bottom line profit and to continue to grow food. It is getting harder and tougher—much harder and tougher.

People in Adelaide expect to have food because it is an essential input cost to them. Governments do not like farmgate prices going up because that upsets their CPI and their lack of ability to manage within their budgets, so they definitely do not want to see improved farmgate prices. The bottom line is that we do need to, once and for all, come to a decision on this. I acknowledge that there is an element of the farming sector that is concerned but, from what I can see, the absolute majority of farmers at this point want genetically modified opportunities on their farms, and they want to be on a par with opportunities in other states in Australia.

We are already the driest state in the driest continent in the world; we are punching above our weight. Let's give our farmers a chance. Let's have a serious and intelligent debate early in the next term and come to a landing. Let's listen and involve the farmers and their peak organisations. To simply extend it out would not be the right decision, and therefore we will be opposing this proposal from the Greens.

The Hon. T.T. NGO (21:41): South Australia is one of the few jurisdictions in the world to be phylloxera free, fruit fly free and have a moratorium on growing genetically modified (GM) food crops. These credentials give the state's primary producers and food and beverage manufacturers a competitive marketing advantage in the global marketplace. South Australia is the only remaining mainland state in Australia to prohibit the commercial cultivation of GM food crops. This non-GM

status is one of several elements that underpin our global reputation as a supplier of premium food and wine from our clean environment.

Our position is consistent with the national gene technology regulatory system, which allows states to prohibit the growing of GM crops to protect their market position. This is exactly what we have done in South Australia so that our $18.6 billion agriculture, food and beverage industry is in the best position to capitalise on the growing global demand for non-GM foods. This is not just our government's view. A University of Adelaide research report indicates that the global market for non-GM labelled foods and beverages is growing significantly. It is estimated that the global non-GM trade will double by 2019 from $678 million in 2014 to around $1.2 billion, creating further export market opportunities for South Australia.

The university research found that there is particularly strong demand for non-GM foods in the US and China, the largest and fastest growing markets for South Australian food and wine. This report also identifies South Australia's moratorium on growing GM food crops as one of several assets available to our state that could be used to capitalise on food export market opportunities. South Australia's non-GM status has attracted international investment, acting as a strong drawcard for Japan-based Hirata Industries, which has come to South Australia to import non-GM canola from Kangaroo Island.

Currently, the only GM food crop approved for commercial use that would be suitable in South Australia is canola. South Australia's annual canola crop averages $183 million. By protecting against non-GM canola, we are also protecting the field crop industry as a whole, which averages a value of $2 billion at the farm gate per year. In considering the impact of the GM moratorium on the state as a whole, it is imperative that we consider the broader direct and indirect implications introducing GM food crops would have on the state's entire food production system.

I believe this bill would extend these regulations until 2025. Extending the regulations would provide greater certainty to our international trading partners and industry and enable South Australia to maintain its market position as a producer of premium food and to respond to the expected increase in global demand for non-GM food. Therefore, the government will support this bill but intends to move a minor amendment in the committee stage to extend the expiry of the regulations for a further three years until 2028.

The Hon. J.A. DARLEY (21:45): This bill will extend the current moratorium on growing genetically-modified crops in South Australia. At present the moratorium is due to expire in September 2019. I understand it is the Hon. Mark Parnell's intention to not only extend this expiration date but also to provide a mechanism whereby a parliamentary debate will occur should the decision to lift the moratorium be made.

This matter has been one of great conflict to me. The safety or hazards of GM crops have not been determined. Farmers argue that they want GM crops as they have a higher yield; however, I have received information to the contrary. I have spoken to a farmer who is concerned that the moratorium is a hindrance to South Australia because it may impede us from accessing new technologies which would be advantageous to the agricultural sector; however, I understand that by incorporating the moratorium into legislation rather than leaving it to regulation, it will provide any member of parliament with the opportunity to present a bill to remove the moratorium. This is in contrast to what would occur now, whereby the decision is entirely at the discretion of the government of the day.

Notwithstanding the above, I understand the moratorium is based on whether there is a marketing advantage to being GM free. I do not think there is any dispute that there is a worldwide marketing advantage to be able to say that products are from a state that is entirely GM free. As such I support the Hon. Mark Parnell's bill to extend the moratorium, but indicate that next year I will refer the matter of the GM moratorium to be investigated by a committee. I am not sure yet as to whether this would be referring the matter to one of the standing committees or establishing a select committee, but I am putting on the record that Advance SA believes this matter requires further investigation so that the parliament can make an informed decision about the matter.

The Hon. M.C. PARNELL (21:48): To sum up the debate, I would like to thank the four members who have made a contribution: the Hon. David Ridgway, the Hon. Tung Ngo, the Hon. John

Darley and the Hon. Robert Brokenshire. A lot has been said in the last half an hour or so, and I do not intend to counter every single argument that was made. If people go back to my second reading contribution they will find that these issues were all covered. However, I cannot let it go through to the wicket-keeper without raising a few issues.

I will start with the Hon. David Ridgway. The essence of his contribution is that parliament is not the right place to make decisions about the future of South Australia in relation to this particular topic. He wants a high level, expert review and he has committed to one within six months. When you put those two things together, what the honourable member is saying is that the parliament is incapable of taking advice from experts, of undertaking reviews, of getting people in, grilling them about their positions, interrogating the science, and then coming up with findings and recommendations.

The Hon. John Darley understands that that is what parliament can do, and that is why I am very pleased that he is supporting the bill. I am happy to say on the record that I will get behind his commitment that this issue needs to go to a committee of parliament. I think it is an important issue and I think we need to investigate it.

But the Hon. John Darley put his finger on it in that, if we do not do anything, then all we have is a Liberal promise that they are going to have some sort of an expert inquiry. We do not know who is going to be on it, who is going to pick the experts, we do not know if it will be public or secret. We do not know what its terms of reference will be. At the end of the day, if the Liberal Party is in government and they decide to lift the moratorium, they do not actually have to do anything. They can just wait until 1 September comes around and the moratorium evaporates.

That is not a sensible way of making policy. A sensible way of making policy is what the Hon. John Darley suggested—a proper inquiry to get all the evidence in and, as the honourable member pointed out, if any member of parliament wants to come back and say, 'No, we think the moratorium is a bad idea. We think it is time that it was lifted,' they can bring it to parliament and parliament will decide. That is what we do in a democracy.

I cannot let this go through: the Hon. David Ridgway verballed me in relation to safety. If you look at the contribution I made, it was reflecting the law of the commonwealth which says that moratoriums at the state level exist as a result of economic and marketing advantages that the state believes it has. That is what I addressed in my second reading contribution. That is the basis of the current moratorium and it is the basis of keeping the moratorium going.

Other members, including the Hon. Robert Brokenshire, denied that there was any premium. Well, he is denying the weekly chart that appears in The Weekly Times newsletter which sets out in two columns—

Members interjecting:

The PRESIDENT: Order! No debate.

The Hon. M.C. PARNELL: It has the different prices—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.C. PARNELL: —of GM and non-GM. The Hon. David Ridgway—

The Hon. D.W. Ridgway: Go and have a look.

The PRESIDENT: Stop verballing the Hon. Mr Parnell.

The Hon. M.C. PARNELL: —says that I do not understand farming. I have pointed out to members that the grain growers association, when grilled on radio, admitted that half their members want to keep the moratorium. Sure, half might want to lift it but half want to keep it. This is not as if it is some city versus country thing. It is not as if the farmers are completely unified in wanting GM and everyone else is against them, it is just not that way at all. You need to look at the evidence and hear what the farmers are actually saying. They admit that half their numbers do not want it.

The point is that once GM crops are allowed, what the Hon. Robert Brokenshire said I do not think is correct. He said, 'You can just keep it separated.' It does not work like that. It does not work like that in terms of the spread of material through wind and rain and animals, and it is by the side of the roads, the so-called volunteers that spill out of the side of trucks. Ultimately, you end up with mixed crops. Long term it is impossible to segregate them. That is the experience in other jurisdictions.

I will just finish my summing-up by saying two things. Firstly, in relation to the Hon. Tung Ngo's contribution, I am grateful that the government is going to be supporting this bill because that gives us the numbers to get this bill through this chamber tonight. He has indicated that the government's intention was to move an amendment to extend my bill even further with three years. I am relaxed with that. I am comfortable with extending it further. The principles stay the same. It will be a parliamentary decision, but the Hon. John Darley has expressed the view that he would rather stick with the original bill, and I think that is probably the way to proceed. As I said, I am relaxed about the government's amendment.

At the end of the day, the most important thing is that we put this important issue back in the hands of the people's representatives so that the moratorium does not just evaporate because a date on the calendar comes around. I am delighted that we have the numbers tonight and I look forward to the speedy passage of the bill through the committee stage and into law.

The council divided on the second reading:

Ayes.....9
Noes 8
Majority 1

AYES

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

NOES

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

PAIRS

Gago, G.E.	Lee, J.S.	Hunter, I.K.
McLachlan, A.L.		

Second reading thus carried.

Committee Stage

In committee.

Clause 1.

Members interjecting:

The CHAIR: Let's try to handle the whole bill with a little bit of maturity, if we can. It is emotional for some people, so I think we would respect that.

The Hon. D.W. RIDGWAY: I would like just to quickly put a couple of things. The Hon. Mark Parnell addressed some of the comments I made, and again I said he should go out and have a look at farming. He made the comment around contamination and how it is impossible to manage. All we are actually talking about is having a high-level review and having a look, but in relation to

contamination, if you go to the South Australian-Victorian border from where I lived, Bordertown to Mount Gambier, in most cases the border is an old netting fence not much higher than about your waste.

There are not many cattle there, so it keeps sheep in. There is meant to be a three-chain road on every border because that is what you have, a road so that you can traverse your state without having to go into foreign territory in Victoria, but most farmers actually crop that road, knowing that if somebody wants to drive through or drove some sheep through, your crop is going to be flattened. In actual fact, we have crops much closer than the Hon. Kyam Maher and I are apart. In Victoria, they can grow a GM crop and the grower on this side of the fence cannot grow it. It is no different to what would happen if you grew it inside a state.

I am amazed at the lack of understanding. People think South Australia is surrounded by desert, from the Nullarbor Plain, all the way around until you get to the Murray River, where it starts to get a bit more arable. From about Pinnaroo, you go through the big desert and then you come down from where I used to live to Mount Gambier, Nelson and the Glenelg River, where it is highly productive land. I introduced the opium poppy bill because people just over there could grow opium poppies and on this side of the border we could not.

I ask the Hon. Mark Parnell to consider: how do farmers in the South-East, if there is a benefit in a rotation sense to be able to have that opportunity to spray out some weeds, grow a crop over the next four or five years and get a better yield? The bloke over there can do it, but here I cannot. You have to actually understand the statements you make around contamination. If it was a real problem, we would have 10 years of contamination in South Australia over the South Australian/Victorian border. There are farmers I know who grow two crops—GM canola on one side of the border and non-GM on the other—and manage it without any problems. I think you have to have an understanding of how that particular part of the rotation works.

What we have been asking for is a high-level review. I made that very clear and I think it is very disappointing that people do not want to have that. I am astounded, and I am certainly going to be communicating to the agricultural sector—the grains sector—the decisions that this chamber has made tonight. They are the ones who actually have an opportunity to have the moratorium that affects their lives reviewed to measure exactly the benefit that the minister claims he will get. I will be asking questions of the Hon. Tung Ngo when he moves his amendment.

With those comments, I want to make it clear that this is a particularly important issue. If there are benefits, why are we going to lock our farmers out of those benefits? I do not know. As I keep saying, I am not a scientist. The Hon. Ian Hunter is the only one in this chamber with a science degree.

The Hon. Mark Parnell and the Hon. John Darley say somebody can bring a motion back to the parliament. I do not know whether Nick Xenophon is still honourable or not, but he could be back in this place. He probably is still honourable. He is allowed to keep that title. The Hon. Nick Xenophon and his team may get four or five members elected to this chamber and have the balance of power.

We have no idea of the make-up of this chamber. The Hon. Tammy Franks might not get elected this time. Who knows? The Hon. Robert Brokenshire might not get elected. At the end of the day, I am amazed that the Hon. Mark Parnell thinks that a parliament of an unknown capability and expertise would be a better place than a high-level review that actually has experts—scientists—to make this judgement.

Clause passed.

Clause 2.

The Hon. T.T. NGO: I move:

Amendment No 1 [Ngo–1]—

Page 2, line 9 [Clause 2(2)]—Delete '2025' and substitute '2028'

I am moving this amendment on behalf of the government to extend the expiry of the regulations to 1 September 2028, rather than September 2025, as a 10-year extension of South Australia's non-GM position would provide greater certainty for investment in the sector and enable continued work with

industry to capitalise on its benefits and gather evidence of its impacts. Ten years is the usual period for regulations to be in place before a review, and this extended time frame is considered to be more in line with market needs.

The Hon. D.W. RIDGWAY: I would like to know from the mover of the motion what consultation the government has had with the industry stakeholders. I notice from the government's report that you were going to invite businesses to be interviewed as part of this, to liaise with Food SA and, depending on sufficient industry support, provide a briefing to relevant government ministers on the findings and implications of government policies. What consultation have you had with Grain Producers SA, Primary Producers SA and Food SA?

The Hon. T.T. NGO: I cannot respond to that question, because I am moving this on behalf of the minister, who is in another place. The minister is obviously not here tonight, and his adviser is not here. I am happy to provide that question tomorrow or in the following sitting week, if that is the case. My advice is, as I said earlier, that the 10 years provides certainty and gives the sector the opportunity for further investment. I also spoke about how the canola industry is important to the South Australian food and wine industry. That is the reason I am moving for the 10-year extension.

The Hon. D.W. RIDGWAY: It says in the recommendations of the government's report that they provide a briefing to relevant government ministers. Which ministers have been briefed?

The Hon. T.T. NGO: I will have to bring back that response, because, as I said, I am moving this on behalf of the minister. I am happy to provide that answer on the next sitting day.

The Hon. D.W. RIDGWAY: In that case, if he is happy to provide an answer, I move:

That progress be reported.

The council divided on the motion:

Ayes.....6
Noes 11
Majority 5

AYES

Dawkins, J.S.L.	Lensink, J.M.A.	Lucas, R.I.
Ridgway, D.W. (teller)	Stephens, T.J.	Wade, S.G.

NOES

Brokenshire, R.L.	Darley, J.A.	Franks, T.A.
Gazzola, J.M.	Hanson, J.E.	Hood, D.G.E.
Maher, K.J.	Malinauskas, P.	Ngo, T.T.
Parnell, M.C. (teller)	Vincent, K.L.	

PAIRS

Lee, J.S.	Gago, G.E.	McLachlan, A.L.
Hunter, I.K.		

Motion thus negatived.

The Hon. D.W. RIDGWAY: I just want to put on the record that I am surprised that the Australian Conservatives did not see the opportunity to support an adjournment so that we could actually find out if the government had consulted. The Hon. John Darley, I am surprised that you would not support an adjournment to see if the government had actually spoken to the industry, to see whether they had actually honoured the recommendations of the report that Hon. Mark Parnell refers to.

This was not voting against it, it was just adjourning it so that the Hon. Tung Ngo could come back with information that he offered to bring back to the chamber. I am very surprised and I think a lot of South Australians will be equally surprised that you have not taken this opportunity to adjourn this until the next Wednesday of sitting when, if it passed, there would still be ample opportunity in the last sitting day, or the optional week, for the government to jam it through in the House of Assembly. It was not as though it was going to be dead. I am very surprised that that decision has been made.

The Hon. R.L. BROKENSHIRE: The Australian Conservatives have made their position very clear, but there are protocols and procedures in this place. I am not going to apologise for the ineptness of the government. We know the government's position: for short term political gain they are prepared to cause potential serious income losses to agriculture in South Australia without the science. I do not think they have any science. This goes back to Rory McEwen when he was the minister and did a deal with the Labor Party back in the Hon. Mike Rann government era.

The point is that it is not a government bill. This is private members' time. The Hon. Mark Parnell has put something up and we oppose it—we have made that clear—but to report progress and delay it further we do not support. I am very happy to go on *Country Hour* tomorrow and put the reason why we wanted to get on with it. We do not agree with it; we are opposed to it—let's tell the public of South Australia. The fact is, the government do not have any science whatsoever.

The Hon. Leon Bignell's best attribute is that he plays bluff. He bluffs his way through and he is not challenged. The fact is, this government has no scientific evidence. It is a policy decision of this government based more on marginal seats in Adelaide—that is what it is. If it was a government bill we would have supported the Liberal Party, but in private members' time we cannot support reporting progress because there is a challenge to the government on a private member's bill from the Hon. Mark Parnell. That is the reason for that.

Our position is clear: we do not support the Hon. Mark Parnell's bill. We know where the government are and we look forward to a time when we can have, with cool, clear, calm heads, a proper scientific debate that we will support. If the opposition become government, we will support, as the number one priority, in April next year, or whenever the government, if it is a Liberal government, want to do it, a full, detailed and urgent inquiry into this and we are not going to allow it to procrastinate and go forward. There are procedures here that we have to stick to as principles. This is not a government bill, it is a private member's bill.

Amendment negatived; clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. M.C. PARNELL (22:16): I move:

That this bill be now read a third time.

The PRESIDENT: Seconded. All those in favour. Against. I declare it carried.

The Hon. D.W. Ridgway: What about the noes?

The PRESIDENT: I said, 'All those in favour. Against. I declare it carried.'

The Hon. T.A. Franks: You didn't say no; what about the noes?

The PRESIDENT: That is quite an extraordinary position to put to the President.

Members interjecting:

The PRESIDENT: Do you want to read it a third time now?

The Hon. R.L. BROKENSHIRE: As a matter of procedure, sir, I understand that any member has the right to divide on the third reading. I thought I heard a division called and I second that division.

The PRESIDENT: I honestly did not hear any division.

Members interjecting:

The PRESIDENT: No, I am not going to put it again. I am not going to jump at shadows every time I make a decision.

Bill read a third time.

The PRESIDENT: I now put the question that this bill now do pass.

The council divided on the question:

Ayes.....9
Noes 8
Majority 1

AYES

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

NOES

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

PAIRS

Gago, G.E.	Lee, J.S.	Hunter, I.K.
McLachlan, A.L.		

Question thus carried; bill passed.

STATUTES AMENDMENT (BULLYING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

The Hon. M.C. PARNELL (22:22): I rise to make a brief contribution to this bill that was introduced by the Hon. Dennis Hood. The first thing I would say is that we cannot any of us be anything other than appalled and dismayed at the behaviour that the bill seeks to address. Bullying is one of those things that on a spectrum can have mild consequences, or it can have the most drastic consequences and can end in someone's death, either at their own hand or otherwise. It is a real problem in our community and I think the people of South Australia are looking to the parliament, along with other institutions, to do something about it, so I understand exactly where the Hon. Dennis Hood is coming from.

The Greens' position is that we think an issue as important as this does require a great degree of care in dealing with it, particularly when we are looking to add criminality to young people, to increase the scope for the criminal law to be the response. We know that something like bullying is a multifaceted problem and that ultimately the response lies with society and its behaviour and the way we bring up young people. The law will have a role to play but it will not necessarily be the primary role.

My indication to the Hon. Dennis Hood was that I was going to propose that the bill be referred to the Social Development Committee. I still think that is the way to go with legislation such as this but given the lateness of the hour, and the amount of business that we have before us, I think it is suffice for me to say that that is my preferred approach rather than actually move it. I understand

from the Hon. Dennis Hood that he has the support of much of the chamber, so it is not something that we need to unnecessarily delay ourselves with.

I do need to very quickly put on the record a couple of bits of correspondence that we have received which are inviting us to oppose the bill. Like I say, the Greens' position was that we wanted to explore these issues further, and maybe we will get a chance in the new parliament to do that. There are two submissions. One comes from the Youth Affairs Council of South Australia. They oppose the bill. The concluding sentences of the submission from Anne Bainbridge of the Youth Affairs Council of South Australia states:

> The Bill will not make children and young people safer. The best way to deal with bullying is to prevent it. Programs that centre on strengthening families at a community level coupled with robust policies, procedures, and responses within schools have a much greater chance of protecting children and young people.

The submission goes on to talk about some of the problems with using the criminal law to address behaviour.

Another submission we received was from the Commissioner for Children and Young People. Again, the commissioner, Helen Connolly, has put in a very detailed submission of about seven or eight pages. She has included some commentary that young people have written themselves—some lovely colourful handwriting when she asked young people what it is they think needs to be done to prevent problems like bullying. I do not want to read all of those out, but I am just saying the commissioner has provided them to us.

The commissioner's view is that we already have a number of policies, criminal laws and wellbeing and safety legislation to deal with severe and extensive and bullying and cyberbullying. The commissioner's view is that we should continue to use these avenues rather than enact a new law that will further criminalise children's behaviour at school.

There is a lot more I could read out, but I will not. As I said, the Hon. Dennis Hood has indicated that he has the general support of the council. That does not surprise me, because the issues that he is seeking to address are some of the most serious and disturbing behaviours that we have seen.

The Greens' position is that we are not convinced that the criminal law is the way to go. But if the will of the chamber is to proceed with this bill now, so be it. I am hoping that at some stage in the next parliament, whether it is the Social Development Committee or some other committee, we will have a good look at programs as well as laws to see whether we actually have the right solutions in place.

The Hon. J.A. DARLEY (22:26): This bill will make bullying a criminal offence with maximum penalties of 10 years' imprisonment. I commend the Hon. Dennis Hood for taking action on this matter of bullying, especially in response to the tragic death of Libby Bell. Whilst I am supportive of the bill, I am concerned that more is not being done on this matter.

Advance SA does not think that simply having a big stick to punish people will be enough to tackle the issue of bullying. Unfortunately, the reality is that children can be very cruel and this is not something that is new. However, the considerable increase of exposure to bullying through social media means that this cruelty can be spread further, longer and can creep into traditional safe havens such as a child's home.

Advance SA believes that there needs to be more education to teach children about the effects of bullying and how to switch off. Resilience should be taught so that children learn how to cope with these matters. I am not at all suggesting that Libby Bell, her parents or teachers did anything wrong. I am simply saying that those who perpetrate this sort of behaviour, children, often do not think about the consequences. Turning bullying into a criminal offence is unlikely to have a definitive positive effect without more work to prevent this behaviour in the first place.

Advance SA sees merit in having bullying as a criminal offence, especially when the deterrence is used in conjunction with education programs for children. I understand there are examples where adults have bullied children online. The typical scenario for this is when a parent of a child involves themselves in a dispute between schoolchildren. This behaviour is absolutely

abhorrent, and these people, these adults, should know better and should be prosecuted for their behaviour, especially if their actions result in harm. On behalf of Advance SA, I support the bill.

The Hon. A.L. McLACHLAN (22:29): I rise to speak to the Statutes Amendment (Bullying) Bill 2017. I indicate to the chamber that the Liberal Party will be supporting the second reading of the bill. The bill was introduced by Hon. Dennis Hood on 27 September this year. I understand that the Hon. Dennis Hood is putting it to a vote today to enable enough time for it to be debated in the other place before the end of the parliamentary session.

The catalyst for this bill was the tragic case of Libby Bell, which received widespread media attention. When introducing this bill, the Hon. Dennis Hood cited two other cases of Cassidy Trevan and Brodie Panlock. These cases also involved serious and repeated acts of bullying. It is cases such as these that have caused our community to reflect on whether our laws provide enough protection to those who are unfortunate enough to experience such sustained and unrelenting bullying.

As a community, we need to guard against such behaviour and provide protection to those who are vulnerable, especially those who should be able to experience all the joys of youth. The bill before the chamber has been loosely based on the Victorian legislation which passed in 2011, colloquially known as Brodie's Law. The bill seeks to criminalise serious and repeated acts of bullying. Bullying can indeed take various forms, so the bill includes a number of definitions of bullying to accommodate this reality.

The acts need to be committed over a period of seven days or more. Further, for an act to constitute bullying it must be proven that the perpetrator intended to cause harm or was recklessly indifferent to causing harm. A maximum penalty of 10 years' imprisonment applies to cases where serious harm is caused. In any other case, the maximum penalty is five years' imprisonment. These penalty provisions, however, have been drafted in a manner that retains judicial discretion. Therefore, a range of other sentencing options will be available to a court in imposing sentences, such as good behaviour bonds, community service orders or fines, depending on the circumstances of the particular case.

I note that one of the definitions of bullying includes an act of publishing or transmitting offensive material by means of the internet or some other form of electronic communication in such a way that the offensive material is found by or brought to the attention of the other person. I ask the Hon. Dennis Hood: in terms of the inclusion of this particular clause—clause 20A, subsection 2(e)—does the mover envisage that the bill will extend to situations of cyber bullying?

Sadly, it seems that cyber bullying by social media platforms is becoming increasingly more common. Therefore, the Liberal Party is supportive of measures that seek to address this contemporary problem. I am pleased to hear the Hon. Dennis Hood's remarks, when he introduced the bill, that it is not the goal to limit freedom of speech or to create provisions whereby minor incidents constitute bullying and carry a criminal penalty. He emphasised that this is neither the purpose or the effect of this bill.

Finding the right balance between punishment, deterrence and, importantly, educating the perpetrators so that they can understand the errors of their behaviour can be a difficult task. The Liberal Party has considered the bill. It has formed the view that the balance appears to be appropriate, having regard to the provisions set out before us.

The Hon. J.S.L. DAWKINS (22:32): I rise to speak briefly on this bill that has been brought forward by the Hon. Dennis Hood. I endorse the comments made on behalf of the Liberal Party by the Hon. Andrew McLachlan. I compliment the Hon. Mr Hood for bringing this forward in a sincere manner to deal with issues that are far too common across many communities today.

However, I want to very briefly outline some of the other aspects in relation to some of the incidences that the Hon. Mr Hood has highlighted and others that we are aware of in youth suicide. In my experience, on many occasions, there are other complex issues going on in the lives of these young people as well as aspects of bullying. I am certainly not downplaying the bullying. It is not only young people; bullying goes on with people in older age groups as well.

Certainly, I would encourage people to get involved and encourage the work of the suicide prevention networks around South Australia. As well as the ones that have been established under the suicide prevention strategy and now the new plan, we also have the others that have been established under the federal funding through the Wesley LifeForce organisation. They all work together, hand in glove.

Of course, there is Headspace, which does terrific work with young people. There is an online group, ReachOut.com, that I have had a bit to do with. There was a young lady from that organisation who came and spoke here to many members of parliament a number of years ago about the work they do in communicating with these young people.

I would also encourage members who are interested in the issues around youth suicide to have a look at the organisation called Papyrus, which is based in the UK. It covers the whole of the United Kingdom, but it is based in Warrington. I have been aware of that organisation for a number of years, and I have visited them. It is a not-for-profit established by the parents of a young person that suicided. That organisation has a terrific website and terrific information it puts up on Facebook and other media. I would encourage anyone who has a genuine interest, as the Hon. Mr Hood and others do, to have a look and see what policies Papyrus develops.

I would also like to indicate that, under the government's plan and strategy about suicide prevention in recent years, the establishment of the suicide prevention networks has been very much designed around local government areas and has been done with the support of local government. However, a number of the very successful ones also have very strong support from local MPs. We all know, as representatives of the whole state, that sometimes we do not get included in those local community things, but certainly I have been, and there are other MLCs who have played an important role in that area.

So, I would also encourage members of this place to assist communities that they see are struggling with these issues to go to their local government. There are still many more local governments that have not got involved, and some of them need just a bit of encouragement. With those words, I am happy to indicate that I support the honourable member's bill.

The Hon. D.G.E. HOOD (22:37): Members will be pleased to hear that I will be brief in my summing-up. I would like to thank the speakers who have contributed to the second reading of my bill. The Hon. Mr Parnell made some valid points in his contribution when he said that the best way to deal with bullying is to prevent it. I could not agree with him more. In fact, when I introduced this bill a while back now, I said in my second reading explanation that this is not a perfect solution, that we cannot simply rely on legislation to address these matters and that education forms the primary defence, if you like, against bullying in our society. Of course, we focus on the issue within schools, but it is not just schools. It is in the workplace and it is in our broader community, and for that reason I wholeheartedly agree with the Hon. Mr Parnell's comments.

He also mentioned at least two pieces of correspondence he received that had concerns about the bill, and I acknowledge those. In fact, I received the same correspondence, so he is quite correct in saying that. There are, of course, a number of significant individuals in the community who did not necessarily support the bill, but have supported the concept of legislation in this space. A person no less than the police commissioner has expressed his view that we should at least investigate legislation dealing with this issue. So my bill tonight is the culmination of that expression by the police commissioner. I am not suggesting he is endorsing this bill. I am not sure what his attitude is on this particular bill, but certainly he has made public comments to the effect that we should consider legislation in this space.

I thank the Hon. Mr Parnell for his contribution. The Hon. Mr Darley made similar points in many ways to the Hon. Mr Parnell. He talked about the need for more education in this space. Again, I entirely agree with him. That should be our first and foremost defence against what is really an epidemic of bullying in our society, so I thank the Hon. Mr Darley for his contribution.

The Hon. Mr McLachlan made the correct comment that the bill is based quite closely on what is colloquially known as Brodie's Law in Victoria, which passed in 2011 after the tragic incident in Victoria. He posed the question about section 20A(2)(e) of my bill. The question was, 'Does that relate to the potential for cyber bullying?', and the answer is: yes, it does. He is quite right. It was

specific in the drafting and I remember the discussions with parliamentary counsel along those lines: that that was really where a good deal of this bullying occurs in modern times.

Once upon a time, if someone was bullied in a workplace or school setting, they could have that terrible experience during the day but escape at night; they could go home and escape the ongoing bullying. These days, of course, that is much more difficult with the advent of social media and the like. The internet reaches into people's homes, into their bedrooms and into their private spaces. There is no escape in the modern world from this sort of activity in many cases and that can lead to very tragic outcomes, as is the case with Libby Bell, who I will talk about a little bit more in a moment.

Then we had the contribution of the Hon. Mr Dawkins. He also made the point—and I think he is absolutely right—that bullying and the specific types of bullying is just one of the factors in people's lives that often results in a tragic outcome. That is quite correct. Again, that is why I admit quite freely that this is not perfect law. This is not a perfect bill by any stretch and this is not the only way of dealing with this problem, but we do need education, and that should be the primary focus in dealing with this sort of behaviour.

The Hon. Mr Dawkins also talked about a number of groups that have been helpful and active in this area, and I commit to him right now—I already have in fact—that I will look at the Papyrus Group and try to educate myself on exactly what they do. I have heard of them, but I am not exactly familiar with them, I must say.

This bill, of course, was conceived following the tragic case of Libby Bell. Libby Bell was a beautiful 13-year-old girl who took her own life just a few months ago as a result of bullying in her life. There were other factors. As the Hon. Mr Dawkins pointed out, it is rarely one thing that results in a tragic outcome, but in her case certainly the bullying played a significant role. At the time, there were calls throughout our community for legislation to deal with these sorts of issues, and this bill is a tribute to her and an attempt to say that enough is enough and that, as a society, we want to make inroads into at least curbing the epidemic that is bullying in our society.

To give some weight to that statement of the epidemic, as I call it, of bullying in our society, members may be aware that the education department did a survey of South Australian public school students last year. There is much detail I could give, but members will be pleased to hear that I will not, given the hour. In very simple terms, the bottom line was that the survey found that some 5,000 students in South Australian public schools alone, excluding independent and Catholic schools, self-reported as having been bullied on a weekly basis. This is tragic by any measure. Obviously, that bullying was right across the spectrum, from the very minor to the very serious. Nonetheless, I am sure members here would agree that that is 5,000 too many and, on a weekly basis, it is nothing short of terrifying.

As a general comment, I will say that this is difficult law, particularly for a private member. I would see this law as being more in the realm of government than in the realm of a private member because it is hard to determine in many ways what exactly bullying is. This law is based heavily on the Victorian model, which of course was a government bill, so it was a little bit easier in the sense of framing the right words and where we should pitch this. However, I again make it clear that I am not claiming that this bill is in any way perfect.

I thank the Attorney-General especially for some conversations I have had with him about the bill. I respect his expertise in this space, and he has committed tonight for the government to allow this bill to go through, and he will have a close look at it with me next week to see what, if any, changes are required. I am certainly happy to endorse that process.

I would make the comment also that my bill is in no way an attempt to curb free speech. As a political party the Australian Conservatives are absolutely committed to free speech, but there is a really strong difference between free speech and bullying, and that is outlined specifically in my bill. I think it was the Hon. Mr McLachlan who pointed out that the bullying needs to recur over a minimum of seven days.

This is not a one-off situation where somebody might call somebody a name, or something to that effect. There is an old saying that, 'Sticks and stones may break my bones but names will

never hurt me.' I do believe strongly in the right of free speech: this is not about free speech and it will not curb free speech, because we are talking about a sustained, prolonged attack on someone's character with a deliberate intent to demean them or to cause them to self-harm or to cause them harm. That is the intention of this bill, so that is very different to free speech.

If somebody calls someone a name in a moment of anger, by and large that should not happen, but as adults or mature people generally speaking we can move on. It is obviously more difficult for young people. By and large one-off incidents can be forgiven and forgotten, to a large degree, but when it is sustained and with a deliberate intent to harm somebody that is bullying and as a society we should not tolerate it.

I have been stunned by the degree of public support for this bill. I would not say that I have been inundated, because that might be exaggerating, but I have been the receiver of many hundreds of emails in support of this legislation from right across the spectrum of society, which has been very encouraging. Particularly, I draw the chamber's attention to the fact that, as at about 9.30 this morning, the change.org petition for Libby's law had 36,558 signatures in support of this bill in its current form. Again, I am happy to accept that it may change, but there are 36,558 signatures in support of the bill.

I wonder how many bills that have ever come to this place have had that level of public support in just a few months. That says there is a real need. I have had approaches from right across the spectrum in the community supporting this bill, from various aspects of the legal profession to the medical profession to law enforcement—right across the spectrum—and of course the education sector itself. I have been humbled and grateful for the public support I have received for this bill.

Finally, the South Australian Organisation of State Schools, the parents' organisation that represents the parents and the school boards, have also done their own survey and found 80.12 per cent support for bullying laws to be enacted and enforced in the schools, so over 80 per cent support within the school system itself. Of those 80 per cent, 71.65 per cent were principals. So, 71.65 per cent of the 80 per cent were principals in support of some laws to deal with bullying in schools; 80.65 per cent were teachers, also supporting some bullying laws being in place; and some 87.69 per cent of SSOs in the schools also support legislation to deal with bullying.

The support has been widespread, and I am very grateful for it. This is a genuine problem in our society. We simply must deal with it; we cannot turn away any more as young people literally are dying. I do not know what more needs to happen for us to act. I thank members for their contributions and for their goodwill on this issue and I commend the bill to the house.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. D.G.E. HOOD (22:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

VICTIMS OF CRIME (VICTIMS RIGHTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

The Hon. M.C. PARNELL (22:50): I will be very quick. The Greens are supporting this bill. We congratulate the Hon. John Darley on introducing it, and I acknowledge the presence in the gallery of the Commissioner for Victims' Rights. One issue that this bill seeks to address is the problem that victims often find that they are not kept in the loop when it comes to decisions around the prosecution of the person whose actions resulted in them being a victim.

I know from personal family experience that sometimes the police are reluctant to disclose to victims what it is they intend to do in particular circumstances, whether they are going to lay charges or not. I think that it is unacceptable that a victim of crime should have to use the Freedom of Information Act to find out what action the police were proposing to take in relation to the perpetrator of the injury that was bestowed on them.

I think that this bill makes a lot of sense. It strengthens the existing provision in section 9A of the Victims of Crime Act. It creates a right, if you like, or an entitlement on the part of the victim to be informed about various changes that might be made to the charges, whether it be a downgrading of charges or a dropping of charges. Overall, I think that it strengthens the legislation and makes it clear that there should not be any wriggle room. The victim is an integral part of the process. They should be kept informed and their views should be sought before serious decisions are made. That is what this bill does, and the Greens are happy to support it.

The Hon. J.E. HANSON (22:52): I rise on behalf of the government to oppose the bill. I will outline some of the reasons in regard to that. South Australia has traditionally been a leader in the areas of victims' rights and recognition of the important place that victims hold in the criminal justice system. The current Victims of Crime Act 2001 has extensive provisions outlining the rights of victims and the support that should be provided to them. The language closely mirrors the language of the United Nations 'Declaration of basic principles of justice for victims of crime and abuse of power'. The declaration was adopted in 1985 and was an important influence when drafting the act.

Consultation with both the Director of Public Prosecutions (DPP) and South Australia Police (SAPOL) was undertaken in relation to the bill as it would have significant impacts on the operation of both agencies if passed. The DPP is strongly committed to the principles outlined in the Victims of Crime Act, and he strives to adhere to the standards as required by the act when dealing with victims of crime. However, in the view of the DPP, the bill is unnecessary where it merely changes the language from 'should' to 'must'. If an agency is noncompliant with the Victims of Crime Act, it is likely that a minor change in language would not address the issue; the bill would act as mere window dressing.

Furthermore, the DPP outlined very strong concerns regarding the more substantial amendments in the bill, which I will discuss in more detail as follows. The amendment of section 9A(2), which requires that the prosecution obtain the consent of the victim before making certain prosecutorial decisions, directly contradicts the recognition in sections 5(3) and 5(4) of the Victims of Crime Act that the principles and rights within the act are not to affect the conduct of criminal proceedings.

Furthermore, prosecutorial decisions take into account wider factors than just the wishes of the victim, and it is an unacceptable restraint on the prosecution to impose such a condition on their decision-making process. Victims are also not best-placed or appropriate persons to make the prosecutorial decisions as they are, for obvious reasons, emotionally involved in those proceedings. Consultation with the victim is an existing and appropriate right; however, elevating victims to a decision-making position does not fit well with the adversarial context of our criminal justice system.

In relation to the amendments to section 16A, agencies are already required to consult with the commissioner in the existing VOC act. The new provisions would, in some instances, make agencies such as the Office of the DPP and SAPOL subject to the direction of the commissioner without any ability to refuse to provide information or any check on the power of the commissioner. There may be instances where the provision of information may not be appropriate or may be prejudicial to matters. Secondly, the amendment to section 16A(2)(a) will no longer require the commissioner to consider whether compliance with part 2 of the act would have been practicable.

The commissioner will be able to recommend that a written apology be given to the victim without the commissioner having to consider whether compliance with the act might have been practical. It is not appropriate for agencies such as the DPP to apologise in writing if a reasonable assessment of what occurs indicates that the agency was not at fault.

As I mentioned earlier, SAPOL was also consulted in relation to the bill. The prosecution, victims and legislative review areas all examined the bill. All acknowledged the principles behind the bill and, like the DPP, are very supportive of victims rights, but there was no support for any aspect

of the bill. SAPOL advised that the bill would, if passed, significantly change the conduct of many prosecutions to the extent that the proposed amendments would be unworkable.

It was made clear to the government that this bill, whilst it may have good intentions behind it, would end up doing a disservice to victims of crime in harming the prosecutorial processes which are the mechanism for seeking justice for the offences done to them. It is for these reasons that the government opposes the bill.

The Hon. A.L. McLACHLAN (22:57): I rise to speak on behalf of the Liberal opposition in relation to the Victims of Crime (Victims Rights) Amendment Bill. I advise the chamber that the opposition will not be supporting the bill. We will support the second reading to allow the progression of the bill into the committee stage, but will be opposing it at the third reading.

The Liberal opposition's reasoning mirrors that of the government, which has just been outlined by the Hon. Mr Hanson. The Liberal Opposition has had regard to both the provisions of the bill and the substantive provisions of the Victims of Crime Act, as has the government, in particular focusing on prosecutorial decision-making. There is a need to delicately balance the involvement of victims of crime in the criminal justice process with the need to ensure that the independence of the Director of Public Prosecutions and his office is maintained.

The Victims of Crime Act, in its current form, already enables victims to be informed of a broad range of information, including, for example, the progress of investigations, charge details, applications for bail, amendments of charges, outcomes of proceedings, sentencing details and the like. Further, the current act also enables a victim who is dissatisfied with the determination made in criminal proceedings to request that the prosecution consider an appeal.

We trust that the DPP and his office and staff will continue to carry out their important role in upholding these legislative rights. It is the opposition's view that the bill encroaches too far on the Director of Public Prosecutions' prosecutorial discretion. This is particularly in respect of the proposed amendment that the victim can seek a stay of proceedings through the Commissioner for Victims' Rights if the prosecuting authority made certain decisions without first consulting the victim.

Whilst we must ensure that wherever possible we keep victims informed and involved, we have an equal duty to ensure that prosecutorial discretion and the independence of the DPP is maintained. As I have indicated to the chamber, the Liberal Party will support the second reading to allow the bill to go into committee, but we will be joining with the government to vote against the bill at the third reading.

The Hon. J.A. DARLEY (22:59): I want to thank the Hon. Mark Parnell, the Hon. Justin Hanson and the Hon. Andrew McLachlan for their contributions. I also thank the Victims of Crime Commissioner, Mr Michael O'Connell, for the assistance he has given on this bill and his tireless work to support victims of crime. With that, I commend the bill to the house.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. J.A. DARLEY (23:01): I move:

That this bill be now read a third time.

Third reading negatived.

FIRE AND EMERGENCY SERVICES (VOLUNTEER CHARTERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

The Hon. J.E. HANSON (23:02): I rise to speak on behalf of the government in favour of this bill. For those who are not aware, the Country Fire Service (CFS) and State Emergency Service

(SES) volunteer charters were created in 2008 under a Labor government. Signatories to the charters include the Premier, the Minister for Emergency Services, the Minister for Volunteers, the chief officers of the CFS and the SES, and representatives from the volunteer associations.

This government has a proud history of supporting volunteers and that is why we have reaffirmed our commitment by re-signing the charters in 2013. The volunteer charters provide an important commitment by the state government to protect the needs and interests of our CFS and SES volunteers. They represent a commitment by the government, CFS, SES and SAFECOM to consult with the volunteer associations and CFS and SES volunteers about all matters that might affect them.

The government takes this commitment seriously and invests considerable effort in seeking the views of volunteers, listening and responding appropriately. The charters also acknowledged that respect should be shown between the government, CFS, SES and volunteers while also recognising the safety of the South Australian community. They reflect a strong emergency services sector which continues to work shoulder to shoulder at our times of need.

The charters have served well since their creation and this bill further recognises the immeasurable contribution our volunteers make in serving and protecting our communities by referencing the charters in the Fire and Emergency Services Act. The government has not previously seen the need to include the charters in legislation as we are committed to the charters and have been operating in accordance with their content.

The government supports this bill because we know how important the charters are to our CFS and SES volunteers. It will not change the way the government operates, as we will continue to ensure we consult and respect the views of our emergency services volunteers in accordance with our commitments laid out in the charters.

The Hon. T.A. FRANKS (23:04): I rise on behalf of the Greens briefly to indicate that we support this bill. Indeed, it is a commitment that has been expected for some time by the volunteers within these emergency services. With those few words, we look forward to the passage of the bill.

The Hon. J.S.L. DAWKINS (23:04): I also rise to support, on behalf of Liberal members, the Hon. Robert Brokenshire's Fire and Emergency Services (Volunteer Charters) Amendment Bill. In both 2012 and 2015 the parliamentary Liberal Party determined policies to include the volunteer charters of the Country Fire Service Volunteers Association and the SA SES Volunteers' Association into the Fire and Emergency Services Act.

The volunteer charters, as we have heard, were first signed in 2008 and were relaunched in 2013. The charters set out obligations on both the government and the volunteer associations, including the requirement for government to consult with those associations on any matter that might reasonably be expected to affect them. As we have heard earlier, Victoria also recognises the volunteer charter in the Country Fire Authority Act 1958.

I think anybody who served in recent times on the emergency services select committee, chaired by the Hon. Mr Brokenshire, would remember the agitation from the volunteer associations at the time of the move by the former minister for emergency services, the member for Light in another place. I think there are long memories in the volunteer associations but also just in the more informal networks of volunteers. Significant agitation remains following the so-called reform process that the then minister took on. We have seen what happened in Victoria. I have very good friends who are in the Country Fire Authority as volunteers, and the agitation remains over there.

Recognition of our emergency service volunteers is an important step. The Liberal Party support for this builds on our commitment to better recognise Surf Life Saving SA and the surf lifesaving volunteers in legislation.

I talked about the experience out of that committee. Very briefly—and I have not been involved in the CFS for some time—as a relatively young man I did give a fair bit of time to the CFS. I fought both the 1980 and 1983 Ash Wednesday fires. They will remain in my memory forever, particularly a very close call that we had at Vimy Ridge in 1980. I think we need to support the volunteers who give so much service. We would never be able to pay all the people who do all the work to protect us in the case of fires. We have seen that in the last few days. In only 10 days' time

is the second anniversary of the Pinery fire, and the impacts of that, we know, are still evident in that district.

With those remarks, and in saying that the Liberal Party will be supporting this bill, I note that it is also something that is a very strong part of our policy program if the Liberal Party is fortunate enough to be elected to government next March.

The Hon. R.L. BROKENSHIRE (23:08): Firstly I thank all honourable members for their contribution. In particular, I thank the Hon. Mr Hanson, from the government; the Hon. Ms Franks, from the Greens; and the Hon. Mr Dawkins, from the Liberal Party, the opposition. The great thing about hearing the contributions tonight was that this is above party politics, and this is above the parliament from the point of view that we all respect and appreciate and admire the great work that the CFS and the SES volunteers do. We know that the Hon. Mr Tony Piccolo committed to this.

The reason I have brought this in is not about partisan politics but about bipartisan politics. I have brought it in because we face a very tough season. We rely so much on our volunteers and they have been stretched and hurt by previous circumstances that have occurred, which I will not go into now because this is a point of celebration and not a point of reassessing what happened historically.

It is a wise and sensible opportunity for the parliament to support. I am putting it to a vote tonight because I would like to see it go through, and there is no reason why it cannot now, with the support of the government, the opposition and the crossbenches, go through both houses before we get up for the election. It will reinvigorate and add confidence to all the volunteers who do so much for the state of South Australia. I thank those volunteers for what they do. This shows that they are not taken for granted. I thank my colleagues for their support and I commend the bill to the house.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.L. BROKENSHIRE (23:12): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

The Hon. T.T. NGO (23:13): I rise to speak on behalf of the government to support the Planning, Development and Infrastructure (State Planning Policy) (Biodiversity) Amendment Bill. The State Planning Policy (SPP) is the primary strategic document of the South Australian planning system. While the Planning, Development and Infrastructure Act legislates specific SPPs, they can be prepared on any matter relevant to planning and development. In addition, the State Planning Commission can prepare an SPP on any matter that it considers appropriate.

Investigations into additional SPP matters have identified a requirement to create a State Planning Policy with the intent to protect the natural character of areas, including biodiversity, without precluding the facilitation of appropriate development. The natural character of our state provides us with a sense of place and identity. It also underpins our economy and quality of life, from the provision of food, air, water and raw materials, through to its role in supporting recreation and tourism, human health and wellbeing.

Maintaining a healthy and biologically diverse environment will help create a better and more productive South Australia to live in. Taking into account natural character and biodiversity will help

to safeguard the prosperity, vitality, sustainability and livability of South Australia. It will also make it possible for us to successfully capitalise on new and emerging market opportunities while also adapting to challenges such as climate change.

The Department of Planning, Transport and Infrastructure has been working closely with the Department of Environment, Water and Natural Resources in preliminary work on developing the SPPs, and both departments have agreed to the preparation of an SPP for natural character, which will also address biodiversity. An SPP as proposed that addresses both natural character and biodiversity would satisfy the requirements of the amendments in the SPP bill. The amendments will have nominal practical or resourcing impacts, given that there is already an intention to prepare such a policy.

The Hon. J.M.A. LENSINK (23:15): I rise to make some remarks in relation to the bill. Clearly, the intent and impact of it was indicated by the mover of it, the Hon. Mark Parnell. I note with keen interest that the government speaker, the Hon. Tung Ngo, has indicated that it sounds like the government is working on the implementation of the impact of this legislation.

The particular recommendation is adopted from one of the many recommendations made by the Environment, Resources and Development Committee investigation into biodiversity, which was completed in 2016. That inquiry did take some time. It is quite a complex area and it was certainly noted that the planning system can be one of the difficulties in terms of protection of biodiversity and that there is often conflict between those particular goals.

I think one of the things that came to my attention over the term in which I was the shadow environment spokesperson was the death by a thousand cuts that occurs to biodiversity. It is unintentional, but it may be that a particular ecological community exists in some part of the state that is quite unique. A bit of it might be subdivided here and a bit of it there, and over time the entire ecological community can disappear.

I think the area of concern—and it not particularly well understood by the community in general—is the impact that this has on species loss. I note that, once again, Associate Professor David Paton has recently been calling on the community to take a more proactive approach. His particular area of interest is the Coorong and also the declining bird species in the Adelaide Hills, which is a biodiversity hotspot that does contain the resources, whether plant or animal species, that those birds feed on. He notes that there is an upcoming extinction if we do not take some action to reverse that. I think that is a terrible outcome. I think that is something that the community does not want to happen, but in this death by a thousand cuts it happens piece by piece, unintentionally, but that is the outcome.

I have to be honest. There are a number of members of the Liberal Party who have concerns with this particular bill because they have concerns about native vegetation, NRM and those sorts of things, and they certainly have expressed those views. I make those comments in relation to the bill.

The Hon. M.C. PARNELL (23:19): I thank the Hon. Michelle Lensink and the Hon. Tung Ngo for their contributions. I am very pleased that this bill is going to pass tonight. I did discuss this with the planning minister and he pointed out to me, much the same as the Hon. Tung Ngo has pointed out, that this is something they were going to do anyway. My point is that I think it is important that the act reflect the importance of this subject matter.

As members will reflect, we put a whole lot of other important issues in the legislation when it was debated two years ago, including state planning policies on adaptive re-use, which the Liberal Party put forward—a very sensible policy. The Hon. Kelly Vincent put one forward in relation to accessible design. I put one forward in relation to climate change. Ideally, we would have done this one at the same time but, as I have said, the ERD Committee was part way through an inquiry and it made sense to wait for that process to finish.

I am pleased that the government has now agreed that this can go into the legislation. The Hon. Tung Ngo has affirmed that it is not going to create any more work or cost any more money than they were going to do anyway. I do not need to delay the house longer. I am delighted that our planning legislation will reflect the importance of biodiversity and I wish the planning commission well in their drafting of the state planning policy for biodiversity.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. M.C. PARNELL (23:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Committees

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

Adjourned debate on motion of Hon J.A. Darley:

That the report of the select committee be noted.

(Continued from 21 June 2017.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (23:23): I rise to make a few brief comments in relation to the Select Committee on Compulsory Acquisition of Properties on the North-South Corridor Upgrade. It is an interesting topic. We have progress. I think everybody is happy that, after many decades of traffic congestion, we are seeing some significant upgrades on the north-south corridor. But, of course, with progress there are always landowners who feel like the system has worked against them and they have not been fairly compensated or fairly dealt with. We had a number of witnesses who felt that they had been harshly done by and one particular family that I recall who had a large, four-bedroom house on quite a large block on South Road. They believed they were entitled to a similar property in the same suburb. Of course, it is very hard.

As you would appreciate with a large property—a big family home with a number of bedrooms, a big garden and chickens in the backyard—its value on a main road is significantly less than if it was back in the suburbs a bit. So they had this property, and they were very happy to live on a main road and suffer the noise and inconvenience because they wanted a big property. When it is compulsorily acquired, it is valued at a certain price. They are then offered another house in the same suburb at that same price, but of course it does not offer the same amenity. Then when they look for another house of that size on a main road, it is often a long way from the suburb they are in.

I felt for that family. They had chickens that they had to have destroyed because they could not take them to the new property. The children were distraught and the parents were upset, and I can understand the real concerns of the price of progress. There needs to be better management of people when dealing with these projects. We do want progress, but we do not wish to have people stalling out. Of course, we cannot have one person or two or three house owners holding the progress of the state to ransom.

We heard of some other examples where things were done poorly, such as negotiations. There is always two sides to every story. Maybe information was not shared in an appropriate way, or maybe the advice given to people whose property was being acquired was not given in an appropriate manner and transparently enough. There were some significant issues, and certainly it is important that the government takes into consideration the report from the select committee because it is very important that we try to get these things right.

I must also make the comment that we had some land set aside for a north-south corridor in the MATS plan, but of course the Labor Party sold that so we could never have a freeway through the suburbs. Again, that was a very short-term political gain that now means that we have a huge expense to build this road through the city, and there is also the pain of people having to be relocated. In some cases, businesses have not been able to get the business amenity they would have liked. But it was an important inquiry.

I thank all those who gave evidence, and I thank the Hon. John Darley for bringing the motion to the chamber to have the inquiry. I look forward to the government, in the very short period of time

before the next election, responding to that particular report. Or, if we have the good fortune of being in government after the next election, I hope that the responsible minister takes notice of that report.

The Hon. J.A. DARLEY (23:27): I would like to thank the Hon. David Ridgway for his contribution and I move that the report be noted.

Motion carried.

Motions

MOLINARA SOCIAL AND SPORTS CLUB

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Acknowledges that 2017 marks the 45th anniversary celebration of the Molinara Social and Sports Club in South Australia;

2. Pays tribute to community leaders and volunteers of the club for their long-term commitment to support the Italian migrants' community residing in South Australia; and

3. Highlights the history, achievements and contributions of the Molinara Social and Sports Club.

(Continued from 1 November 2017.)

The Hon. J.M. GAZZOLA (23:30): I rise to speak in support of this motion. For more than 90 years, the South Australian community has been enriched by the valuable contribution and colourful heritage of the Italian migrants who have settled in South Australia. Between 1920 and 1930, there were a substantial number of Italian migrants coming to Australia.

The reason for this was the economic stability afforded in Australia, another was that from 1924 (and I did not know this) Italians could no longer migrate to the United States as many had done in earlier years. Early settlement areas in South Australia included Port Pirie and the beautiful Port Adelaide. In 1943, six prisoner of war control centres were set up in South Australia. At the end of World War II, all Italian prisoners were repatriated. Some stayed in South Australia, sponsored by their employers.

Many of those people came from Molinara, a municipality in the province of Benevento, in the Campania region in southern Italy. Migration from Molinara to Australia occurred over two distinct periods: the early migrants who made the journey between 1920 and 1947, and those who came during the period of mass migration from Europe after the war from 1948 to the 1970s.

Between 1949 and 1971, there were 594 arrivals from the Molinara region in Italy into Adelaide. In Adelaide, the settlement areas included the upper and lower Torrens Valley, Lockleys, and Campbelltown. Migrants who arrived first such as those associated with the Molinara Social and Sports Club (now known as the Molinara Cultural and Community Club) would forge links in the migration chain. Family and relatives arrived later.

At the 2011 Australian census, 20,710 people who were born in Italy were living in South Australia which, due to the ageing of this population, is 8 per cent less than in 2006 when there were 22,485 Italian South Australians. In 2011, a much larger 91,892 South Australians reported as having Italian ancestry.

Since its establishment in 1970, when a group of migrants from Molinara formed an association to provide social activities and maintain their culture, the Molinara Cultural and Community Club has helped many new migrants settle into our state. Cavalieri Joseph Baldino was the founding president of the club. Cavalieri is a knighthood title given by the Italian government, republic of Italy. The club has had nine past presidents and currently has more than 400 members. In the early years, the club was well represented in many sports such as bocce, netball, soccer and volleyball.

In 1978, the club formed a youth group, which was instrumental in organising events such as fundraisers, sporting competitions and Christmas shows for the members. The club also promotes social connections, running annual celebrations that recognise local identities: those people who strive for the greater good, reach out to help others, and tirelessly volunteer to strengthen our

communities. Today, the club continues to thrive through the support of members and volunteers who hold luncheons for pensioners on the second Tuesday and dinners on the last Friday of each month. The club organises annual functions to celebrate Mother's Day, Father's Day, New Year's Eve and regular dinner dances where everyone is welcome.

The contribution of groups such as the Molinara club that promote culture and language and bring people together throughout the year plays a vital role in the rich tapestry of multiculturalism in this state. There are many strong, generous leaders in the Italian community and it is evident that the Molinara club, along with many others, has encouraged participation and social cohesion in its local communities. They have also catered for the needs of young people and the elderly, linking them to services, cultural and sporting activities.

Today, the Italian community is actively engaged in many areas of community life. Many families and professionals have made significant contributions to the economic wellbeing and prosperity of this state. This is only possible through the valuable contribution of community leaders and volunteers such as those from the Molinara club. We thank them for their long-term commitment to supporting Italian migrants now residing in South Australia. The government therefore supports this motion.

The Hon. J.S. LEE (23:35): I would like to thank the Hon. John Gazzola for his contribution towards this motion. I also want to acknowledge that the Hon. John Gazzola has a proud Italian heritage. It is great to be able to see his support for this motion to congratulate the Molinara club on their 45th anniversary and pay tribute to all the presidents past and present and all the committee members and volunteers. I commend the motion to the chamber.

Motion carried.

Ministerial Statement

PRINCIPAL COMMUNITY VISITOR

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (23:37): I table a copy of a ministerial statement relating to the Principal Community Visitor made earlier today in another place by my colleague the Minister for Disabilities.

Bills

ELECTORAL (CANDIDATE DECLARATIONS) AMENDMENT BILL

Introduction and First Reading

The Hon. R.L. BROKENSHIRE (23:38): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985; and to make a related amendment to the Constitution Act 1934. Read a first time.

Second Reading

The Hon. R.L. BROKENSHIRE (23:39): I move:

That this bill be now read a second time.

This is a bill that I have considered very closely after discussion with Australian Conservatives and, even more importantly, discussion with a range of constituents across South Australia. Essentially, the purpose of this bill being introduced tonight is that we have had a number of circumstances in recent political history where members of parliament—Independents or potentially a party—have gone to people saying, 'Come and give us a hand on polling booths. Come and put posters up. Support us, please, and, trust me, I will put in a Liberal government or a Labor government.'

Whilst I want to be careful about not naming certain individuals who are no longer alive, we saw a consequence of that in the seat of Hammond back in 2002. I know for a fact that the then member told people that, if they supported him, he would return a Liberal government, only to find that he returned a Labor government. Sixteen years on, we now see that party in government. I had people come to me and say, 'Robert, this is wrong because, whilst I supported that individual in that seat because I thought they were doing a good job for the seat, I am a conservative,' or it could have

been an alternative, such as, 'I am a socialist.' It does not matter, but they expected that person would put into office as a government a certain party that they thought aligned with their values.

In more recent times, we have seen in the seat of Frome a situation where the member decided, without telling his constituents before the poll, that he supported a Labor government into office. Even more recently, we saw a former leader of the Liberal Party, the member for Waite, go on to become a Labor government minister. Some people probably do not worry about that, but a lot of people do. I believe that this is about true democracy and true transparency. What an individual member or a party may finally decide is up to them, not the two major parties, the Labor Party or the Liberal Party.

This bill is really focused on crossbench parties and Independents in both houses. Labor and Liberal are not a problem from this point of view because we know, if the majority of people vote for Labor members of parliament in the House of Assembly, they will get a Labor government. We know, if the majority of people vote in the House of Assembly for a Liberal Party, they will get a Liberal government. That is not what this bill is focused on; it is about focusing on the rest of us, and Australian Conservatives is one of those parties.

We will be running candidates in the lower house. We do not have a problem being transparent, open and honest prior to the election, after proper deliberation and consideration, seeing what is happening with policy and direction, seeing the mood of weekly polls about who the majority of people believe should form government at that time. We do not have a problem coming out and advising the Electoral Commission seven days prior—the Friday prior—to the Saturday week election whether we would put a Liberal or a Labor government in. We think that is the least we should do for, first, our membership base and, second, those people who would look to support our party. It is simply about being open, honest, transparent and accountable. It is not about doing deals afterwards that might suit a certain party or a certain individual because I would suggest that most times that is not in the state's best interest that that occurs.

This bill is even more important now because we have another dynamic that has come. Just for the history, I will put on the record: Mr Xenophon came into the parliament in the Legislative Council. He was elected by about 2.2 per cent, a very small percentage, a percentage that he has since tried to stop any other person coming in on, by the way, so that in itself is an interesting little bit of history. Nevertheless, he got in democratically with about 2.2 per cent and with the support of some media that liked his stunts, where he jumped on little carts and drove down the front of this parliament and more or less shamed every other member of parliament that might have used a Fleet SA vehicle that came out of their allowance. He gained a lot of momentum and support.

After being re-elected—people actually elected him to be in here—he then said, 'I can't do too much here, really; I have to go to Canberra. So, trust me, send me to Canberra.' So, off he went to Canberra and, surprise surprise, after just being re-elected to Canberra, Mr Xenophon then said, 'I can't do anything in Canberra, so maybe I had better come back to South Australia, where I can be the white knight, be the kingmaker, play wedge politics and possibly be de facto premier. Then I can actually get a bit to happen.' That is what he said. These are facts and that is what he said. I am happy to debate them with him publicly, anywhere. I would love to actually have a public debate with Mr Xenophon. I would really look forward to it.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Brokenshire, he is actually 'the honourable'. He did spend 10 years in this place.

The Hon. R.L. BROKENSHIRE: The Hon. Mr Xenophon. However, the point is that if you are going to come back and be a kingmaker, if you are going to be a party like ours and you are going to put a certain party into power, I think the least you can do is actually show some honesty to the people of South Australia about who you would put into power. I do not think that is unreasonable. I have noticed with interest that, whilst the Hon. Mr Xenophon is not challenged that often by some of the media in this state, one question they have asked him is, 'Who would you put into office?' and he says, 'No, no, I can't tell you that. That will depend.'

I think the South Australian community deserves better than that. This is an opportunity for all the crossbench parties to now make a decision on who, within seven days of the election, they would put into office. Tomorrow morning, we will see another example in *The Advertiser* of what

Mr Xenophon believes in, because he has now retired from the Senate and has gone to work for the person that replaced him.

An honourable member: He has a pension.

The Hon. R.L. BROKENSHIRE: I do not quite understand that either, because you are either in or out. It is not a halfway house parliament, but we will look at that down the track as well, and I will watch with interest to see how that is reported tomorrow. In summary, I say that we on the crossbench actually do have a responsibility to the people of South Australia. We are not a populist party, and I would not support a populist party. I support a principle party and I am proud to say that our party is a principle party.

I see the principles of the Greens. I may not agree with all of the Greens' principles, but I actually see their principles. So, I do not think it is unreasonable, if we want people to vote for us, to be transparent and say to them, seven days out, when we have had plenty of time to assess everything, 'If you vote for us and we end up having the balance of power, this is who we would put into government.' So, that is what this bill is all about.

I look forward to input and debate from my colleagues on all sides of the Legislative Council. I believe this is sensible. While some people will not like this bill, I have done a litmus test on this across the state and the absolute majority of people say to me that, whilst they reserve their right, they strongly support that. We are out there saying, 'Here is a strong alternative in Australian Conservatives. Here is our argument and we have the reasons to back that up.' But we also say that with that comes the responsibility of telling you, if we were in the privileged position of having the balance of power, who we would put into government. I commend the bill to the house and I look forward to the debate.

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

CROWN LAND MANAGEMENT (LIFE LEASE SITES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 March 2017.)

The Hon. R.L. BROKENSHIRE (23:50): I will be brief. I would be happy to speak for hours on this because I love late night sittings where you get time to go into full detail, but I acknowledge that some members need to retire at some time tonight, so I will try to get to the pointy end of this. The bottom line is that consistently Australian Conservatives have said that we live in a democracy and that providing we meet the normal checks and balances on issues then we should have a right to enjoy that democracy. Therefore, I put on the public record that we will be supporting both bills of the opposition. To save time, I will not speak on each one. With your approval, Mr Acting President, I will combine the two because they are integrated, they are together. It is just that they had to be brought in, as I read it, because of different circumstances with tenure.

I have been down to Milang, and I place on the record a person who I am extremely proud of, now sadly passed away, Mr Bob Honour. His father served on the HMAS *Sydney* with my father. He lost his father on the HMAS *Sydney.* Fortunately, my father was one of three who actually got off. Nevertheless, approximately 645 Navy personnel, if not a few more, lost their lives. They lost their lives because they actually wanted to ensure that we had freedom of speech and freedom of democracy in this nation. Thus far, what they did from 1939 to 1945 has given us that opportunity and for that I will be eternally grateful.

Mr Bob Honour was a great supporter of my mother, almost as a legatee, for a long time after my father died. He inherited a holiday home from his family at Milang. I know that the Hon. Michelle Lensink did so much work down there. I know Milang pretty well because it is not very far from my home town and I frequent that area.

Unfortunately, this government does not want to allow the opportunity for those shacks to continue in any form of perpetuity. I do not understand the reason why, but probably it is driven by the extreme environmentalists of DEWNR. Really, all that is needed is to put in a proper effluent scheme or a common waste-management scheme, as I think they are called now, and nothing other

than good can occur with those holiday homes. If those holiday homes were not there, part of it would be a salt pan and part of it would go back to reeds and be a haven for tiger snakes—there are plenty of other havens for tiger snakes in the environment around Lake Alexandrina—and a lot of income and a lot of opportunity to develop family would be lost.

That is just one example. There is the Coorong, Eyre Peninsula and Yorke Peninsula, and the list goes on. I know that the Liberal Party have had, for a very long time, support for freeholding or putting perpetuity into these sites. The Australian Conservatives, and before we amalgamated, the former Family First Party, have the same policy, whether it is national parks and wildlife or Crown land management.

I will give you another example: my daughter and son-in-law live at North Beach. There is a lovely family, who have employed lots of people and continue to, with a car dealership. They have a historic situation where, out in the sea, they have a lovely holiday home—I have been there—and it is really exciting because, at times, when the tide comes in, you cannot drive your car off that particular shack site until the tide recedes. They made the commitment and effort generations ago that that would be a good opportunity. Okay, we cannot have everyone building out in the sea—we are not Venice—but in this case it is historic and is what happened.

So, what is wrong with their being allowed to continue to do something like that? This is an extreme example, but I still put it forward. These are historic opportunities were people were able to build on sites. I have to commend the Liberal Party on this occasion. I have to question why the government will not show some leadership, and why they succumb to DEWNR and the extreme left of a department and say, 'No, no, we are going to extinguish those opportunities.'

Kids have grown up, generation after generation, enjoying these sites. They have bonded families, they have bonded communities, they have given a lot of enjoyment and a big investment has gone into those towns. If those sites were to be extinguished in their entirety, some of those towns would be almost non-existent.

I do not always agree with the Hon. Michelle Lensink on everything, and that is healthy, and is democracy, but on this occasion she is absolutely right. We support and commend this bill and we will be voting for it. Whilst I voted no for the plebiscite on marriage—proudly so—I will be proudly voting yes in favour of this bill.

The Hon. J.A. DARLEY (23:56): I will be brief also on these two bills and will address them at the same time. Firstly, I thank the Hon. Michelle Lensink for bringing forward these bills. It is about 28 years since life tenure leases were provided to lessees situated on Crown lands and in national parks, replacing terminating tenure, which existed for a further 19 years. On reflection, I believe these shacks should continue to exist and lessees be given the opportunity to transfer to transferable leases. With that, I support the bill.

The Hon. J.M.A. LENSINK (23:57): In the spirit of the previous speakers, I will also be brief and also address my remarks in cognate. The comments in relation to the Crown Land Management (Life Lease Sites) Amendment Bill can be taken as read for the National Parks and Wildlife (Life Lease Sites) Amendment Bill.

Clearly, these two bills have been debated some five years ago, and on their introduction and summing-up in those cases I spoke in quite some detail about those and in my second reading, when I reintroduced them earlier this year. I also referred to those speeches, so rather than repeating all the information I have tried to provide those references so that anybody who wants all that detail can access that themselves.

Broadly speaking, there are a number of shacks—some 300 we understand—on Crown lands or on these national parks and wildlife life leases in a range of sites across South Australia, including Milang, Glenelg River, Fisherman Bay, Coorong, Kellidie Bay, Lucky Bay and a range on the Yorke Peninsula and Kangaroo Island. In relation to Glenelg River, unfortunately more shacks were removed there earlier this year; that is a travesty. People can see some of those shacks on our Facebook page, which is called Shacks in SA.

I would like to thank the Hon. Mr Brokenshire for his contribution. I was not aware that he knew Bob Honor as well as he did. Bob was a lovely bloke and a longstanding campaigner in favour

of his shacks. I have no doubt that the Hon. Rob Brokenshire, with his regional connections, understands the value of shacks in South Australia. As I have said previously, there are a number of links between particular farming districts and particular shack areas that have longstanding traditions.

I would also like to thank the Hon. John Darley for his contribution and his ongoing support for shacks in South Australia. He has been particularly helpful to a number of shack lessees over the years because of his understanding of valuation and valuation methods. I know from my contact with a number of shack lessees that they are very appreciative of his support and assistance in that regard.

I would like to place on the record correspondence from one of the active shack associations and its proponent, Mr Brenton Chivell, who has been very active for the Innes Shack Owners Association, which is at the bottom of Yorke Peninsula. For the record, he contacted one of the potential parties in the next election, the NXT—or SA-Best—to seek their advice as to their particular position. He sent this message, which is dated 16 October. He said:

> Morning, I represent the crown lease holders regarding the Shacks in the Innes National Park. Can you please advise of the position that your party has regarding these shacks (and the other 280 around SA in the same situation). These Crown Leases are presently non transferable life tenure leases with annual rates varying between $2k pa and $7k pa. The position on shacks under a Labour Govt has been to price them out of existence so that the owners run out of money and eventually remove them, where as the Liberal Govt—

it should say 'Party'—

> see great value in these family shacks and pledge to change policy to see them able to be preserved for future generations. This has been ongoing between the two parties for over 30 years. I'm keen to hear what the position is from your party. Thanks, Brenton

I will commend the Nick Xenophon Team for providing a very quick response, within about an hour and a half, I think it is. It reads as follows:

> Dear Brenton,
>
> Thank you for your email to the Nick Xenophon Team Campaign Office regarding crown shack life tenure leases.
>
> Nick Xenophon's SA-BEST are still reviewing their policies in preparation for the next State Election and I would encourage you to get back to us at a later time.
>
> Kind regards—

I will not name the person as I have not sought their permission to use their correspondence. I think that is a pretty disappointing response. I would have thought that, particularly given the longstanding commitment in this place through their former colleague the Hon. Mr Darley, the Nick Xenophon Team might have had a more considered response that they might have been able to provide. I hope that is not the response they provide on all these issues—that, clearly, they have not thought about it and have asked anyone who contacts them on this sort of issue to contact them at some future time.

I just place those remarks on the record, because I think it is pretty important that people are well informed in the lead-up to the next election as there are clear differences in positions on this particular issue. With those comments, I commend both bills to the house.

Bill read a second time.

NATIONAL PARKS AND WILDLIFE (LIFE LEASE SITES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 March 2017.)

Bill read a second time.

Motions

FILIPINO SETTLEMENT COORDINATING COUNCIL OF SOUTH AUSTRALIA

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates the Filipino Settlement Coordinating Council of South Australia (FSCCSA) on their work and contribution to the Filipino community of South Australia;

2. Pays tribute to the achievements made by the various Filipino community associations and community leaders based in South Australia; and

3. Acknowledges 120 years of Filipino settlement in Australia and the 70th anniversary of diplomatic relations between Australia and the Philippines.

(Continued from 1 November 2017.)

The Hon. T.T. NGO (00:05): I rise to speak in support of this motion. Over the past 120 years, the South Australian Filipino community has enriched generations with valuable contributions and an irrepressible spirit. I have a close personal connection to the Philippines, having lived in a refugee camp on Palawan Island for one and a half years. I would like to take this opportunity to thank the Philippines and its people for their generosity towards not only me and my family but also thousands of other Vietnamese refugees over the years while their refugee status was being assessed and they were awaiting acceptance by another country.

The first Filipino migrants arrived in Australia in the late 19th century to work as pearl divers or on the docks in Port Darwin. Small numbers of Filipinos began arriving in South Australia after World War II to work as nurses or to study. Migration increased dramatically in the seventies and eighties with the end of the White Australia policy, the expansion of the commonwealth Family Reunion Scheme and the overthrow of the Ferdinand Marcos regime. Today, the Philippines is the fourth biggest source country of South Australian migrants. Approximately half the Filipino population in South Australia has arrived since 2000, and the community continues to thrive.

Since its establishment in 2003, the Filipino Settlement Coordinating Council of South Australia has played a vital and valuable role in helping these new migrants settle into our state. As the peak body representing around 30 local Filipino organisations, the coordinating council connects people to much-needed settlement and welfare services by providing information, employment assistance and culturally specific support. It also promotes social connections, organising the annual Philippine Independence Day dinner dance and the SA Filipino achievers' awards, which recognise local heroes, people who reach out to help others and who tirelessly volunteer to strengthen our communities.

The Filipino community benefits from many strong, generous leaders. One such person is Cynthia Caird, chairperson of the coordinating committee, who assists Filipino families and manages refugee and migrant programs, and who established the Filipina Network of South Australia. Little wonder that she received the community sector award in the 2016 Governor's Multicultural Awards.

Another admirable example is Dr Reynaldo Dante Juanta, former Philippine honorary consul general in South Australia. He received an Order of Australia in 1991 for services to education, multiculturalism and the Filipino community in South Australia. I also commend the outstanding efforts of Rudy Gomez, whose discovery of the Carrapateena mine is providing employment opportunities for hundreds of South Australians. These are but three stars out of a bright Filipino constellation in our state.

The Filipino community is very active, with many organisations that enrich culture and language, clubs that bring people together in regions such as the Murraylands and Whyalla, and associations for youths and professionals. There are organisations that provide culturally tailored aged care, and they help people obtain housing, as well as religious groups catering to spiritual needs.

We welcome new arrivals from the Philippines as friends and as neighbours with a shared military legacy. Australian and Filipino armed forces joined together as comrades as part of the resistance to the Japanese occupation of the Philippines during World War II.

The first diplomatic gesture occurred on 22 May 1946 when an Australian official named Herbert Peterson established the Australian Consulate General office in the Manila Hotel. The first official Philippine ambassador to Australia was His Excellency Dr Roberto Regala, who took up office

in 1950. Since then, there have been 13 Philippine ambassadors to Australia, including the current ambassador, Her Excellency Ms Minda Calaguian-Cruz, who was appointed in 2016.

South Australia has an Honorary Consul General to the Philippines, Mark McBriarty, who works at Trinity Gardens. Every ambassador and consul, both here and in the Philippines, has contributed to a legacy of friendship and unity between our countries that endures today and grows into tomorrow. There is certainly much to celebrate on this occasion of 70 years of diplomatic relations between Australia and the Philippines. The government, therefore, supports this motion.

The Hon. J.S. LEE (00:11): I thank the Hon. Tung Ngo for his contribution in congratulating and acknowledging the great work of the community leaders within the Filipino community. I commend the motion to the chamber.

Motion carried.

Bills

CHILDREN'S PROTECTION LAW REFORM (TRANSITIONAL ARRANGEMENTS AND RELATED AMENDMENTS) BILL

Introduction and First Reading

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

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (00:13): I move:

That this bill be now read a second time.

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

Leave granted.

The Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Bill 2017 (the Bill) makes the transitional arrangements and consequential amendments necessary to commence the *Child Safety (Prohibited Persons) Act 2016* (the Prohibited Persons Act) and the *Children and Young People (Safety) Act 2017* (the Safety Act). Neither the Safety nor Prohibited Persons Acts include transitional arrangements or consequential amendments to existing legislation. Therefore, before these two Acts can commence, further legislation must be passed.

The Prohibited Persons Act will strengthen background checks for people wanting to work or volunteer with children under 18 years old. It creates a stronger legislative scheme, ensuring that a person who is assessed as being of high risk to the safety of children will be prohibited from working or volunteering with them, and that it is an offence to allow this to occur. The Prohibited Persons Act will also eliminate the current two-tiered arrangement, whereby some organisations relied on a National Criminal History Check instead of a check undertaken through the Department for Communities and Social Inclusion's Screening Unit (the DCSI SU).

The Safety Act will provide the necessary powers for the Chief Executive of the Department for Child Protection (the DCP) to protect children and young people from harm and to make provision for the alternative care of children and young people under the custody or guardianship of the Chief Executive, amongst other measures. Once commenced, the Safety Act will repeal the *Children's Protection Act 1993* (the CP Act). The Bill also provides an opportunity to make a number of refinements to the Safety Act at the request of the DCP.

To support the commencement of the Prohibited Persons Act, the Bill provides for transitional arrangements whereby a DCSI SU screening will be recognised as a working with children check under the Prohibited Persons Act for a period of three years from the date it was done. This approach is supported by the recent initiative whereby persons who have undertaken a DCSI SU screening check are subjected to continuous monitoring, so that criminal convictions and child protection data is matched on a daily basis to the DCSI SU database. This recognition does not preclude the prescribed screening unit (the DCSI SU) from undertaking a working with children check and from finding the person to be a 'prohibited person' but it will mean that that a person who has had a DCSI SU screen is not required to re-apply for a working with children check until three years from the date of the DCSI SU screen.

People in the community who currently rely on a criminal history check to volunteer or work with children will also be actively encouraged to obtain a DCSI SU screen prior to the commencement of the Bill.

The registration of teachers is undertaken via the *Teachers Registration and Standards Act 2004* (the TRS Act) by the Teachers Registration Board (the TRB).

In order to be employed as a teacher, a person must be registered under the TRS Act. The Bill makes amendments to require any person wanting to be registered as a teacher to have undertaken a working with children check and not be a prohibited person. However, in order to stagger the need for registered teachers to undertake a working with children check, this requirement will only apply at the time that a person applies for registration the first time or is renewing their registration, with registration occurs every three years.

Similar transitional arrangements have been put in place for the other persons, who will not be required to undertake a working with children check on commencement, but will be able to reply on a current criminal history check for a period of 3 years or until their accreditation or registration expires, including:

- persons who are employed in a children's services centre under the *Children's Services Act 1985*;
- registered health practitioners as defined under the Health Practitioner Regulation National Law (South Australia);
- employees in training centres established under the *Family and Community Services Act 1972* (the FACS Act) or the *Youth Justice Administration Act 2016*;
- persons who are the holder of a current accreditation for a passenger transport service operated by the person granted under section 27 of the *Passenger Transport Act 1994*, the holder of a current accreditation for a driver of a public passenger vehicle granted under section 28 of the Passenger Transport Act 1994 or the holder of a current accreditation for an operator of a centralised booking service granted under section 29 of the *Passenger Transport Act 1994*.

To support the commencement of the Safety Act, a number of transitional provisions are required.

As mentioned, a number of refinements are proposed to the Safety Act in the Bill, in addition to related amendments to other Acts, for reasons I will now explain.

The Bill amends the *Births, Deaths and Marriages Registration Act 1996* (the BDMR Act) by inserting a new provision which will apply specifically to children and young people under the guardianship of the Chief Executive of the DCP. Section 25 of the BDMR Act sets out how parents can apply to register a change of a child's name. Currently under section 25 of the BDMR, parents may apply to the Registrar if:

(a) the child's birth is registered in the State; or

(b) (i) the child was born outside Australia; and

(ii) the child's birth is not registered in another State or Territory; and

(iii) the child has been resident in the State for at least 12 consecutive months immediately before the date of the application.

Section 25(2) of the BDMR Act prescribes the grounds for changing a child's name if there is only one parent provided that:

(a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or

(b) there is no other surviving parent of the child; or

(c) the Court approves the proposed change of name.

Section 25(3) of the BDMR Act states that the Court may, on application by a child's parent, approve a proposed change of name for the child if satisfied that the change is in the child's best interests.

The amendment in the Bill seeks to exclude the operation of section 25 of the BDMR Act and establishes a separate scheme for children and young people under the guardianship of the Chief Executive. I am advised that this amendment is necessary as the current provisions of the Safety Act (yet to commence operation) and the CP Act are ambiguous in relation to whether the Minister or the Chief Executive can make such an application and whether the Court has power to make such an order.

I am advised by the DCP that children and young people under guardianship of the Minister and/or their long term guardians or carers make a formal request of the DCP to change the child's name approximately twice a year. Typically, such a request is made by the child or young person in question (with the support of their guardian), who is aggrieved and saddened by the fact that they do not share the same surname as their guardian and the guardian's family unit. This amendment makes sense to further strengthen the existing measures that promote permanence and a sense of belonging for children and young people under long term guardianship.

The amendment to section 25 of the *Births Deaths and Marriages Registration Act 1996* proposes to equip the Chief Executive with an own motion power and/or upon application of the guardian or guardians of the child or young person to the Chief Executive to change the child's name. The Chief Executive may, by notice in writing, direct the Registrar to register a change of the name of a child in relation to whom the section applies. This is a discretionary power of the Chief Executive and when deciding whether to exercise this power by own motion or in response to an application by a guardian, the Chief Executive must consider it whether it is appropriate and in the best interests of the

child to do so and must take reasonable steps to notify the parents of the proposed change of name; and have any regard to the any submission made by a parent of the child in respect of the proposed change of name. The same power will also be given to the Court, when considering long term guardianship applications to ensure this matter can be dealt with at the same time if required.

As mentioned, a number of refinements are proposed to the Safety Act in the Bill, which I will now explain. Section 107 of the Safety Act currently states that 'a person must not be employed in a licensed children's residential facility unless the person has undergone a psychological or psychometric assessment of a kind determined by the Chief Executive.' Contravention of section 107 of the Safety Act by an individual or employer attracts a significant monetary penalty.

Pursuant to section 103(d) of the Safety Act, a residential facility or a training centre established by the Minister pursuant to section 36 of the FACS Act is expressly excluded from the definition of 'children's residential facility' set out in section 103 of the Safety Act, thereby omitting these staff from the scope of such testing. To correct this inconsistency, a new provision is required to be added to the Safety Act to capture persons employed in a residential care facility established by the Minister under section 36 of the FACS Act and to make it an offence to employ a person without having undergone such testing. A mirror provision is proposed to be inserted into the Youth Justice Act 2016, to capture persons employed in training centres, where a number of young people under the guardianship of the Minister are also detained..

Another reform measure contained in the Bill is to clarify that that once a long term guardianship order is made pursuant to sections 89 to 91 of the Safety Act, a long term guardian will not be subject to the requirement to obtain a WWCC. This amendment has been drafted to ensure that an exemption from a WWCC is tied to a prescribed child only, so that if the said child leaves the care of that guardian and assumes care of another child under the guardianship of the Chief Executive, a WWCC will again be required.

One of the consequential amendments of the Bill is to delete section 74 of the FACS Act, a provision addressing assistance to persons caring for children, as a result of this matter being dealt with at 112 of the Safety Act. Since the passage of the Safety Act, some have expressed concern that s112 of the Safety Act is not broad enough to capture the breadth of payments made currently by the DCP to support children and young people, which includes carers continuing to care for children who are 18 and over for example. The Bill corrects this.

Another amendment is required to section 164 of the Safety Act, which addresses confidentiality for persons engaged or formerly engaged in the administration, operation or enforcement of the Safety Act. It is proposed to amend section 164 to include an exception which allows the Chief Executive to authorise disclosure of personal information.

A final amendment to the Safety Act concerns liability. As the Safety Act does not contain a provision providing blanket immunity to the Crown, there is a possible argument that the Crown would nevertheless be vicariously liable for the negligent acts of an employee who is responsible for the operation, enforcement or administration of the Safety Act. In order to mitigate this, the Bill amends section 58 of the Safety Act to expressly prescribe that no liability in tort attaches to the Crown, the Minister, the Chief Executive or any other employees of the Department.

Finally, the Commonwealth has identified that the *Child Sex Offenders Registration Act 2006* requires amendment to capture four Commonwealth offences related to child exploitation material, namely section 233BAB of the *Customs Act 1901* (Cth) and sections 273.5 to 273.7 (inclusive) of the *Criminal Code Act 1995* (Cth).

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

4—Interpretation

This clause defines terms used in the measure.

Part 2—Transitional provisions relating to *Child Safety (Prohibited Persons) Act 2016*

5—Interpretation

6—Expiry of Part

7—Certain applications for assessments of relevant history taken to be application for working with children check

8—Recognition of certain assessments of relevant history as working with children checks

9—Transitional provisions—teachers

These clauses make transitional provisions in respect of the commencement of the *Child Safety (Prohibited Persons) Act 2016*.

These clauses make transitional provisions in respect of the commencement of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

These clauses make transitional provisions in respect of the commencement of the *Children and Young People (Safety) Act 2017*.

These clauses make related amendments to the *Births, Deaths and Marriages Registration Act 1996* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 6—Amendment of *Carers Recognition Act 2005*

42—Amendment of section 5—Meaning of carer

This clause makes a related amendment to the *Carers Recognition Act 2005* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 7—Amendment of *Child Safety (Prohibited Persons) Act 2016*

43—Amendment of section 5—Interpretation

44—Amendment of section 8—Meaning of assessable information

These clauses make related amendments to the consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 8—Amendment of *Child Sex Offenders Registration Act 2006*

45—Amendment of Schedule 1—Class 1 and 2 offences

This clause makes a related amendment to the *Child Sex Offenders Registration Act 2006* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 9—Amendment of *Children and Young People (Oversight and Advocacy Bodies) Act 2016*

46—Insertion of section 13A

47—Amendment of section 26—Functions and powers of Guardian

48—Amendment of section 37—Functions of the Committee

These clauses make related amendments to the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 10—Amendment of *Children and Young People (Safety) Act 2017*

49—Amendment of section 28—Chief Executive to prepare case plan in respect of certain children and young people

50—Amendment of section 32—Chief Executive must assess and take action on each report indicating child or young person may be at risk

51—Amendment of section 33—Chief Executive may refer matter

52—Amendment of section 53—Orders that can be made by Court

53—Amendment of section 90—Long-term care plan to be prepared

54—Amendment of section 103—Interpretation

55—Insertion of Chapter 7 Part 7A

56—Insertion of section 112A

57—Amendment of section 163—Protection of identity of persons who report to or notify Department

58—Insertion of section 166A

59—Amendment of section 170—Regulations

60—Amendment of Schedule 1—Repeal and related amendment

These clauses make related amendments to the *Children and Young People (Safety) Act 2017* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 11—Amendment of *Coroners Act 2003*

61—Amendment of section 3—Interpretation

This clause makes a related amendment to the *Coroners Act 2003* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 12—Amendment of *Criminal Law Consolidation Act 1935*

62—Amendment of section 5—Interpretation

63—Amendment of section 49—Unlawful sexual intercourse

64—Amendment of section 50—Persistent sexual exploitation of a child

65—Amendment of section 57—Consent no defence in certain cases

66—Amendment of section 63B—Procuring child to commit indecent act etc

These clauses make related amendments to the *Criminal Law Consolidation Act 1935* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 13—Amendment of *Education and Early Childhood Services (Registration and Standards) Act 2011*

67—Amendment of section 3—Interpretation

68—Amendment of section 13—Meaning of certain terms in Education and Care Services National Law (South Australia) for the purposes of this jurisdiction

69—Insertion of section 13A

70—Amendment of section 22—Composition of Board

71—Amendment section 23—Conditions of membership

72—Amendment of section 27—Registrars of Board

73—Amendment of section 28—Staff of Board

These clauses make related amendments to the *Education and Early Childhood Services (Registration and Standards) Act 2011* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 14—Amendment of *Family and Community Services Act 1972*

74—Amendment of section 6—Interpretation

75—Amendment of section 8—Delegation

76—Repeal of Part 2 Division 3

77—Repeal of Part 2 Division 5

78—Amendment of section 23—Special welfare funds

79—Amendment of section 36—Establishment of facilities and programmes for children

80—Repeal of Part 4 Division 2 Subdivision 3

81—Repeal of Part 4 Division 2 Subdivision 4

82—Repeal of Part 4 Division 2 Subdivision 8

83—Amendment of section 98—Liability of near relatives for maintenance of child

84—Amendment of section 99—Issue of summons for maintenance

85—Amendment of section 104—Order for payment of preliminary expenses

86—Amendment of section 105—Where order made during pregnancy

87—Amendment of section 111—Power of Chief Executive to accept settlement in full

88—Amendment of section 117—Order for payment of medical and like expenses

89—Amendment of section 142—Evidentiary provision

90—Amendment of section 145—Variation of order against near relative of child

91—Amendment of section 151—Orders may direct mode of payment

92—Amendment of section 156—Order for delivery of attached property

93—Amendment of section 158—Liability of persons contravening order

94—Amendment of section 159—Collection by police of money due to Chief Executive

95—Amendment of section 160—Caveats

96—Amendment of section 161—Warrant to enforce payments under orders

97—Amendment of section 163—Sale under warrant

98—Amendment of section 164—Assurances to purchaser

99—Amendment of section 165—Issue of warrant without previous demand

100—Amendment of section 166—Effect of payment under warrant

101—Amendment of section 176—Application for attachment of earnings order

102—Amendment of section 177—Employer to make payments under order

103—Amendment of section 179—Discharge, suspension or variation of order

104—Amendment of section 180—Cessation of attachment of earnings order

105—Amendment of section 183—Notice to defendants of payments made

106—Amendment of section 189—Payments by Crown etc

107—Amendment of section 195—Proof of payment or non-payment under maintenance order

108—Amendment of section 197—Collector of Maintenance, Deputy Collector of Maintenance and Assistant Collectors of Maintenance

109—Repeal of section 236

110—Amendment of section 236A—Hindering a person in execution of duty

111—Amendment of section 240—Evidentiary provision

112—Amendment of section 242—Chief Executive may require report

113—Repeal of section 250

114—Repeal of section 250A

115—Amendment of section 251—Regulations

These clauses make related amendments to the *Family and Community Services Act 1972* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 15—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

116—Amendment of section 3—Interpretation

117—Amendment of section 10—Principles for intervention against abuse

118—Amendment of section 16—Inconsistent Family Law Act or State child protection orders

119—Amendment of section 20—Application to Court for intervention order

120—Amendment of section 23—Determination of application for intervention order

121—Amendment of section 26—Intervention orders

These clauses make related amendments to the *Intervention Orders (Prevention of Abuse) Act 2009* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 16—Amendment of *Mental Health Act 2009*

122—Amendment of section 86—Minister's functions

This clause makes a related amendment to the *Mental Health Act 2009* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 17—Amendment of *Residential Tenancies Act 1995*

123—Amendment of section 89A—Termination based on domestic abuse

124—Amendment of section 105UA—Termination based on abuse of rooming house resident

125—Amendment of section 112—Restraining orders

These clauses make related amendments to the *Residential Tenancies Act 1995* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 18—Amendment of *Spent Convictions Act 2009*

126—Amendment of clause 13—Exclusions

127—Amendment of clause 13A—Exclusions may not apply

128—Amendment of Schedule 2—Provisions relating to proceedings before a qualified magistrate

These clauses make related amendments to the *Spent Convictions Act 2009* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 19—Amendment of *Summary Offences Act 1953*

129—Substitution of section 66V

This clause makes a related amendment to the *Summary Offences Act 1953* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 20—Amendment of *Summary Procedure Act 1921*

130—Amendment of section 99AAC—Child protection restraining orders

131—Amendment of section 99KA—Special restrictions relating to child protection restraining order proceedings

These clauses make related amendments to the *Summary Procedure Act 1921* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 21—Amendment of *Teachers Registration and Standards Act 2004*

132—Amendment of section 3—Interpretation

133—Amendment of section 9—Membership of Teachers Registration Board

134—Amendment of section 10—Terms and conditions of membership

135—Amendment of section 21—Eligibility for registration

136—Amendment of section 22—Application for registration

137—Amendment of section 24—Conditions of registration

138—Insertion of section 24A

139—Amendment of section 28—Register

140—Amendment of section 30—Special authority for unregistered person to teach

141—Amendment of section 31—Register

142—Amendment of section 33—Cause for disciplinary action

143—Insertion of section 33A

144—Amendment of section 37—Employer to report dismissal

145—Insertion of section 52A

146—Amendment of section 61—Regulations

These clauses make related amendments to the *Teachers Registration and Standards Act 2004* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 22—Amendment of *Youth Court Act 1993*

147—Amendment of section 7—Jurisdiction

This clause makes a related amendment to the *Youth Court Act 1993* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

Part 23—Amendment of *Youth Justice Administration Act 2016*

148—Amendment of section 3—Objects and guiding principles

149—Amendment of section 4—Interpretation

150—Amendment of section 10—Official visitors

151—Amendment of section 14—Training Centre Visitor's functions

152—Amendment of section 43—Community programs

153—Insertion of section 21A

These clauses make related amendments to the *Youth Justice Administration Act 2016* consequent upon the enactment of the *Child Safety (Prohibited Persons) Act 2016*, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* and the *Children and Young People (Safety) Act 2017*.

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

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

SUMMARY OFFENCES (LIQUOR OFFENCES) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (00:15): I move:

That this bill be now read a second time.

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

Leave granted.

The unlawful sale of liquor and the supply of liquor in or around remote communities where the possession and consumption of liquor is generally prohibited, often leads to alcohol related harm including serious violence, disorder, anti-social behaviour and medical problems for those communities.

The Government is proposing a package of reforms to target the unlawful selling of liquor and various activities associated with the supply of liquor to further protect communities where the possession and consumption of liquor is generally prohibited (also known as dry communities).

The impacts of the harmful use of liquor in Aboriginal and Torres Strait Islander communities has been the subject of a number of reports and inquiries. As outlined in the House of Representatives Standing Committee on Indigenous Affairs, 'Alcohol, hurting people and harming communities: Inquiry into the harmful use of alcohol in Aboriginal and Torres Strait Islander communities' (2015), the Australian Human Rights Commission reports 'that up to 71.4 per cent of Aboriginal and Torres Strait Islander homicides involve alcohol at the time of the offence, compared with 24.7 per cent of non-Indigenous homicides' (at page 12). That inquiry also reports that 'Aboriginal and Torres Strait Islander women are vastly overrepresented as victims of alcohol fuelled-violence' (at page 12).

In South Australia legislation and initiatives have been implemented to reduce the incidence of alcohol related harm to Aboriginal communities. These initiatives and legislation include:

- Licence restrictions

Conditions have been placed on the holders of high risk liquor licences under the *Liquor Licensing Act 1997* ('the LL Act'). An example of one of those restrictions is a condition that the licensee will restrict the sale of wine in casks for consumption off licensed premises to one cask of not more than two litres capacity per person per day. Another example of a condition is that the licensee shall not sell or supply port or fortified wine for off-premises consumption.

- Liquor Licensing Act 1997

The LL Act contains an offence provision for a person who sells liquor without a licence. The LL Act also enables police to serve orders barring a person from entering or remaining on specified licensed premises, licensed premises of a specified class, licensed premises of a specified class within a specified area, or all licensed premises within a specified area. The criteria for barring orders are proposed to be widened as part of the reforms in the Liquor Licensing (Liquor Review) Amendment Bill 2017 ('the Liquor Review Bill'), which is currently before Parliament. The criteria explicitly include factors such as the risk of alcohol abuse or misuse and domestic violence.

The Liquor Review Bill also includes a framework for liquor accords to enable interested parties (such as licensees, the local council, the Commissioner of Police, the Liquor and Gambling Commissioner and other persons/bodies prescribed by regulation) to agree on restrictions around the sale of liquor for the purpose of preventing or reducing alcohol related violence in a particular locality.

- Legislation regulating Indigenous matters

There are also prohibitions in specific communities, such as under the *Anangu Pitjantjatjara Yankunytjatjara Lands Rights Act 1981* ('the APY Lands Act') and the *Aboriginal Lands Trust Act 2013* ('the ALT Act'). The APY Lands Act, as a result of by-laws gazetted on 18 June 1987, prohibits the possession and consumption of liquor on the lands (some exemptions exist). The ALT Act, through the regulations, prohibits the possession and consumption of liquor on Umoona Community and Yalata Reserve (some exemptions exist).

However, consultation with relevant agencies highlight that these measures are not doing enough to reduce the incidence of alcohol related harm.

The reforms in the Bill include:

- Creating offences in the *Summary Offences Act 1953* ('the SO Act') relating to possessing or transporting liquor for the purpose of sale as well as offences targeting those on whose behalf the liquor was possessed or transported and those expected to derive a benefit from the sale.
- Creating an offence in the SO Act for a person that supplies liquor or, possesses or transports liquor with intention to supply it to a person in a dry community.
- Providing a power in the SO Act in relation to the new offences for police to stop, search and detain vehicles (without suspicion) within certain areas determined by the Minister.
- Creating an offence in the LL Act for a holder of a licence to sell liquor to a person reasonably believed (or ought to have reasonably believed) to be an unlicensed seller intending to sell the liquor and the unlicensed seller then sells that liquor.
- Creating an offence in the LL Act for an occupier or person in charge of premises who knowingly permits the unlicensed sale of liquor on those premises.
- Amending the *Criminal Investigation (Covert Operations) Act 2009* so that serious criminal behaviour includes offences against section 29 of the LL Act (including the two new offences proposed) and the new offences in proposed sections 21OB and 21OC of the SO Act.
- Amending the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* so that a 'forfeiture offence' includes the new offences in proposed sections 21OB(1) and 21OC(1) of the SO Act.

The Bill seeks to implement measures to assist in reducing the incidents of alcohol related harm to Aboriginal people in communities where the possession and consumption of liquor is already generally prohibited. The Government considers that these measures will assist in addressing alcohol related harm including serious violence, disorder, anti-social behaviour and medical problems for Aboriginal people within these communities.

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 *Summary Offences Act 1953*

4—Insertion of Part 3B

New Part 3B is proposed to be inserted:

Part 3B—Liquor etc

21OA—Interpretation

Definitions are inserted for the purposes of the Part. The definitions of *liquor* and *sale* are the same as in the *Liquor Licensing Act 1997*.

The other definitions relate to *designated areas*—certain offences and powers under the Part apply in designated areas—and *prescribed areas*.

21OB—Possession, transportation of liquor for sale

This section sets out an offence of possessing or transporting liquor for the purpose of sale (as defined). If such an offence is committed, liability is extended to—

- a person (if any) on whose behalf liquor is possessed or transported; and
- a person who would derive a direct or indirect pecuniary benefit from the sale of the liquor who knew, or ought reasonably to have known, that the first person was in possession of or transporting the liquor for the purpose of sale.

The offences in subsections (1) and (2) do not apply to the possession or transportation of liquor for the purpose of a sale that may lawfully be made.

A defence is provided for in relation to the offence set out in subsection (3).

An evidentiary provision provides that if, for an offence against subsection (1) or (2) it is proved that the amount of liquor possessed or transported exceeds the prescribed amount, it is presumed, in the absence of proof to the contrary, that the liquor was possessed or transported (as the case requires) for the purpose of sale.

21OC—Supply etc of liquor in certain areas

This section sets out an offence relating to the supply of liquor to a third person who is in a prescribed area. The offence extends to the transportation of liquor with the intention to supply, or believing that another person intends to supply, the liquor to the third person and to the possession of liquor with the intention to supply it to the third person.

An evidentiary provision provides that if, for an offence against the section, it is proved that a person possessed or transported liquor in a designated area, it is presumed, in the absence of proof to the contrary, that the person possessed or transported the liquor intending to supply it to a third person.

21OD—Designated areas

This section empowers the Minister (by notice published in the Gazette) to designate an area of land as a designated area for the purposes of the Part. A designated area cannot include land that is more than 100km from the boundary of a prescribed area. Notices published under this section must be tabled in Parliament and may be disallowed by either House of Parliament.

21OE—Power to search vehicles for liquor in designated areas

This section sets out powers for police to stop and search vehicles and seize property in relation to the proposed new offences set out in the Part. The section also allows for the destruction, disposal or forfeiture of any such seized property.

The powers relating to seizure under this section do not apply to a motor vehicle. Another part of the measure amends the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* to allow for the clamping, seizure, impounding and forfeiture of motor vehicles in accordance with that Act.

21OF—Analysis and evidence

This section allows for the appointment of analysts by the Commissioner of Police for the purpose of analysing the seized property (and for proof of such appointment in proceedings) and for the development of guidelines on the manner in which the seized material will be analysed and the records to be kept in relation to such analysis. The section goes on to provide for proof that a specified substance is liquor by evidentiary certificate of an analyst. A further evidentiary provision provides for a presumption that a label on a sealed container that states or indicates that it contains liquor is proof that the container contains liquor of the description and in the quantity and concentration stated on the label.

21OG—Regulations

This section allows for the regulations to disapply the Part or provisions of the Part in prescribed circumstances or to a specified class of persons or to provide for exemptions from the Part or provisions of the Part for classes of persons or activities.

Schedule 1—Related amendments

Part 1—Amendment of *Criminal Investigation (Covert Operations) Act 2009*

1—Amendment of section 3—Interpretation

Certain of the new offences provided for in the measure (being offences against section 29 of the *Liquor Licensing Act 1997* and offences against section 21OB or 21OC of the *Summary Offences Act 1953*) are added to the definition of *serious criminal behaviour*.

Part 2—Amendment of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

2—Amendment of section 3—Interpretation

Certain of the new offences provided for in the measure (being offences against section 21OB(1) or 21OC(1) of the *Summary Offences Act 1953* (defined as *designated liquor offences*)) are added to the definition of *forfeiture offence* for the purposes of clamping, impounding and forfeiture of motor vehicles.

Part 3—Amendment of *Liquor Licensing Act 1997*

3—Amendment of section 29—Requirement to hold licence

A new provision provides that an occupier or person in charge of premises on which liquor is sold in contravention of existing section 29(1) who knowingly permits the sale is guilty of an offence

In addition, if a prescribed person (which is defined) sells liquor to another person and the prescribed person reasonably believes, or ought reasonably to believe, that the other person intends to sell the liquor in contravention of existing section 29(1) and that other person then sells the liquor in contravention of subsection (1), the prescribed person is guilty of an offence.

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

CRIMINAL LAW CONSOLIDATION (CHILDREN AND VULNERABLE ADULTS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (00:15): I move:

That this bill be now read a second time.

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

Leave granted.

Today I introduce a Bill to amend the *Criminal Law Consolidation Act 1935* (the Act) to continue the Government's efforts to ensure that children are comprehensively protected under the law.

After introducing the Bill in the House of Assembly, the Government consulted on its provisions with justice and child protection agencies in the public and private sector. Following that consultation, the Government moved significant amendments to the Bill in that House.

Section 14 of the Act creates an offence of criminal neglect that attributes criminal liability to carers of children under 16 and vulnerable adults where the child or adult dies or is seriously harmed as a result of an unlawful act. The offence occurs where the accused had a duty of care to the victim but failed to protect the victim from harm that the accused should have anticipated.

For the purposes of the section 14 offence of criminal neglect, 'serious harm' means—

(a) harm that endangers, or is likely to endanger, a person's life; or

(b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

The Bill I am introducing addresses shortcomings experienced in practice arising from the definition of 'serious harm' as it applies to children who are the victims of the offending (i.e. children who are injured but not killed). Children generally have a superior ability to heal from injury compared to adults. Where the victim of an alleged offence under section 14 is a child, it may therefore be difficult to establish the elements of the offence, particularly that the child has suffered 'serious harm' as defined.

The Government has been advised that major injuries that would amount to 'serious harm' when sustained by an adult may not have this result when sustained by a child. This is because, although suffering much pain and distress from serious injuries, children possess a natural ability to recover quickly and fully that adults do not possess. As a result, the definition of 'serious harm' for the purposes of the offence created by section 14 does not cover many serious injuries to children and is more apt to address serious injuries to adults. For example, a baby of 3 months of age who sustains multiple leg fractures or multiple serious injuries causing pain and suffering will, however, most likely recover quickly with no impact on his or her development because of the infant's capacity to repair and their young age. The injury is not likely to be considered a 'serious and protracted impairment'. People who inflict such injuries on children may therefore escape criminal prosecution. If an adult suffered the same injury, there would most likely be a permanent impairment as a result.

People who harm children should not escape liability in this way, and these anomalies should be corrected. The Government proposes to amend the Act to ensure that the offence in section 14 of the Act is capable of extending to injuries inflicted on children notwithstanding their greater capacity to heal.

The shortcomings of the definition of 'serious harm' have also highlighted that the present law is such that an abusive parent or carer can only be prosecuted if there is either criminal neglect leading to death or serious harm or there is clear proof of an actual assault or a definite act giving rise to a real risk of harm or serious harm. There is no general offence of child abuse, cruelty or neglect as there is in some other jurisdictions, including the United Kingdom, New Zealand, Queensland and the Australian Capital Territory.

This means that in South Australia the situation must reach the point where there is clear proof of some specific offence, rather than proof of cruelty or a sustained course of abuse or neglect, before an abusive or neglectful parent or carer can be prosecuted. This arguably undermines the protection that the criminal law should extend to children and the ability of the State to punish abusive parents and carers.

The Bill amends section 14 of the Act so that it applies to any act, whether lawful or unlawful, and where the relevant acts, omissions or course of conduct have caused either death or harm to a child or vulnerable adult. This is achieved by removing references to unlawful acts and serious harm from section 14 and associated definitions of those terms.

Harm is defined broadly for the purposes of the expanded section 14 offence to mean physical or mental harm and includes detriment caused to the physical, mental or emotional wellbeing or development of a child or vulnerable adult (whether temporary or permanent).

The penalties for the expanded section 14 offence have been increased so that a person convicted of causing death to a child or vulnerable adult would face a maximum sentence of life imprisonment. This reflects the penalties in the Act for murder, manslaughter and aggravated causing death by use of a motor vehicle. A person convicted under section 14 of causing harm to a child or vulnerable adult would face a maximum sentence of 15 years imprisonment. This places the maximum penalty at around the mid-point of the spectrum of penalties for other analogous harm-based offences in the Act. For example, aggravated recklessly causing serious harm, aggravated intentionally causing serious harm and aggravated serious harm by use of a motor vehicle carry maximum sentences of 19 years, 25 years and life imprisonment, respectively. Aggravated recklessly causing harm, aggravated intentionally causing harm and aggravated harm by use of a motor vehicle carry maximum sentences of 7, 13 and 7 years imprisonment, respectively.

In each case under the expanded section 14, whether the offender caused death or harm, it would be for the sentencing Court to determine the appropriate sentence on a conviction having regard to all the circumstances of the offence, victim and offender. As a result, it is no longer necessary to attempt to define 'serious harm' in a way that reflects the different physiological responses to injury of children and adults as the Court should take into account the severity, duration and impact of the injuries inflicted on the child or vulnerable adult when sentencing the offender.

The Bill is consistent with the Government's response to the Child Protection Systems Royal Commission to review 'the suite of legislation concerning child protection, to ensure that children are comprehensively protected under the law.' (*Child Protection—A Fresh Start: Government of South Australia's response to the Child Protection Systems Royal Commission report: The life they deserve*, p18).

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

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

4—Substitution of heading to Part 3 Division 1A

This clause makes a consequential amendment to a heading.

5—Insertion of section 13B

This clause inserts definitions for the purposes of the Division. In particular it should be noted that a reference to an *act* includes an omission or a course of conduct.

6—Amendment of section 14—Criminal neglect

This clause extends the offence of criminal neglect so that it will no longer be limited to death and serious harm resulting from an unlawful act but will now apply to death or harm resulting from any act. The provision also increases the penalty for the offence, deletes some interpretative provisions that are now being moved to proposed new section 13B and inserts new provisions relating to an offence consisting of a course of conduct.

7—Insertion of section 14A

This clause inserts a new section as follows:

14A—Failing to provide food etc in certain circumstances

The current section 30 is being moved into this Division (with minor changes for consistency of terminology).

8—Repeal of section 30

This section is being relocated to Division 1A - see clause 7.

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

At 00:16 the council adjourned until Thursday 16 November 2017 at 11:30.