LEGISLATIVE COUNCIL

Wednesday, 29 November 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:03 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) (11:04): 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

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Final Stages

Consideration in committee of the House of Assembly's message No. 310.

(Continued from 28 November 2018.)

Amendment No. 1:

The Hon. P. MALINAUSKAS: I move:

That the alternative amendments made by the House of Assembly to amendment No.1 be agreed to.

The Hon. A.L. McLACHLAN: I should clarify the Liberal Party's position. There has been a meeting of minds between the parties, led by the minister in the other place and the shadow minister. As a result of their discussions, there has been a recasting of certain provisions that are set out in the schedule of alternative amendments that incorporate drug rehabilitation and tying it to the dependency test. Whilst it is different from the amendments of the Liberal Party, it finds favour with the Liberal Party in the spirit of compromise.

The search powers are no longer being proceeded with, which also finds favour with the Liberal Party. The Liberal Party had distinct difficulties in relation to search powers in this context. A casualty of those negotiations was the defence in relation to medical cannabis, and whilst these found favour with the Liberal Party, the Liberal Party had to compromise to allow these amendments to go forward. The shadow has had a conversation with the Hon. Kelly Vincent and, if he is fortunate enough to be appointed the minister, will explore the impacts of those substances on driving—if the Liberal government is fortunate enough to form government.

The Hon. K.L. VINCENT: I find it hard to put on the record the extent of my disappointment today. When this house left the debate on this bill, my understanding was that we were going to enter into a deadlock regarding my amendments regarding medical cannabis, and that was to ensure that we could have a nuanced and responsible debate. For whatever reason, I understand that procedure has not been followed. I will not go into detail about that exactly, because I am waiting for some feedback from our very hardworking Clerk on exactly what did occur.

Certainly, what we do know is that just last Friday, the member for Schubert, Mr Knoll, in the other place was seeking my participation in a media segment about the bill and the related

amendments. Indeed, he went on to advocate for the rights of medical cannabis users to be able to drive when they were stable and medically safe to do so. Here we are today, Wednesday as it is now, and that support is no longer there.

The Liberal Party has changed its tune, or perhaps deals have been done—I do not really know at this point—because I hear that the bill is due to be brought on and things are moving suspiciously fast. I will say that neither the Labor Party (the government) nor the Liberal opposition have the stomach for this debate, the stomach to stand up for people who are vulnerable and the stomach to stand up for people who are using a legal medical substance in this state.

Since we have legalised it, we do need to move the debate forward, and that is all I was seeking to do. The fact that the government is happy to legalise the use of medical cannabis in this state, but not to provide any actual opportunities for people to continue living their lives while doing that, shows that they are happy to, in some respects, build the walls of a house but not fill it with any furniture and not lay down any foundations. It is deeply disappointing. As it stands, there is no room for that nuanced debate to continue at this point, and I am deeply disappointed by that.

I know that those many constituents who have come to me, not just recently but over the years, seeking some maturity, some guts, from the government and the opposition on this issue, are deeply, deeply disappointed. I think there are some good things that have happened with regard to the powers to search amendments being struck out and rehabilitation no longer being added. I welcome that, but I do not think it is too much to ask, given we have a legal medical treatment in this state, that we have a mature and nuanced debate and one that actually follows proper process, not where deals are done after the fact to railroad that debate. Call me crazy, but I do not think that is too much to ask.

I would like to take this opportunity to deeply apologise to those people who have been let down by the cowardice of not only this government but now also this Liberal opposition. The Liberal opposition can say that they are happy to continue this debate if they win government at the next election, but there are a lot of ifs in that debate and a lot happens during an election campaign. So, I say that I am very sorry to those people who have once again been let down and been railroaded because maybe their issue does not have the lustre or the shine that is appropriate for an election campaign. However, it certainly is a health issue and something we need to future proof and move forward with. I am deeply disappointed and ashamed that we have not taken advantage of that opportunity here today.

The Hon. M.C. PARNELL: I think, as we are in committee, we get more than one go at this. The Greens share the Hon. Kelly Vincent's disappointment. The disappointment comes from the fact that I had thought we were having a sensible conversation about a range of issues, not least of which was how we treat people who are taking prescribed substances and the interaction of those new laws that have passed with these drink and drug driving laws. So, it is disappointing that, at the 11th hour, the parliament has squibbed it and we are not having that debate. The provisions that this council debated at some length have been pulled from the bill, and the Liberals have gone along with that. That is not to their credit, and it is a great disappointment to the Greens as well.

The only positive I can take out of this is that the lengthy discussion we had about the relationship between people who had been assessed as dependent on alcohol and the treatment that those people might receive to reduce or eliminate their dependence appears to have been finetuned somewhat. It does seem to be an improvement on what we had before, but that does not take away from the disappointment that comes from the old parties getting together to cancel out the Hon. Kelly Vincent's amendments.

There is one new development that has occurred since we debated this last, and it is a question that I will put to the minister. I recall that when we were debating this bill originally, it was put to the government that there were a range of other drugs that could be tested for, but were not tested for. One of those was cocaine. Since we debated this bill last time, we have seen in the media that the government is now proposing that serving police officers will be tested for cocaine. It might take a little while to answer it, but the question I have is: if, all of a sudden, the state now has the capacity to be testing police officers for the presence of cocaine in their system, why are we not testing drivers for the presence of the same drug?

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome the Victor Harbor Granite Island Probus Club. It is good to see you all here.

Bills

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Final Stages

Debate resumed.

The Hon. P. MALINAUSKAS: There are a couple of elements to this. The first thing is that it is not an apples for apples comparison when asking the question about the test that is applied to police officers. That is a workplace test which is a fundamentally different test to a roadside drug test. The second element is that the roadside drug test has a specific objective of trying to capture people who are using those drugs that we know as a matter of fact are most common in regard to causing accidents, and cocaine is not one of them. So, when a road accident takes place, I am advised that a blood test will take place and the test for all drugs will be done, and rarely is cocaine one of the variables. It is far more likely to be the other drugs and those are the other drugs that we test for at a roadside test.

The Hon. T.A. FRANKS: When there has been post-accident testing, how many times has a test for cocaine been undertaken as a percentage?

The Hon. P. MALINAUSKAS: My advice is that on every occasion there is a fatality, a blood test is done, and we test for all drugs including cocaine, so my advice is every time where there is a fatal crash.

The Hon. T.A. FRANKS: In those tests, what is the percentage of people who have been found to have opioids present in their bloodstream?

The Hon. P. MALINAUSKAS: I am happy to take that on notice.

The Hon. M.C. PARNELL: I thank the minister for his response to my question. He said that it is a fundamentally different test. I would disagree with that. I would have thought that the purpose of capturing people by the roadside to see if their judgement is impaired is no different to testing a police officer in the workplace for whom we also do not want their judgement impaired. I cannot see what the difference is. I think the government has made a judgement call, perhaps based on economics, perhaps based on other factors. A supplementary question to my earlier one: what other substances are police officers to be tested for that drivers will not be tested for on the roadside?

The Hon. P. MALINAUSKAS: I am happy to take that on notice and get the honourable member that information. Having said that, I have absolutely no idea how this bears any relevance to the question that is before us today, which is: how do we improve road safety? What police officers are being tested for I am not sure has any relevance to the question of: how do we improve road safety?

The Hon. M.C. PARNELL: The answer to that is quite simple: it is exactly the same test, impairment. We do not want people driving who are impaired. We do not want police officers serving who are impaired. If the police officers are not to be impaired, why are we testing them for these drugs? If drivers are impaired, why are we not testing them for those drugs? It is exactly the same question. It goes to the heart of the fallacy with this bill, which is that it is not about impairment at all; it is about detection and it is about legality. It has nothing to do with impairment, nothing at all.

We can reprise the entire argument we had about whether there is a .05 test for all of these other drugs; there is not. There is either presence or not. It can be detected days, hours, potentially weeks afterwards, by which time I have not seen there is any medical evidence of any impairment at all.

Let us not kid ourselves that this is about road safety, because if it were it would be about impairment, and if it were about impairment you would have measures of impairment. You would

have the ability to say, 'That person shouldn't drive because their judgement is impaired to that degree.' We do not have those tests, and therefore the government has made the assumption that any detection of any level, however small, is to be illegal regardless of whether it has any impact on road safety.

We have to name this for what it is. The point is that the government is proposing to test police officers, presumably so that they are not impaired in doing their work, but they are applying very different standards to drivers. It is inherently inconsistent.

The Hon. P. MALINAUSKAS: There are some statements of fact that the Hon. Mr Parnell just made that are correct: we do not have the capacity to be able to test for the level of impairment when it comes to certain types of drugs, particularly at the roadside. What we do is we test for the presence of those drugs.

The continuation of the Hon. Mr Parnell's argument, or the flow-on implication of his argument, is that if you cannot test for impairment then we should not test for it. Therefore we should, vis-a-vis, have people driving on roads who are under the influence of those drugs. That is a laissez-faire approach. In the absence of a test for the level of impairment, for instance the level of THC within the system, we test for the presence because we cannot test for the level of impairment.

We have to draw a line somewhere. Unless we take the view that we should have people driving around with impunity, taking as much of a drug as they like because we do not have a test for impairment, then what we need to do is test for presence. So, we are testing for presence, and that is what this bill seeks to do. This bill delivers a set of penalties to reflect the fact that there are a lot of people dying on our roads because they have drugs in their system, and we measure drugs in the system by a roadside test because we test for presence.

As I have stated previously when we have debated this bill in this place, if there were a test that could be readily applied that measured impairments for some of the drugs we are talking about that would be a great thing. I am sure that in due course, with human ingenuity, we can come up with such a test, but at the moment it is not available to us and we have to work with what we have. That is what this bill does.

The Hon. T.A. FRANKS: I wish to place on record my concern that we continue to criminalise people who are patients, people who have a prescription, who are legally accessing a legal prescription medication. We say that we cannot have an impairment test; well, the test is that they test positive, and then they have a prescription and they have a defence, and that is tested before the courts. That is the option we should be giving people who should be treated as patients in this state but who are being treated as criminals.

We do not test for opioids in people's system. In this state we actually let people drive who are on quite significant amounts of prescription drugs. Often they are far more impaired than those accessing medicinal cannabis through the legal system, with a prescription, yet we make no judgement call on that. We support the opioid industry and we punish the medicinal cannabis industry in this state by doing so. We draw a line that somehow says that all cannabis is wrong, even if someone is legally accessing it as a patient for their medical condition and with a doctor's prescription. We give them no other option.

That is quite unjust and completely short-sighted. All we are asking for is that if those people are found to have that in their system, they be given a legal recourse to show (1) that they are not impaired and (2) that they have accessed this and are doing so usually at a safer driving rate than if they were taking opioids to control their medical conditions.

The Hon. K.L. VINCENT: I have a more specific question regarding impairment. As we all know, the legal limit under which a person can operate a motor vehicle is .05. However, people may be influenced differently by the same level of alcohol; for example if they have not eaten or if they are using that alcohol on top of another drug they may be significantly more impaired, even though their reading is below that level. My question is: what would happen if someone had a blood alcohol reading of .049 or below but was still obviously impaired? Their speech was slurred and perhaps they were swerving the vehicle. Is there some sort of test that would say, 'Okay, your reading's come back under the legal limit but you were obviously still impaired to drive'? What would happen in that circumstance?

The Hon. P. MALINAUSKAS: My advice is that you can theoretically be charged for driving under the influence if you have a blood alcohol level under .049 but are still displaying signs of impairment.

The Hon. K.L. VINCENT: Why then can we not do the same with other drugs, if there is some nuance to be able to judge people's impairment, even though their levels may not be high?

The Hon. P. MALINAUSKAS: That is right. If you are pulled over and you have all those signs of impairment, you still need to be able to test for the presence of drugs. Once you have tested for the presence of drugs, if it is present, then you are committing an offence.

The Hon. K.L. VINCENT: But the minister's entire argument has been about the fact that, in his view, there is no ability to test for impairment with regard to drugs other than alcohol, yet here he is saying that there are ways to test people with certain levels of impairment. Whether or not that impairment is caused by THC, cocaine or alcohol, impairment will still equal impairment when it comes to testing, will it not?

The Hon. P. MALINAUSKAS: The two are not inconsistent because you can display signs of impairment that will reflect the fact that you are impaired, but there are other instances where you may not be displaying completely obvious physical signs of impairment that are entirely obvious to the police officer but still may in fact actually be impaired. In other words, it is possible to be impaired without necessarily stumbling over yourself and therefore necessarily displaying signs of impairment to the police officer. That is why we have tests in place for blood alcohol and also for illicit substances.

The Hon. K.L. VINCENT: Can the minister give some examples of what that non-obvious impairment might look like?

The Hon. P. MALINAUSKAS: Sorry?

The Hon. K.L. VINCENT: The minister is saying that there are levels of impairment that are not immediately obvious as they might be with alcohol, like slurring your words or stumbling over yourself. What are those other indicators of impairment?

The Hon. P. MALINAUSKAS: I think they are all pretty self-evident, Mr Chairman.

The Hon. K.L. Vincent: You just said they weren't.

The Hon. P. MALINAUSKAS: I am saying there are some things that are self-evident and there are some that are not. The sort of things that are often self-evident that police are looking for are slurring of words, stumbling over or the incapacity to be able to walk in a structured manner that an able person might be able to. They are signs of impairment that can physically meet the eye. But one might theoretically be able to conduct those things, and it is possible that someone is not slurring their words, not stumbling over themselves but still be impaired. That is possible. That is why we have tests.

The Hon. M.C. PARNELL: The minister said earlier in response to the question from Hon. Kelly Vincent that a person could pass the roadside test and yet still be done for driving under the influence. That was effectively what the minister said.

The Hon. P. Malinauskas: That's my advice.

The Hon. M.C. PARNELL: If the minister could get further advice: how many times has that happened, where a person has passed the roadside test and still been done for driving under the influence?

The Hon. P. MALINAUSKAS: My advice is that it is very rare, but I am happy to take that on notice.

The Hon. M.C. PARNELL: It might be as rare as zero, but I will take the minister's answer, if he does not have it before him. I would be very surprised if someone actually survives the roadside—

The Hon. P. Malinauskas: Me too.

The Hon. M.C. PARNELL: Anyway, I will invite the minister just to correct what he said on the record a little bit earlier. He said people die on the road because they had drugs in their system. He has also said that there is no way of testing whether there was any impairment. Is the minister serious that that is an absolute concept? Similarly, people die on the roads who had bread in their stomachs. No-one is suggesting that bread causes road accidents. Is the minister saying that all of those people who died on the roads who had drugs in their system, that the drugs were the cause of them dying or the cause of them having the accident in all cases?

The Hon. P. MALINAUSKAS: Mr Chairman, I think there is a lot of empirical evidence that shows that drugs cause impairment. We know that there are people who are dying on our roads and they have drugs in their system. Yes, there is a correlation between the two. That is our understanding. That is the evidence that has been presented to me and that is well accepted. The counterfactual to Mr Parnell's position, of course, is that drugs have no impairment.

The Hon. M.C. Parnell: I didn't say that.

The Hon. P. MALINAUSKAS: I am not too sure what your point is. It is true that people are dying on our roads who have drugs in their system. The government is of the view, the science is of the view, that there is a correlation between the two.

The Hon. M.C. PARNELL: Does the minister, on that same line of argument, also accept that there would be some people whose medical condition means that the drugs actually make them safer on the roads? They might actually die on the roads in spite of the therapeutic beneficial effects of some drugs in their system? Does the minister accept that that is also a possible scenario?

The Hon. P. MALINAUSKAS: Mr Chairman, I understand that the Greens and the Hon. Kelly Vincent have good intent here. They are providing advocacy from a point of view regarding medicinal cannabis. I understand that is where the question is going. This is a government that is, I think, being rather open minded and progressive when it comes to the question of the consumption of medicinal cannabis for the purposes of treating particular conditions. The Hon. Kyam Maher has done a lot of work in this area and we will continue to pursue that.

This raises difficult questions, because it is a new area and also there is a lot of work to be done in terms of research in terms of how this all operates. But the evidence or the principle that is guiding the government in pursuit of this legislation is that there is a whole range of different drugs where the clear clinical advice given to patients who use those drugs—prescription drugs, legal drugs, as has been referred to earlier—is saying: when you consume these drugs, do not operate heavy machinery; do not drive a vehicle.

The reason why that clinical advice is given is that those drugs presumably have the capacity to impair a consumer in a way that would compromise their capacity to drive a car safely. Medicinal cannabis is in the same category, from the research and evidence that has been brought before the government. Just as is the case with cannabis, there is a reason why this legislation or the act that we are dealing with bans drug driving for people under the influence of cannabis. I think that is a principle we all accept—maybe not, but I think that is a principle we accept. For those people who are consuming cannabis legally under guidance of their medical doctor, that makes it legal, but it does not necessarily make it safe to drive a car. That is the contention, and that is the area that we have to deal with in this legislation. The government welcomes the support of the opposition in arriving at that position.

The Hon. D.G.E. HOOD: I think the fact that we have had this debate this morning indicates that it is probably not unreasonable to say that every member of this chamber is not entirely happy with this bill for, I suspect, varying reasons. However, I would like to place on the record our position, and that is that the Australian Conservatives are pleased that we have a bill that will pass at all because it is a bill that we supported in its original form. It has obviously been agreed between the major parties and between the houses that there would be substantial change to the bill.

We prefer the bill in its original form but, that said, as I say, we are happy that one will pass at all. We are particularly, I guess displeased might be the word, that the search powers that were to be attributed to police in the original format of the bill have been removed and we would be advocates for that to remain. That said, an agreement has been reached and we are pleased that there is something that will pass at least. We support the proposition and we support the motion.

The Hon. P. MALINAUSKAS: I want to acknowledge the work that has been undertaken here to arrive at a position that is agreed by a majority of members. Politics is often the art of compromise and clearly a compromise has been reached here and I applaud those who have been a party to it. For those who are disappointed by the outcome, that is clearly regrettable but, as the Hon. Mr Hood accurately articulated, I do not think this compromise represents the 100 per cent result for anybody here. Nevertheless, we think that the bill has arrived at a good conclusion.

I also want to put on the record the government's disappointment, consistent with Mr Hood's remarks, that the search powers for police are not in here. I have to say that I think it is incredibly surprising that there is a majority of the parliament—namely because the conservative opposition has opposed police having the capacity to search a vehicle after a positive roadside drug test has been delivered. That seems like an absolutely extraordinary position to me. I think it would be an extraordinary position to the majority of the public that where someone is pulled over legally and delivers a positive roadside drug test that demonstrates that they have drugs in their system, that we would not be okay with police searching that vehicle. I think that is an extraordinary position and one that I am sure will be spoken about and raised regularly during the lead-up to the election.

I think all members in this place have reflected about the challenge we have as a community in respect to crystal methamphetamine or ice. We want to catch people who distribute ice. We know that a lot of ice dealers are also ice consumers. So, if someone delivers a positive roadside drug test because, say, they are under the influence of ice, and they also happen to be a drug carrier or transporting a significant quantity of ice, I would have thought that we would have wanted the police to be able to check the boot out. The fact that the opposition is opposed to that I find utterly remarkable. Having said that, in our pragmatic desire to be able to get an improved piece of legislation through, we welcome the compromise that has been reached and we look forward to the bill's passage.

Motion carried.

Amendment No. 2:

The Hon. P. MALINAUSKAS: I move:

That the alternative amendments made by the House of Assembly to amendment No. 2 be agreed to.

Motion carried.

Amendments Nos 3 to 6:

The Hon. P. MALINAUSKAS: I move:

That the disagreement to amendments Nos 3 to 6 be not insisted on.

Motion carried.

STATUTES AMENDMENT (TERROR SUSPECT DETENTION) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 November 2017.)

The Hon. J.A. DARLEY (11:40): I rise to indicate Advance SA's support for this bill. In a nutshell, the bill will see those who have been charged with a terrorism offence have bail or parole presumed against them unless they can provide a compelling reason for why they should be bailed or paroled. The bill also provides mechanisms for a terrorism notification to be made against an individual, in which case bail or parole will also be presumed against them. This is the government's response to protecting the community from terror suspects. It is unfortunate that we live in a day and age where this is necessary; nonetheless, it is necessary and I support these measures.

With regard to terrorism notifications, I have a question as to what stage people are advised that a notification is being made against them. I understand it will not be a matter of course that people will be told when a terror notification is made against them. I am not suggesting that this should be the case; I can see that this would, in fact, be counter-productive for intelligence-gathering purposes. However, if a person has had notification made against them, and is arrested for an

unrelated offence—say, armed robbery—they will have bail presumed against them and they will not know why.

Similarly, if a terrorism notification is being made against a person who is already incarcerated, their application for parole will be kiboshed for reasons they are not aware of. I would appreciate the government advising whether people in these and similar circumstances will be told or otherwise made aware of the terrorism notification made against them.

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) (11:42): I thank honourable members for their contribution on this. I note there were a couple of questions posed by the Hon. John Darley. If it is okay with him, I might answer them at clause 1 during the bill. That way, if anything in my answers gives rise to further questions, I can get further and better particulars for him on that. With that, I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: There were a couple of questions asked by the Hon. John Darley that I will address in a moment, but, as we occasionally do in this place, where a member has not, for whatever reason, contributed on the second reading, they often use the opportunity to do that at clause 1. I have a couple of things that probably would have been good to put in the second reading that I will now do at clause 1, like I will for the Hon. John Darley.

The bill that we are introducing now reflects a decision of the First Ministers at the Council of Australian Governments meeting on 9 June 2017 that there be a presumption against bail and parole for persons who have demonstrated support for, or have links to, terrorist activity. In this regard the bill amends the Bail Act and the Correctional Services Act. The bill, however, extends this basic principle to also provide that a terror suspect, as defined in the bill, is a person in respect of whom the Attorney-General can apply to the Supreme Court under the Criminal Law (High Risk Offenders) Act for an extended supervision order and, potentially, a continuing detention order.

With some minor variation in the bill, a terror suspect is generally a person with a history of charges or conviction for terrorist offences, or a person who is the subject of a terrorism notification made under amendments made to the bill by the Police Act. The government has filed a number of amendments in this bill to further refine these provisions.

No.1: a terror suspect will also include a person who has previously been the subject of a control order under part 5.3 of the Commonwealth Criminal Code. A control order is generally a counter-terrorism measure.

No. 2: a person who is a terror suspect and who is in the community because they have been able to rebut the presumption against bail and parole will be liable to having their bail revoked or parole suspended if the Commissioner of Police certifies that he or she is satisfied that significant new information has come to light in relation to the person who should be considered by a bail or parole authority.

No.3: a terror suspect, for the purposes of the Bail Act, is a person who has previously been charged with a terrorist offence. This is taken to mean a person who is currently, or ever has been, charged with a terrorist offence. For the sake of consistency with this meaning, two other provisions of the bill are also to be amended so that the person is taken to have been a terror suspect if the person is or has previously been charged with a terrorism offence. It will be a matter for the relevant bail or parole authority to determine what weight should be given to a charge that did not proceed to trial or resulted in an acquittal.

No. 4: the Victorian expert panel on terrorism and violent extremism prevention and response powers recommended that the presumption against parole apply to young offenders. This recommendation has merit and has been adopted by the government. Consistent with these

proposed new provisions the government's amendments also propose to amend the Criminal Law (High Risk Offenders) Act and apply the provisions of that act to all young offenders; that is, those aged between 10 and 17, and not only those aged 16 and 17, as is currently the case in the bill. It would be incongruous if a young offender could be subject to the presumption against parole but, having chosen not to apply for parole but instead served their full head sentence, would not be liable to be subject to an application for an extended supervision order to the Supreme Court.

In debate, the Hon. Andrew McLachlan asked that a response be provided to the issues raised by the Law Society—he is fond of asking for reference to their concerns—from which the honourable member quoted. It appears to be the same submission provided by the Law Society to the government on the bill.

I can assure the house that the decision to introduce the bill has not been taken lightly, and that those original submissions that the Law Society made to the government during consultation, again as read out by the Hon. Andrew McLachlan, were given serious consideration. It is necessary, however, that the interests of the community be safe and protected from terrorist acts, which in these cases have to prevail over some of the individual interests of, it is hoped, the very few persons who will be affected by the provisions introduced in this bill.

I thank the honourable member for indicating the opposition's support for the bill and the bulk of the amendments filed in this house by the government. I take the opportunity to respectfully urge the opposition to review its position on amendments Nos 11 and 12, which we will get to shortly. The bill already extends the Criminal Law (High Risks Offenders) Act to young offenders of the age of 15 or 16 who are terror suspects, as we are adopting the amendments in the Victorian proposal that young offenders with no age limit be subject to the presumption against parole. As I said, we think it is inconsistent with the position that the Criminal Law (High Risk Offenders) Act also applies to young offenders without limitation, and that is the purpose of amendment No. 11.

Amendment No. 12 is simply the machinery provision that recognises the terminology used in the legislation in relation to young offenders is different from that of adult offenders. It is regrettable in these times that support for or links to terrorist activity is not limited to adult offenders. It would be inconsistent if a young offender who was a terror suspect could be subject to the presumption against parole, but having chosen to serve their full head sentence would not be able to be subject to the application of an extended supervision order to the Supreme Court. I thank all other members who have made comments on this bill.

The Hon. M.C. PARNELL: In relation to clause 1, the minister has addressed some of the issues raised by the Law Society. I guess at the heart of it is a debate that we have been having for the last several years and that is that we have principles of our legal system that are only lightly dispensed with. The two situations in which the parliament appears to be most likely to suspend them are in relation to child exploitation matters and terrorism matters, which has led to us inserting the words 'terrorism' or 'child protection' in just about every bill in order to encourage people to support them. It is an approach that I hope will end soon.

One thing the Law Society said that actually goes to the heart of this bill was in their submission 3½ months ago, back on 4 August. The final paragraph of their submission reads:

> Furthermore, Regulations are yet to be drafted to prescribe the appropriate law enforcement and intelligence authorities as terrorism intelligence authorities. In the absence of such details, it is inappropriate to put such a Bill before Parliament.

Whilst I understand that the government rarely comes forward with regulations before the act itself is passed, can the minister tell us which organisations will be prescribed as terrorism intelligence authorities?

The Hon. K.J. MAHER: I thank the honourable member for his question. He is right, it is rare that the cart follows the horse in relation to legislation regulation. What I can advise, though, is that should this bill pass, there will be a meeting with SAPOL, who will have some input on what should be classified as those and also consult with interstate jurisdictions in the commonwealth on that.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

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

Amendment No 1 [Employment–2]—

Page 4, line 12 [clause 5, inserted section 3B(1)(b)(i)]—Before 'has' insert 'is or'

This brief amendment seeks to address the potential for any interpretation issues in respect of the proposed section 3B(1)(b)(i) of the Bail Act that may arise consequentially on the passive amendments Nos 5 and 9 in the government's first set of amendments. Would it be useful to go into more detail or are people relatively comfortable with the understanding of why we are doing this? If anyone has a specific question on what is a relatively straightforward amendment, I am happy to discuss it further.

Amendment carried.

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

Amendment No 1 [Employment–1]—

Page 4, after line 14 [clause 5, page 4, inserted section 3B(1)(b)]—After subparagraph (ii) insert:

(iii) is, or has previously been, the subject of a control order under Part 5.3 of the Commonwealth Criminal Code.

This amendment is around the definition, and the definition of 'terror suspect' for the purposes of the Bail Act is proposed to be amended to also include a person, as I noted in comments on clause 1, who is, or has been previously, the subject of a control order under part 5.3 of the Commonwealth Criminal Code. Such a control order, I am advised, is generally a counterterrorism measure.

The Hon. M.C. PARNELL: My question of the minister is: what scope is there for a person who has been charged with an offence and the charges have been dropped? If a person has been charged with an offence and the charges have been dropped, can that person avoid being regarded forever as a terror suspect?

I will give an example. A person related to me, who may or may not be my wife, was charged with trespassing on the Franklin River in 1982, I think it was. Whilst trespassing might not necessarily be an act of terrorism, I imagine trespassing on a military base or some aspects of trespass might be regarded as terrorism. It strikes me that, along with many hundreds of other people, the charges were all dropped. The charges were ill-conceived and not well-founded in law and were dropped. There are hundreds of Australians who have been charged with offences that have never been proceeded with.

It seems, on my reading of this, that once you have been charged with something, regardless of whether the charges are proceeded with or whether you have been found guilty or innocent, or not even tried, you are nailed as a terror suspect forever. Is that the case?

The Hon. K.J. MAHER: I think the correct answer to that is yes, but have a look at the definition. Even then, it is the authority—whether it is the Parole Board or the person granting bail—who decides what weight to give to that. So, yes, that is the case; however—and I think it was quite fully agitated in the chamber last night—it is the commonwealth definition of terrorism that applies to this. The answer would be, yes, theoretically, but it would be subject to the commonwealth definition, and even then it is up to the authority, whether granting bail or parole, to decide what weight to give to it. So, yes, but subject to the commonwealth definition and then further subject to what weight ought to be given. If you are sitting on your kayak on the Franklin River with Bob Hawke right beside you in 1982—

The Hon. M.C. Parnell: It was Bob Brown, actually.

The Hon. K.J. MAHER: No, I think Bob Hawke made a few visits in the lead-up to the 1983 election before he was elected. I think there is discretion for the relevant weight to be given to it by the bail or parole authority.

Amendment carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8.

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

Amendment No 2 [Employment–1]—

Page 5, line 9—Delete '(e)' and substitute '(f)'

Amendment No 3 [Employment–1]—

Page 5, line 11—Delete '(f)' and substitute '(g)'

Amendment No. 2 [Employment–1] and amendment No. 3 [Employment–1] are numbering changes, consequential to recent amendments to section 10A of the Bail Act by the Bail (Miscellaneous) Amendment Bill 2017.

Amendments carried; clause as amended passed.

Clause 9.

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

Amendment No 4 [Employment–1]—

Page 5, lines 14 to 18 [clause 9, inserted section 19B]—Delete inserted section 19B and substitute:

19B—Arrest of person who is or becomes a terror suspect

(1) If—

(a) a person who has been released under a bail agreement becomes a terror suspect while subject to the bail agreement; or

(b) a terror suspect who has been released under a bail agreement is the subject of a certificate issued by the Commissioner of Police under this section,

the bail agreement is taken to be revoked and a police officer may arrest the person without warrant.

(2) The Commissioner of Police may issue a certificate for the purposes of this section in relation to a terror suspect who has been released under a bail agreement certifying that the Commissioner is satisfied that significant new information has come to light in relation to the person that should be considered by a bail authority.

(3) In any proceedings, a document that appears to be a certificate issued by the Commissioner of Police under this section may be admitted in evidence and is proof, in the absence of proof to the contrary, of the matter so certified.

It deletes section 19B and substitutes a new section 19B. By way of explanation, a person who is a terror suspect and who is living in the community because they have been able to rebut the presumption against bail will be liable to having their bail revoked under this amendment if the Commissioner of Police certifies that he or she is satisfied that significant new information has come to light in relation to the person that should be considered by a bail authority, as I outlined in clause 1. This amendment is a sensible measure and is based on a recent recommendation made in the report of the Victorian Expert Panel on Terrorism and Violent Extremism Prevention and Response Powers.

The Hon. A.L. McLACHLAN: For the benefit of honourable members, can the minister indicate how this differs from the original section 19B?

The Hon. K.J. MAHER: To answer it very basically, I am advised that the new mechanism that was not there when the old 19B was drafted provides that if you have been granted bail because presumably the weight of the evidence says that the charge does not reach that threshold, and the arguments have been made and you have been granted bail, then what this does now that it did not do before is allow the Commissioner of Police to revoke that bail if new information comes to light.

The Hon. A.L. McLACHLAN: Are these nationally consistent? So these are not of our own initiative. Are these amendments in this clause being enacted in a coordinated fashion nationally?

The Hon. K.J. MAHER: There is not a uniform, national legislative instrument specifically on the provisions of the new 19B but, as I said, it has been adopted as a result of that Victorian expert panel's recommendations.

The Hon. A.L. McLACHLAN: Can I have some advice on what considerations the police commissioner must go through before he relies on these provisions? In other words, how does he determine what is significant and not significant, and is that on a balance of probabilities?

The Hon. K.J. MAHER: My advice is that there is not a set out checklist that the commissioner should follow, but the commissioner will weigh the totality of the evidence that is before him or her.

The Hon. A.L. McLACHLAN: I will rephrase the question. Is it an objective or a subjective test?

The Hon. K.J. MAHER: My advice is that it will be in relation to the evidence that is put before the Commissioner of Police and all of the years of knowledge in these sorts of areas that they bring.

The Hon. A.L. McLACHLAN: Does that mean it is subjective? Firstly, is it reviewable? I assume this is ultimately reviewable by a court if it is ever questioned in a bail application. Therefore, the court will either say, 'The police commissioner has to make a decision based on a series of objective factors to determine what is significant and what is not, and on the balance of probabilities, the evidence is significant,' or it could be purely subjective.

The Hon. K.J. MAHER: My advice is in two parts. As I said police, and particularly the Commissioner of Police, are very well versed in determining what is relevant to these sorts of questions, particularly the question of bail. In any event, such a decision would be judicially reviewable, so I am sure that knowing it is judicially reviewable would be taken into account—even though it would have been anyway, given the experience of our police commissioner.

The Hon. A.L. McLACHLAN: I am not going to pursue this issue to the ends of the earth, to the relief of the minister, but, for the purposes of the *Hansard*, I am not challenging the expertise of the police commissioner. The fact is that if it is a reviewable decision I suspect those objective factors are significant, and therefore the burden of proof is on the balance of probabilities and it does not need to be articulated.

I think I probably take some comfort that, given the minister's answer that it is reviewable, objective factors will be taken into account; however, I will not pursue it. I am just giving it for the benefit of the *Hansard,* and those who may wish to examine these provisions if they are ever challenged, that parliament has given at least some consideration to what is significant, because I can imagine that this would be something that is taken into account by legal counsel for those have been accused of terrorism. I will not pursue it any further.

Amendment carried; clause as amended passed.

Clause 10 passed.

Clause 11.

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

Amendment No 5 [Employment–1]—

Page 6, line 24 [clause 11(3), inserted subsection (4)(a)]—After 'is' insert ', or has previously been,'

I think we have agitated this in a previous amendment. This inserts not just 'is' but also 'or has previously been' into the bill.

Amendment carried.

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

Amendment No 6 [Employment–1]—

Page 6, after line 26 [clause 11(3), inserted subsection (4)]—After paragraph (c) insert:

(d) is, or has previously been, the subject of a control order under Part 5.3 of the Commonwealth Criminal Code.

Again, this is the same as amendment No. 1 in the government's first set, except that it applies to the Correctional Services Act, and inserts 'is, or has previously been the subject of a control order under part 5.3 of the Commonwealth Criminal Code'.

Amendment carried; clause as amended passed.

Clauses 12 and 13 passed.

Clause 14.

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

Amendment No 7 [Employment–1]—

Page 7, line 8 [clause 14, inserted section 74B(1)]—After 'on parole' insert:

or a terror suspect is, while on parole, the subject of a certificate issued by the Commissioner of Police under subsection (9)

This amendment operates in the same way as amendment No. 4 except that it applies where a terror suspect has been able to rebut the presumption against parole.

Amendment carried.

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

Amendment No 8 [Employment–1]—

Page 8, after line 7—After inserted subsection (8) insert:

(9) The Commissioner of Police may issue a certificate for the purposes of this section in relation to a terror suspect who is on parole certifying that the Commissioner is satisfied that significant new information has come to light in relation to the person that should be considered by the presiding member of the Board.

(10) In any proceedings, a document that appears to be a certificate issued by the Commissioner of Police under this section may be admitted in evidence and is proof, in the absence of proof to the contrary, of the matter so certified.

I should have moved these as a set. I repeat what I said that this amendment operates in the same way as amendment No. 4 except that it applies where a terror suspect has been able to rebut the presumption against parole.

Amendment carried; clause as amended passed.

Clauses 15 to 19 passed.

Clause 20.

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

Amendment No 9 [Employment–1]—

Page 10, line 36 [clause 20, inserted section 5A(1)(a)]—After 'is' insert ', or has previously been,'

This is similar to an amendment we talked about five minutes ago. It inserts after 'is' the words 'or has previously been', except that here it applies to the Criminal Law (High Risk Offenders) Act.

Amendment carried.

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

Amendment No 10 [Employment–1]—

Page 10, after line 38 [clause 20, inserted section 5A(1)]—After paragraph (c) insert:

(d) is, or has previously been, the subject of a control order under Part 5.3 of the Commonwealth Criminal Code.

This is the same as amendment No. 1 in the government's first set except that it applies to the Criminal Law (High Risk Offenders) Act. It inserts 'is, or has previously been, the subject of a control order under Part 5.3 of the Commonwealth Criminal Code.'

Amendment carried; clause as amended passed.

Clause 21.

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

Amendment No 11 [Employment–1]—

Page 11, lines 12 to 14 [clause 21(2), inserted subsection (2)]—Delete 'prescribed by the regulations) in relation to a youth who is of or above the age of 16 years and' and substitute:

set out in section 6A or prescribed by regulations made in accordance with that section) in relation to a youth who

This is for the sake of consistency, with new provisions proposed to be inserted in the Young Offenders Act 1993 by amendment No. 13, which will apply to young offenders aged 10 to 17. This amendment proposes to amend the Criminal Law (High Risk Offenders) Act to apply the provisions of that act to all young offenders aged 10 to 17 and not just those aged 16 to 17, as is currently in the bill and as I outlined at clause 1.

The Hon. A.L. McLACHLAN: I will articulate the Liberal Party position. We still intend to oppose amendments Nos 11 and 12. The Liberal Party has reviewed this bill and amendments in a relatively short time frame. As the minister has acknowledged, we have accepted virtually all the government's amendments. It is the view of the Liberal Party that this is probably a bridge too far, given its severity in relation to youths between 10 and 17. We are very uncomfortable with it, particularly because the amendments are not on recommendation of the COAG.

The recommendations of the COAG are what the Liberal Party has hung its hat on. We accept the fact that the government has to negotiate with other states regarding terrorism and the fact that it is borderless. It is also not on recommendation of the task force or the expert panel. The Liberal Party takes the view that, given the severity proposed in particular amendments regarding youths, the matter should be first discussed at COAG prior to implementation. We do not rule it out going forward in a new parliament, but at this point and at this time and given its severity, we do not feel that we could support these two amendments.

The Hon. M.C. PARNELL: The position of the Greens is to support the Liberal Party in their opposition to amendments Nos 11 and 12. We agree that having these provisions apply to 10 year olds is a bridge too far. We also note that the government is on somewhat of a frolic of its own and that this was not part of the COAG recommendations.

The Hon. K.L. VINCENT: To assist with the progression, having considered this and also having listened to the debate, I tend to agree with the Liberal proposition that, while we do want to see action on terrorism, we certainly do not want to take a bridge too far, as has been said, and see minors who may not have the necessary intent or awareness of consequences unnecessarily caught up in this.

The Hon. D.G.E. HOOD: The Australian Conservatives will be supporting the amendment from the minister.

Amendment negatived; clause passed.

The Hon. K.J. MAHER: I will not be moving amendment No. 12. It is consequential on the one we just lost.

Clauses 22 to 27 passed.

New clauses 28 to 33.

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

Amendment No 13 [Employment–1]—

Page 15, after line 43—Insert:

Part 6—Amendment of Young Offenders Act 1993

28—Amendment of section 4—Interpretation

(1) Section 4(1)—after the definition of *Chief Executive* insert:

Commonwealth Criminal Code means the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth, or a law of the Commonwealth that replaces that Code;

(2) Section 4(1)—after the definition of *Department* insert:

designated member means the member of the Training Centre Review Board designated by the Attorney-General in accordance with subsection (3) and includes any member designated by the Attorney-General in accordance with that subsection to act in the absence of that designated member;

(3) Section 4(1)—after the definition of *spouse* insert:

terrorism intelligence authority means a terrorism intelligence authority designated by regulations under section 74B of the *Police Act 1998*;

terrorism notification means a terrorism notification under section 74B of the *Police Act 1998*;

terrorist offence means—

(a) an offence against Division 72 Subdivision A of the Commonwealth Criminal Code (International terrorist activities using explosive or lethal devices); or

(b) a terrorism offence against Part 5.3 of the Commonwealth Criminal Code (Terrorism) where the maximum penalty is 7 or more years imprisonment; or

(c) an offence against Part 5.5 of the Commonwealth Criminal Code (Foreign incursions and recruitment), except an offence against subsection 119.7(2) or (3) (Publishing recruitment advertisements); or

(d) an offence against the repealed *Crimes (Foreign Incursions and Recruitment) Act 1978* of the Commonwealth, except an offence against paragraph 9(1)(b) or (c) of that Act (Publishing recruitment advertisements); or

(e) an offence of a kind prescribed by the regulations for the purposes of this definition;

terror suspect—see subsection (4);

(4) Section 4—after subsection (2) insert:

(3) The Attorney-General may, from time to time, by written instrument—

(a) designate a member of the Training Centre Review Board who is a member of the Court's judiciary as the designated member for the purposes of sections 41BA and 43; and

(b) designate another member of the Training Centre Review Board who is a member of the Court's judiciary to act for the purposes of those sections in the absence of the designated member,

and in any proceedings, a certificate purporting to be executed by the Attorney-General certifying as to a matter relating to a designation under this subsection may be admitted in evidence and is proof, in the absence of proof to the contrary, of the matter so certified.

(4) A youth is a *terror suspect* for the purposes of this Act if the youth—

(a) is, or has previously been, charged with a terrorist offence; or

(b) has ever been convicted of a terrorist offence; or

(c) is the subject of a terrorism notification; or

(d) is, or has previously been, the subject of a control order under Part 5.3 of the Commonwealth Criminal Code.

(5) For the purposes of subsection (4)(a), a youth is only taken to have been charged with an offence if an information or other initiating process charging the youth with the offence has been filed in a court.

29—Amendment of section 39—Reviews etc and proceedings of Training Centre Review Board

Section 39(2)(b)—after 'recidivist young offender' insert 'or a terror suspect'

30—Amendment of section 41—Application and interpretation of Subdivision

Section 41(2)—after 'recidivist young offender' insert 'or a terror suspect'

31—Insertion of section 41BA

After section 41B insert:

41BA—Suspension of conditional release if youth is or becomes a terror suspect

(1) If a youth becomes a terror suspect while released subject to conditions under this Division or a terror suspect is, while released subject to conditions under this Division, the subject of a certificate issued by the Commissioner of Police under subsection (9)—

(a) the designated member must, on becoming aware of that fact, issue a warrant for the arrest of the youth; and

(b) on the warrant being so issued, the youth's entitlement to conditional release from detention is suspended until a determination is made under this section.

(2) A warrant issued under this section authorises the detention of the youth in custody pending the making of a determination under this section.

(3) The designated member must, as soon as practicable, determine whether there are special circumstances justifying the youth's continued release from detention.

(4) A terrorism intelligence authority is entitled to be heard by the designated member in relation to the making of a determination under this section.

(5) The designated member is not required to provide to the youth any grounds or reasons for a determination under this section.

(6) Information forming the basis for the making of a determination under this section must not be disclosed to any person (except to the Attorney-General, a court or a person to whom a terrorism intelligence authority authorises its disclosure) if, at the time at which the question of disclosure is to be decided, the information is properly classified by the terrorism intelligence authority as terrorism intelligence under section 74B of the *Police Act 1998* (whether or not the information was so classified at the time at which the determination under this section was made).

(7) If the designated member determines that there are special circumstances justifying the youth's continued release from detention, the suspension under this section is lifted and, on release from custody under this section, the youth will continue to be released subject to the conditions for the balance of the unexpired period of the detention order.

(8) If the designated member determines that there are not special circumstances justifying the youth's continued release from detention, the youth—

(a) must be returned to detention under the original order; and

(b) is liable to serve the balance of the sentence unexpired as at the date on which the youth was taken back into custody under this section; and

(c) will be taken to have been serving that balance of sentence during any period spent in custody pending the making of a determination by the designated member under this section.

(9) The Commissioner of Police may issue a certificate for the purposes of this section in relation to a terror suspect who has been released from detention subject to conditions under this Division certifying that the Commissioner is satisfied that significant new information has come to light in relation to the youth that should be considered by the designated member.

(10) In any proceedings, a document that appears to be a certificate issued by the Commissioner of Police under this section may be admitted in evidence and is proof, in the absence of proof to the contrary, of the matter so certified.

32—Insertion of Part 5 Division 4

After section 42A insert:

Division 4—Terror suspects

43—Special procedures for terror suspects

(1) Despite any other provision of this Part, a decision of the Youth Parole Board relating to a youth who is a terror suspect is of no effect unless it is confirmed by the designated member in accordance with this section.

(2) The designated member must, before confirming a decision relating to a youth who is a terror suspect, invite a terrorism intelligence authority to make submissions to the designated member in relation to the proposed decision.

(3) The designated member—

(a) must not confirm a decision of the Board to release a youth who is a terror suspect from detention unless the designated member determines that there are special circumstances justifying the youth's release; and

(b) must not confirm any other decision of the Board relating to a youth who is a terror suspect unless the presiding member is satisfied that the decision is appropriate in all the circumstances.

(4) The designated member may determine to—

(a) confirm a decision of the Board (in which case the decision of the Board is taken to have effect immediately); or

(b) reject a decision of the Board and substitute the designated member's own decision (in which case the Board is taken to have made the decision as so substituted and that decision is taken to have effect immediately); or

(c) refer the matter back to the Board for a further decision with any recommendations the designated member thinks fit (in which case any further decision of the Board will be subject to the requirement for confirmation under this section in the same way as the decision at first instance).

(5) The designated member is not required to provide to the youth any grounds or reasons for a determination under this section.

(6) Information forming the basis for the making of a determination under this section must not be disclosed to any person (except to the Attorney-General, a court or a person to whom a terrorism intelligence authority authorises its disclosure) if, at the time at which the question of disclosure is to be decided, the information is properly classified by the terrorism intelligence authority as terrorism intelligence under section 74B of the *Police Act 1998* (whether or not the information was so classified at the time at which the determination under this section was made).

33—Transitional provision

(1) The amendments to the *Young Offenders Act 1993* effected by this Act apply in relation to—

(a) a youth who is serving a period of detention in a training centre; or

(b) a youth who is released subject to conditions in accordance with Part 5 Division 3 of the *Young Offenders Act 1993*,

on or after the commencement of this Part (regardless of when the relevant offence was committed).

(2) The reference in section 41BA of the *Young Offenders Act 1993* (as amended by this Act) to a person becoming a terror suspect includes a person who, on the commencement of this Part, becomes a terror suspect because they are a person to whom section 4(4) of the *Young Offenders Act 1993* (as amended by this Act) applies.

By way of explanation, the Victorian Expert Panel on Terrorism and Violent Extremism Prevention and Response Powers also recommended that the presumption against parole apply to young offenders. This recommendation is merited and has been adopted by the government. This amendment applies this presumption to a young offender in a detention youth training centre. A number of amendments have been proposed to the Young Offenders Act to give effect to this recommendation, which is why it is a quite long amendment. They are modelled on the amendments regarding parole in the Correctional Services Act but with variations taking into account different terminology and concepts applying to youth under the Young Offenders Act.

New clauses inserted.

Long title.

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

Amendment No 14 [Employment–1]—Long title—Delete 'and the *Police Act 1998*' and substitute:

the Police Act 1998; and the Young Offenders Act 1993

This is a consequential amendment on the passing of amendment No.13.

Amendment carried; long title as amended passed.

Bill reported with 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) (12:17): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (YOUTHS SENTENCED AS ADULTS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 October 2017.)

The Hon. M.C. PARNELL (12:17): This is a bad bill and the Greens will be opposing it.

Members interjecting:

The Hon. M.C. PARNELL: I am being goaded to end my contribution there, but for reasons that will become apparent I will have a lot more to say about this bill. Until very recently, it was clear that this bill did not enjoy majority support in this chamber, but the looming election seems to have spooked the Liberal Party. If you look at what the Liberal Party has said up until now, it was generally principled and it was respectful of the overwhelming weight of the submissions that we have received, every one of which has urged us to oppose this bill.

The shadow attorney-general in another place said she opposed the bill, but she then suffered under a hail of blows from the Attorney-General, in the media, as the regular pre-election 'tough on crime' debate came to the fore. It is unedifying, it is disingenuous and it is opportunistic, but apparently it works. Normally we find that the shadow attorney-general does not cave in lightly to these attacks, but clearly the looming election got the better of the Liberal Party, and the Liberal Party have backflipped. They are not my words. They are the words that we read in *The Advertiser* this morning on page 11 in an article by Adam Langenberg, which starts with the paragraph:

Serious juvenile offenders will be sentenced as adults, after the Liberals backflipped on their objection to the move.

The Opposition's support means legislation will be passed before the March election.

So, from a position of clear opposition to the bill, we now find that the Liberals have filed amendments, which do not actually fix the principal wrongs that are committed by this bill but presumably do enough to get the Attorney-General off their backs. The Attorney has them running scared, and the Liberals have capitulated. In fact, they are not just running scared, they are running stark naked because even the fig leaf of respectability that they once had on this bill has been lost in the race to the bottom of the law and order debate.

As I said before, every single submission that I have received has urged the Greens to oppose this bill. There is not a single email in my inbox, not a single submission was received urging the Greens to support the bill. These submissions opposing the bill were not solicited by the Attorney-General because he did not have the courtesy to consult with key stakeholders. He did not bother consulting with them; nevertheless, a range of stakeholders have gone to a lot of trouble to tell the Legislative Council that we should reject this ill-conceived legislation.

If the Liberal Party had maintained its original principled position that held apparently until this week, then I would not need to put on the record the entirety of the case opposing this legislation. Now that the Liberals have capitulated, I find that I do need to, because they will not, because every bit of material they have before them from stakeholders tells them to oppose the bill, so they are not going to put the material on the record, so I need to. The Greens, in relation to this bill, are prepared to step up, and we will play the role that normally a proper opposition should play in testing legislation; that is, exploring the detail, looking at the unintended consequences and, ultimately, voting this bill down as it deserves.

I am not going to read onto the record every word that has been written by every stakeholder on this bill because that would take, on my estimate, two or three hours, but I do need to put a deal of this material on the agenda. I need to explain why it is that every stakeholder opposes this bill.

I might start with the contribution of the Council for the Care of Children. I think that is an important stakeholder to start with because this body comprises a number of very senior government representatives. There are heads of government departments who are on the Council for the Care of Children. People might say, 'Just because they are on that council doesn't mean that they agree with every word that the council says,' but I can tell you that not one of them has written to us saying that they demur or object to the submission that the Council for the Care of Children has put to us.

The submission I refer to is dated 1 November 2017, and in the very first paragraph it states, 'The council urges you not to support the bill'—not to support the bill. The submission goes through a great deal of detail, most of which I think could be summarised as: why do we not continue to recognise the fact that children are different, that their brains develop differently and that their capacity to make good judgements is different to adults? That is why, in fact, we have special laws for children. I am paraphrasing a very lengthy submission, but ultimately that is what they are saying.

They also refer to the fact that there are systemic and root causes of offending that this bill does absolutely nothing to address. The submission talks about the phenomena that we all know of adolescent risk-taking. Some of it will be criminal in nature and some of it will be kids just being stupid. We know that about children, which is why we have special laws to deal with children when they come in to the criminal justice system.

The submission talks about rehabilitation prospects, none of which are advanced by the provisions in the bill. The submission refers to the doctrine or the concept of proportionality. They refer to a number of South Australian Supreme Court cases, and they offer the observation that the existing section 3 of the Young Offenders Act provides a sensible balance between the protection of the community and the needs of a child or young person who has offended.

The proposed amendment in the bill before us would require that existing fine balance to be destroyed in contravention of well-founded national and international legal principles and human rights instruments. I will come back later in my contribution to talk about those international obligations because they go to the heart of what is wrong with this legislation. The Council for the Care of Children posed the question:

> Will the amendment achieve the stated objective of making the community safer?

That is the fundamental question; it is the whole reason the government has introduced this bill. This is the council's response to that question:

> When a child or young person offends is sentenced to detention, he or she will eventually have to be released back into society. Ultimately the best protection for the community would be afforded by the rehabilitation of a child or young person while in detention and, at the same time, targeting the root causes of offending to prevent (re)offending. Rehabilitation would more likely occur as a result of proactive, intensive and sustained case management in a youth training centre and/or a step-up/step-down facility…

Which they note does not currently exist in South Australia. The council also refers, at a more practical level, if you like, to the incredibly high cost of incarceration, the fact that locking a young person up until, for example, their mid-30s would, in effect, condemn them to a life of criminality. It is going to cost us a fortune as a community.

This submission was under the hand of Simon Schrapel, who is the chair of the Council for the Care of Children. It is worth pointing out, as I said earlier, who is on this council. We have the

head of the Department for Education and Child Development; we have the head of the Department for Communities and Social Inclusion; we have the head of Aboriginal affairs and reconciliation; we also have the head of the Department for Health. My understanding is that these CEOs send a representative to represent them at these meetings, but I make the point again: not once have any of these people written to us saying that Simon Schrapel has got it wrong and that the views of the Council for the Care of Children do not reflect their views. So, their silence, I think, is damning. Here we have key leaders in key government agencies whose organisation has written us a letter saying, 'Oppose the bill.' That is the first of the submissions.

The second submission I would like to refer to is that of the Youth Affairs Council of South Australia. I contacted them some time ago and asked them what they thought of this bill, to which their response was, 'What bill?' Clearly, the government had not done anything like the consultation job that it should have done. Again, there is a theme that will develop through these submissions, but the Youth Affairs Council basically has pointed out the obvious:

> …this Bill fails to acknowledge the development stages of children and young people and the social and systemic drivers of offending while simultaneously stripping the vital rehabilitative object of the Young Offenders Act 1993.

The submission is short but comprehensive. It refers to article No. 40 of the Convention on the Rights of the Child, which Australia has signed and which I will refer to at some length later on. The submission, in conclusion, basically relies on that international convention as a very good reason why laws such as that proposed in this bill are bad laws and should be opposed. I thank Anne Bainbridge of the Youth Affairs Council of South Australia for getting a submission to me and to other members of parliament. I am disappointed that the YACSA submission has been completely disregarded by the government.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would just like to welcome the West Lakes Probus Club here today. Good to see you all. Sorry to interrupt.

Bills

STATUTES AMENDMENT (YOUTHS SENTENCED AS ADULTS) BILL

Second Reading

Debate resumed.

The Hon. M.C. PARNELL (12:29): Thank you, and I welcome them as well. They are hearing an important debate on a matter of public interest.

The next submission I wish to refer to is that of the Law Society of South Australia. The Law Society, back on 10 August, put in a very detailed submission, the bottom line of which is that this parliament should oppose the legislation. The Law Society points out, as do all of the submissions, that the bill does not take into account a child's cognitive development in seeking to treat children the same as adults: it ignores that fundamental principle.

The submission talks about how the bill contravenes well-established international legal principles. They refer to the Convention on the Rights of the Child, but they refer to other international instruments as well: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the so-called Beijing rules, and they explain in their submission how this bill offends those international conventions and treaties that Australia has signed. The society in their submission say that they consider this bill to be:

> …another piecemeal legislative removal of the principles of 'best interests' of the child. It was removed from the Children's Protection Act 1993 by the introduction of the Child and Young People (Safety) Act 2017, and will now be overridden in the Young Offenders Act.

The submission also goes on to say that the bill is unlikely to achieve its desired effect. The society says that it is aware of research that shows that the threat of adult criminal sanctions has no effect on the levels of serious juvenile crime, and that juveniles who receive harsher penalties when tried as adults tend to reoffend sooner after their release and more often than those dealt with by the

juvenile system. Similarly, they refer to another study which found that juveniles given more severe penalties were more likely to reoffend than those given less severe penalties, even after controlling for a range of other factors.

So, if the object of this legislation is to keep or to make the community safer, then all of the evidence put forward to us by experts tells us that it is not going to happen, it is not going to work, it is the wrong approach if what you are trying to do is make the community safer. The Law Society says:

> Locking up young people for longer is more likely to impede the prospect of rehabilitation upon release from detention. Thus the proposed legislative amendment runs contrary to the aim of decreasing recidivism and increasing community protection.

The society then on goes on for several pages to talk about the need for rehabilitation for young offenders, again a common theme in all of the submissions that we as members of parliament have received.

I will not read all that material, but I will go to some of the concluding remarks the Law Society made. They actually revisited the Cappo years, Monsignor David Cappo, and referred to reports that he had done, which again run contrary to this legislation. By way of conclusion, the Law Society said:

> By way of a summary the main problem with the Bill is not that it wishes to have, as a relevant consideration, the safety of the community but rather that it seeks to mandate the safety of the community as outweighing all other considerations where, for the reasons set out in this submission there are a number of other very important considerations in the case of youths that need to be taken into account. In order to achieve what is in the best interests of the child and the community.
>
> For the reasons noted above, the Society does not support the Bill in its current form.

So, there you have it: a now third stakeholder group singing from the same hymn sheet that this is a bad bill and urging the parliament not to support it.

The next submission I will refer to is that of the Aboriginal Legal Rights Movement. As members know, because we have discussed it in this chamber many, many times, the Aboriginal community in this state is vastly and grossly over-represented in the criminal justice system, whether that be in relation to youth or in relation to adult incarceration.

The Aboriginal Legal Rights Movement quite rightly points out that it is the Aboriginal community that will suffer the most if this legislation goes through. The ALRM, again right at the front of their submission, points out that Australia is a signatory to the United Nations Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, as well as the UN Standard Minimum Rules for the Administration of Juvenile Justice. They have actually identified three international treaties that are breached by this legislation. They point out that the United Nations has consistently criticised Australia for failing to bring Australia's treatment of children in the criminal justice system in line with international standards. The ALRM draws particular attention to United Nations' criticism of the state of Queensland, because they treat 17 year olds as adults.

There is a whole range of quotes that the ALRM provides to us from various United Nations reports. They also refer to the Royal Commission into Aboriginal Deaths in Custody, because whilst that report may have been many years ago, the recommendations have still not all been implemented and they still have things to say to us today.

The ALRM knows very clearly who is going to suffer the most from this legislation, and it will be members of South Australia's Aboriginal community. I will read the concluding sentences of the ALRM submission. It states:

> We reiterate our concerns that Aboriginal youth in South Australia are grossly overrepresented in youth detention and incarceration and we greatly fear that this provision if enacted will increase the period of incarceration which individual Aboriginal youths will suffer.
>
> What is clear is that Aboriginal youths require more and better projects programs and services to assist in their rehabilitation and in particular their cultural rehabilitation into a law-abiding life. ALRM calls upon the government to make that a stronger priority.

They urge us not to proceed with this bill. The submission is signed by Cheryl Axleby, CEO, Aboriginal Legal Rights Movement.

The final stakeholder submission that I will refer to is that from the Guardian for Children and Young People. We were presented with two submissions from the guardian. I could read out the detailed 36-page submission, complete with footnotes, that was provided to all members some time ago—the most comprehensive submission that you are going to see on why this is a bad law and why we need to treat youth offending differently to adult offending.

Fortunately, the guardian has provided members, just in recent days, with a more concise two-page submission, which still covers the main territory but brings us up to date. The reason I say we need to be brought up to date is that unless members have been asleep, they would have noticed that the royal commission in the Northern Territory has handed down its findings in relation to juvenile justice in that state. All of us have seen on television footage of the Don Dale Youth Detention Centre, and all of us have been appalled at the conduct that went on in that facility. I will put on the record not the 36 pages from the guardian but the two pages. The guardian says:

The new Northern Territory Royal Commission report comes at an important time in this debate. It reminds us of essential justice considerations. We cannot ignore the relevance of the report and its recommendations, many of which are applicable to youth justice systems throughout Australia.

The Commissioners found that the Northern Territory 'detention system failed to comply with basic binding human rights standards in the treatment of children and young people'. It also found that their child protection system similarly 'failed to provide the support needed to some children in care to assist them to avoid pathways likely to lead into the youth justice system'. How would South Australia's systems stack up? These are salutary messages for those about to vote on this particular legislation next week.

I believe the Royal Commissioners have crucial insights that are relevant for our state, especially observations such as—

'Perpetuating a failed system that hardens young people, does not reduce reoffending and fails to rehabilitate young lives and set them on a new course, is a step backwards.'

And another quote from the royal commission:

'The fundamental principle underpinning youth justice and detention is that children and young people should not be managed in the same way as adults…children and young people often come into conflict with the law because they lack maturity, make poor and risky decisions, and are highly susceptible to negative influences, particularly peer pressure.'

The Commission found that 'many of the children who come into contact with the youth justice and child protection systems do so as a result of the underlying drivers of socioeconomic inequality including racism, remoteness, poverty, housing issues, poor physical and mental health and disabilities. Many of these drivers also apply to South Australia.

I am also very concerned about the safety of the community. Although the primary rationale for this legislation is 'community safety', the evidence is clear that it will not work to make our community safer. More detention and longer jail terms are shown to lead to more criminalisation of individuals, not less.

This bill may keep some young offenders 'off the streets' for longer periods but they will ultimately return to live among us. The Attorney-General has proposed that considerations of 'care, guidance and correction' and rehabilitation be abandoned for some young offenders. And yet it is the careful work that can be done with young offenders, directed to 'care, guidance and correction' (which many of them will never have experienced in the course of their traumatic and chaotic lives) which is most likely to make a difference to their futures. It stands to reason – and the evidence bears this out – that locking up young offenders for protracted periods of time and seeking only to punish them, will ultimately result in more hardened and proficient offenders.

If the measures in this bill are designed to deliver deterrence, then, again, the evidence is clear. We know that young people don't think like adults. (That's exactly the reason given for not allowing them to vote or drink until they are 18.) Young people, with their immature brains, are more likely to be impulsive and reckless, and less able to think realistically about consequences. And the trauma that many young offenders have experienced in their short lives – through no fault of their own – further damages the developing brain and makes it even harder to think logically, reasonably and thoughtfully. Acknowledging trauma and responding to it on the basis of what actually works, rather than just punishing people for longer periods of time, is more likely to result in a change of behaviour, which will lead to less offending and a safer community.

South Australia's Parliament can be justifiably proud of many recent legislative initiatives in the youth justice sphere, such as the Youth Justice Administration Act 2016, which recognises the evidence about what works. The current bill is directly inconsistent with that Act and clearly breaches national and international standards about how children and young people should be treated. It will be extremely unfortunate if the constructive changes embodied in recent legislation are diminished by the passage of the Statutes Amendment (Youths Sentenced as Adults) Bill 2017.

This bill was introduced in a context of several high-profile matters involving very serious offences committed by children or young people, with tragic consequences. These events deeply affected the families and friends of the victims of those offences and the broader community. At times of distress and heightened emotion, there is an understandable human need to react decisively. There is also a very human impulse to seek punishment and even retribution. It is at just such times that responsible and considered responses are called for. Responses that will be constructive, not merely reactive.

As legislators, I urge you to withstand the temptation to vote for what may appear 'popular' and instead take up the challenge to make law that will actually enhance community safety, based on evidence as to what is most likely to have beneficial consequences for the community.

The letter is signed by Penny Wright, Guardian for Children and Young People and Training Centre Visitor. So, there are some submissions. They are all saying similar things in slightly different ways. One point I said I would come back to, and I will do this now, is that they all made reference to the international Convention on the Rights of the Child. This is a United Nations convention that Australia has signed, and it includes article 40:

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

That is what we signed up for as a nation, and this bill completely disregards our most fundamental obligations under this convention. I need to explore exactly why that is the case so when members vote on this bill, they know exactly what they are doing.

For students of international law who are paying attention to this issue, the first reaction most of them would have if they understand anything about international law is, 'It is an international convention, it is not a South Australian law, so how does that article apply?' People might point out that the general legal principle is that international treaties do not become part of domestic law until they are specifically incorporated through legislation. That is how it has worked for many years.

For people who only want a bare pass for their international law studies, that is as far as they will get. They will leave it at that. But if you want to get a credit for international law, you will need to go a bit further. If you want to get a credit, you have to also be aware of the High Court's case in Teoh from the 1990s. In that case, the High Court of Australia declared that all Australian citizens had a legitimate expectation that our administrative decision-makers, including departments, including ministers, would have regard to international treaties when they made decisions.

That was a very sensible decision because when you think about it, the alternative is that our governments over many years are a complete bunch of hypocrites, who are happy to sign international treaties but have no intention whatsoever of applying them domestically. The High Court was not prepared to wear that hypocrisy. They said, 'Of course citizens have a legitimate expectation that treaties mean something, that we sign them with a view to them meaning something.' So, well done to the High Court, and if you refer to that in your international law essay, you will get a credit.

If you are not happy with a pass or a credit, if you want to get a distinction, you need to go one step further. You need to note that not only do international treaties not normally apply, not only did the High Court say, 'They really should,' but what we have in South Australia is the unique situation where we have a specific piece of legislation that is designed to undermine the High Court's decision in Teoh; that is, the Administrative Decisions (Effect of International Instruments) Act 1995. The operative provision is very short and I will read it. It is section 3:

(1) An international instrument (even though binding in international law on Australia) affects administrative decisions and procedures under the law of the State only to the extent the instrument has the force of domestic law under an Act of the Parliament of the Commonwealth or the State.

(2) It follows that an international instrument that does not have the force of domestic law under an Act of the Parliament of the Commonwealth or the State cannot give rise to any legitimate expectation that—

(a) administrative decisions will conform with the terms of the instrument; or

(b) an opportunity will be given to present a case against a proposed administrative decision that is contrary to the terms of the instrument.

(3) However, this Act does not prevent a decision-maker from having regard to an international instrument if the instrument is relevant to the decision.

That might sound complicated, but the student looking for a distinction in international law will understand it. I will paraphrase it for the benefit of honourable members. What it says is: nobody can hold the government to account for not complying with international treaties. It is up to the individual decision-maker to decide for themselves whether or not to have regard to a treaty or a convention when making decisions. The treaty or convention is in effect an optional extra that we can abide by if it suits us and disregard if it is convenient to do so.

Not everyone has been here as long as I have. The Hon. Mr Hanson will not recall this as he was not here, but other members will recall that I have, twice in the last 12 years, sought to repeal this act—twice. We are the only state that has this act that thumbs its nose at the High Court, that thumbs its nose at international treaties, but whenever I have introduced it into parliament, both the old parties have rejected it. Why? Because they are hypocrites. They love the warm inner glow that comes from signing international treaties, but they are horrified at the idea that we might actually have to do anything in return.

My first attempt to repeal this law was in 2007 and the trigger was the parlous state of the River Murray and the Lower Lakes. The Lower Lakes are listed internationally as wetlands of international significance under the Ramsar Convention, which Australia has signed and which obliges us to look after them. So, building a weir at Wellington would have been in direct contravention of our international obligations to look after those wetlands, but the South Australian Administrative Decisions (Effect of International Instruments) Act let our state off the hook.

My second attempt to repeal this law was in 2009. This is of direct relevance to the bill because, back on 17 June 2009, I referred the council to the 2005-06 annual report of the then guardian for children and young people, Pam Simmons. She referred to the Magill Youth Training Centre and said it was:

…a cheerless institution which inhibits proper care and behaviour change. The facility falls well below national standards for both youth and adult detention facilities,—

and this is the killer—

contravenes UN Rules for the Protection of Juveniles Deprived of their Liberty, and is potentially in violation of Article 40 of the UN Convention on the Rights of the Child.

This reference to a potential breach on the Convention on the Rights of the Child cannot be news to members. We have been debating it in this parliament over the last eight or so years, and Pam Simmons, as the then guardian, quoted article 40 (I will not read it again). Really, that proves there is very little new under the sun.

What I said eight years ago in response to that was that in parliament what we have to remember, regarding these young people, is that they have, in the main, long lives ahead of them. Those lives could be constructive, worthwhile and happy or they could be antisocial, deprived and criminal. The philosophy of pack 'em, rack 'em and stack 'em has no role in juvenile detention unless we are determined to make adult offenders out of child offenders. What does this bill do? It makes adult offenders out of child offenders. There is nothing new under the sun, the parliament has heard this before.

Going back to my analogy of the student who wants to get a pass, wants to get a credit, wants to get a distinction, there is one other class of student, and that is the dux. This is a student who is going to get the high distinction, who is going to top their class. To get that top mark they need to do one more thing. This hypothetical student is a devoted reader of *Hansard*; she knows what is going on because she reads the Legislative Council *Notice Paper*. This high level student is alert to hypocrisy.

In researching their essay on this topic the high distinction student will have come across the Prevention and Early Intervention for the Development and Wellbeing of Children and Young People Bill 2017. Unfortunately, that is not a bill we are going to have time to debate in this session of parliament. It is on our *Notice Paper* but it looks as if we are not having the optional sitting week and we are not going to have time to debate it.

However, it is instructive, and it is instructive as much for what is in it as for the reasons we are not going to debate it. Under Part 2—Purposes of this Act, clause 7—Effect of Part, the part sets out 'the Parliament of South Australia's commitment to the United Nations Convention on the Rights of the Child'. It says it in black and white: the parliament is committed to this convention. In clause 8 it goes on to provide:

> The Parliament of South Australia recognises the United Nations Convention on the Rights of the Child and prescribed service providers will seek to give effect to the rights set out from time to time in the convention.

The prescribed service providers include the Department for Communities and Social Inclusion. So, the department responsible for these young offenders in this bill, if this bill were to pass, would be legally obliged to have regard to and to give effect to the United Nations Convention on the Rights of the Child.

Yet, we have not got to this bill yet; it is on the *Notice Paper* but we are not going to get to it. I am not normally a suspicious person, but why is the government not going to progress that bill? I will tell the chamber why: it is because the government has realised that it is a complete embarrassment to them. It is an embarrassment because the parliament is about to throw that international treaty out of the window and it would make no sense for the parliament, in the next breath, to debate a bill that gives legal effect to that very same treaty.

What a bunch of hypocrites we have here. The government would rather pass bills that trash the Convention on the Rights of the Child than get around to passing a bill that says, 'We support the Convention on the Rights of the Child and we give effect to its provisions.' This is hypocrisy of the very worst kind.

The Greens will be strenuously opposing this bill. We will be forensically pulling it apart in committee. It will take time and I would urge the government to just let this bill go. If they happen to be successful after the next election, they can look at it again and bring it back. If the alternative government had some real ticker, they would not have caved in as they have to this pathetic law and order debate—who can be the toughest.

The shadow attorney-general would have resisted the cheap shots directed at her by the Attorney-General. They would have read all the submissions which unanimously told us that this was bad law and that we should vote against it. I would urge the Liberals to reconsider as well. I really hope that this bill goes no further than the second reading today. The Greens will be opposing it at the second reading and we will be dividing on it and I expect we will be dividing through the committee stage as well.

The Hon. A.L. McLACHLAN (12:55): I rise to speak to the Statutes Amendment (Youths Sentenced as Adults) Bill. I speak on behalf of the Liberal Party and indicate that we will support the second reading. The bill amends the Young Offenders Act 1993, the Criminal Law (Sentencing) Act 1998 and the Sentencing Act 2017. This bill represents the government's response to the tragic events that took place earlier this year when a young mother was killed in a motor vehicle accident that involved youths driving a stolen vehicle at high speed.

One of the young men involved is 18 years old, while the others are aged between 13 and 17. Those involved are still being dealt with by the courts. However, at the time, the Attorney-General indicated that new laws allowing juveniles to be sentenced as adults should be in force in time to deal with those responsible for this horrific crash. That brings us to the bill presently before honourable members.

Currently, section 16 of the Young Offenders Act enables the Director of Public Prosecutions to lay charges against a youth in a higher court, rather than the Youth Court, if the youth is charged with a major indictable offence and if the Director of Public Prosecutions is of the opinion that the youth poses an appreciable risk to the safety of the community and should therefore be dealt with as an adult.

The current law, however, sets out separate statutory objects and policies to apply when sentencing young offenders, as distinct from the principles that apply when sentencing adults. This approach was developed to recognise the significant difference in youths' cognitive development,

their lower capacity for self-regulation and that they are far more susceptible to peer pressure, amongst other things. The relevant provisions in section 3 stipulate that the following principles apply:

> (2a) In imposing sanctions on a youth for illegal conduct—
>
> (a) regard should be had to the deterrent effect any proposed sanction may have on the youth; and
>
> (b) if the sanctions are imposed by a court on a youth who is being dealt with as an adult (whether because the youth's conduct is part of a pattern of repeated illegal conduct or for some other reason), regard should be had to—
>
> (i) the deterrent effect any proposed sanction may have on other youths; and
>
> (ii) the balance to be achieved between—
>
> (A) the protection of the community; and
>
> (B) the need to rehabilitate the youth.

The bill before the chamber displaces these principles in situations where a court is sentencing a youth who is being dealt with as an adult. This will occur if their conduct is part of a pattern of repeated illegal conduct or for some other reason.

The implications of the bill are that any young offender sentenced in a higher court will be punished according to the same sentencing principles that apply to adult offenders. This results in community safety being the primary consideration as opposed to rehabilitation. This aligns with the recently passed Sentencing Bill 2017, which is not yet in operation but which sets out that the primary purpose of sentencing a defendant is to protect the safety of the community.

I note that the bill does not amend section 29 of the Young Offenders Act. This means that when a youth is committed to the Supreme Court or District Court for trial or to be sentenced, the court can do one of the following:

- deal with the youth as an adult;
- make any order in relation to sentencing the youth that may be made by the Youth Court; or
- remand the youth to the Youth Court for sentencing.

It is only in circumstances where a decision is made to deal with the youth as an adult in a higher court that the new provisions in the bill apply. The court still retains the discretion to refer the youth back to the Youth Court for sentencing, in which case the usual sentencing principles regarding youths will apply. The Liberal Party takes comfort from the fact that this discretion remains and has not been removed by the government's bill. In essence, it will ensure that only appropriate cases are dealt with by higher courts in circumstances such as the defendant's antecedents justify this course of action.

The Liberal Party acknowledges the many submissions both to the Attorney and the Liberal Party. It has given careful consideration to those. As the Hon. Mr Parnell said, the Liberal Party has had an ongoing dialogue with the Attorney, as you would expect. I will speak more on that during the committee stage in relation to the amendments that the Liberal Party is putting forward, which I understand the government accepts.

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) (13:00): I thank honourable members for their contribution. There are some amendments, as has been indicated, in the committee stage. I acknowledge it has been foreshadowed that this may not be a quick or simple committee stage, and I will foreshadow that it will be the intention of the government, given that, to allow members to fully agitate and prosecute what they want to do and to return to at least this bill after private members' business tonight to make sure there is enough time to do that.

Bill read a second time.

Sitting suspended from 13:02 to 14:17.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Community Road Safety Fund Revenue and Expenditure—Report, 2016-17
Adelaide Film Festival Charter dated November 2017
Australian Children's Performing Arts Company Charter as at June 2017

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

Investment Attraction South Australia—Report, 2016-17

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

Reports, 2016-17—
Health Performance Council
Health Services Charitable Gifts Board
Lifetime Support Authority of South Australia
Maternal and Perinatal Mortality in South Australia 2015
National Health Funding Body
National Health Funding Pool Administrator
National Health Practitioner Ombudsman and Privacy Commissioner
Parole Board of South Australia
South Australian Medical Education and Training Health Advisory Council
South Australian Public Health Council
Veterans' Health Advisory Council

By the Minister for Mental Health and Substance Abuse (Hon. P.B. Malinauskas)—

Reports, 2016-17—
Chief Psychiatrist of South Australia
Controlled Substances Advisory Council

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.E. HANSON (14:19): I bring up the 54th report of the committee.

Report received.

NATURAL RESOURCES COMMITTEE

The Hon. J.M. GAZZOLA (14:19): I bring up the report of the committee, entitled Committee Handover Report 2017.

Report received.

The Hon. J.M. GAZZOLA: I bring up the report of the committee, entitled Regional Report May 2016-December 2017.

Report received.

The Hon. J.M. GAZZOLA: I bring up the report of the committee, entitled SA Murray-Darling Basin: Revisiting the Basin Plan.

Report received.

Ministerial Statement

GAMBLING REVIEW

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) (14:20): I table a copy of a ministerial statement relating to the gambling review and online gaming made in the other place by the Deputy Premier.

INVESTMENT ATTRACTION AGENCY

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20): I table a copy of a ministerial statement, entitled Investment Attraction, made in the other place by the Minister for Investment and Trade.

ASSISTED REPRODUCTIVE TREATMENT ACT REVIEW

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:20): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. MALINAUSKAS: Today, I will table the government's response to the review of the Assisted Reproductive Treatment Act 1988 undertaken by Dr Sonia Allan, an expert in assisted reproductive treatment who has an international reputation in this field. Dr Allan consulted extensively with clinics and groups associated with assisted reproductive technology over an extended period and her review and recommendations, which were provided to the government earlier this year, provided extensive recommendations to help improve outcomes for people accessing ART treatments and the children born as a result.

I would like to take this opportunity to acknowledge Dr Allan in the gallery today, as well as members of the donor conceived community who have joined us today. The key recommendations of the review were for the establishment of a donor conception register to increase the role of government in the regulation of the industry. The basis of Dr Allan's recommendation about a donor conception register is that donor conceived people should be able to access identifying information about their donors without the donor's consent to ensure that those people have the same right to information about their genetic parentage as those who are conceived naturally.

To do this would require legislative change. It will require legislative change which we, as we reach the end of the parliamentary term, clearly have run out of time to appropriately draft and adequately consult on. However, today I committed this government to progress legislation in the next parliament and while I acknowledge there may be pockets of unease in the community, I am sure they will be considered in a respectful manner, with the best interests of children born as a result of donor conception as one of the new parliament's main priorities. I anticipate that that would receive a cross-section of support across the new parliament.

In the meantime, SA Health will continue to work through the mammoth task of sorting through our historical ART records so that when we are ready to press go on a donor conception register, all of the documentation that can be made available will be made available. The government's response to the review is largely supportive of the other recommendations; however, in-principle support is provided to some, subject to further investigation and how we properly resource the required changes. For the recommendations that do not require legislative change, I have asked my department to undertake further work to consider ways to implement those recommendations in a way that best reflects Dr Allan's intentions.

I would again like to place on the record my thanks to Dr Allan and everyone here today who has been part of the ART review process. I would also like to acknowledge the contributions and advocacy of the member for Light and the member for Fisher in the other place. Their work is worthy of commendation and recognition on this incredibly important reform that this state desperately needs.

Question Time

PROTON BEAM THERAPY UNIT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking a question of the minister for—

The Hon. K.J. Maher: Make an ask!

The Hon. D.W. RIDGWAY: Well, it wouldn't matter what we ask, we don't get any answers. You would think that with one day left before the next election that we would get all the answers that are due, but we don't. I got distracted. I seek leave to make a brief explanation before asking the Minister for Health a question on proton beam therapy.

Leave granted.

The Hon. D.W. RIDGWAY: On 27 September 2017, only about six weeks ago, I asked the Minister for Health a series of questions on the process for selecting the supplier of the proton beam therapy unit in the SAHMRI 2 building. In reply, the minister indicated that he had not seen any correspondence or received any briefings in relation to the issue, but that he was more than happy to seek such a briefing. My questions to the minister are:

1. Has the minister received a briefing on the process of selecting the supplier of the proton beam therapy unit for the SAHMRI 2 building?

2. Has the business case for the establishment and operation of the proton beam therapy unit been finalised and, if so, has a copy for the business case been provided to his federal counterpart?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:25): I thank the honourable member for his important question. I am happy to take on notice components of the honourable member's question. However, I will just state that the proton beam therapy unit we very much look forward to having here in South Australia. It will be an outstanding contribution to the biomedical precinct that is a national leader.

Yet again, yesterday, I had the opportunity to visit part of a new facility that has opened up at the new Royal Adelaide Hospital, a clinical trial section, which will provide extra capability for this state to deliver clinical trials in a way that it has not had the capacity to do before, particularly at the old Royal Adelaide Hospital, where of course the Hon. Mr Ridgway and his colleagues would still have people.

There are 500 clinical trials currently underway, I am advised, at the Royal Adelaide Hospital, and now with this new clinical trials section it will provide for an outstanding result for those people who rely on new technologies and new medicines that are being introduced into our system on a highly regular basis.

The proton beam therapy unit will be part of that same biomedical precinct, where we are serious about advancing South Australia not just as a national leader but as an international leader with these technologies. We look forward and very much hope that such reforms and such investments would enjoy the bipartisan support of this parliament, although one would be forgiven for not putting their savings on it because of course we have not seen bipartisan support when it comes to other investments we have made into public hospitals and the public health system.

PROTON BEAM THERAPY UNIT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): Supplementary question: I asked the minister whether he has received a briefing and he said that he will have to take it on notice. Can he confirm that he has not had a briefing, yet two months ago he said that he would seek a briefing?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:27): I have made inquiries around the proton beam therapy unit and I anticipate that in due course I will receive a response to those inquiries, but I am more than happy to take on notice the other components of the honourable member's question.

PROTON BEAM THERAPY UNIT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): Supplementary question: back on 27 September, you said you were happy to seek a briefing. Have you sought a briefing and have you had that briefing?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:28): Of course. I said I would seek a briefing and I have done that, of course.

PROTON BEAM THERAPY UNIT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): Further supplementary.

The PRESIDENT: Wait a minute. Who has asked the questions?

The Hon. D.W. RIDGWAY: A further supplementary—I have already asked for a supplementary question.

The PRESIDENT: Well, you are, but there is somebody asking questions from behind you and it is totally inappropriate. Now, you ask the question.

The Hon. D.W. RIDGWAY: Have you had a briefing? It is a very simple question. You said that you have sought a briefing: have you had a briefing? I can't believe that you are Minister for Health and two months later you can't even come in here and confirm you've had a briefing.

The PRESIDENT: I thought I heard the minister say that he had sought a briefing. The Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: No.

EMERGENCY DEPARTMENTS

The Hon. J.M.A. LENSINK (14:29): My question is to the Minister for Health. How can the minister attribute the blowout in South Australia's emergency department waiting times to an increase in presentations when the 2 per cent increase in South Australia is well below the 2.6 per cent increase nationally and no other state had a double digit decline in the proportion of cases seen on time?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:29): I thank the honourable member for her question about emergency department waiting times. This government stands in stark contrast to those opposite when it comes to making investments in the public hospital system that would seek to address emergency department waiting times. The results in the paper, I have already stated publicly and acknowledge the fact, need to be improved upon, but we have a plan to do that.

We have a plan to do that. We have an election in March next year, and one would have thought that only a few months out from the next state election, those who proclaim to be the alternative government of the state—and I am not talking about Mr Xenophon and his crew; I am talking about what is now the formal opposition, who claim to be the alternative government of the state—would have announced their plan to address these issues. But no, instead they salivate at the opportunity to criticise without actually offering any alternative plan.

Let me articulate the government's strategy when we are talking about emergency department waiting times. First of all, the statistics that were in the paper this morning did not take into account the new Royal Adelaide Hospital, which has opened since then. Let's take the month of September, for instance. In the month of September, if you compare this year's emergency department waiting times with last year's September emergency department waiting times at the Royal Adelaide Hospital, there was a 70-minute improvement—a 70-minute improvement.

At the new Royal Adelaide Hospital, in the month of September 2017, patients waited 70 minutes less on average, I am advised, in comparison to 2016 at the Royal Adelaide Hospital. Had the Liberal Party had their way and the new Royal Adelaide Hospital never been built, guess what? Patients today would still be waiting an additional 70 minutes to what is currently the case.

Let's talk about the other emergency departments. The state government has committed to a $270 million upgrade of The Queen Elizabeth Hospital. As part of that upgrade, we are going to build a brand-new, larger emergency department. That stands in stark contrast to the Liberal Party's policy. Let's talk about the Lyell McEwin Hospital. We have budgeted for a $52 million rebuild of the Lyell McEwin emergency department that will result in it being doubled in its capacity—doubling the capacity of the emergency department at the Lyell McEwin Hospital.

We have already committed $9 million dollars to the Modbury Hospital to facilitate improvements in that area, and there may yet be more announcements to come in respect of Modbury. Our policy in respect of Modbury, though, will be a thought through methodical one based on clinical advice, which I anticipate will stand in stark contrast to the opposition's policy on Modbury.

Then, of course, we have already seen substantial upgrades to Flinders, with more to come. We are investing in upgrading our public hospital system throughout the state because we believe in public hospitals. Public hospitals in public hands is in our DNA. We are not like those opposite who would go about the business of privatisation of public hospitals. We do the exact opposite. Any clinician—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: Yet again—

Members interjecting:

The PRESIDENT: Minister, do you want to take a seat for a minute? I am finding it very difficult to even hear the minister answer a very important question, so I ask you all to desist from interjections and allow the minister to answer this important question. Minister.

The Hon. P. MALINAUSKAS: It's telling: two question times in a row, if we so much as mention the word privatisation, those opposite get ultra—

Members interjecting:

The Hon. P. MALINAUSKAS: Methinks they protest too much. You privatised Modbury. We put it back in public hands and now we are upgrading it, but it's not just about the infrastructure. Any clinician worth their salt will also tell you that patient flow is an important variable when it comes to emergency department waiting times.

Yet again, I am very glad, as Minister for Health, to have already had the opportunity to act in this respect. When we were negotiating the SASMOA enterprise bargaining agreement, or the enterprise bargaining agreement that applies to doctors, I insisted that a clause be inserted into that agreement that requires SASMOA and doctors to be able to work with nurses and other allied health professionals in conjunction with the department to improve patient flow.

It is well documented that Mondays are the busiest day of the week in our emergency departments. That defies logic. There is no obvious reason why emergency departments should be busier on Mondays in comparison to other days of the week. One of the main reasons—and there are more than one—contributing to that is a lack of patient discharge occurring over weekends.

We know we can improve that through criteria-led discharge and by having nurses exercising functions around discharge, so we have put in place a plan to deliver that, working in conjunction with doctors. That's a reform I am very much looking forward to leading over the coming months. Can we improve emergency department waiting times? Absolutely we can. Is that a worthy cause? Absolutely it is. Are we already delivering results as a result of government policy? Yes. Look at what we have achieved at the NRAH, when those opposite would have us in the ORAH.

These are the sorts of reforms that we want to continue to develop for the interests of all people in South Australia. Everyone in South Australia deserves adequate health care, not just people who have means, not just people who are willing to rack up credit card debt. All South Australians should be entitled to that access, and that's exactly what a Labor government will deliver, because public hospitals in public hands is in our DNA.

Members interjecting:

The PRESIDENT: Order!

ANAESTHETIST SERVICES

The Hon. S.G. WADE (14:35): My question is to the Minister for Health. Has the minister been briefed on how a shortage of anaesthetists in the Central Adelaide Local Health Network, including shortages arising out of the need for specialists to take accrued leave, is going to necessitate a significant reduction in the number of elective surgery sessions undertaken at the new Royal Adelaide Hospital?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:36): I am aware of the fact that anaesthetics is an incredibly important high-skill function that is required in any public hospital system. I think a good example of that is the reforms that the government is leading at The Queen Elizabeth Hospital, where we are reintroducing a 24/7 cardiac service, which will be a great result for residents in the western suburbs. Through that policy exercise, which is complex and multilayered, I have had the opportunity to familiarise myself with the facts of how anaesthetics operates. This is a complex area.

In respect to the Hon. Mr Wade's question, I am happy to take on notice the components that he refers to in respect to the NRAH. Needless to say, we have seen the elective surgery waiting times improve in some areas, and we expect them to continue to improve in others.

ANAESTHETIST SERVICES

The Hon. S.G. WADE (14:37): Supplementary: I thank the minister for giving an undertaking to take the question on notice. In his reply, could he advise what the projected impact is on the elective surgery backlog as a result of reductions in surgical sessions resulting from the shortage of anaesthetists?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:37): The short answer to the Hon. Mr Wade's question is yes, I am happy to undertake to get that information for him. Having said that, I just want to qualify my doing so by saying that I don't take it as given that the shortage that the honourable member refers to is there, but I am happy to make some inquiries and get that information for him.

CONMA INDUSTRIES

The Hon. T.T. NGO (14:38): My question is to the Minister for Automotive Transformation. Can the minister advise the council on an automotive supply chain company that has diversified and is now supplying products for the wine industry?

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) (14:38): I thank the honourable member for his very important question about industry and employment in South Australia. There is a company that is diversifying very well out of the auto industry, as so many others are. I had the pleasure of visiting Conma Industries, which is a wholly family-owned metal stamping manufacturer supplying pressed metal suspension exhaust components for more than 35 years. Until recently, Conma had about 40 per cent automotive revenue exposure through supplying to such other supply chain companies as Tenneco Automotive. As part of their diversification efforts, Conma has worked in close partnership with South Australian company Ocvitti. Since 2015, it has developed and manufactured an innovative and environment-friendly steel Ocloc vineyard trellis post system that replaces traditional wooden posts.

An Automotive Supplier Diversification Program grant has supported Conma in diversifying into the wine sector. The funding is being used to help manufacture specialised tooling to support their further growth in the horticultural market and to modernise and expand their current plant and equipment to develop additional products that will enhance this new steel trellis system.

It is hoped that the development of these new products will open up opportunities for increased sales and also provide the opportunity to expand across the horticultural industry, leading to the creation of even more jobs. The company has identified new vineyard products that were not

commercially available in Australia. This unique partnership between the two companies who have the manufacturing and engineering expertise has provided the opportunity to get these trellis post systems into the marketplace this year.

The two companies have worked together during the product development stage where the design for manufacture experience has ensured that the products can be manufactured competitively. Both companies have benefited from the partnership through the introduction of new business clients in the horticultural industry. It has meant that the partnership has been able to cement a whole of vineyard infrastructure supply system, effectively replacing imported product suppliers who don't have this capability. This product and the collaboration is a great example of how we are growing the economy, saving jobs through this innovative area, and also supporting our premium food and wine industry.

We know that the closure of Toyota and Holden car manufacturing in Victoria, and very recently here in northern Adelaide, didn't have to happen—we have discussed it in the chamber—but it did, and what we are doing as a Labor government is making sure we are supporting workers in the manufacturing area to have good jobs, well-paid jobs and the dignity that goes with work.

PERFECTION FRESH

The Hon. T.A. FRANKS (14:41): My question is to the Minister for Employment with regard to the grant that has recently been awarded to Perfection Fresh. Given this company, that formally traded as D'VineRipe, was the subject of a *Four Corners* investigation into dodgy labour hire practices, and further claims this year about the mistreatment of its workers, what conditions has the government placed upon this generous, repeated grant that will ensure that the promised 100 construction jobs and then 100 ongoing jobs actually materialise, and that these workers in the ongoing jobs will be employed under conditions that do not exploit them, as has been the case in the past with this company?

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) (14:42): I thank the honourable member for her question. Of course, one of the very good things that we have done recently in this chamber was to pass the labour hire bill that went through yesterday. As the honourable member says, it is a good thing for this state to protect workers and vulnerable workers particularly, who are employed in precarious employment and particularly through labour hire areas.

I don't have details of the grant. I think off the top of my head, and if I am wrong I will come and correct it, but I suspect that grant is through minister Brock's Regional Development Fund, but I am not sure, and if it is something else, I am happy to come back and correct the record. I will certainly take that on notice and bring back any of the conditions that are required to be met that can be made available in relation to employment and the ongoing nature of that employment.

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (14:43): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question.

Leave granted.

The Hon. T.J. STEPHENS: On 14 November in question time in this place, the minister was asked by the Leader of the Opposition, 'Does the general manager of the APY enjoy the minister's full confidence?' His answer, and I quote, was:

> It is not a position that I appoint. It is not a position that I remove. That is not something that is down to me.

Section 13D(4) of the APY Land Rights Act states:

> The General Manager will be appointed on conditions (including conditions as to remuneration) determined by the Executive Board with the approval of the Minister and for a term specified in the instrument of appointment and, at the expiration of a term of appointment, is eligible for reappointment.

My questions are:

1. Considering the conditions of appointment for Mr King as general manager, did the minister as pursuant to clause 13D(5) of the APY Land Rights Act question any of the proposed conditions of appointment?

2. Pursuant to clause 13L(2)(b) of the APY Land Rights Act, did the minister approve the appointment of Tania King, wife of the general manager, as Manager of Stakeholder Relations, with an annual salary of almost $210,000?

3. Is the minister able to explain why executive member Murray George suggests that you were 'pushing too much' and 'putting pressure on APY to approve his choice' when the executive were yet to meet with Mr King; and why Chairman, Owen Burton, outlined that failing to 'appoint the Kings, the minister may put in an administrator'?

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) (14:44): I thank the honourable member for his question and for his interest in this area. I know that as a member of the Aboriginal Lands Parliamentary Standing Committee, and having grown up in regional South Australia, he has a deep and ongoing interest in Aboriginal affairs and in the welfare of Aboriginal people in this state, the most disadvantaged segment of our community, who have lived here for tens of thousands of years.

I am sure the honourable member will remind me if I forget any specific part of the question, but I think the first part was in relation to the APY Land Rights Act and the role of the minister to approve the conditions of remuneration. It was some time ago and I will have to double-check, but I am reasonably certain there would have been something I would have had to sign at the time of the appointment, pursuant to the act, to approve the conditions. If that's not the case I will bring back an answer. It would have been a couple of years ago so I will double-check that, but I am reasonably certain that would have been the process that was gone through.

As we know, and as other ministers would know—and having worked for previous Aboriginal affairs ministers I know that this dates back many, many years—this has been one of the difficulties, the limited role the minister has in terms of the functioning of APY. The minister has the power merely to approve terms and conditions, not the power to make appointments in relation to the general manager. The current wording of the act was conceived to allow that self-determination for APY. Not unreasonably, the minister approves terms and conditions, and I am almost certain that at the time I would have signed something to approve it, pursuant to the act, but I will double-check and correct that if not.

In relation to Tania King or any other employee of APY, I have no role in that. The minister has no role in appointments; the minister can't select the general manager, merely approve terms and conditions, pursuant to statute. As the minister, I have no role in the appointment of other employees for APY for any of the administrative functions that APY carries out.

I cannot remember the exact wording, but I think there was a question about some words from Murray George, and I assume they relate to a couple of years ago when he complained he felt pressured or pushed too much to appoint someone. There are difficulties in dealing with such a remote area, where many people have English as a second or third language, although that is not the case with Murray George, who has been around a long time and who was instrumental during the late seventies and early eighties when the land rights act was being pushed for. I have known Murray George for close on two decades, and my experience is that what is quoted, whether that be on social media or other places, is not always the comments you get when you talk to people directly.

About three or four weeks ago, I was in Kaltjiti talking to Murray George, sitting on what regularly substitutes for his office, the steel bench outside the community store in Kaltjiti. I had about an hour sitting down with Murray George talking about a whole range of issues, and I reckon that about 55 minutes of the hour that I spoke with Murray George were on issues relating to community councils and the split of funding between the commonwealth and community councils as opposed to APY service providers—now RASAC, but formerly organisations like the Pitjantjatjara council.

Another part of the conversation revolved around CDEP, the old employment program, and the desire, as Murray George said to me but as many Anangu also said to me, to go back to the way

the CDEP program used to be; that is, an employment-based program as opposed to a much more punitive welfare-based program. I reckon for a couple of minutes at the very end Murray George spoke about Mr King, saying that he needed to listen more at meetings.

I know there has been a lot attributed to Mr George and others and their views, but certainly on country, speaking directly to people like Murray George, there are a lot of other issues that are spoken about. I don't remember the comments from a couple of years ago about Murray George making a comment that I was insisting or pushing too hard for someone's appointment. At the end of the day, I don't appoint someone.

At the time that Richard King was appointed interim general manager, my understanding was that it was a unanimous resolution of the board. I understand that after that they employed a recruitment agency based, I think, in Alice Springs to conduct a recruitment for the ongoing position of general manager, but the board decided on Richard King and, as I said, I'm quite sure that at the time I would have approved the conditions.

RESERVOIRS

The Hon. J.E. HANSON (14:50): My question is to the Minister for Sustainability, Environment and Conservation. I refer to the minister's response to the supplementary question from the Hon. Michelle Lensink in this place on 1 November 2016. That was prior to my being here, but I have gone through the *Hansard*. Will the minister update the chamber on the use of our reservoirs for recreation or to provide safe, reliable drinking water to all South Australians?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:50): I thank the honourable member for his important question and the observation that he has been an avid reader of my *Hansard* speeches for some time. It is good to know that someone was looking at it.

An honourable member interjecting:

The Hon. I.K. HUNTER: Yes. Just over a year ago, I think in November 2016, the Hon. Michelle Lensink asked me a question regarding the use of South Australia's reservoirs for recreational activities. I think, from memory, she requested a costing figure on opening up our reservoirs for these recreational purposes. Subsequently, of course, we now know that the Liberals have announced a policy of opening up our reservoirs to the public, in particular Happy Valley reservoir as part of a Glenthorne Farm proposal for recreational activities, including kayaking, fishing and walking trails and so on and any number of other reservoirs too, as I understand it.

I have had a long record of supporting and promoting the benefits of South Australians exploring and enjoying our beautiful natural resources. I have also had a long record of protecting South Australians' best interests, particularly in relation to our state drinking water supplies. This proposal of the Liberal Party to open up our online reservoirs—the ones about which the Hon. Michelle Lensink was clearly asking for some funding comments over a year ago—I believe is incredibly unwise. It is potentially dangerous and it is certainly going to be very expensive, but most of all it lacks in common sense and ignores scientific advice and best practice from around the world.

The state government is properly protective of our critical water systems. It is important in South Australia, the driest state, that we maintain a number of reservoirs ready to supply our water needs, especially in the case of dry periods, which we all know we face from time to time. One year on, the opposition has failed to cost their proposal and unsurprisingly failed to detail how they would afford this cost.

The Liberals' incredible proposal that they want to open up drinking water reservoir supplies for access by the public for people to swim in, fish in and boat in raises more questions than we have time here to go through, and I could spend some time at great length doing exactly that. The gaping holes in the policy and their lack of logic are completely astounding, but of course it is on a par with them not taking any expert advice on any of the proposals they have released to date, including their health policy and many others. They are not interested in talking to people who have been working for a very long time in the field.

Happy Valley reservoir, for example, supplies somewhere between 30 per cent and 70 per cent of Adelaide's daily drinking water needs. I point out that recreational use of Adelaide's drinking water supply reservoirs could pose a very significant contamination issue, obviously, and could seriously threaten the security of safe, clean and affordable water to Adelaide. As such, the government's priority will continue to be the protection of drinking water supplies and public health, something the Liberals have a very cavalier attitude to.

I'm advised that a preliminary assessment by SA Water estimates that to address the increased water quality risk, if the Liberals' proposal is ever to see the light of day, a capital upgrade costing in the vicinity of between $16 million to $22 million would be required for the Happy Valley Water Treatment Plant alone. This would also lead to an estimated increase in operational costs for the treatment plant of, I am advised, between $700,000 and $1.5 million per annum—again, for that one reservoir. The opposition has failed to detail how they will afford this extra cost. The question must therefore be asked: are they simply going to pass on these costs to SA Water customers and drive up the average water bill?

In addition to these costs, a preliminary high-level estimate of the capital costs required to provide infrastructure that will be needed for safe access, such as roads and car parks, toilet facilities, boat ramps, a three-sided jetty, shelters, a system of buoys to protect people using their kayaks from going over the top of spillways, and security fencing, indicates a potential spend of over $5 million—again, just for Happy Valley.

This does not include ongoing maintenance or management costs such as ranger patrols, rubbish collection, cleaning of toilets, which of course would be substantial. Also, as a result of the increased water quality risk presented through recreational access, additional water quality testing and monitoring is also going to be required to ensure the health of our drinking water is maintained.

These are incredibly staggering costs to open up the Happy Valley reservoir on its own. None of the others is contemplated in these costs; it is just Happy Valley reservoir on its own for recreational activities. But the cost for the Liberals' Glenthorne Farm proposal does not stop there. How much taxpayers' money will be used to buy back the farm the Liberals sold in 2001 when they were last in government? The Liberals' policy is literally a blank cheque with the taxpayers of South Australia footing the bill. Whilst those opposite say that there are examples of reservoirs being used for recreational purposes occurring interstate, they are neglecting some very fundamental differences.

The Hon. R.I. Lucas interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Lucas pipes up, 'Yeah, yeah, yeah.' For example, the Wivenhoe Dam, which is one of the few drinking water supply reservoirs in Australia that is subject to recreational access, is 100 times larger than the Happy Valley reservoir. As such, it has a significant dilution factor and a water residency time, both of which are considered important as part of any water quality risk assessment. In moving the motion for the opposition's Glenthorne Farm proposal, the member for Bright in the other place said it will take a generation or several generations to scope and enact this pie in the sky scheme.

As I said last year to the Hon. Michelle Lensink in response to her request that the government cost the Liberal Party's proposal, it is no wonder they have been put out of government for so long and it is no wonder they will only be back in government by 2036 at the earliest. That is the Hon. Mr Lucas's plan at least. That is the one he clutches around with him all the time: back in government by 2036. It seems obvious that it will take them generations to achieve any of their proposals at all.

I am not the only one that is deeply concerned by the opposition's very fanciful policy. Last week, I received an email from a concerned constituent about the Liberals' reckless proposal, Professor Don Bursill AM, SA Senior Australian of the Year in 2011, former chief scientist of the South Australian Water Corporation between 1990 and 2005 and a former CEO of the Co-operative Research Centre for Water Quality and Treatment 1995 to 2005. Professor Bursill is internationally acknowledged as one of Australia's most respected water scientists and spent almost 40 years in the water industry, with a principal interest in water quality policy, planning, management and treatment. He presided over the current national drinking water guidelines, the national drinking water

guidelines. He also had a large influence on European Commission water regulations, as well as the WHO international guidelines for drinking water quality. He is someone, I think, we can all agree knows something about water and water safety.

For those opposite, this is someone who understands the difference between good water policy and the potential cost, not just in monetary terms, of a proposal like the one they have put forward. Professor Bursill forwarded his response to the opposition's proposal for our drinking water reservoirs to be open for recreational activities, in which he states, 'There is a real and significant risk associated with opening up the system in this way.'

He went on to say that no treatment process that is used by any water authority in the world is 100 per cent effective 24/7. Some have very high efficiencies but not absolutely so, especially when under stress such as during storms or when demand is at a maximum—I might also add, during periods of dryness. He said multiple barriers between potential sources of contamination and the consumer are fundamental aspects of all current best practice water supply systems so that a failure in one area can be adequately dealt with in another. Protected reservoir reserves are part of that multibarrier system. Removing this protection requires another operational response to ensure public health safety.

Professor Bursill also referred to the publication *Safe Drinking Water: Lessons from Recent Outbreaks in Affluent Countries* by Canadian authors, Steve and Elizabeth Hrudey. This publication, he advises, was specifically written to alert people—including presumably the opposition—to the ongoing occurrence of drinking water incidents that leave people ill or even dead through failures of systems thought to be safe. Quite pointedly, he states, 'Complacency and poor decision-making are common factors in these many incidents analysed in that book.'

This email was also sent, I understand, through the Liberal candidate for Newland. It has been some time since those opposite have been in government, obviously, but to govern is more about delivering policy based on good advice than flights of fancy. One has a responsibility to do some research on the risk/benefit equation, clearly lacking in the Liberal Party's policies. Acting in the best interests of those who put us here and sound decision-making—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —even when that means not doing something that sounds fun to the Liberal opposition but has potential problems in the real world, has particularly far-reaching consequences when you are talking about water policy.

In 2014, the state government committed to investigate the potential for recreational fishing access at offline—that is, non-supply to drinking water pipelines—SA Water reservoirs. We have opened up the offline Warren and Bundaleer reservoirs for this purpose, and the Tod reservoir, I am advised, is expected to be opened in early 2018. We are also identifying alternative inland water bodies for shore-based recreational fishing opportunities.

This is what good decision-making looks like. It is what strong government looks like: acting with foresight and forethought, planning and vision, and utilising expert advice so that we protect the interests of South Australians. We look after their health and, most importantly, we look after their very important and safe drinking water supplies, something entirely absent from Steven Marshall, the Leader of the Opposition and member for Norwood's Liberal Party policies that we have seen so far.

RESERVOIRS

The Hon. J.S.L. DAWKINS (15:02): Supplementary question: will the minister provide updated information on what SA Water will do to facilitate the celebration of the 60th anniversary of the completion of the South Para reservoir at the site next year and particularly, as the minister indicated earlier in the year, to highlight the history of the workforce, which predominantly came from overseas?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:02): It is a very long

bow to draw that supplementary question from a response to a question from the Hon. Michelle Lensink about the government costing for them the Liberal Party's potential policies, which she asked over a year ago. Clearly, they have no idea about what the cost would be. Clearly, they went ahead anyway without doing any basic research.

This book that I referred to that Professor Bursill commented on must be available through a Google search, but did the Liberals do it? Did they do it? No, or if they did, did they ignore the expert advice of the scientists active in water safety from around the world, and still went ahead with their reckless decision to actually put in jeopardy safe drinking water supplies? It is incredible, but it seems that's exactly what they have done.

RESERVOIRS

The Hon. J.S.L. DAWKINS (15:03): Supplementary: the minister knows the subject of my question because he dealt with it earlier in the year. It is relative to the question that was asked. It is about the opening to the public of reservoirs, so I ask the minister to respond to my question about the South Para reservoir.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:03): Again, I say and I believe it was a very long bow to draw but, of course, we have been in a very flexible position in this house. I'm advised that SA Water is talking to the local community about the celebratory event, and the planning process is underway, and when we have something to announce, we will make that announcement.

MENTAL HEALTH SERVICES

The Hon. K.L. VINCENT (15:04): I seek leave to make a brief explanation before asking the Minister for Health questions regarding adult community mental health rehabilitation services.

Leave granted.

The Hon. K.L. VINCENT: The Cottage is a service currently operated by the Eastern Mental Health Services at Stepney. The service is located in an old cottage and sits alongside other well-known community groups such as No Strings Attached Theatre of Disability. Clients of this service are referred by various service providers and can participate in tailored activities to support them to reach their own mental health rehabilitation goals.

Recently, I understand that clients of the Cottage have been advised that they are now discharged from the service, and I understand that some clients were told they were transferred to Tranmere Eastern Community Mental Health Service facilities in the first instance and then they were discharged. I understand that the Cottage is to be closed as of 8 December, with services to be redeployed elsewhere. My questions to the minister are:

1. Can he confirm or deny that the Cottage is flagged for closure and that that will occur as of 8 December?

2. What is meant by 'redeployment' in the context of the mental health services currently provided at the Cottage?

3. Considering that Christmas can be a very difficult time for some people, what measures have been taken to ensure continuity of care rather than dislocation in the lead-up to the holiday period?

4. Have clients been consulted about the loss of a safe and familiar place for mental health support?

5. How did SA Health communicate these changes to clients of the service?

6. What other support services currently exist that are suitable for current clientele of the Cottage?

7. Will staff from the Cottage be providing community mental health services elsewhere?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:06): I thank the honourable member for her question. Delivering mental health services in this state is an important function. There are a number of ways and facilities in which we aim to deliver that, and the government has in place a plan to continue to improve that over the years to come. Indeed, the honourable member herself deserves great credit for her recent negotiations with the government, and the government intends to honour those commitments, notwithstanding the fact that they were part of the bank tax negotiations.

She is a strong advocate for mental health services in South Australia and since taking on the portfolio, I think it is fair to say that we are better for her advocacy because mental health—and this is acknowledged, I also know, by members opposite; it is a bipartisan issue—is an area that is gaining increasing attention and notoriety as is appropriately the case. As the stigma that is associated with mental health continues to break down—and we hope that is what takes place—naturally people will be more forthcoming in sharing their experiences and, in due course, one would hope that resources follow, regardless of who is in government.

I am happy to take on notice the questions that the Hon. Ms Vincent raises in regard to that particular service that she is talking about. I haven't, to the best of my knowledge, received any information regarding that up until this point. I actively encourage the Hon. Ms Vincent to share with my office the case that she is referring to and see if we can't get a response to her quicker than what the formal question on notice process would take, notwithstanding the fact that we will do that anyway.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:07): I seek leave to make a brief explanation prior to directing a question to the Minister for Water on the subject of ministerial office.

Leave granted.

The Hon. R.I. LUCAS: The *Government Gazette* on 22 June of this year lists a Mr Bradley Chilcott as a ministerial adviser in the minister's office. My questions to the minister are as follows:

1. Is Mr Bradley Chilcott still employed in the minister's office?

2. If he is not, when did Mr Bradley Chilcott leave his employment in the minister's office?

3. If he has left, did he resign, or was his position terminated?

4. Was there any termination payment made to Mr Bradley Chilcott, if he has left the employment in the minister's office ?

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 answers are no; a month or two ago; he left of his own accord; and not that I know of.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:09): I have a supplementary question arising out of the minister's answer. Will the minister take on notice and advise whether or not a termination payment under the provisions of the standard ministerial contract was paid to Mr Chilcott?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:09): No, I shall not because he was only briefly employed with me and I don't believe he would accrue any other payment.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:09): Supplementary question arising out of the answer: is the minister aware that the standard ministerial contract, which is signed by ministerial staff, doesn't have a provision which requires any length of service. It provides a 16-week termination payment, normally, in relation to a ministerial officer employed in the minister's office. So, on the basis of that,

will he take it on notice and inquire whether or not a termination payment, at taxpayers' expense, was made to Mr Chilcott?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:10): No, I won't. I have been advised since the question was asked that no termination payment was made.

FLINDERS MEDICAL CENTRE

The Hon. G.E. GAGO (15:10): My question is to the Minister for Health. Can the minister inform the house about the recently completed $185.5 million investment in health infrastructure at the Flinders Medical Centre?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:10): Let me thank the honourable member for her question. I thank her for her question for a number of reasons, not least of which is that the honourable member herself enjoyed an experience within the health sector before taking on her career here in the parliament. I am very grateful to have received this question from the Hon. Ms Gago, and acknowledge her substantial contribution to this parliament over a long and no doubt rewarding career.

In late October and early November, we saw patients transferring from the Repat to the brand-new $185 million purpose-built rehabilitation, palliative care and older persons mental health facilities at the Flinders Medical Centre. I would like to commend our doctors, nurses, allied health and other staff in the Southern Adelaide Local Health Network for a safe and successful transfer of patients, and I thank our dedicated staff at SA Ambulance who were instrumental in the move, as well as the whole public health system, for their support, which ensured the moves to the brand-new facilities went smoothly and safely for our patients.

I was lucky enough to be down at the Flinders Medical Centre during my first week as the health minister, to take a look at the new purpose-built facilities following their technical completion. I was joined by the Premier, as well as the members for Fisher and Elder, both of whom are also trained nurses and also tireless advocates for our health system, particularly in southern Adelaide.

I was also joined on the tour by senior doctors and nurses from the Repat and the Flinders Medical Centre, who all told me how excited they are to start treating patients in these new state-of-the-art facilities, which are a game changer for people living in the south. I met a rehab patient, who at the time was being treated at the Repat. His name was Paul.

Paul had a nasty ladder fall at home and has since had 15 operations over a three-year period. While Paul couldn't fault the rehab care he had received at the Repat, he was impressed by the new facilities and excited to start treatment there. Paul was an incredibly optimistic individual, particularly in the context of the substantial injuries that he has suffered. He is testimony to why it is so important to invest in high-quality public health services.

I also met Debbie, the daughter of a patient who spent his last days at the Daw House Hospice. Similarly, Debbie couldn't fault the amazing care that was provided by the staff at Daw House, but she admitted that it was difficult for her father to share a bedroom and bathroom with other patients in tired facilities, especially at such a sensitive time.

The investment at the Flinders Medical Centre was delivered both before time and also under budget, I am advised, and has supported approximately 225 full-time equivalent jobs during construction. I sincerely thank and congratulate the builders, architects, clinical staff and health administrators, all of whom have made a massive impact on the project and ensured that it has gone smoothly.

The state government's investment also includes a 55-bed rehabilitation centre and a 15-bed palliative care facility, with a panoramic rooftop garden and a 30-bed older persons mental health unit. It also includes a 1,820-space car park, which opened for the first time in late September. This represents 1,260 more spaces than before the works began. For those who have experienced car parking at the Flinders Medical Centre, particularly during the past few years of construction activities, these additional spaces could not have come soon enough.

I would like to make special mention once again of the members for Elder and Fisher, who I understand both campaigned tirelessly for better car parking at the Flinders Medical Centre. Their campaigning for the people of the south has resulted in dedicated and free parking spots for hospice visitors and patients, as well as state government investment in two extra storeys, bringing what was previously planned as a five-storey car park to a seven-storey car park. That's what high-quality public advocacy looks like.

Importantly, the new infrastructure at Flinders Medical Centre is ensuring better patient care. The new rehabilitation facility includes state-of-the-art gymnasiums, a hydrotherapy pool and robotic equipment. Being located on site at the Flinders Medical Centre, it allows patients recovering from a car accident or a stroke, for example, to access their rehabilitation in first-class modern hospital facilities much sooner, even when they still require acute and complex care from specialists at the Flinders Medical Centre.

This is a really important point. One of the objectives of developing this new rehab facility and making the decision to move away from the Repat site was about ensuring that people can get access to rehabilitation services while they are also getting access to acute care needs. There is a policy virtue when you listen to the experts that there is indeed a benefit in co-location of these services; again, another classic example of the differences between the two major parties.

One party looks at evidence and research and is committed to actually improving people's care and we act on that advice, versus those opposite, who fly by the seat of their pants and conduct their policy, develop their policy, on a whim, trying to work in with a new cycle, trying to work in with whatever the reshuffle is that's happening, or trying to work in with whatever the crisis is that is occurring within the party room.

I am told that contemporary clinical practice and evidence tells us that rehabilitation is most successful when it starts as soon as patients are ready. For example, we know that older patients can decondition quickly in hospital, leading to longer than expected hospital delays and stays. That's why getting them mobile through active rehabilitation is very important. The co-location of rehab services at the FMC will ultimately mean patients get better care, recover more quickly and can return home from hospital sooner.

The new palliative care facilities I have had the opportunity to visit are particularly impressive. Having been designed especially for those in vulnerable stages of life, the single patient rooms are light filled and clearly a significant improvement on what was available at the Daw House Hospice. We know that the Daw Park hospice holds a special place for many people, particularly those whose loved ones have spent their last days there. Indeed, I count a family member as one of those.

However, we also know that the facilities are no longer suitable for modern day palliative care. Unlike the Daw Park hospice, the new facility is fit for modern palliative care treatment, which has advanced significantly over the last 30 years. It has 15 single rooms, all with individual bathrooms, providing greater privacy for patients and their families and the comfort and dignity they deserve. It provides a better fit for purpose working environment for the doctors, nurses and allied health professionals who care for them.

It has a wonderful rooftop garden, with panoramic views of South Australia's coastline and native gardens. Palliative care patients are even able to be brought out to the garden while still in their hospital bed, allowing them to enjoy the sunshine and breeze on their face during what may be some of the last moments of their lives—a dramatic improvement. I have been told by doctors, nurses and allied health staff I have met from the Repat that, while they are quite emotional about leaving the Repat, they are also excited about the brand-new facilities they are now working in.

The dedicated staff who worked at the Repat have always provided incredible care, and I am confident that positive culture and excellent care is now being replicated at the brand-new, world-class, purpose-built facilities. Late last month, on 21 October 2017, an open day was held for the general public, allowing them to also tour the brand-new facilities at the FMC. I am told the event was very successful and attended by approximately 1,000 members of the community. Staff from the Southern Adelaide Local Health Network have told me that the feedback received on the day showed that people were very impressed with the new facilities.

I would like to thank and congratulate all the staff and volunteers who took part in the planning and delivery of the open day to provide the local community with the opportunity to tour the wonderful new facilities. The wonderful new facilities at the Flinders Medical Centre are just one example of this state Labor government's commitment to modernising our health system across this state. Since we have been in government, we have invested over $4 billion to upgrade every metropolitan public hospital and every major country hospital in South Australia.

The Hon. J.S.L. Dawkins: No, that's not right.

The Hon. P. MALINAUSKAS: Yes, it is. Importantly, we brought the Modbury Hospital back into public hands. I will just repeat that: importantly, we were the government that brought the Modbury Hospital back into public hands, where it belongs. It was the Labor government. Our current investment of a massive $1.1 billion—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —in the public health system will ensure it continues to be modern and cutting edge. We will spend $528 million to build a brand-new Adelaide Women's Hospital to be co-located at the new RAH. This will ensure mothers and newborns have access to the most modern facilities and best care possible. We are investing more than $217 million at The Queen Elizabeth Hospital to provide modern, world-class facilities for all western suburbs residents, as well as patients who need to access the most advanced, specialised rehabilitation services in this state.

As I said previously, we are upgrading the Lyell McEwin, Flinders, Modbury and Mt Barker, and we have finished the new $15 million veterans' mental health precinct at Glenside. This is what Labor does best, and we will continue building a modern public hospital system so that South Australians can access modern, world-class facilities and high-quality health services. Most importantly, we will be a government that ensures that it remains in public hands.

FLINDERS MEDICAL CENTRE

The Hon. T.A. FRANKS (15:21): Supplementary: does the minister concede that the good and shining example of the Flinders Medical Centre in involving clinicians every step of the way in the process of design and construction is the way to go in the future, rather than the failed PPP process of the NRAH, where clinicians were kept at arm's length and which resulted in unnecessary oversights, overruns and errors?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:22): As has been reflected upon on more than one occasion thus far in this question time, this government always wants to work with experts. We understand that high-quality public policy has to be evidence based. We have to take advice from experts. Where experts disagree with each other, we will form a well thought through, considered opinion and arrive at the best conclusion in the interests of the public.

Apparently, that is not a way of developing policy that deserves—it certainly doesn't have—unanimity of support. There are some other political parties, even those that aspire to be in government, that don't have the same methodology, which is extremely concerning. However, this government, this party, will always underpin its policy based on evidence, whether it be education, health, energy, environment or water safety. You name it, we will always take on board the advice of experts.

REPATRIATION GENERAL HOSPITAL

The Hon. R.L. BROKENSHIRE (15:23): I seek leave to make a brief explanation before asking the Minister for Health some questions about the Repatriation General Hospital at Daw Park.

Leave granted.

The Hon. R.L. BROKENSHIRE: Colleagues would know that I, on behalf of my own family and, indeed, on behalf of tens of thousands—in fact, I would say hundreds of thousands—of South Australians was always appalled that this government decided to close the campus of the

Repatriation General Hospital, rather than actually put money into new capital works upgrades. In fact, for more than a decade, it deliberately ran that hospital down as an excuse to do what we are now hearing the minister say they are doing.

My concerns also are particularly for the staff at the Repat hospital because I am advised by people working at the Repat hospital that there has been an absolute lack of communication throughout the whole process of closing the Repat to the staff. They also tell me that staff members are very unhappy that the Repat hospital is allegedly giving no support or communication to those staff.

In fact, some of those staff were offered packages and others were getting transferred to new hospitals in a different position than they are in now. Some might not even get packages they were offered and have been told that they might have to go to work at the Flinders hospital, and in a case where they had been an orderly at the Repat, they would have to put up with being an employee in the hospitality area. My questions to the minister are:

1. Is the minister satisfied that there was proper communication planning and general dialogue with the staff throughout the procedures to close the Repat?

2. I have been advised and I ask the minister: can the minister confirm that medical equipment, food, stationery, desks, electrical products and furniture have been crushed or thrown out, yet nursing staff are still in need of these particular pieces of equipment? Have they just been crushed and taken to the dump?

3. Can the minister also confirm that they are still transferring patients into the Repat hospital because of the overflow at the Flinders hospital, because the staff are telling me that is the case? Whilst the government has carefully worked on getting pictures in the media of ambulances removing patients from the Repat and taking them to the FMC, etc., the staff tell me that you have not organised to get photographs of the ambulances coming back the other way bringing overflow patients from the Flinders back into the Repat.

4. Is it true that the government has done a dirty little deal on the side and that they are going to open sections of the Repat to offset the problems they have with overflow until after the election in March next year?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:26): I have acknowledged on more than one occasion, and I think it is probably pertinent in the context of this question to acknowledge it again, that moving off the Repat site has been a difficult undertaking. This has been a difficult decision to make. It is a decision that the government made some time ago and it has received a lot of criticism for it. On one level, that is human. This site has delivered an outstanding service for South Australians for a long period of time and a lot of dedicated men and women have worked within the Repat site and honoured its legacy by delivering high-quality public health care there.

As I stated previously, lots of those facilities and lots of the physical infrastructure was old, run-down and tired, and it only takes a quick walk through that facility to realise that it is no longer purpose-built or fit for purpose, particularly in regard to sections like Ward 17, for instance, where the staff there do an amazing job in helping out those service men and women who deserve our support. Since that facility was first built, we know that it is run-down and is not fit for purpose and we have now built a modern facility that is designed to meet the model of care and the needs of today, and that undoubtedly assists those people who get access to those services.

We are very grateful that the majority of staff have moved across to other facilities and we anticipate that their culture and their commitment will continue in those new facilities and that is a great result for South Australians, particularly those people in the Southern Adelaide Local Health Network area.

Matters of Interest

WHITE RIBBON DAY

The Hon. M.C. PARNELL (15:28): I rise today to speak about the White Ribbon campaign. We all know the statistics: one woman per week on average in Australia is killed by an intimate

partner and one in three women will suffer domestic or sexual violence or abuse in her lifetime. We also know that the vast bulk of perpetrators are men.

Last Friday, many MPs attended the annual White Ribbon breakfast in support of the campaign to end men's violence against women. The guest speaker was Dr Michael Kaufman from Canada, who is co-founder of the White Ribbon campaign globally. He described how three men got together in response to an horrific university shooting in which the gunman targeted female students. They agreed that something should be done and that ultimately men should take responsibility. The rest, as they say, is history. White Ribbon is now a global movement operating in dozens of countries around the world, and I am proud that South Australia leads the nation and that Adelaide regularly hosts the biggest White Ribbon breakfast and the most community events.

The following day, last Saturday, in the morning several hundred of us, including many MPs, marched from Victoria Square to Parliament House to show our support for the campaign and to recommit to never commit or excuse violence against women or to stand by in the face of such violence. Saturday was also the International Day for the Elimination of Violence against Women. I expect that a number of MPs are, like me, members of the Asian Forum of Parliamentarians on Population and Development, and that organisation, in celebrating or commemorating, or however you put it, that particular day put out a statement with the theme of Leave No One Behind: End Violence Against Women and Girls. So it is a big day in the antiviolence calendar.

What I really want to draw members' attention to is the fact that just recently the Victorian parliament became the first parliament in the world to be accredited as a White Ribbon workplace. I will read just a few sentences from a press release that came out recently under the heading, 'Victorian Parliament makes White Ribbon history':

> The Victorian parliament has made White Ribbon history by becoming the first parliament in the world to achieve White Ribbon workplace accreditation. White Ribbon Australia has today officially recognised the Victorian parliament as a pioneer in contributing to the national cultural change to prevent and respond to violence against women.
>
> Legislative Council President Bruce Atkinson and Legislative Assembly Speaker Colin Brooks welcomed the accreditation announcement. 'This is a significant achievement for the Victorian Parliament and makes us a world leader in helping to prevent violence against women,' the Presiding Officers said. 'Our Parliament's White Ribbon working group has put together members of parliament, electorate officers and parliamentary staff working together to ensure that our shared workplace is committed to the change that is needed nationally to prevent violence against women that affects so many lives.'

I will not go through the rest of that release, but I point out that, whilst our Victorian counterparts are no doubt proud of being the first parliament in the world to achieve such accreditation, there are a number of South Australian institutions that have received White Ribbon accreditation, including a large number of government departments. In fact, if you count all the government departments and all the NGOs there are some 22 from South Australia, so we are certainly doing well on the national stage.

The reason I wanted to put on the record the notion of White Ribbon workplace accreditation is to put fellow MPs on notice that when the parliament resumes after the election next year I will be seeking to get together like-minded MPs who would like the South Australian parliament to be the second parliament in the world to achieve White Ribbon workplace accreditation. If members are interested they can go to the White Ribbon Australia website, where there is a document that sets out the standards and criteria.

It is worth pointing out that it is not just a question of ticking the box and saying that we promise to abide by certain standards; there is a rigorous process that must be gone through. I will be seeking to convene a meeting of MPs next year and writing to the Joint Parliamentary Service Committee urging them to embrace the idea of the South Australian parliament becoming the second in the world to become an accredited White Ribbon workplace.

BOOTH, MR D.G.

The Hon. R.L. BROKENSHIRE (15:34): I rise to place on the *Hansard* record my appreciation and, I can easily say, that of thousands and thousands of South Australians, Australians, and in fact international friends of the late Devron Gene Booth, who was born on 30 August 1941 and who passed away on 22 July 2017.

Devron was the very much loved husband of Lynne. They had an exemplary marriage and were a shining example of how to conduct a marriage. They were not only husband and wife but also, from my observations, the very best of friends. Devron was the cherished father of Stuart, Alison and Meredith whose spouses are Kylie, Paul and Warren. He also had the privilege of loving and adoring seven wonderful grandchildren.

As a friend of Devron, I watched him closely and was mentored by him over the years. He helped me in politics, attended functions to help me in the electorate of Mawson and was always prepared to contribute. He was someone I saw as a very special person and a strong contributor to South Australia. In fact, I first met Devron as a very young person when I went to their farm at Morphett Vale near the Emu Hotel where the doctor's surgery, the White House, Flaxmill Road, is now. They farmed right through to the now Onkaparinga city council war memorial with prime lambs, cropping and grapevines. They had a small fleet of LS Booth wine trucks, doing it the hard way.

They were well brought up by their family. Lindsay Booth Sr was a very diligent, hard worker. He demanded a fair bit from the three sons, but he was able to see them develop into wonderful businesspeople. Whilst they all had a different niche within agriculture and the transport industry, they were able to combine that with transport, with wine grape growing and also with other successes that I will come to in a moment.

It was amazing how Devron helped to build this family business. It was LS Booth Wine Transport for a very long time. In 2001, it changed. It is now Booth Transport but by 2001 when Devron sold the wine transport side of the business to Brian, they had 80 prime movers, 40 tankers and 40 trailers. Since then, it continued to grow through the family to the point that they now have 918 registrations with 230 trucks and 325 tankers. The Booth family now has a fourth generation of Booths working within that industry.

I personally observed that Devron had incredible business acumen. He could actually network better than most people I had seen, but he always had time for everybody he was involved with right through to the last days of his life. He had an opportunity in the few weeks before to come into the parliament. That was a very important day for me and for his family. He very much enjoyed that day and was still actively engaged in everything that was happening around him. Whilst he was extremely successful and built a strong business, he always had the capacity to look at other opportunities.

With his son, Stuart, he actually designed a collapsible air-operated safety ramp along the top of all the tankers you see travelling around Australia, which was an incredible invention that is patented throughout most of the world. That has also turned into an extremely successful business. Stuart today continues that business on behalf of his father's family and Stuart's own family. I know that will continue to be a successful business. We see Brian and his family continuing to build an even bigger and stronger transport network across Australia.

Whilst I really would have liked about 55 minutes to go right through Devron Booth's life, in five minutes I have given a snapshot of someone who contributed so strongly to South Australia and Australia, who was incredibly successful but was a humble person, a person who actually loved to talk and engage with all age groups. He could relate to his grandchildren right through to 80 and 90 year olds. He enjoyed his golf and sport. He was a very good time manager and ensured that he always had special time to put into his family, which he cherished so much. Whilst he definitely passed away way too young, he has left an enormous legacy and has been of huge benefit to the building of the economy and of the community in South Australia and Australia.

WORLD AIDS DAY

The Hon. T.T. NGO (15:39): Last week, on Thursday 23 November, I had the pleasure of opening Relationships Australia's South Australian World AIDS Day event on behalf of the government and launching with the Hon. John Dawkins the music video for the community-produced song *Positive Change*. The song's message is simple but powerful, with lyrics such as, 'We're all in this together, let's all work to make concerted change. Okay! So what? Let's feel free to talk about it.'

The event was well attended by members of various culturally and linguistically diverse backgrounds. It was particularly moving to hear people talk about their experience of living with HIV. PEACE Multicultural Services at Relationships Australia SA not only holds a World AIDS Day event each year; it works tirelessly throughout the year to build relationships with diverse communities but, most importantly, to start conversations and raise awareness about HIV.

The South Australian government continues to invest in primary and secondary HIV prevention, testing, treatment, care and support. The South Australian government has strong partnerships with non-government organisations, including Relationships Australia SA as well as medical and allied health, researchers and affected communities, to ensure that a comprehensive range of programs and services are available for people living with HIV and for those who are at highest risk of infection in our community.

Australia is committed to the United Nations target that 90 per cent of all people diagnosed with HIV will receive sustained treatment by 2020. Significant progress has already been made in Australia in terms of high rates of treatment, care and support for people living with HIV. According to the Kirby Institute's 2015 annual surveillance report, an estimated 90 per cent of people living with HIV are diagnosed, 75 per cent of people living with HIV are on antiretroviral therapy, and 69 per cent of people living with HIV are virally suppressed. This means their level of HIV is reduced to undetectable levels, and they are therefore not able to transmit HIV.

Despite these achievements, people living with HIV still face stigma and discrimination. There is much work to be done to address this. Discriminatory treatment has a negative impact on the health and wellbeing of people with HIV, including reducing access to care. For this reason, a key objective of the current national HIV strategy is the elimination of stigma and discrimination for people living with HIV.

This can be particularly challenging for members of culturally and linguistically diverse backgrounds. People from these backgrounds are more likely to be diagnosed late, as they only get tested when there are some symptoms. This needs to change. HIV can affect anyone. HIV does not discriminate between people. Everyone has a role to play in eliminating the stigma and discrimination that people living with HIV face. That is why the theme of World AIDS Day this year is so fitting, 'Making a positive change: the power of the collective!'

I encourage all honourable members on World AIDS Day this Friday 1 December to show their support for people living with HIV and to commemorate people who have sadly died. I also encourage honourable members to continue their support beyond World AIDS Day by starting conversations to dispel myths about the disease. The whole community needs to work together to send a message of love, respect and togetherness throughout the community so that those living with HIV feel supported. I also encourage members to share on their Facebook page the music video that was launched last week.

UNIVERSAL DESIGN

The Hon. K.L. VINCENT (15:44): Given that the Dignity Party has amended state planning law to include universal design principles and that I recently had the pleasure of hosting Adelaide's first universal design forum, I wanted to take this opportunity to talk further about universal design. Universal design, or design for all, is a way of ensuring that our homes, buildings, streets and appliances can be used by as many people as possible without the need for adaptation.

Universal design is not a new principle, so what has been holding it back? I think there are two widely held negative attitudes towards universal design: first, the perceived financial burden of creating accessibility; and, secondly, the idea that such design only benefits a few. On the financial side of things, research shows that universal design is either cost neutral or adds only a small amount—namely, between 0.5 of 1 per cent and 2 per cent—to an entire project cost and, in the context of building a home, a hospital or a community facility, this is a tiny investment in some really big changes. So, the investment is minuscule and there are huge savings to be made in preventing falls alone when we implement universal design from the outset.

The idea or attitude that universal design is not worth implementing because it only benefits a small amount of people can be refuted by the fact that it is, in fact, called universal design. The number of people with disabilities is, of course, increasing as our population lives longer—and we

know that our population is rapidly ageing. Benefits, too, are there for everyone, whether they are using a mobility aid such as a wheelchair, wheeling a suitcase, a pram, moving furniture in and out of a house or wheeling a bicycle.

Universal design is not about me any more than it is about each and every one of us. I was invited to speak at the Universal Design Conference in Sydney and from that opportunity came the idea to host a one-day forum in Adelaide. The universal design forum was held at the Convention Centre on 26 October this year. In South Australia, now is the time to lock in practices that will provide ease of access for all now and into the future so that we can rapidly meet the changing needs of our ageing population, community, locals and tourists alike.

In 2012, I visited Norway where universal design was introduced as a planning concept in 1997. That puts Australia to shame, does it not? 1997—that is 20 years ago. When I was in Oslo I visited the Norwegian national parliament. The building happened to be undergoing major renovations but, notwithstanding this disruption, I was still able to enter parliament house through the same door as everyone else. That is, of course, just a tiny example of the radically different attitude to accessibility that is evident in Norway. The Norwegian government gets it: universal design is an enforceable, legal standard and they have an action plan for Norway to be universally designed by 2025, and long may the South Australian parliament follow suit.

I certainly do not believe the blockage to progress is the everyday person on the street. For some time, I have spoken with groups and mentioned that just four features would bring every newly built home toward accessible design. They are a step-free entry, wider doorways, a bathroom and toilet on the ground floor, and reinforced bathroom walls. Every time I detail those four features, the response is the same: people agree that it is necessary and they simply cannot understand why something so important is not happening automatically. Again, to futureproof our community we need to make it happen.

I believe we need to ensure that we achieve great change in the city and, indeed, in the state and nationwide. Universal design is not something that is niche, or it certainly should not be. It is not a speciality and should not be seen as one. It is a human-centred design that simply means making all places and spaces accessible for everyone to do everything. I look forward to working with all members of parliament to make sure that we finally, eventually catch up to the likes of Norway in making universal design a legally enforceable standard for the good of all South Australians, particularly given our ageing population.

ATKINSON, HON. M.J.

The Hon. R.I. LUCAS (15:49): The headlines of the last week, such as 'Speaker sorry for creepy Tweets', with allegations of bullying, sexist harassment, inappropriate behaviour and so on, are an indication of a sad and ignominious end to a very long career from Speaker Atkinson. The sad fact for Speaker Atkinson is that he has been a serial offender in relation to these types of allegations. I have previously placed on the record, on behalf of former staff, two successful staff claims of bullying against Speaker Atkinson in 2013 and 2015, which were settled at taxpayers' expense. I put on the public record details of another staff member who had given evidence that she had been reduced to tears as a result of the behaviour of Speaker Atkinson in his office.

Evidence going back to previous select committees—and let me refer to the Atkinson-Ashbourne select committee where the former deputy leader of the Labor Party, Mr Ralph Clarke, in evidence indicated that the member for Florey had told him during 2005 that the attorney-general had bullied her over a number of incidents and that she had at one time gone as far as taking advice from the police. That is the advice from two former Labor members in relation to Mr Atkinson's treatment of one particular member.

The issue of Speaker Atkinson's career is one that will take longer than five minutes to address, but I do want to indicate that his reputation as a member and as a Speaker will be forever stained by the Atkinson-Ashbourne affair. Members will recall that this relates to claims made by former deputy leader Ralph Clarke that offers were made to him for two board positions at a total cost of $60,000 to taxpayers for him to discontinue a defamation action against Mr Atkinson. That was the subject of a number of inquiries. Speaker Atkinson was then forced to stand down from his position as attorney-general by a furious, we are told, acting premier Kevin Foley and there was

subsequently a select committee of this parliament and the majority of the members found in that particular select committee as follows:

> The claim made by Attorney-General Atkinson that he was not aware that Ralph Clarke was offered government board positions in connection with the finalisation of the defamation case is not credible. The Attorney-General's claim is directly contradicted by his own staff and is inconsistent with the evidence of numerous witnesses.

That inquiry showed that former Atkinson staff member George Karzis, Labor staffer Randall Ashbourne, evidence from Cressida Wall, who was the chief of staff to Kevin Foley, Ralph Clarke himself, former Labor MPs Chris Schacht, Murray DeLaine and Labor party members Gary Lockwood and Edith Pringle at various levels did not provide any support for Mr Atkinson's position or directly contradicted Mr Atkinson's claims in relation to that tawdry affair. There is no doubting, as I am sure most members would acknowledge, that Mr Atkinson should have resigned from his position permanently as attorney-general. If he had not resigned, he should have been sacked by the premier if there had been any level of decency under the Labor government at that particular time.

There is no doubting that, if there had been an ICAC at that time, this is exactly the sort of issue that the ICAC was brought into South Australia to investigate. What we had from a former deputy leader of the Labor Party—not someone associated with the Liberal Party—was a clear accusation that he had been offered two paid board positions at taxpayers' expense for him to discontinue a defamation action against attorney-general Atkinson. That was the situation; they were the claims that were made and there was no doubting, in my view, that is one of the reasons why we needed to establish an ICAC in South Australia.

In concluding, as I said, it is a sad and ignominious end to Speaker Atkinson's career. I go back to some of the claims that he made in his very early days as a fair indication of the measure of the man. I look at some of his literature, which he circulated in his electorate, proudly boasting, and I still have a copy here, 'No white limousines or junkets for Michael Atkinson.' My message to the electors for Speaker Atkinson's electorate: judge him against his particular claim that he made when he originally sought office back in the eighties and nineties.

MCLAFFERTY, MR J.

The Hon. J.E. HANSON (15:54): I wish today to speak about the recent passing of a good friend and a long-time Labor stalwart of the north-eastern suburbs of Adelaide, Councillor Jim McLafferty. I had the pleasure of serving with Jim on the Tea Tree Gully council for a number of years and, like many, I came to know Jim rather quickly.

As confident as he was, he wore his entire character on his sleeve for all to see. Jim stood out for his friendly demeanour, his quick-witted comments and his steadfast belief in standing up for the interests of our community and its people. During Jim's time on council he fought and won many battles for his residents, and was proudly and unashamedly biased in his pursuit to ensure that his ward, which was Steventon ward, got its fair share of spending and resources.

Jim loved taking on anyone who he felt was doing the wrong thing by his residents, and he never hesitated to go in to bat for those residents. Being on council, in fact, in many ways kept Jim going, even in recent times when his body was not quite the same as it once was. Through his long struggle with illness he remained, in my opinion, as sharp as ever.

Jim absolutely loved his role on council, and I know that he was extremely proud of the fact that, up until recently, had not missed a single council meeting in over 10 years. He was exceptionally committed to serving his community.

Jim was not only a great councillor; he was also a top bloke. You could fiercely disagree with him in the council chamber on an issue, yet after the meeting you could go back, knock off a beer with him and all would be good. Many decades prior to Jim and I getting to know each other Jim had met and married the great love of his life in Chris. My thoughts go out to Chris during what I know must be an immensely difficult time.

I am also told that, prior to Jim and I meeting, Jim was a member of one of Adelaide's great unknown bands and had a deep love of music, often played as loud as possible. Like many Adelaideans, he also had a love of cars, which were often equipped with a solid sound system so

that he could combine his two favourite hobbies while taking Chris and their sons on trips around regional South Australia.

Every year, Jim would insist on getting in the car and driving around the City of Tea Tree Gully for his annual trip to find things that he said needed fixing. While I never joined him on this trip myself, it was not for want of Jim asking me to come with him—something I regret now. I know in recent years that he was very proud of all the things happening in his ward: the landscaping upgrades, the playgrounds being built in the area, and, of course, the footpaths going in everywhere. He often jokingly said, 'Boy, am I good; boy, am I good', and he said this, I believe, because he knew deep down that he really did make a huge difference to his local area.

The last time I saw Jim was at the recent wedding of a close mutual friend. We sat next to each other during the ceremony, and I recall smiling and laughing at shared jokes and some fairly cheeky observations throughout the ceremony made by Jim. It was a happy memory and in many ways it matches the character of the man. He had a great sense of humour, a great wit and frequently said things that, frankly, no-one else could get away with saying.

It is safe to say that if you knew Jim you would agree with me that it was easy to like him, and even easier to regard him as a deeply good person. I certainly did and, like many others whose lives he touched in his 68 years, I will never forget him and I miss him very much.

ADELAIDE ARCHITECTURE

The Hon. A.L. McLACHLAN (15:58): Adelaide was founded with such aspiration. The city was planned by Light and settled by those freely seeking a better life, rather than arriving in chains. These aspirations, and their faiths that underpin them, found expression in their buildings, particularly their churches. This culminated in the building of a cathedral to our north.

With the relatively recent offerings of public architecture I believe we are squandering our architectural inheritance and embracing a mediocre aesthetic. While cities in Europe that face similar economic challenges as do we seek to lead their revival with dramatic public architecture, we do the opposite and embrace banality, served up to us by architects wedded to mediocrity in the form of modernism. The modern architect is unified in their hatred of classicism and the blind love of the modern. Their practice is so dominated by a modernist consensus that all public architecture is virtually indistinguishable. Our society is the poorer for it.

The ugly recent additions to our cityscape were built without meaningful public consent. The only debate was regarding the location and utility. The new hospital shape has no aesthetic merit and together with its cladding it will ensure the building will soon look dated. It is not an inviting design for a place of healing. It is joined nearby by two towers constructed under the patronage of the universities. Both, in my view, are of questionable architectural merit. No attention has been given to the interiors, which replicate soulless office blocks rather than places of learning and aspiration to heal the sick.

This is not surprising from the University of South Australia. While as an institution it has delivered much good to the state, this cannot be said of its contribution to public architecture. Its riverbank tower follows on from the philosophy of its western campus. This campus is designed like a factory, where any green space has been attacked by layers of concrete. I think that the campus looks like a Victorian workhouse.

However, there is little excuse for the University of Adelaide. It does not have the heritage of a technical college. It was founded on the ideal of the European university. Its master plan for the eastern end of North Terrace should give cause for all of us who value beauty to be concerned. That proposed development will, if realised, ensure that the once great boulevard of North Terrace will be diminished by the cult of modernism.

Adelaide's campus is already architecturally bastardised by vanity projects of every era. Yet every modernist addition to the campus has no relation to its traditions. As a whole, it is a mishmash of styles and demonstrates that over time our leading institution appears to have lacked a credible and enduring vision of societal purpose. You do not see the modernist buildings often in the university's advertising; rather, it is the classical buildings that are showcased. The new buildings are quietly ignored when seeking new students.

This indicates that those who are responsible for the modernist edifices that now haunt us have done so only to satisfy their own tastes and the tastes of their elite cadres. I suspect that these architects took an unrelenting approach to the utility of the buildings without a moment's thought to the life of the students or their teachers. These modernist buildings and their collective banality are a constant reminder of why we need public architecture to provide compelling icons for our society and inspire us to achieve our many aspirations.

Our places of learning are joined on the riverbank by new unimaginative additions to the Convention Centre. These are disappointing and pronounce that South Australia does not seek to be a world leader in its chosen endeavours. They are an aesthetic desecration of the riverbank. Perhaps these new buildings that cut into our landscape are a reflection of our political time, modernism that eschews the individual, a turning away from traditionalism and community. These buildings and those like them are not drawn from our society's past experience and travails. Rather, these public buildings have nothing to say and simply mimic shopping plazas that can be found the world over. Perhaps this is the architectural legacy of 16 years of Labor and its commissars: modern buildings that serve a purpose but over time will not be cherished or inspire.

Parliamentary Committees

SELECT COMMITTEE ON STATEWIDE ELECTRICITY BLACKOUT AND SUBSEQUENT POWER OUTAGES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:03): I move:

That the final report of the select committee be noted.

It is with pleasure that I present the final report of this select committee. Members would know that it was established earlier in the year—I think it was around about the beginning of March this particular calendar year—as a result of the statewide blackout we had on 28 September 2016, which I think everybody thought might have just been a once-in-a-lifetime blackout, and then of course we had subsequent blackouts and power disruptions on 27 and 28 December, and also on 8 February 2017. I think everybody thought, 'Obviously there is something that needs a closer look.'

Before I get into the main body of my contribution, I would like to thank the members of the committee: the Hon. Mark Parnell, the Hon. Gail Gago, the Hon. Terry Stephens and the Hon. Robert Brokenshire. Unfortunately, there was a clash with the Natural Resources Management Committee meeting, so the Hon. Robert Brokenshire came to part of a couple of meetings early in the piece. He did not formally resign from the committee, but also did not attend any other meetings. It is unfortunate, but I guess he has a bit of an interest in the proceedings.

I also thank the committee secretary, Ms Leslie Guy, and the committee research officer, Ms Christine Bierbaum. Without those expert people to bring the evidence together and formulate it into a report, the committee would be all the poorer. I would also like to thank all the people and companies who made submissions. All the people who were invited to give evidence and did so were an important part of the whole process.

I will briefly go through the terms of reference: the causes of the blackout, delays in recovering electricity supply, credible warnings of potential for such an event, the cost to households and businesses, the lessons learned from the blackout, the power outages on 27 and 28 December and 8 February that we added to the terms of reference, the role of power companies in the state and national electricity regulators, and the reforms that would improve electricity reliability and affordability in South Australia whilst reducing carbon emissions, which I think is one that the Hon. Mark Parnell put forward. We also included the state electricity plan, because the government released that while we were taking evidence, and any other relevant matters.

I think the report speaks for itself. I know we have a very large day of private members' business ahead of us, but there are a couple of points I would like to make on the terms of reference. Regarding the causes of the blackout, there has been quite a lot of discussion and debate around whether it was because we had renewable energy or because we did not have a coal-fired power station anymore, or because we lost three of the four main transmission lines going to the north of the state, or because the ride-through settings were wrong on the wind farms. It does not matter

which side of the argument you are on, you can find evidence to suggest that one of those things was a factor.

Clearly the ride-through settings on the wind farms were an issue that nobody knew much about. One of the recommendations is that AEMO should have known about it and should have made it its business to know about it. Certainly, the fact that they stopped producing electricity at the wind farms when the Heywood interconnector was at almost its maximum meant that we had no other supply and the system tripped. As I said, you could spend half a day arguing over exactly what the cause was and which particular component of our electricity system was at fault, certainly with some of the other events when we had load shedding. SA Power Networks probably got it wrong in the February event.

Nonetheless, the first reference was the causes of the blackout. Clearly, we had a very high demand. The Heywood interconnector was at its maximum and we no longer had a coal-fired power station, so there was a good case to say that the north and the west of the state may have stayed on, and if they did not stay on they could have been restored much more quickly.

Of course, the ride-through fault settings on the wind farms were set to such a point that they could not withstand the faults they were getting with the transmission lines going out. They were shorting to earth, so they shut down to protect the wind farms. So, there are a number of reasons, and maybe it was the fragility of our system that led to it, but there was no clear bit of evidence that said it was one thing that was the reason that it all went black on us on that particular night.

With regard to delays in recovering electricity supply, the system restart is quite a difficult mechanism to manage. All evidence we received suggested that if the Northern power station had still been operating, the north and the west of the state—Roxby Downs, Arrium and all the ones down to Port Lincoln and other areas—would have been much quicker to start. We may have been able to restart the rest of the state a bit more quickly, but certainly that part of the state would have been back on supply very quickly. The government took a decision to close that power station. I think it was the Hon. Mark Parnell who talked about Robert Mugabe last night. Was it Robert Mugabe, Mark Parnell?

The Hon. M.C. Parnell: Yes.

The Hon. D.W. RIDGWAY: Yes, and how he was gaoled for blowing up a power station in another country.

The Hon. M.C. Parnell: No, that was Nelson Mandela.

The Hon. D.W. RIDGWAY: That was Nelson Mandela, not Robert Mugabe. It is interesting that we had a government blow up a power station here in the last couple of years, so maybe it might be worth considering that as a place where we could punish them just for a week or two! There is good evidence to suggest that if the Northern power station were still operating, the extent of the statewide blackout would not have been as great and as far-reaching as it was.

The next term of reference was 'Credible warnings of the potential for such an event'. There were freak weather conditions and there is certainly evidence to suggest that tornados tore down transmission lines. They were quite exceptional and that clearly had a significant impact on the transmission network.

We also concluded that there were some changing factors in the market with less synchronous generation, and our market was getting more and more fragile. We certainly had a lot of warnings. When the Hon. Gail Gago, the Hon. Tom Koutsantonis and I were on the ERD committee in 2003, we had evidence back then to suggest that if you had too much renewable and intermittent energy, you risked the stability of the network.

There was some suggestion that the love affair that we have with renewable energy also left our state somewhat exposed during this particular event. There were lots of warnings over the last decade that we were perhaps getting the balance wrong. The government currently talks about transitioning to a low-carbon future. Perhaps that transition should have started differently, not just blowing up the power station and hoping like hell we can get through.

AEMO stated that the planned closure of the Northern power station in May 2016 would create significant challenges for transmission networks and voltage control in the Upper North and Eyre Peninsula regions of South Australia. The Australian Energy Market Operator warned that the removal of that power station was going to create some problems across the rest of the state, and suggested that we saw that with the poor ability to restart the system.

AEMO also went on to say that the likelihood of widespread or regional blackouts after non-credible events increases as the region becomes more reliant on energy imports over the interconnector, and local wind and rooftop photovoltaic generation. The warnings were there that with more intermittent and renewable energy and less base-load generation, and also with the Heywood interconnector being at its maximum, we were getting ourselves into a place where we were vulnerable, and if something went wrong, we would be unable to restart and provide electricity supply to South Australian consumers. There were plenty of credible warnings.

Term of reference (d) was 'Costs to households, businesses and the South Australian economy as a whole'. Initially, Business SA estimated it could be $367 million and they revised that figure upward to $450 million, so $400 million to $450 million is a significant impost on South Australian business and I think that should be taken into consideration. The government has just announced that they could have kept that Northern power station open for $8 million a year for three years. That may not have totally solved the problem or stopped the statewide blackout, but it certainly would have meant that we could have started the north and the west much more quickly, and I am sure that figure of $450 million would have been significantly less.

There are a couple of other terms of reference I would like to address before talking to some of the recommendations. I think we have all learnt some pretty valuable lessons from the blackout. We need a much more resilient and robust network, and that is the focus of the government's electricity plan. Clearly, it is the opposition's electricity plan, going to the next election, that we do not have the Northern power station. While I will continue to complain about it, it is gone. We have seen it blown up. It is now an opportunity to say, 'What is the way forward?' I think the community does not want to see itself exposed to being blacked out.

We are living in a modern, First World country and in my view the lessons learnt are that the community is very upset with losing the supply. It is pretty upset with the cost of electricity, but in the time of an election campaign reliability and price are the two biggest issues, and I think the events of the last two or three lots of blackouts have highlighted or focused the community's interest on reliable electricity. In a modern, Western society when you pay the top premium price you usually get the best quality service; we do pay a premium price but, sadly, as was shown last year with those blackout events, we do not get that premium quality service.

Just one other point, as a select committee we had a quick look at the state energy plan. I do not particularly want to delay the chamber any more, but I do want to make a couple of comments about the state energy plan. We took a lot of evidence from the government agency as well as from a number of other stakeholders and, interestingly, there was not one bit of evidence, not one shred of evidence, that this would have any impact on the cost of electricity. That is an interesting thought.

Clearly the government has focused on and panicked about reliability of supply but, as I said, you should go doorknocking. Everyone should; a lot of members in this place do but a lot do not, and they should go out and actually look into the eyes of the mums and dads, and especially the pensioners, who simply cannot afford their electricity bills. So while the government talks about an electricity plan that gives some sense of reliability, it has not addressed pricing. There was no evidence given to the select committee that there would be any downward pressure on price from the state government energy plan.

As I said, we have a large amount of work ahead of us today, but I will quickly address some of the recommendations. Despite it being a select committee that did not have a political party majority we tried to work through the recommendations, and it was interesting that we were able to come up with some that we all thought were worth pursuing. I will briefly run through a couple of them.

The first is that the South Australian government continues to contribute to a cohesive national policy on energy and climate change and encourages a coordinated, consistent approach

by all governments in the design and operation of energy markets. I would like this government and any future government, whoever it is, to say that we should be looking at that sort of cohesive national policy. That is something that has been missing and I am pleased that the committee, as a whole, has recommended that.

The second recommendation is that the South Australian government continues its work with other jurisdictions to ensure that the NEM has adequately incentivised, efficient and timely investment in low-emission electricity that meets system strengths and security requirements. Again, I think we all accept that renewable energy is here to stay, it is probably going to be an important part of our energy mix going forward, but we have to make sure that the National Electricity Market works properly.

South Australia is the lead legislator, and we have had nearly 16 years of Labor government as the lead legislator, yet at times the Premier and the Minister for Energy have said, 'Oh, the system is broken.' My understanding of it is that they pretty much have their levers on the system, and they clearly have not been playing the leadership role that the state government should.

Something I think that is quite telling is that the South Australian government should abandon the idea of a new state-owned power station. The state government decision to install emergency backup diesel generation over the next two summers is an appropriate response to the potential short-term shortfalls in the electricity supply; however, the government should now prioritise other electricity supply solutions which make these emergency generators redundant within the shortest possible time frame.

It is not often that the Greens and the Liberal Party come together on recommendations, and the Hon. Mark Parnell will say that he wants to abandon it for a different reason to the Liberal Party, but I think we want to abandon it for similar reasons. However, it is interesting that the majority of the committee, and I am sure the Hon. Robert Brokenshire would have been there, said that the idea of buying this new—

The Hon. G.E. Gago: He was never there. He didn't turn up for one meeting.

The Hon. D.W. RIDGWAY: If he had been there I am sure—

The Hon. G.E. Gago: He never turned up for one meeting.

The Hon. D.W. RIDGWAY: No—well, he did turn up to some of the meetings, but perhaps you were not there. It is a shame when members interject about their attendance because the Hon. Gail Gago missed a couple of meetings as well. In regard to investing in a power station, it cost $110 million to lease it. I still cannot understand how you enter into an arrangement where you are going to rent something for a couple of years and if it is any good you are going to buy it. The government has gone and bought it, or agreed to buy it, before they have even tried it. Only the Labor Party would actually do that, I would think. It costs $300-odd million to buy it. That is 300 million reasons why the Greens should not preference the Labor Party at the next election.

The Hon. M.C. Parnell interjecting:

The Hon. D.W. RIDGWAY: The Hon. Mark Parnell throws his head in the air. He has his little deal with the Labor Party on the GM moratorium The very least the Greens could do is have the courage of their convictions and not preference the Labor Party when it comes to this part. It was something he felt strongly about. I would hope that the Greens see some merit in my suggestion in regard to the 300 million reasons why they should not preference the Labor Party.

The next recommendation was about the benefits of interconnection. Undoubtedly, something that came out of the select committee from a number of witnesses was the benefits of being better interconnected. Everywhere in Europe, they talk about countries that have high penetration in renewable energy but they do not have blackouts and that is because pretty much all those countries are well interconnected.

In fact, one of the figures that was suggested at one stage—and I will use South Australia as an example—if you have a rough average daily load on an average day of about 1,500 megawatts, you should have 1,500 megawatts of interconnection so that you can actually supply your average

daily load via interconnections. It is a bit like building an irrigation system to make sure you can meet the needs of the plants at any given time.

I know that the reason the Hon. Mark Parnell wants to abandon the power station is so that we can have more renewable energy. Partly, having a larger interconnector to New South Wales means that you do have the benefit of energy flowing both ways. It gives us the benefit of having some backup from New South Wales during times of shortage and it also gives us a really good opportunity to export green energy to the Eastern States.

There was a little bit of discussion around that recommendation. There was a bit of debate. You cannot have it both ways. You cannot have an interconnector that flows only one way. If you want the benefit of exporting green electricity, you have to have it there to bring in electricity when the wind does not blow and the sun does not shine. Moving on, I was pleased to see that ElectraNet has issued some statements to say that it looks like the Eyre Peninsula network is going to be upgraded. That was a recommendation the committee was going to pursue, so I am pleased to see that that—

The Hon. M.C. Parnell: We made them do it.

The Hon. D.W. RIDGWAY: We made them do it. We forced them to do it. I am not sure that a parliamentary select committee is going to force anything much, but it was pleasing to see that a recommendation we came up with was one the industry has backed. I look forward to that with some interest. I know they are doing their regulated infrastructure test on the interconnector to New South Wales and my understanding is that there will be some preliminary draft report, maybe towards the end of December, and then a final report earlier next year.

I have some hope that we get a positive recommendation there because the evidence we got was, I think, a PwC report that it would put about $108 downward pressure on consumer prices annually at the cost of about $8 per consumer. If you take the $8 off, it is about $100 a year benefit. That is over 40 years, but those big bits of regulated infrastructure are paid for over a very long period of time, so I think there are some benefits from that.

I just want to touch quickly on some national reforms we looked at. There was one around the South Australian government considering recommendations on this and other relevant reviews into reliability and security and the security of South Australia's electricity supply in formulating the state's energy policy. I think it is important that we make sure we have good consistent policy. I wanted to make sure that the government considered these recommendations in their deliberations over our energy policy. I think it is important that, while the government wants to go it alone as a state—certainly, it is not my view, and not shared by other committee members perhaps—you have to make sure that whatever policy formations you have fit in with the national market.

There are a few other recommendations in relation to the national reforms. There is the one around having greater clarity and transparency regarding responsibilities held by different levels of government, network operators, network participants and generators. That was a bit of a revelation to me. The number of layers of bureaucracy in our energy market is quite large. I wonder how much duplication there is across all these different layers of bureaucracy. It is something that has evolved over a long period of time with all the member states. We are probably never going to be doing anything about it, but I think it is important that we recognise that, wherever possible, they should look to remove that level of duplication. I have a couple of quick ones on the national recommendations and reforms:

> AEMO improve its collection of relevant technical information from generators in order to prepare for possible issues that affect the stability of the grid. This includes information about connection arrangements, power output levels, risks and fault procedures. AEMO should use this information to correctly inform its modelling. It was somewhat concerning that AEMO did not have sufficient information available to it to predict the disconnection of wind farms during the September 2016 storms. It now seems that whilst AEMO did know about ride-through settings, it was unaware of other settings that resulted in disconnection…

I think it is beholden on AEMO to make sure they are aware of all of the technical aspects. Maybe this all came as a bit of a shock and they are probably doing a lot better now, but it is certainly something we needed to make sure that they focused on. Another one was:

AEMO pay closer attention to local weather conditions and seek to secure emergency electricity supplies from generators or storage much earlier in the process. AEMO's policies should recognise the different constraints that different types of generation exhibit and the amount of time it takes to bring generation on-line.

One that the Hon. Gail Gago suggested, and I think we all agreed with, was:

Telecommunication companies be required to keep in place more effective power back-up arrangements which ensure that communications work in times of blackouts.

I know that for telecommunication companies it was almost unheard of to have a system black event, but clearly there were some issues in regional South Australia with the backup power for mobile phone towers going down and therefore people lost the use of their mobile phone. Members would know that the old copper wire network worked when you did not have electricity. Now, of course, in this modern time when everything relies on electricity, when you run out of it things do not work. Just quickly, four recommendations that I put in as my little personal statement:

The South Australian Government ensures that action it takes to improve power system security and reliability in South Australia is the most cost-effective and imposes the lowest possible cost on electricity consumers.

It is something that the rest of the committee could not agree with me on, but, as I said earlier, you go and talk to the consumers out on the street and the number one issue is the cost of electricity. They are almost begging us, 'Whatever you can do, please, please give us some cheaper electricity.' I think that is a really important thing. I was disappointed that the committee would not share those views with me. My second point is:

Australian governments support the development of national policy frameworks to achieve objectives for electricity system security, reliability, affordability and emissions which are technology neutral and promote innovation.

Clearly, other members wanted not to have it technology neutral. Again, affordable, reliable, green energy is, I think, the order wanted by most people on my side of politics. They want it affordable, they absolutely want it reliable and as green as you can possibly have it. I find it bizarre that people would say, 'Actually, we don't care if it's all green and therefore really expensive and maybe not as reliable.' I think you have to have a mix there. Certainly, I was disappointed I could not get support for that particular recommendation.

Interestingly, I recently went to an opening of a green energy business in Adelaide and Mr Basil Scarsella, the boss of UK Power Networks, was there. He said, 'Reliable, affordable, green energy—you cannot have those three things in the one statement. You can have two of them, but you can't have three.' It is interesting. He runs one of the biggest power networks in the world and they are shifting away from a fair bit of their fossil fuel energy; nonetheless, he was saying that it is really difficult, even right now, to have those three things in one sentence.

The second to last recommendation to the South Australian government is, through its membership of the COAG Energy Council, to work to ensure that regulatory arrangements for the energy industry, including the division of roles within the various state and national regulators, operate as efficiently as possible to achieve agreed national energy objectives. Of course, members here did not want it. I could not get support from the rest of the committee because, of course, they wanted to go it alone and do their own thing. Clearly, we are in a National Electricity Market. We are a small player. Everywhere else in the world, it says you have to be better interconnected, you have to be part of a national market. They have made a decision they did not want to support that.

The final recommendation was that the approach to system planning, renewables and carbon reduction be based on national approaches. Certainly, it is my side of politics' view that you cannot have different state emission targets and different parameters in which to operate. You have a National Electricity Market, which should be agreed upon and should be done with a national approach.

With those few words, I recommend the report to the chamber. I thank all the members for their time in coming and listening to the evidence. It was conducted in a very earnest and good way. We tried to probe the issues and come up with a list of recommendations that give the government, and especially the new government after the next election, whoever that may be, some clear direction from the select committee. I recommend the report to the chamber.

The Hon. M.C. PARNELL (16:31): I join with the Hon. David Ridgway to thank the committee members for their work on this committee and for helping to pull together a professional and useful report. I would also like to add my thanks to Ms Leslie Guy, the committee secretary, and also to the committee's researcher, Christine Bierbaum, who I think might be new to this game but she produced a most excellent report, as if she had been writing them forever, that required very little editing. I think she has been a good find for parliamentary committees.

The Hon. David Ridgway in his contribution, citing an industry representative as his expert said, 'You can't have reliable, affordable and green. You only get two out of the three.' I think that is at the heart of where we part company because you can have all three, and you must have all three. In this age, when we are facing a climate emergency, we must have all three.

In relation to the specific work of the committee, despite attempts by some in the community to blame renewable energy for the statewide blackout on 28 September last year, and also the Adelaide load-shedding incident on 8 February this year, it was clear that in both cases other factors were to blame. Violent September storms last year, including tornadoes, destroyed important transmission infrastructure and this was ultimately what caused South Australia to experience a system black on 28 September.

In relation to the February 2017 heatwave, the load-shedding event, the failure of existing gas generators to respond to the conditions was absolutely critical. Together with the failure of regulators to ensure that sufficient generation was available, these two factors were ultimately responsible—not renewable energy. The unfortunate situation whereby three times as many customers were subjected to load shedding than was necessary can be sheeted home squarely to SA Power Networks' software and, again, this was not due to renewable energy.

Nevertheless, South Australia's changing energy mix in response to environmental imperatives does require changes to infrastructure, regulation and management of the electricity system to ensure security and reliability. In the past, limits on the amount of intermittent renewable generation in the network were thought to be an insurmountable barrier to those industries. However, today, these issues are being resolved with new storage technologies. These new technologies will allow electricity to flow reliably and affordably to consumers regardless of the time of day or the strength of the wind. In the first instance, batteries are likely to provide the needed storage; however, planning for solar thermal and pumped hydro-storage is also well underway.

In this new environment, the objective of moving South Australia to 100 per cent renewable energy is achievable without compromising system reliability, security and affordability for consumers. Calls to maintain South Australia's reliance on fossil fuel generation are misplaced and ultimately only serve the interests of the incumbent fossil fuel generators at the expense of the broader community and at the expense of the environment, particularly the climate.

The age of coal is over and the age of renewables is well underway. South Australia is particularly vulnerable to policies that favour fossil fuel generators because we are already leading the nation in renewable energy and our state is showing that transition to 100 per cent renewable energy is possible without sacrificing reliability, security or affordability. In short, discriminating against renewable energy is bad business for South Australia.

The Hon. David Ridgway referred to the recommendations on which the committee was agreed and I thank him for doing that. I do not need to go back over that territory, but there were a number of other recommendations that the Greens put forward that did not have universal support and I want to briefly outline what some of those were.

In relation to reforms at the federal level, there were a number of issues involving the Australian Energy Market Operator and some of the research that they should be doing to make sure that our grid is of 21st-century standard. They need to look carefully at how batteries can be used to stabilise the network. They need to look at having a fast frequency response market, and there are other initiatives as well. We are pleased that the Australian Energy Market Commission that makes the rules has finally agreed to the five-minute settlement rule, which is going to provide a level playing field so that the gas and coal-fired generators do not continue to game the system.

One particular recommendation from the Greens that is very timely now is that the federal government's proposed National Energy Guarantee, the so-called NEG, should be abandoned.

Whilst the committee did not take specific evidence in relation to that, the arguments are pretty much the same as arguments in relation to a state scheme, which I will come to in a minute. Certainly, the National Energy Guarantee is bad for South Australia. I am very pleased that the minister Koutsantonis is out there on the national stage saying that it is bad for South Australia. I am also pleased that he is joined by another energy minister from the ACT, a Greens energy minister, lining up with minister Koutsantonis against the fossil fuel industry. That has been a good development.

In terms of particular South Australian reforms, there are four things I would like to touch on very briefly. The first is that increased renewable energy generation in South Australia should be encouraged through appropriate policy settings and public investment. Those policy settings do include the planning system, and I just make the observation that about half an hour ago I lodged my submission against 720 megawatts of brand-new fossil fuel power generation, which I believe is completely unnecessary and completely at odds with a range of government strategies that promote renewable energy and protection of the climate.

The recent history of the federal government is one of policy failure, and we need to make sure that South Australia steps up and fills the breach. We know that as more coal-fired power stations are taken off-line in Victoria, New South Wales and Queensland in coming years, it will be important to construct new generating capacity within the National Electricity Market. South Australia is well placed to take advantage of our excellent wind and solar resources, and this is the logical place to construct new generation infrastructure.

The second Greens recommendation was that increased energy storage in South Australia should be prioritised in parallel with new generation capacity. As the proportion of intermittent generation increases, we are going to need more investment in energy storage in order to balance out the use over the day or between periods of high and low wind activity. Storage will also be needed for ancillary services, including frequency control.

The third Greens recommendation is that we should develop plans for capitalising on excess electricity generation. The Hon. David Ridgway referred to this in his remarks because, clearly one thing that you can do if you have excess generating capacity, especially renewable capacity, is export it to other states.

That does speak in favour of an interconnector, but it is not the only thing that you can do with excess generation. You can also store that excess in batteries. You can use pumped hydro or other storage methods. You can create a new hydrogen manufacturing industry or convert energy into other energy services, or you could promote new energy-intensive industries to come to South Australia. So, there is a range of things we could do.

The Greens' position in relation to the interconnector is that we think it is seriously worth a good look. We need to do a proper cost-benefit analysis, but it is not the only way to deal with excess electricity. There are some concerns that we do not want to end up propping up ancient old coal-fired power stations in the Eastern States with a facility that will just allow them to dump more dirty energy on the South Australian market.

The final additional recommendation that I have made is that the proposed state energy security target regulations should be abandoned. The government has pretty much abandoned them. They delayed their implementation for six months, then delayed the implementation for another two years. They have effectively been abandoned, but it is important for business confidence that the government come out and say that they will not go ahead with those regulations.

I was pleased to be part of this committee. I think we have done some good work. We have come up with some good recommendations, but I still somewhat despair that, when push comes to shove, the argument can degenerate into a pretty mindless discussion around renewable energy and how it cannot possibly meet the needs of the future. Well, it is the future. It is here to stay, and we have the means and the technology to make it work, to make it reliable, affordable and sustainable, and that is the challenge that is before us.

I think the committee has gone part way, but it will be up to future governments to make sure that the policy settings are put in place to deal with the climate emergency and to make sure that South Australia leads the nation in becoming the first 100 per cent renewable state in this country.

The Hon. G.E. GAGO (16:41): I rise to support this report, and of course my attached minority statement. On 28 September 2016, South Australia experienced a statewide power outage. Since then, there has been decisive action taken by this government, including a number of investigations into the causes of the power outage and work done to prevent such an outage from re-occurring.

The investigations included the AEMO review, Burns review, Finkel review, ESCOSA review and also the introduction of the Labor government's new $550 million energy plan. It was disgraceful to note that some, particularly the Turnbull Liberal government, took advantage of South Australia's devastating blackout as a political opportunity to advance anti-climate change and pro-coal agendas.

The evidence given to the committee has been quite clear regarding the cause of the statewide power outage on 28 September 2016. Violent September storms, that included unforeseen and unpredictable tornadoes, destroyed important transmission infrastructure, which caused the Heywood interconnector to trip in response to overloading.

These storms caused serious damage in various parts of the state, and the damage not only created the power outage but also contributed to a delay in returning power to the whole of the state as downed lines and damaged infrastructure had to be located and repaired, and this was done under extremely difficult circumstances. The statewide blackout had a devastating impact on South Australia, with an estimated total cost to South Australian businesses of somewhere between $380 million and $450 million, with the worst impact felt by the regions, particularly Eyre Peninsula.

In regard to the heatwave load-shedding incident experienced in February 2017, it was a failure of existing gas generators and regulators that led to the loss of power connection. Additionally, the excess shedding was a result of a fault in the SA Power Networks software, which caused three times the required number of customers being disconnected. It was also clear from the evidence that AEMO and other energy regulators have lagged behind in their responses to our changing energy needs and uses.

Although regulators' actions around both the statewide outage and the excessive load shedding complied at the time with current regulation parameters, the regulations had not been reviewed and updated in light of climate change and a predicted increase in adverse weather events, nor had any practical steps been implemented to offset the increased risk to power systems due to South Australia's Northern coal power station being decommissioned.

The regulators knew about those matters. They knew well in advance and yet, as I said, no review of their regulations or the parameters of their risk assessment had been done to accommodate those sorts of changes. The increase in risk of adverse and extreme weather events driven by climate change should have caused AEMO and other regulators to review their rules in preparation for the increased likelihood of severe storm events such as those experienced in September 2016 and heatwaves like those in February 2017.

AEMO must improve its collection of relevant technical information from generators in order to prepare for possible issues that affect the stability of the grid. This includes information about connection arrangements, power output levels, and risk and fault procedures. AEMO did not have sufficient information available about the very conservative fault ride-through settings, which resulted in the disconnection of some wind farms during the September 2016 storms. These settings have since been changed, but AEMO had a duty to be aware of them at the time.

The failure of existing gas generators to respond to the February heatwave highlights a need for the new temporary generators that the SA Labor government has invested in to help secure our energy needs and prevent this kind of load shedding, particularly during the coming summer. These temporary generators will, in the long term, form a new state-owned gas power station to be used when commercial generators fail the South Australian public, as has occurred previously. By maintaining the state-owned generators as a fallback, the South Australian Labor government will help provide energy security to thousands of South Australian homes and businesses and do so without discouraging further investment in our energy market.

Our changing energy mix due to environmental need will require changes to infrastructure, regulation and management of our electricity system to ensure security and reliability. Through new and emerging technology, such as the battery storage that South Australia is investing in and future

planning for solar thermal and pumped hydro, the confines created by intermittent renewable energy generation are certainly being reduced significantly. This opens up a wide area of growth in renewable industries and will ensure that consumers can access reliable and affordable renewable energy at all times.

The experience of the statewide blackout in September 2016 has enabled the industry and regulators to identify a number of improvements that could be made in the short and long term to enable better use of information to predict and prepare for such events, better manage the performance of the power system leading up to and during such events, and improve the restoration of power after such events. Calls to maintain or increase our dependence on fossil fuels in the long term, I agree with the Hon. Mark Parnell, are destructive and misplaced. South Australia is leading the nation by demonstrating that a transition to 50 per cent renewable energy sources can be reliable, secure and affordable.

The decision of Alinta Energy to close the Port Augusta power station was based purely on market conditions, as they assessed its operation to be uneconomical. They wanted the state government to subsidise them to remain open. Subsidisation is not a viable solution for a sustainable South Australian electricity supply and would have opened up further issues and knock-on effects with other power stations in the state, such as Torrens Island.

Calls for South Australia to rush into investing in another interconnector to the Eastern States are, I believe, also misguided. The state government has commissioned a study with ElectraNet to investigate greater interconnection possibilities; however, more analysis is needed on costs and the potential negative effects of increased interconnection on South Australia's current fleet of generators.

As both the Hon. David Ridgway and the Hon. Mark Parnell have pointed out, the possible benefits include exporting surplus renewable energy as well as providing a level of protection from local shortages. However, the negatives include high costs and a very lengthy process due to land acquisition and construction. Ultimately, such costs are passed on to consumers, and there is also the potential for generator displacement of Indigenous generators, possibly resulting in their reduction and closure. Any further consideration should await the results of a regulatory investment test examining the possibility of an interconnector between SA and New South Wales.

The interconnector would also fail to enhance our energy independence and further increase the vulnerability of SA's power security as it would increase our reliance on excess power generation by the Eastern States. The federal government's lack of either an energy or a climate change policy at the time of the blackout created uncertainty and a lack of confidence for potential investors in the energy market. The federal government was nothing short of derelict in its responsibility for providing those national framework policies so that investors would have some certainty about their future. The lead times for some of these projects are around 30 years, so the federal Liberal government really put us on the back foot and set us back a long way.

The state government has worked hard to draw investors into South Australia to increase the security and competitiveness of South Australia's energy grid, but the lack of a clear and cohesive federal policy has been a hindrance, and it remains so. The federal government's recently announced NEG—that was not part of our evidence; it has come out since then—does not give South Australian investors the certainty they need. There has been no detailed modelling, and it is clear from advice from the Energy Security Board that the NEG will decrease competition from renewables, making it even more difficult for renewable generators to enter the market and, therefore, entrench the monopoly of current market powers.

It will delay the price reductions that renewable energy will provide and extend the life of coal plants. This will be bad for South Australia, bad for business and bad for the environment. The federal government should implement an EIS or a CET, rather than the NEG, if they are truly concerned about Australia's future and want to ensure the best energy deal for all Australians.

All Australian governments need to contribute to the creation of a cohesive national policy on energy and climate change. I certainly supported that aspect of the report to ensure that it encourages a coordinated and consistent approach by all governments in the design and operation of energy markets. However, I fail to agree with the Liberal opposition in regard to South Australia

absolutely reserving the right to act independently in the state's best interest, when required. We have seen far too many examples where South Australia has been left to fend for itself and look after its own interests.

Time and time again, and just recently with the River Murray, we have seen the federal government and dominant Eastern States' interests absolutely and disdainfully ignoring South Australia's interests. We have been completely overlooked, outvoted and outdone. We must cooperate where we can federally, but we must reserve the right to protect South Australia's interests when the federal government and the Eastern States let us down.

I encourage the South Australian government to continue to work with other jurisdictions to ensure that the NEM adequately incentivises efficient and timely investment in low emission electricity supply, which meets system strength and security requirements. This work should ensure we have a more reliable, secure and affordable energy market. I agree with the Hon. Mark Parnell that we can have all three things and we should not sell this state or nation short by saying that we are only allowed two out of three. It is a bit like offering us the Mazda.

The energy market will reduce carbon emissions and help Australia to meet our Paris climate change commitments. This process should also include updating and introducing market rules and regulations to support and firm up renewable generation and provide a framework to support the transition to renewable through a national scheme such as an EIS or a CET. Australian governments should work with the industry to develop a better understanding of the impacts of changes in energy technology on power system security and stability. National and state electricity regulators, as I said, should be more responsive to technological and other changes which may affect efficient operation of the NEM.

With the changes already implemented by industry as a result of many reports that have already been completed and significant parts of them implemented, planned future changes that have come from recommendations from those reports, and the new SA government energy policy, I am confident that a statewide blackout such as the one experienced last year will never occur again. The South Australian Labor government's new energy plan will help South Australia develop a more stable, efficient and affordable energy grid. This plan includes groundbreaking steps like the world's largest lithium ion battery that is being installed in South Australia, new powers which will help bring market control back into SA hands and a new energy security target.

Several witnesses saw this new energy policy as an excellent process to improve energy reliability. I disagree with the Hon. David Ridgway that there was no evidence that the plan would create downward pressure on prices. We did receive evidence. The modelling is very complex, but nevertheless there was very reliable evidence from witnesses to say that the South Australian government's energy plan will actually put downward pressure on price and, more importantly, create jobs. It will guide South Australia to a bright and sustainable future and establish this state as a world leader.

The state government is also using its $150 million Renewable Technology Fund (half loans, half grants) to drive innovation in renewables that can be delivered around the clock. Increasing the capacity of renewable energy means more competition and downward pressure on prices. This will ensure we continue our extraordinary progress towards a clean and secure energy future that uses South Australian resources to benefit South Australian communities. South Australia will have a better, brighter future due to the work done by this Labor government.

I would also like to thank the other committee members, at least those who bothered to turn up. I would like to particularly thank Leslie Guy, our secretary, and a big special mention to Christine Bierbaum, our research officer. The nature of the evidence that we received is highly technical and quite complex and Christine did a wonderful job of putting a very detailed and accurate report together quickly, requiring very few edits. She showed a great deal of expertise and I thank her for her valuable contribution.

Motion carried.

SELECT COMMITTEE ON STATUTORY CHILD PROTECTION AND CARE IN SOUTH AUSTRALIA

The Hon. S.G. WADE (16:59): I move:

That the report of the select committee be noted.

I would like to rise briefly on this committee report to acknowledge the work done by the members, but also to make some comments in relation to parliamentary committees. First I will overview the work of the committee.

The committee was established in 2014 and conducted two inquiries and produced two separate interim reports, one on foster care and one focused on the Children and Young People (Safety) Bill 2017. In that sense it was an unusual select committee in two respects: first of all it had more than one report, and secondly the reports were so different. I could describe the first report, the one on foster care, as a reference report and the second, in relation to the Children and Young People (Safety) Bill, a legislation report.

In that sense, the second inquiry was something of an experiment. From my observation I believe it was a valuable conversation with stakeholders and the wider community in relation to a bill that had not received adequate consultation. In that context I would like to move to the general issue of reform of parliamentary committees.

Like a number of members of this council I believe strongly in the value of parliamentary committees, particularly parliamentary committees of this council alone. I think there is a concern in the council that proliferation of select committees can, at times, undermine the quality of their work, and we do need to think about how we can be as efficient and effective as possible in managing the business of the council in relation to select committees.

My opinion, for what it is worth, is that I suggest there is value in having select committees that are what I would call, for want of a better word, 'series' select committees; in other words, select committees that set about providing more than one report. The longest-standing and I believe one of the most effective committees of this parliament is the Budget and Finance Committee. It is an ongoing select committee but it does not provide interim reports.

The statutory child protection and care committee and the Transforming Health committee are other examples of what I would call series select committees, where more than one interim report is given. With Transforming Health, each of the reports were, if you like, like a reference inquiry; unlike the statutory child protection and care committee, there was no legislation element to it.

Whilst I believe that establishing series select committees is a useful way of making sure that this council can respond quickly to issues of the day, issues of the parliament or issues of the term, we do need to think about the potential risks. One is that once having a broad reference from this chamber, a series select committee may, shall we say, get a life of its own and look at matters that are not priorities for the council as a whole.

Whilst I am not suggesting that there has been abuse to this point, I think that if we are going to use select committees of an ongoing nature—obviously still within the parliament because of the nature of select committees—that go beyond one inquiry, we need to think about the issue of how we make sure the priorities of the council are reflected, not just the priorities of particular members. I know there is some interest in having select or standing committees with the opportunity for members to attend, and I think that works very effectively with the Budget and Finance Committee.

I will conclude my remarks by referring particularly to the recommendation of this final report in the context of the comments already made about parliamentary committees. The committee itself has made a recommendation that the Legislative Council should consider how to best provide ongoing monitoring of child and care reforms, and it has suggested the possibility of a standing committee with a focus on rights or of tasking the Social Development Committee.

As I said, I think there is significant interest in this council in reforming the committees of this parliament and I offer those comments as a contribution to that ongoing conversation. With those remarks, and on the understanding that there are no other members who would like to make a contribution, I would suggest to the President that he might consider putting the motion.

Motion carried.

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

A quorum having been formed:

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE: INQUIRY INTO THE SERIOUS AND ORGANISED CRIME (UNEXPLAINED WEALTH) ACT 2009

The Hon. J.E. HANSON (17:06): I move:

That the report of the committee on its Inquiry into the Serious and Organised Crime (Unexplained Wealth) Act 2009 be noted.

I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Bills

STATUTES AMENDMENT (DRUG DRIVING PENALTIES) BILL

Introduction and First Reading

The Hon. D.G.E. HOOD (17:07): Obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959 and the Road Traffic Act 1961. Read a first time.

Second Reading

The Hon. D.G.E. HOOD (17:08): I move:

That this bill be now read a second time.

I rise to introduce the Statutes Amendment (Drug Driving Penalties) Bill 2017. I realise that we do not have the appropriate time to conclude debate on this bill before the prorogation of the parliament occurs, so I flag with members that my intention in doing this tonight is to reintroduce this bill when parliament resumes in April next year. I have spoken at length on numerous occasions regarding drug driving and I do not wish to canvass all that information again, so this contribution shall be concise.

The Australian Conservatives believe that drug driving is an unacceptable and negligent choice people make that places other lives at risk. According to testing, drug driving has substantially increased over recent years, and it is something that most South Australians are very concerned about. In our view, we have been too lenient on drug drivers, and it is time that appropriate measures were taken to ensure that especially those who continually choose to break the law and drive under the influence of a controlled substance will receive a significant penalty.

Nearly one-quarter of drivers who are killed on South Australian roads test positive to THC, methamphetamine, MDMA or a combination of these. A whopping 37 per cent of drivers and motorcyclists killed each year test positive to some form of illicit substance, alcohol or a combination of both. Of course, these statistics only relate to those who actually are tragically killed in the accident. They do not include statistically how many choose to drug drive and are not detected or are not killed.

Anecdotally, it seems this number is significantly higher. Indeed, there is good evidence to support that observation. For example, last year, police caught 14 drivers in one day who tested positive for drug driving. In 2015, seven drivers were detected drug driving in a single day around school zones. It is gravely concerning that people are driving under the influence of illicit substances around children. It is equally disturbing to think that many other drug drivers risk innocent lives and their own life, especially when many go undetected. How many are doing it, of course, we do not know.

Given the frequency of drug driving, I find it incredibly alarming that many drivers report being unaware of the effects that these drugs can have on their driving ability; that is, drugs in many cases create drowsiness. They can and do slow reaction times in some cases. In many cases, they produce an inability to judge speed or distance and create distortions of time, place and space. Drug drivers can also be overconfident in their abilities and make bad judgements in spur of the moment decisions.

We have been advocates for increased penalties over the years. It is a legacy that the Australian Conservatives will continue to pursue. We believe that the penalties under the current legislation are inadequate and fail to provide any real deterrent effect to those who choose to repeatedly drug drive.

Under the current law, a third offence of drug driving—that is, someone who has been detected for a third time—carries a 12-month licence disqualification, which we say is inadequate. A subsequent offence—that is, a fourth or more offence—carries a two-year disqualification. Again, we say this is inadequate. We attempted to modify these penalties in the Statutes Amendment (Drink and Drug Driving) Bill, but even under that bill, the disqualification times are small in comparison with the risk and potential danger that occurs every time someone chooses to get behind the wheel whilst under the influence of a mind-altering substance. In this case, we are talking about illicit substances.

Drug driving should not be tolerated, especially repeat drug driving. I do not believe as a parliament we have successfully navigated the issue and found an appropriate penalty for what is occurring on our roads. Today, this bill introduces a mandatory period of a five-year licence disqualification for anyone who commits a third or subsequent drug-driving offence. As I have said in this place before, it is important to remember that driving is not a right but a privilege, and it comes with great responsibility. The Australian Conservatives have no sympathy for drivers who are caught drug driving, especially those who do so repeatedly.

Where a person has been caught drug driving on three separate occasions, it is clear that they willingly flout the law and have a propensity to continue to do so, putting everyone at risk. Accordingly, anything short of a minimum five-year disqualification period is simply not adequate in our view. I urge members to support this bill when the parliament returns in 2018.

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

Parliamentary Committees

SELECT COMMITTEE ON SALE OF STATE GOVERNMENT OWNED LAND AT GILLMAN

The Hon. R.I. LUCAS (17:13): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 6 December 2017.

Motion carried.

SELECT COMMITTEE ON ELECTORAL MATTERS IN SOUTH AUSTRALIA

The Hon. R.L. BROKENSHIRE (17:13): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 6 December 2017.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (17:14): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 6 December 2017.

Motion carried.

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

The Hon. J.A. DARLEY (17:14): I lay on the table the report of the committee, together with minutes of the proceedings and evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON ADMINISTRATION OF SOUTH AUSTRALIA'S PRISONS

Adjourned debate on motion of Hon. T.J. Stephens:

That the report of the select committee be noted.

(Continued from 15 November 2017.)

The Hon. T.T. NGO (17:15): I rise to speak to the Select Committee on Administration of South Australia's Prisons report. As the select committee's name suggests, it was established to look into a range of matters to do with the administration of the state's prisons, including concerns regarding overcrowding. The government supported the establishment of the select committee on the basis that all correctional services systems face challenges, including reoffending, and the government continually strives to improve our system.

I note that prior to the select committee being established in November 2016, the government was already in the process of putting together its strategy to reduce reoffending by 10 per cent by 2020. In August 2016, the state government established the 10by20 Strategic Policy Panel to investigate best practice and ways to reduce rates of reoffending, and promote rehabilitation and reintegration outcomes.

A month after the select committee was established, the panel released its report in December 2016. The government has since accepted all of the strategies and recommendations made by the panel and released its strategic plan. I would like to thank the Department for Correctional Services for facilitating tours of all of the state's nine prisons, as well as sharing its expertise in relation to correctional administration. It certainly gave the select committee insight which it would not have had otherwise.

I was impressed to see firsthand the work and training that is taking place within Corrections to help prepare prisoners for life after prison. At the Cadell Training Centre the select committee saw the fully operational farm in action and heard about its operation from staff. At the Adelaide Women's Prison, the select committee saw women working on the construction site to upgrade the mainstream dormitory which, no doubt, will hopefully open up employment opportunities in the future.

The select committee also heard from Mr Brown, Chief Executive of Correctional Services, about training and education programs. A core focus is to improve the literacy and numeracy skills of people who have low literacy and numeracy levels which:

- enables offenders who are assessed as a moderate to high risk of reoffending to undertake criminogenic programs by giving them the skills they need to successfully participate; and
- improves life skills to help offenders function better in the community and in the employment market.

The select committee also visited three prisons in Brisbane to compare the state's prisons' administration with a different jurisdiction. These visits show that high prisoner numbers are certainly not unique in South Australia. The select committee has shown me that, as a society, we need to change the way we think about corrections. We need to remember that the majority of prisoners will at some point be released and we will all be better off if former prisoners are productive members of the community, which is why addressing recidivism is of great importance. The government is already aiming to address a number of recommendations in the report, including tackling reoffending through the Correctional Services (Miscellaneous) Amendment Bill, which is currently in the Legislative Council.

Lastly, I would like to thank other honourable members on the committee: the Chair, the Hon. Terry Stephens, the Hon. David Ridgway, the Hon. Justin Hanson and the Hon. Tammy Franks. I would also like to thank the research officers, Dr Trevor Bailey and Dr Margaret Robinson, and the select committee secretary, Leslie Guy, who had the difficult task of coordinating schedules to fit in all our visits.

Motion carried.

NATURAL RESOURCES COMMITTEE: SUSTAINABLE PRAWNS FISHERIES MANAGEMENT

Adjourned debate on motion of Hon. J.M. Gazzola:

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

(Continued from 15 November 2017.)

Motion carried.

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

Adjourned debate on motion of Hon. J.E. Hanson:

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

(Continued from 15 November 2017.)

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: REPORT 2016-17

Adjourned debated on motion of Hon. T.T. Ngo:

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

(Continued from 15 November 2017.)

Motion carried.

Motions

OAKDEN MENTAL HEALTH FACILITY

Adjourned debate on motion of Hon. S.G. Wade:

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.

(Continued from 15 November 2017.)

The Hon. J.E. HANSON (17:25): The government supports the motion. Nonetheless, this motion should be considered nothing more than a stunt, rather than any genuine attempt to assist South Australians in finding out matters relating to the inquiry. Powers provided to the commissioner in both the ICAC and Ombudsman acts already allow for the public disclosure of a report arising from an investigation if the commissioner believes it will be in the public interest to do so. Nonetheless, the government supports the motion.

Motion carried.

POLICE OMBUDSMAN

Adjourned debate on motion of Hon. R.L. Brokenshire:

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.

(Continued from 15 November 2017.)

The Hon. A.L. McLACHLAN (17:26): In respect of this motion, the Liberal Party notes the allegations that are made in the Police Ombudsman's report, acknowledges that they are very serious and calls into question the Police Disciplinary Tribunal processes. There is a particular quote I will read to members, under the title Secrecy, where the Ombudsman says:

The PDT [Police Disciplinary Tribunal] operates in secret. There is no reason in my view why it should not be open to members of the media and members of the public. If necessary, the names of the police officers and witnesses before the tribunal could be supressed, but the proceedings otherwise reported in full, including findings and including any penalty ultimately imposed. In my view it is in the public interest for proceedings of the PDT to be heard openly. It is most unhealthy that they are not.

The Ombudsman goes on to say:

The fact that the proceedings have been heard in private for over 30 years has led to an unhealthy situation where the PDT operates as a 'closed shop'.

The Liberal Party also acknowledges the response by the Police Association of South Australia. This is in a letter dated 25 October 2017 to the Hon. Chris Picton, the Minister for Police in the other place:

The Liberal Party notes that, as the Police Ombudsman's position has now been transferred into the Office of Public Integrity, the Liberal Party wishes honourable members to note that it supports the continued access by the Office of Public Integrity to Police Disciplinary Tribunal hearings. The Liberal Party holds the Police Ombudsman, his office and his staff in the highest regard.

The Hon. T.T. NGO (17:28): I rise to indicate that the government is supporting this motion. In relation to the Police Ombudsman's report, I state from the outset that the government's recent reforms in this space with respect to police complaints, made in conjunction with the Police Association, were very substantial in nature.

Late last year, we introduced and passed the new Police Complaints and Discipline Act 2016, which came into operation in September this year. Importantly, these reforms took into account the recommendations of the Independent Commissioner Against Corruption's 2015 review into the handling of complaints regarding South Australia Police members' conduct, and instituted a streamlined process for the management of complaints, overseen by the Office for Public Integrity. The government will, of course, monitor the effectiveness of that legislative change as time passes, and will review as necessary.

As was the case with the implementation of the new act, any potential review of the new legislation in future would of course be informed by consultation with the Police Association. The government has always recognised the important role of the Police Association and the extensive work it undertakes in order to support its members. We know that unions foster a more protected and empowered workforce and that the Police Association works very hard for its members, who in turn provide a world-class standard of service to the South Australian community.

The Hon. R.L. BROKENSHIRE (17:30): I thank honourable members for their contributions to this motion that I put up. I also acknowledge my appreciation that we were able to finalise this motion today, given that I was only able to introduce it last sitting week. It is an important motion. As the Hon. Tung Ngo said, there were changes to the whole structure after recommendations from the ICAC commissioner, and for all intents and purposes Australian Conservatives, together with most of the parliament, supported those. Notwithstanding that, there were things in this report that were of huge concern to the Police Association, of huge concern to myself, and of huge concern to a lot of individual police officers and their families.

I have said on many occasions, with all the years that I have spent working with different responsibilities for police in this parliament, that unlike the rest of us, who are innocent until proven guilty, police are treated the opposite to that. When complaints are made, often those are frivolous complaints, and there are almost vendettas on certain police officers who are simply going about their work. A criminal or an offender, someone who has broken the law, does not appreciate the fact that they are then subjected to the police operations, whatever that matter is, and they put in quite frivolous complaints that can cause a lot of grief to those officers, can get out into the media and damage the name of their family and can also damage their career path.

I am strongly supportive of what the Police Association have done in their letter to the police minister and colleagues. We also have to understand that the Police Association has a job to do in representing the police officers. That is what they are there for. They are the only real representation that they get to put the other side of the story, and it would be inappropriate for a lot of those inquiries to be in the open public. I have been involved with a lot of families that have been subjected to these inquiries over many years and I have seen some pretty unfair circumstances occur, so I am pleased to see that the government is supporting this motion and I commend the motion to the house.

Motion carried.

BURKE, MR R.

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

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

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

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

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

(Continued from 9 August 2017.)

The Hon. J.E. HANSON (17:34): Firstly, I wish to congratulate Mr Robert Burke on jointly winning the Dr Margaret Tobin Award in the South Australian Mental Health Excellence Awards. Robert was a mental health carer and an advocate for recognition and satisfaction of mental health carers' and consumers' needs. He and his wife Judy cared for their daughter for over 40 years, learning about her illness and finding support for her. Mr and Mrs Burke have been integral in promoting the voice of mental health carers and in providing them with information and support. SA Health recognises the importance of the role of carers in walking with their loved ones on their recovery journey by funding a number of carer support groups and respite services that provide valuable education and networks to South Australian carers.

BPD is a significant mental illness where people experience difficulties in regulating emotion. Everybody struggles with their emotions, but people living with BPD may experience emotions more intensely and have difficulties in regulating those emotions. The National Health and Medical Research Council clinical guidelines state that BPD is a common mental illness associated with severe and persistent impairment of psychological function, high risk for self harm and suicide, a poor prognosis for coexisting mental health illness and heavy use of healthcare resources. International data shows that the suicide rate amongst people with BPD is higher than that of the general population. Estimated suicide rates among people with BPD range from 3 to 10 per cent.

The development of BPD is thought to involve a combination of biological factors, such as genetics, and experiences that happen to a person while growing up, such as trauma in early life. Over 80 per cent of people living with BPD report a history of trauma, with many also having a diagnosis of post-traumatic stress disorder. For most people living with BPD, symptoms begin to emerge during adolescence or as a young adult. Left untreated, BPD has a significant impact on the life of an individual and their loved ones.

People who live with BPD have historically met with widespread misunderstanding and blatant stigma. However, evidence-based treatments have emerged over the past two decades which reveal that BPD is a highly treatable illness, bringing hope to those diagnosed with the disorder. Through the difficult life circumstances caused by the illness, people living with BPD often have greater contact with a number of agencies and service providers, including emergency departments, general hospitals and mental health services, drug and alcohol services, ambulance services, police and correctional services, general practitioners and NGO community services and housing services.

The South Australian government is committed to working with all relevant parties to continue to get the best outcomes for people living with BPD and, indeed, for their loved ones. The work of Mr Burke and advocacy groups such as Sanctuary show that the responsibility for early identification, referral, assessment, treatment and support for people living with BPD in South Australia is shared. The responsibility spans across the community, including the primary healthcare system, the public and private mental health systems, hospitals, correctional services, forensic services, schools and other government and non-government agencies. Good mental health should be everyone's business.

The Hon. T.A. FRANKS (17:38): I rise to support this motion and to make a few comments. I congratulate the now late Robert Burke on being a joint winner of the Dr Margaret Tobin Award. I acknowledge the ongoing leadership and commitment of both Robert and, of course, Judy Burke, who is here today, in their leadership and in promoting the role of family carers in mental health, as well as all their fine work with Sanctuary and their absolutely tireless efforts to support not just their daughter but all our sons and daughters and those who have been affected by BPD in this state.

BPD is often referred to as the Cinderella of mental illness. While mental illness is often shunned, BPD is shunned even further within the health sector. It is both misunderstood and

maligned. It is something, however, where there is hope. It has often been put into the too-hard basket and unfortunately it has continued to be put into the too-hard basket by governments in this country. Bob and Judy should never have had to do what they have had to do. They should have been able to access supports already in existence and provided through the government and our health system. They have had to step up and I think it is about time that we as members of this place stepped up and came good with the various commitments that have been made. There are promises now on the table but they have yet to be delivered.

We know that a stand-alone service, a holistic service for BPD would have a great impact. We know it would keep people out of emergency departments, we know it would keep people alive, we know it would keep people from getting to a point where they feel they are beyond help or indeed take their own lives. Why have we not seen that happen? Unfortunately I have to reflect that Bob will never see that happen, but I certainly hope that we see action rather than just more words in the coming months.

Those who suffer, live with and support loved ones with borderline personality disorder do not live a glamorous life. They need all the support that we can offer them. I often reflect that when it was being explained to me what borderline personality disorder was, Marilyn Monroe was said to have had borderline personality disorder. Of course we equate her with some level of glamour, with eternal beauty, but we know that her life was a troubled one. We want to see less people with troubled lives like that and less people with lives that are shortened.

With those few words, I commend Judy, I honour Bob, and I honour all those involved in championing and fighting for better treatment for those who have borderline personality disorder. I note that there is a cure, it can be resolved and there is hope. It is imperative that we come to the party with real hard cash and real services in the near future so that those in our state do not die needlessly or suffer needlessly. With those few words, I commend the mover of the motion and the motion.

The Hon. S.G. WADE (17:42): I rise to support the Hon. Kelly Vincent's motion to recognise the work of Robert and Judy Burke and the significant and enduring contribution that they have made to improving the state of mental health services in South Australia. It is with sadness that we note that Mr Burke passed away earlier this year, and in recognising the presence of his wife Judy and members of her family in the gallery today I would like to express my condolences. I would also like to acknowledge other friends of Judy Burke in the gallery including Dr Martha Kent, one of the state's leading practitioners in this area.

Bob and Judy made a great team and had a real impact to improve the lives both of people with a mental health challenge and their carers. The advocacy of the Burkes on mental health, and especially in relation to borderline personality disorder, has been energetic and authoritative. Of course, that authority comes from the lived experience: their experience of raising their own daughter who lives with BPD. The Burkes wrote to me in October last year a few words that captured the sadness as well as the frustration they feel in relation to the mental health sector in South Australia, and I quote:

> When our daughter is looked after well, we can cope with the grief and sadness but it is so distressing for all of us when she gets short shrift from clinicians and others in the mental health system. We just stand by hopelessly as she gets more and more unwell, knowing that she is not getting the care and compassion she deserves.

The experience of the Burkes is the experience of so many other families. As the Hon. Tammy Franks referred to, whilst mental health is so often associated with stigma, that is doubly true of BPD. The advocacy of the Burkes has been influential. It has played a significant part in the growing awareness of the need for and commitment to specialist services for BPD. The Liberal Party, along with other parliamentary groups, has benefited from that advocacy and the way that Judy and Bob worked with other advocates including Dr Kent and others in raising that awareness.

For years the Liberal Party has been working, particularly with Dignity and the Greens, to push this case, and this year we are delighted that the Labor Party has joined us. We are now in a position where both major parties are committed to a statewide specialist service. I noticed the Hon. Tammy Franks' touch of scepticism, I think it would be fair to say, but I must admit that I suffer from chronic optimism and I certainly believe that within the next parliament we will have addressed, or at least made a start on, the provision of a better response to people with BPD.

As I said, for a long time Bob and Judy struggled to deal with stand-offish clinicians and a system that was obstinate and cold. After their daughter was diagnosed with BPD they were told by a psychiatrist to abandon her and move interstate. Thankfully they did not, because this day might still be coming if not for their advocacy.

Bob and Judy found themselves in many uncomfortable conversations with health practitioners in the sector, some which might well be described as callous. Having said that, they also encountered kindness and consideration. The Burkes have struggled through the system, and out of that struggle they learned an enormous amount about the strengths and shortcomings of the mental health system. Out of that struggle also emerged a desire to help others with similar experiences.

In February 2012, Bob and Judy founded Sanctuary, a support group for carers, family members and friends of people with BPD, and it is a tribute to their leadership that the group now has well over 100 members. Its members recognise the benefits of sharing experiences about BPD and of dealing with mental health challenges together rather than alone. Through Sanctuary, Bob and Judy have been able to share the lessons they have learnt with other families struggling with BPD.

It is almost a relief to know that before Bob left us his contribution was recognised in him being a joint winner of the Dr Margaret Tobin Award at the South Australian Mental Health Excellence Awards. That award recognises exceptional leadership and commitment to mental health and wellbeing in our state, and it is certainly a worthy award.

In closing, I would like to reiterate my thanks to Bob and Judy for their profound contribution, for influencing so many people as they care for loved ones with mental health challenges and for enriching our approach to mental health in South Australia. I look forward to new BPD services being codesigned with people with lived experience, including families and carers, so that people with mental health issues, including people with borderline personality disorder, can have their health needs met.

The Hon. K.L. VINCENT (17:48): To sum up, I would like to acknowledge the contributions of my parliamentary colleagues: the Hon. Mr Hanson, the Hon. Ms Franks of course, and the Hon. Mr Wade. As others have done, I acknowledge the presence in the chamber of Judy Burke, the wife of the late Bob, other members of the Sanctuary support group, and friends as well. Thank you for honouring us not just with your ongoing advocacy but also with your presence here today.

I would like to pick up on a few comments that have been made by my colleagues and also to reiterate, I suppose, the very genuine intent with which many of those comments have been made. Of course, today we are not just honouring but unfortunately remembering the late Bob Burke, a winner of the Dr Margaret Tobin Award for his work, together with his wife Judy, in establishing and for many years, since 2012 until the time of his death, running the Sanctuary support group, a support group for carers, friends and family of people with a borderline personality disorder diagnosis.

First, I want to touch on one particular comment from the Hon. Mr Hanson in which he stated that as many as 80 per cent of people with a BPD diagnosis have experienced trauma in their lifetime. While I acknowledge that trauma can be a common factor in the development of BPD, I think it is important to acknowledge that that statistic is somewhat debated. It is important to acknowledge that BPD does not always result from trauma and neither does trauma always result in BPD. It is a far more nuanced and complex issue than that. While I do not believe that there was any malice from the Hon. Mr Hanson in making that statement, I want to acknowledge that that statistic is somewhat open to debate. Other than that, I thank him for his contribution.

The Hon. Ms Franks reminds us that BPD is often regarded as the Cinderella of mental illnesses, unfortunately not for glamorous reasons. It is not as glamorous as it might sound because of course Cinderella was always the bridesmaid and never the bride, if you like, when it came to Disney princesses. She was often shunned, hidden away, told not to seek help or seek support or to go out into the community, and there are many parallels with the common experiences of people with BPD.

There are those within the medical profession who still deny the existence of borderline personality disorder as a mental health issue in its own right. There are those who see those with BPD as simply being attention seeking or perhaps reaching out because of trauma they have experienced, as the Hon. Mr Hanson touched on—again, with the best of intent. But at the end of the day, no matter what the reason that somebody is in pain, no matter what the reason that somebody is reaching out for help, it is up to us to acknowledge that experience and acknowledge that need and provide that support and that help.

I am pleased to see that it is gradually changing, not as quickly as any of us in this chamber today would like, I am sure, and we certainly have a long way to go. Of course, the Hon. Ms Franks also reminds us that, as much as there is room for improvement, there is already a cure, namely, most commonly, dialectical behaviour therapy (DBT). DBT is an interesting form of therapy for many reasons, not least of which is the fact that it was developed by a woman called Marsha Linehan. I have never been 100 per cent sure how to pronounce that name and I have not yet had the pleasure of meeting her, so she has not yet been able to correct me.

Through my reading, I have come to understand that Dr Linehan herself, if not diagnosed with BPD, at least experienced something very similar herself and I think that goes to the Hon. Mr Wade's point about the authority of lived experience and how it is often the lived experience that can lead to the most effective treatments and therapies because it has actually been developed by people who understand deeply what it is to go through this and what does and does not work.

Often in this place, I am talking about people with disabilities or people with mental health challenges or elderly people or people from other minorities or with other challenges, and I often state that people need to be recognised and respected as the experts in their own lives. That is never more true than in the case of effective treatment for a host of mental health issues, not just BPD but others as well, and that is why it is fantastic that we are seeing a gradual increase in the use of strategies like peer mentoring and peer networking in the mental health community.

Long may that continue, but we have a long way to go, which leads me nicely to the next steps. The Labor government has finally joined me and my parliamentary colleagues from the Greens and the Liberal opposition in committing funding to a borderline personality disorder centre of excellence in South Australia—a spoke-and-hub specific model, which the Hon. Ms Franks touched on the importance of—for the treatment of people with borderline personality disorder.

It is incredibly frustrating that it is only after six or seven years of lobbying that we have finally got to this point and got the government to see not just the sense but also the dollars and cents—it is an old one but it works well—the money that stands to be saved from getting people well again, from getting them back into employment, back into community, back into family life and not presenting repeatedly to hospital and to emergency departments, which alone are incredibly expensive. Even a one-off event presenting to an emergency department is incredibly expensive, so when you have repeat presenters the bills certainly do add up.

I do not say that to make people who might be listening to this presentation who are themselves diagnosed with BPD feel any sense of guilt about racking up that bill, because absolutely I understand that the only reason they need to do that is because their current effective therapies are not readily enough available. I do not want anyone listening to this speech to feel guilty for that, but I think it just goes to show how poor the recognition and response to borderline personality disorder in this state has been that people feel they have no other choice often but to report that they are at imminent risk of self-harm and present to hospital or, even worse and even more tragically, go through with self-harm in order to feel able to present to hospital.

It is hard to put into words exactly what kind of a place you have to be in to take that course of action and exactly how terrible it feels when you are so far down in that deep place of darkness and emptiness and despair that you feel that is the only course of action available to you. To then have family members, friends or, even worse, health professionals turn to you and say that your experiences are not valid, that you are just attention seeking and that you should be able to control these urges or the experiences—to say it is kicking people when they are down is insultingly simplistic, but I struggle to think of another analogy.

As my colleagues have reminded us, as we have together done many times in this place, there is a cure. That can only be available though with effective, holistic investment from all levels of government, from all parties and wherever necessary to ensure that that is readily available and that people no longer feel the need to go through with those desperate courses of action and to seek out the appropriate support.

As colleagues have already reminded us, as many as 10 per cent of people with a BPD diagnosis will end their lives by suicide. I do not know the exact statistics, but from my experiences, both personal and working with constituents, I dare to say that often that is not even intentional suicide. That is not to say that makes it any better or any worse, but that is to say that there are people who are crying out for help who feel that their only option is to go through with these drastic measures.

As is the case with many people who are considering suicide, they do not actually want to die; they just want the pain to die. They cannot see any other way, currently, without effective treatment, than to take these drastic measures that no person should ever be in a position to have to even consider let alone carry through.

Other colleagues have labelled themselves eternal cynics. Others have labelled themselves eternal optimists. I might go as far as to label myself a chronic optimistic cynic. We do know that the government has finally publicly come to the fore and agreed to commit funding to this important project over the next few years to finally catch up with what other states, like Victoria and New South Wales through Project Air and also Spectrum, have had in place for many years and have had great success with.

Of course, implementation is the next challenge and the devil will always be in the detail, but there is a meeting between myself and representatives from the Department of Treasury and SA Health, as well as many of the good people behind me this evening, to ensure that we get the ball rolling in making sure that this project does get underway absolutely as soon as possible so that we do not lose any more people to this horrific—unnecessarily horrific, I might add—illness. I am very much looking forward to that work. I thank those behind me who have put up their hand to be a part of those ongoing discussions because, again, I think that goes back to the importance of lived experience being the only way to achieve effective, holistic results.

If nothing else, I think the last thing I need to do today is, of course, once again place on the record my thanks to Bob for his ongoing work. I only wish he was here to see what is happening now and what will happen since. My thanks to Judy and other members of Sanctuary for carrying on in some very difficult times, not the least of which was the loss of dear Bob, and also to remember those constituents, family members and friends who have already lost their lives to this terrible experience.

It is perhaps most important to say to those who are still waiting that there may well be people out there who do not believe that what you are going through is genuine, and do not believe that what you are going through is worth investing in, but I hope that what has been said in this chamber here today and, indeed, before and hopefully long beyond, shows you that there are many, many more who do and will continue to fight for you. So, please, know that you are worth it, know that we are fighting for you and hold on. Thank you.

Motion carried.

Sitting suspended from 18:01 to 19:45.

Bills

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

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2017.)

The Hon. M.C. PARNELL (19:47): I wish to make a brief contribution on the second reading of this bill, which requires that a person who has been convicted of a serious domestic violence

offence as an adult or a youth will be subjected to a mandatory sentence of imprisonment for at least two years, and this sentence cannot be suspended. The scourge of domestic violence is something that we have discussed many times in this place. It is also something that many of us have experienced as we gather out on the steps of parliament with red roses each time a person is killed at the hands of an intimate partner. We know that more now than one woman per week is killed.

I made a matter of interest speech earlier today, talking about the White Ribbon breakfast, the White Ribbon march and the fact that the Victorian parliament has just been declared the White Ribbon workplace, the first parliament to be declared a White Ribbon workplace in the world. In that matter of interest contribution, I said that I would be seeking to get a coalition, hopefully of men, together next year in the next parliament to push for the same status for the South Australian parliament.

Later on tonight, I have a bill coming to a vote, which also deals with domestic violence. It deals with the unfortunate situation of women, mainly, who are driven by abuse to kill their abusive partners and how the law should deal with that. The issue of domestic violence and family violence is never far from our minds. I say that to put on the record that the Greens absolutely support measures, whether they be legal or social measures or community campaigns, that help protect women from violence.

However, the honourable member's bill approaches it from a different perspective, and it is something that the Greens have difficulty with. It is not that people who commit serious domestic violence offences should not be punished—of course they should and they should be punished severely. But our position in relation to the criminal law has always been to allow judges to exercise a discretion, having heard all of the circumstances, and to impose an appropriate penalty. We have opposed every mandatory minimum sentencing bill that has been presented to parliament on that simple ground—that we do not believe it is appropriate for the parliament to be setting mandatory minimum sentences because that takes away from the judicial discretion that we believe is the most appropriate response.

We acknowledge the Hon. Rob Brokenshire for putting this important issue on the agenda. We do not resile for one moment in relation to the task that is ahead of us as a society to deal with domestic violence, we just do not think that this bill is the right way to proceed, but I look forward to working with the honourable member, if he is re-elected, to come up with a range of other measures that might advance the safety of women in our community.

The Hon. A.L. McLACHLAN (19:51): I rise to speak to the Criminal Law (Sentencing) (Mandatory Imprisonment for Serious Domestic Violence Offenders) Amendment Bill. As the Hon. Mr Parnell has advised the chamber, the bill was introduced into this chamber by the Hon. Robert Brokenshire in late October, and we acknowledge his work in this area. He has tabled a bill following certain cases involving serious domestic violence that have recently been considered in the South Australian courts. I will not traverse the details of those cases, given they were explained in detail by the Hon. Robert Brokenshire in his second reading explanation.

These cases serve as an important reminder of the prevalence of domestic violence in our community. I would like to place on the record my appreciation to those involved in those cases who have written to my office seeking support for the bill before the chamber. I acknowledge the trauma and suffering the victims continue to endure long after the physical scars have healed.

The bill seeks to amend the Criminal Law (Sentencing) Act 1988. It seeks to ensure that any person, whether a youth or an adult, who is convicted of a serious domestic violence offence, must be sentenced to at least two years' imprisonment, which cannot be suspended. This will capture close personal relationships, for example, a spouse or former spouse, domestic partners or former domestic partners, a child or a stepchild, grandchildren or close family members. My understanding is that the types of offences that will be captured will include assault, rape and other sexual offences, and causing physical or mental harm.

The bill has also been drafted to capture youth offenders, subjecting them to the same two-year mandatory minimum imprisonment in the youth training centre if found guilty of a serious domestic violence offence. I note there are some similarities in the proposed amendments to the current provisions concerning the mandatory imprisonment of a serious firearm offender in the

Criminal Law (Sentencing) Act; however, there is an important distinction in that those extant provisions do not prescribe a length of sentence that must be imposed.

While the bill is well-intentioned, the Liberal Party is wary of proposals that seek to prescribe mandatory minimum sentences. This is especially so given fairly recent experiences in other jurisdictions that have shown that they are not effective in reducing the instances of the offence they target. The Liberal Party is also concerned this bill captures youth offenders, potentially detaining them for a minimum of two years, regardless of their age, immaturity, mental health issues or the need for rehabilitation.

In closing, whilst the Liberal Party is extremely sympathetic to the intent of this bill, we are not convinced that the measures contained in it will reduce the prevalence of family violence in our community. We are also wary of mandatory minimum sentences having unintended consequences by removing the ability of the courts to deal with the particular facts and circumstances of each individual case it hears. As I said, the Liberal Party is very sympathetic to the intent of this bill, but does not feel at this time that it can support the same.

The Hon. J.E. HANSON (19:54): I think that the Hon. Mr Parnell and the Hon. Mr McLachlan have successfully traversed the issues surrounding why we might have this bill before us tonight. In regard to what they have said, the government concurs. There is no doubt that domestic violence has no place in South Australian households or, for that matter, anywhere else. The genuine intent of this bill is something which seeks to address those issues; however, mandatory minimum sentencing for this is not the answer. I think the reasons were coherently debated over there and I am not going to go through them again; I think they are good points.

Maximum penalties are a legitimate matter for the parliament to determine; however, the particular sentence that you set and the bounds within which you are going to operate are something for a trial judge to determine, and they are subject to appeal and so on. On that basis, the government is opposing the bill. I concur with what was put by the Hon. Mr Parnell: this is something that we do need to work on as a society, of that there is no doubt, but I think this bill goes around it the wrong way.

The Hon. J.A. DARLEY (19:56): I rise to indicate Advance SA's position on the bill. I understand the intent of this bill is to ensure that individuals who commit a serious domestic or family violence offence will face a mandatory term of imprisonment. I have a lot of sympathy for the intent behind the bill. I, like many others, have received emails from constituents who have shared stories of their experiences with the criminal justice system. On the face of it, it seems that there were certainly some anomalies with the outcome when compared to community expectations. However, in this instance I cannot support mandatory sentencing.

The courts need to have discretion to impose sentences that they believe are appropriate. These are often complicated matters, and applying a broadbrush approach can itself lead to injustices. As I said before, I have the utmost sympathy for those who have contacted me and those in similar positions. I am very sorry to hear these stories; however, I cannot support the bill.

The Hon. J.S.L. DAWKINS (19:57): I was not listed, but I did want to respond, firstly to endorse the comments made on behalf of the Liberal Party by the Hon. Mr McLachlan and, secondly, to respond to the comments made by the Hon. Mr Parnell. The Hon. Mr Parnell, the Hon. Mr Darley, the Hon. Mr Gazzola, the Hon. Mr Hunter and others, including myself, have been members of White Ribbon for a very long time. I think we support greatly their efforts, particularly of the voluntary committees that run the march, the breakfast and the events that some of us have sponsored for White Ribbon Ambassadors in this parliament.

The issue of the parliament becoming a White Ribbon workplace is something that is worth considering. The issue has been raised to the JPSC in the past by the member for Stuart in another place, and would obviously need an appropriation from the government of the day to assist the parliament and its various divisions to work together on that. It is not a measure that could just be done by the snap of the fingers, but I think it is something worth strong consideration.

Personally, I am very happy to work with the Hon. Mr Parnell in the next parliament to see how that could be brought together, and work with the Clerks and heads of division in this whole

building to see whether that could be done. It is quite clear that the government of the day would have to provide an additional amount of money, as has been done for government departments to allow that to happen.

I do give the Hon. Mr Brokenshire great credit for raising the issue. I support the position of my party, but I also perhaps suggest that he continues to work with White Ribbon Ambassadors. He could consider being nominated as an ambassador if he wishes in the future to ensure that we take the message out into the community, not only as ambassadors but as advocates and supporters of the White Ribbon movement. With those words, I commend the position of my party and of others, and I acknowledge the best interests that the member has brought to us this evening.

The Hon. R.L. BROKENSHIRE (20:00): I thank all honourable members for their contributions. Before I get into the overall response, on the White Ribbon Ambassadors, I place on the public record that, if I am re-elected, I will have to think very carefully before I would support a motion on White Ribbon Ambassadors because they are partly funded by the state government and partly funded by the federal government.

I was one of those who became a White Ribbon Ambassador early on, and I have actually written to them saying that I no longer want to be a White Ribbon Ambassador, particularly because I think they are, to an extent at least—and I watch and observe—losing their way on what they were set up for. They contacted me because they knew that I had a position on abortion and they have become involved in the debate on abortion.

The Hon. J.S.L. Dawkins: That is the federal secretariat; that is not the state people.

The Hon. R.L. BROKENSHIRE: No; well, we will have a look and debate the whole thing, but if there is an affiliation, alliance or any integration then I am simply saying that I will have to think carefully about it because I do not support late-term abortion; I never have and I never will. I put that on the public record and, if I am re-elected, we will look at that in context in a calm, cool and collected way at the appropriate time.

I want to come back now to the issue that I have here, which is one tool in the toolbox, as I said on the ABC yesterday, regarding what is an incredibly serious situation. Later on tonight we will talk about coward punches. I guess that the major parties—and I do not want to pre-empt it—might bring up the debate again about the parliament and the relationship between the parliament and legislation and then the separation of powers through to the courts.

I spend a lot of time, as I think most members do, outside of here where I talk to what I call voter land. Over the 22 years that I have had the privilege to be in this house representing and being subservient in all respects to the voters of this state, they have said to me that they feel that the courts are getting more and more out of touch.

In particular, defence lawyers are paid to defend perpetrators, even when prima facie there is enough evidence to bring them before the court. Under our system, which is a good system by and large, they do not just go to court for the sake of going to court. There is a lot of work done in policing, prosecution, the Solicitor-General's office and so on before a person is taken before the court, so prima facie there is a case to answer.

What is the role of the parliament and what is the role of the judiciary? The role of the parliament is to set the parameters in which the judiciary then deliberate to assess individual cases. I accept and acknowledge that every case is an individual case and should be looked at based on the evidence put in that case by both the defending lawyers and the prosecutors.

I go back to the days from 1998 through to 2002 or whatever it was when I was fortunate enough to have the police portfolio responsibilities, and domestic violence was a problem then. Domestic violence has been a problem probably since the creation of society, frankly. I will talk about the Indigenous situation as well in a moment because there is a conference going on at the moment. We have a situation where Mr Rigney has raised certain points in the media on that issue only today.

I was a little offended by the Deputy Leader of the Opposition, Vickie Chapman, yesterday when I was on radio. I accepted that I was going to cop a fair bit of pressure because it was myself and, on the other side, the Law Society, who always believe that they should have absolute rights, with their very clever academic skills going through law school and all the experience that I do not

have as a farmer. But I do have 22 years as a legislator and a member of parliament representing people. It is not a short amount of time, so you actually learn quite a lot there, too.

I expected the Law Society to say that they did not support minimum mandatory sentencing. I was surprised that, on behalf of the Liberal Party, Vickie Chapman said that the problem is minimum mandatory sentencing and then she proceeded to attack the government on all the other things. She recognised what I was trying to do—I give her credit for that—but I did not get the support. I thought that this is not absolutely focused on the principle of whether or not there should be minimum mandatory sentencing. The focus of this, to me, are the victims.

Back when I was a privileged minister in a Liberal government, we set up a ministerial, department and NGO working group that reported back to cabinet on what we were going to do about domestic violence, to do whatever we could to prevent it. I strongly supported that. I sat in all those meetings. I do not think that I ever missed a meeting, to be frank, because it is an issue that is very dear to me. I do not condone any violence whatsoever.

My father, who was a very capable unarmed combat man and also a very capable featherweight boxer in the defence forces who could protect himself physically in any way, always said to me since I was a very young person, 'You don't protect yourself with physical applications, and you don't apply physical applications to people. You don't hit your sister. You don't get involved in any physical stuff. You work through problems with your brain.' I was taught that as a young person. If we could indoctrinate that into society so that we could talk about things like we are here now, then we might have a lot of improvement.

My point is that the member for Bragg, the Deputy Leader of the Opposition, after condemning the government on what they are not doing, said that we have to do more on prevention and all these things. I totally agree with that but, at some point in time, when all else fails for whatever reason—resources are an issue and education is an issue. Hopefully, in 10 or 20 years' time, I can sit in my rocking chair and see a better society because young people have realised that you do not go about life by being a perpetrator: you go about life by caring for people and by talking through and working out problems.

At the moment, I believe that we have a situation where the courts are often inadequate, irrespective of what may be argued on the other side, when it comes to handing out sentences where some justice is given to the victim and also an incredibly important message is sent to the perpetrators that we are not going to tolerate that. I personally believe that, in many instances, the courts have let the victims down. That is the reason why I have brought in this bill.

Yes, let us put more money into prevention, early intervention, rehabilitation and counselling so that if there is a couple living together and things are getting a bit rocky, so to speak, they can quickly and easily access support to work through the problem rather than having it get to the other end. But the reality in life is that, whichever way you look at it, in some circumstances with domestic violence, it does get to the other end. That is the treacherous, tragic and scary end, and anybody in this house who has worked with constituents who have been the victims would have seen that firsthand. I am sure that many have.

I have in recent times worked with a lady, Emily Cartlidge, and I have huge respect for Emily, her mum, her dad and also her sister, Rebecca Warren, who does not live in this state anymore, but who has actually had a detailed discussion with me. They contacted me asking, 'Do you realise what happens in a circumstance of premeditated domestic violence?' That to me is very serious because that person has planned a situation. I admire, respect and encourage Emily and her family to continue to champion through to the point where we do get a more comprehensive situation of instruction to the courts on what the minimum requirement is that we believe should occur in a situation where there is serious domestic violence—and it is all listed, as you know.

Then there is Evie, a beautiful, now healthy, thank God, young girl who was very badly beaten by her mother as a baby—an innocent, beautiful infant badly beaten. One of the arguments the defending lawyers put was that the mother had had a tough life. No surprise about that, because tens of thousands of people have tough lives and tough upbringings, but also many of those tens of thousands of people actually end up in a situation where they become model citizens. They become leading citizens and they learn from that, so I do not see that as a defence.

The mother might have had a tough upbringing but, notwithstanding that, that is no reason to beat a baby. Part of the defence lawyer's argument was that there was no craniofacial damage. What that actually means in layperson's terms is that the baby had no fractures or broken bones. What are the courts looking at here? You can beat a baby—according to that—but as long as you do not fracture or break a bone, well, it is not that bad?

If you had a look at Evie's bruises and if you had a look at Emily's situation, they were horrendous. There are lots of other examples of this, but on both occasions these people got off with suspended sentences and fines less than speed dangerous. I shake my head about that. I am not saying for one moment that it is the only tool in the toolbox. What I am saying is that one of the policies, which I think is still a Liberal policy, is sentencing guidelines. Sentencing guidelines is pretty soft. I do not think the government has even got that.

I will watch with interest when the law and order policy comes out as to what the Liberal Party and the government finally come up with. The reality is that why sentencing guidelines was a compromise in the Liberal Party is because there were some who wanted minimum mandatory sentencing and there were some, like my colleague the Hon. Justin Hanson, on behalf of the government, who said, 'No, leave it all to the courts.' I do not think that the role of this parliament is to leave it all to the courts.

I do not profess to be a gifted academic with a high IQ, who is a judge of the Supreme Court or anything like that at all. I am not. I am a farmer and a politician. I understand that this parliament is about making legislation that shows what the people of this state want to see administered and adhered to for the people. I do not trust or believe in giving absolute discretion to the courts. Whether it is a Liberal or a Labor government does not matter, the courts have let down the government, the parliament and the people of this state on lots of occasions.

Where it is identified and it is actually prescribed that there are certain serious domestic violence offences, all we are simply saying with this piece of legislation is a two-year minimum. Are you guilty or not guilty of the prescribed serious offence? If the answer is yes, it makes it easier for the judge and/or the jury. They go in for two years and they sit in there 24/7—not a nice place to be—and they think about their actions.

On top of that, they then get the proper anger management courses and all those things that are not there now. In fact, there has been a reduction of all that in the past 10 years, rather than an increase. But you bring all that in as another tool as well as a comprehensive list of tools, and those people hopefully then learn their lesson. The media report on that and we have a situation then where people think, 'I am not going to do premeditated domestic violence. I have a problem. I am not happy with my partner. Things are shaky. I am going to seek help.' That is what we want. We need to send that message. But where an innocent person is put into the most high-risk situation that could ever occur, they need some protection, and if they do not then get that protection by virtue of everything else we have done, in my opinion, that perpetrator needs to be gaoled.

I will finish with a couple of things. Yesterday we had a bill that I do not like. It flies in the face of what this government has said they are going to do when it comes to reducing red tape. It is called the labour hire bill. That is one of the most intense pieces of red tape for business that I have seen in my living memory, and that is going to make life pretty difficult for people that engage in labour hire.

My argument is that in that they had that you could sentence an employer for bad behaviour, not even necessarily criminal activity but bad behaviour for up to five years, two years more than even a situation with a mirror bill in Queensland which was three. The point there is that we are happy to have the government bring in legislation to gaol an employer. Fine them by all means, rehabilitate them, delicense them or whatever, but to gaol them? But then on the other hand right now, when we have a situation where there is incredible disgusting, disgraceful, life-threatening domestic violence—and I am not being alarmist—we have to leave the whole thing to the courts. I am sorry but I, for one, do not agree with that.

I want to let you know these two things. I want to congratulate and put on the record the words of an Aboriginal gentleman called Mr Craig Rigney who is the CEO of Kornar Winmil Yunti. He is working with Aboriginal men in family violence and he has a conference happening at the

moment in 2017, right now I believe. He said some pretty serious things. When a very good presenter, Deb Tribe, from the ABC talked about this particular piece of legislation, Mr Craig Rigney said that the majority of perpetrators—and I am not singling out the Aboriginals. I work to my best ability to support them.

Aboriginal, non-Aboriginal, wherever you come from, the reality is there are a lot of situations where there is domestic violence. I am paraphrasing a very long nine-minute interview with him, so forgive me for paraphrasing but I would rather do that than go through it all because of all the work we have to do tonight. To paraphrase it and summarise it, he said that the majority of perpetrators in the Aboriginal community have been victims of violent experiences. That must be dealt with using cultural mechanisms to change behaviour.

But he also points out that each man—and woman for that matter, but obviously sadly most domestic violence is by men—is responsible for their use of violence and there is no excuse. He has talked to these people and he says that many of these people will use excuses. They will say, 'But this happened to me. This is why I am violent.' Well, no, says Mr Craig Rigney. You chose to be violent and that is a yes or no decision. All of these other aspects in your life are maybe what are creating a stress factor for you and that cup can only hold so much water, so let's work on a way that we can start to unpack some of that stuff while we are discussing the violence, while we are holding those men accountable for their attitudes and beliefs towards women. That is from Mr Craig Rigney and I congratulate him on his stance and his strength, frankly.

I just want to put on the public record for today, 29 November 2017 at 4.43pm when my office looked at the petitions that are being signed between Emily Cartlidge and Shane McMahon, the combined total of the signatures now is 225,925 people. They are the people who elect us and they are saying we need to be more comprehensive with what happens with domestic violence and that one of the tools in that toolbox should be minimum mandatory sentencing.

Whether I have been a member of the Liberal Party or a member of Australian Conservatives, I have always believed that the parliament should be doing more when it comes to minimum mandatory sentencing. I do not have confidence in the courts. I do not have confidence in all lawyers that they are going to push hard in a plaintiff situation for the best possible outcome, nor indeed when the defending lawyer comes in and uses all these excuses because they are paid to minimise the sentence or, indeed, get them off. I have been here long enough to see that that is not working. I will not apologise for pushing for more minimum mandatory sentencing.

I have heard the voices, so I will not divide. I thank my colleagues for their input. I know that most of us in the world condemn domestic violence, and I have heard good support from the Hon. Mark Parnell on behalf of the Greens. I have heard good support from both the Hon. Andrew McLachlan and the Hon. John Dawkins on how they condemn domestic violence on behalf of their party and as individuals. I have heard good support from the Hon. Justin Hanson on the principle of condemning domestic violence on behalf of the Labor Party government, and I have heard good support on this from my colleague the Hon. John Darley on behalf of his new party. I thank you all for that.

As I say, I will not divide now, but if I am re-elected, then governments are going to come to us and say, 'We have mandates to do things and they want us to support them.' If I am re-elected, and in the lead-up to this election, I will be raising this issue as much as I possibly can. I put on the public record that if I am re-elected with the Australian Conservatives, we will be also saying to the government of the day, we want a much more comprehensive domestic violence strategy and we want to have minimum mandatory sentencing. Two years for a violent perpetrator will be enough time, in most circumstances, with the proper education programs and rehabilitation in the prisons to actually prevent further domestic violence of a serious nature.

I thank members for their contribution. I accept that tonight I am the only one here on the side of minimum mandatory sentencing, but I also look forward to pushing this again if I am successful at the upcoming election. I also reserve my right to look at more minimum mandatory sentencing because to conclude, if you have a look at the irony of this, you have minimum mandatory sentencing for murder, which I agree with, you have minimum mandatory sentencing for driving over

.05, you have minimum mandatory sentencing for traffic offences, but when it comes to violent, serious perpetrators of domestic violence, we have to leave it to the courts.

While I am still in here and if I am back in here, I do not want to leave that to the courts. They will have discretion as to whether it is two years and three months or seven years or 10 years or whatever, and that is where their intellect, way above mine, comes into being, but they will not have sentencing guidelines, which is a nothing. They will be told that if you are on that list and you have put that person's life at risk physically and mentally, and you have then made that life so difficult to that person—mostly women, but sometimes men—that they have to be strong enough to build out of that without the support of the justice system that says, 'You perpetrated. You committed a list of very serious domestic violence,' you are going to gaol. I want them in gaol and I will not give up. I thank my colleagues for listening.

Second reading negatived.

Parliamentary Committees

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (20:25): I move:

That the final report of the select committee be noted.

In seeking to note the report, I would like to turn to comments made only yesterday by the Minister for Health in this place. In answer to a question completely unrelated to Transforming Health, the minister asserted (when he uses the word 'we' here, he is referring to the Weatherill Labor government):

> We are serious about taking on board clinical advice, whether it be at The QEH, whether it be at the RAH, whether it be at the Modbury Hospital, and that is why our health policy will be cogent, methodical and based on evidence and advice, because we want to make sure people get the health care they deserve.

I almost felt as though the minister was channelling the rhetoric of Transforming Health. It reminded me of a quote that the Select Committee on Transforming Health included in its fifth interim report. In that report, the committee referred to evidence given to the committee on 10 March 2017 by Professor Dorothy Keefe, the clinical ambassador for Transforming Health. She summarised some of Transforming Health's changes in the following terms:

> Transforming Health has resulted so far in a major infrastructure and human resource investment, leading to evidence-based realignment of services that has enabled implementation of the clinician-led, patient-centred, evidence-based, contemporary models of care to ensure that South Australia has a health system that embraces innovation, takes full advantage of technology, implements advances in medical treatment and is flexible in meeting the challenges of the future to maintain the patients at the centre of everything we do.

That was almost like a daisy chain of rhetoric, and that was what Transforming Health was characterised by.

The Hon. T.A. Franks: Welcome to Utopia.

The Hon. S.G. WADE: Welcome to Utopia. Professor Keefe and other ambassadors for Transforming Health—and for that matter, let us be clear, minister Snelling before minister Malinauskas—repeatedly claimed that 95 per cent of clinicians supported Transforming Health. What a lie! What 95 per cent of clinicians said, in a very early survey in this process, was that they supported the principles of health reform. That was taken and twisted and repeated time and time again. It was not true, but it was used as propaganda by this government. I believe it was a wanton misstatement of the clinical consensus in this state.

For those who have not been watching the calendar as closely as I have, today is 29 November. Yesterday was 28 November, three years to the day since the Adelaide Convention Centre was hired by this government for what they called a summit on Transforming Health. At this summit—and to be frank, I was there—there were hundreds of people who were listening to almost Amway style presentations from minister Snelling and other members of the SA Health crew. It became almost like, as I said, Amway, a cult-like approach to health reform.

Minister Malinauskas yesterday suggested that he and this government were committed to clinician-led reform and that we could see that at The QEH, at the RAH and at Modbury. So let us

look. Let me look at each of those in turn, and so that the President might be assured that I stay within the terms of this motion, I will do that by referencing different reports of this select committee. Again, the minister is asserting that this government respects clinical advice, that what it does is evidence-based and clinician-led—absolute rubbish! Let's look at The QEH. This is the third interim report of the select committee, and I quote, page 26:

> Throughout the inquiry, witnesses recounted their interactions with SA Health in highlighting many concerns about the department's consultation approach. Inquiry witnesses criticised the plan to move rehabilitation services to the QEH without genuine community consultation. Some senior clinicians also complained about the lack of transparency in the decision making process, and expressed concern about the limited availability of information regarding the proposed changes directly affecting their clinical areas.

The committee, later in the report at page 28, highlighted some of the personal experiences of senior clinicians, senior clinicians who were not leading the process but were being disrespected by the process. At page 28 it states:

> Many clinicians who provided evidence were highly critical of the Government's consultation approach, with some telling the inquiry they have gained more information about changes to rehabilitation services from reading their local Messenger newspaper.

Let me quote:

> We attempted to engage and consult with management in Transforming Health, but there was no reciprocation, so we actually got the rest of the information from the *Portside Messenger*.

Another senior clinician described his initial reaction, upon learning about the dislocation of the respiratory ward through the local newspaper:

> [It] makes you feel a bit low to pick up the *Messenger* press in your driveway to find that, despite claims of extensive consultation…that none of us actually received, [to learn that] your ward and your high dependency bays are now a dining room for Hampstead patients being transferred. It's disappointing because we actually had heard this might be happening and attempted to talk to the [Chief Executive Officer] at the time and various other administrators, who basically declined to discuss it.

Dr Jelbart, who is a highly-respected clinician in the area of rehabilitation told an inquiry that:

> …that staff from the brain injury service were 'specifically prevented by Transforming Health from visiting the proposed site to better understand the space and constraints [the service] faced in design'. The reason for this such exclusion was because staff from other clinical areas, such as geriatrics, respiratory and palliative care, that were directly affected by the changes 'had not yet been informed that they would be…evicted in favour of our clinical services'.

Dr Jelbart went on to say that staff were 'specifically instructed not to discuss this matter with any QEH clinical staff'.

This is not clinician-led reform based on sound clinician consultation. Do you see what is happening here? You have the people from Hampstead, who want to make sure that their clients in the new QEH facility are going to get the services they need: 'No, you can't go and look at The QEH, because that might tip off the people we are going to evict, and the people who are going to be evicted can't be informed because they might get grumpy about the change.' This is not clinician engagement, clinician-led reform: it is deceitful spin for the government to perpetuate this rhetoric.

Let us be clear, the committee's report was tabled on 8 June 2016, so the government has had the chance to mend its ways. It had a third interim report, which highlighted the concerns about the lack of consultation. In that committee report the committee found that the government's planning and consultation processes have been seriously deficient. It states:

> Evidence from consumer groups and senior clinicians consistently reported that the consultation process regarding the proposed changes to rehabilitation services under Transforming Health had been characterised by predetermined outcomes, a culture of secrecy and a lack of openness and transparency.
>
> This approach is disrespectful to both consumers and clinicians, and likely to not produce the best possible outcomes.

So, that is The QEH. The minister says, 'You can see our clinician-led reform at the RAH.' Let me turn to the evidence given to the committee on 10 February 2017 by Professor Paul Reynolds, the chair of the Medical Staff Society at the Royal Adelaide Hospital. Let's be clear: this is not the porter,

this is not the union rep, this is Professor Paul Reynolds, the chair of the Medical Staff Society, and this is what he told the committee about his engagement with the new Royal Adelaide Hospital.

The minister wants to tell us that this is clinician-led reform with clinician consultation. Well, what was Professor Paul Reynolds' experience? He highlighted in his evidence before the committee that the views of clinicians shared during consultation were not acted upon. He said, for example:

> I have been involved in planning committees ever since day one when what was the Marjorie Jackson-Nelson Hospital was first announced. I have been on a number of committees and I think one of the frustrations we have all had is that it is a bit like groundhog day. We are starting the process again repeatedly. Whilst there is a lot of talk about clinical consultation, I think the reality is that whilst there have been meetings, the outcomes of these meetings have often not led to much and the views of clinicians may have been recorded but not ever particularly actioned upon.

He talked about the chaotic planning and consultation and the fact that clinicians receive no feedback:

> The floor space of the new Royal Adelaide has been known for probably four years, so all of this scramble to get the outpatient services planned should have been happening gradually over those years and not be a mad rush in the last few months.

Professor Reynolds was talking about a document that was provided in August 2016 as part of consultation. He said:

> That document was provided back in August [2016] in response to a consultation paper and now, some six months later, we have had no formal feedback…

So, here we are. We are supposed to be in the hospital by now, but even the Medical Staff Society raises issues and six months later has no formal feedback. Again, quoting:

> Again, I bring this up repeatedly in committee meetings, and I am told that it's on its way. That is yet another example of the inadequacies of the consultation process.

Professor Reynolds, before the committee, talked about clinical advice just being ignored:

> I sat in on some of the planning meetings, probably six years ago, when they were drawing up the floor plans, and I made points at the time, as did my colleagues, that we needed more waiting areas in certain places. We expressed concerns about things. But these opinions were largely ignored.

Feedback on consultation was not good and lip service was being paid to clinicians' concerns. Professor Reynolds talked about the problems that ensued at the closure of Ward S7. There was a feedback document, apparently, that was circulated, but the feedback was due on 23 December, two days before Christmas. Yet, in spite of that, by the first week of January, a frequently asked questions response was circulated, which did not reflect the negative concerns of the medical personnel. Professor Reynolds stated:

> So it wasn't exactly consultation: it was more like a pronouncement and then lip service paid to a consultation process. Again, that has been our experience.

Minister Malinauskas wants to tell us that The QEH was based on clinician-led reform and that the RAH was based on clinician-led reform. That is not what the clinicians told this committee. He also suggests that there was clinician-led reform at Modbury. Let's look at the Fourth Interim Report of the Select Committee on Transforming Health and its comments in relation to Modbury. Dr Jackie Davidson, the head of the emergency department at the Modbury Hospital, was critical of the government's consultation process, specifically as it relates to NAHLN. She told the committee that the process was either extremely rushed or sometimes ignored.

Dr Davidson said it was wrong for the government to claim that extensive clinician engagement had occurred as part of the consultation process. Dr Davidson expressed concern that the government's strategy of distributing generic emails that contained little more than broad ideas was insufficient to engage clinicians in a meaningful way. She went on to tell the committee that when more detailed information about the plans was provided to senior clinicians, their concerns were elevated and they felt unable to support the proposed changes:

> The proposals circulated in 2015, the Transforming Health proposals, were too generic to give meaningful feedback. They were more ideas, you know, 'Modbury will be the rehab centre', 'Modbury will focus on elective surgery'. Once we had a more detailed service plan circulated, which was February 2016—

a year later—

the feedback given by 31 Modbury specialists, that included five heads of unit, was that not only did they feel unable to support the proposals but the proposals were against all six of the quality healthcare principles endorsed by Transforming Health, those being patient-centred care that is safe, effective, accessible, efficient and equitable.

Did the government change any of this? Is this clinician-led reform? Is this clinician engagement which is leading to evidence-based outcomes? None of that changed, and now we have the new minister running a PR campaign to try to defend the Transforming Health downgrades. This was not clinician-led reform in its foundation, nor will it be in its defence.

The minister raised, as I said, three examples: Modbury, The QEH and the RAH. I believe the work of our committee shows that he is misleading this house if he was to suggest that that was clinician-led reform. But do not take my word for it; do not take the committee's word for it; let us look at what the AMA and SASMOA, the two key doctors representation bodies in South Australia and, as I understand it, the only health professional representative bodies who have done surveys, found when they asked their members.

The committee received a copy of a survey of doctors and final year medical students jointly undertaken by the AMA and SASMOA. The survey of 530 doctors was published in April 2016 and showed broad opposition to reforms under Transforming Health. No; it is not clinician led. It is not clinician informed. It is government propaganda.

Among the findings of the survey were the following: over 60 per cent disagreed or strongly disagreed that Transforming Health will provide better care for patients. Over 70 per cent of those surveyed did not believe that Transforming Health will deliver best care first time every time to all South Australians. Around 80 per cent disagreed or strongly disagreed that the government had conducted effective stakeholder consultation during the implementation of Transforming Health, and around 88 per cent of the survey respondents felt they did not have an ability to influence the outcomes with regard to the implementation of Transforming Health.

How can it be clinician led when 88 per cent of such a key group of clinicians do not believe they can influence the process?

The Hon. T.A. Franks: You pay somebody else to spruik it for you.

The Hon. S.G. WADE: As the Hon. Tammy Franks interjected, they paid somebody to spruik it for them.

The PRESIDENT: Maybe the Hon. Ms Franks should not interject and let you get on with your speech.

The Hon. S.G. WADE: It was a very apposite interjection, I must admit. The committee heard that as a result of inadequate and hasty consultation, morale in SA Health is at an all-time low. That was an observation we made in November 2016. I think if the committee was considering it again we could actually add to the list of detriments of the government's approach. Not only has it led to incredibly low morale in SA Health, I believe it has seriously damaged the capacity of SA Health as an organisation to renew.

What credibility does the government have—and I mean the government as an entity; after all, under the Westminster system one group of parliamentarians form the government in one parliament, and another group may form it in the next. But as far as the clinicians are concerned, how can they have confidence in the government being legitimate partners with them in health reform when they have this deceit year after year after year and, now we find, minister after minister? Unfortunately, we did not have the deceit buried with minister Snelling; it has been resurrected in minister Malinauskas. He dares to tell us that Transforming Health and what the government does is clinician led and evidence based.

So, we have a real problem with our workforce; we also have real problems with our infrastructure, infrastructure not in the physical sense but infrastructure in the cultural sense. We have already heard in other contexts about the clinical governance issues in SA Health in relation to chemotherapy dosing and the prostate cancer and what have you, but particularly in the area of the committee's focus, which I would call clinical service reconfiguration, the government has systematically demolished the infrastructure of the clinician voice.

Before Transforming Health started there was a body called the clinical senate, which was a senior group of health professionals who advised on clinical issues, above and beyond the political class. They were supported by a network of statewide clinical networks. What happened when Transforming Health came along? We abolished both of those, both the clinical senate and the statewide clinical networks. Instead, we appointed the Clinical Ambassador for Transforming Health, a bit like Joseph Smith and the Mormons, we appointed a series of deputy clinical ambassadors and we appointed a Ministerial Clinical Advisory Group for Transforming Health.

We did not establish statewide clinical networks. What we instead established was a series of hand-picked Transforming Health working groups. These were not selected by the clinicians. Presumably, the minister and the SA Health executive not only selected the clinical ambassador and the deputy clinical ambassadors but they also appointed all the working groups. The previous superstructure was abolished and we had the Transforming Health institution established. What we saw and what we have seen reflected in the statements I have already made was a fundamental disengagement with clinicians in the unit.

No longer was the view of front-line clinicians relevant. What mattered was where you sat in the Transforming Health superstructure. The elite spoke across all domains and the committee challenged some of those spokespeople: 'How can you speak on that area; that is not your clinical specialty,' but apparently Transforming Health, like Amway, gives you the right to speak across all clinical domains.

Culturally and structurally, there has been significant damage done to SA Health and the prospects of health reform in this state by this government, yet we have the newbie minister, minister Malinauskas, telling us yet again the same spin and the same rhetoric: health reform under this government is clinician-led and evidence-based. It is deceitful, and if it is not deceitful it is delusional. The final report of the committee, which we are specifically noting in our motion tonight, made the following finding:

Transforming Health was a health portfolio response to an increase in budget savings targets in the 2014-15 financial year.

The failure of the Government and the Transforming Health team to effectively engage the broader clinical community and the general public meant that:

- the program's design did not adequately allow for local factors or reflect community values;
- the health workforce and service users remained distrustful of the program; and
- significant cultural damage was wrought on SA Health.

The Transforming Health process has made health reform harder to implement in South Australia.

That is the end of the finding, which was a unanimous finding of the committee. As I said, I was offended by the claims of minister Malinauskas yesterday that this government believed in clinician-led evidence-based reform. It is delusional and it is offensive.

We also saw quite a recent example of the same disrespect for clinicians in the last week or two. Let us remember that in 2015 the government decided that what was good for the western suburbs was that their emergency department be downgraded and the cardiac catheterisation laboratory at The Queen Elizabeth Hospital should be closed. Professor Horowitz, the head of the unit, was not engaged in that decision. So much for clinician-led evidence-based reform. Professor Dorothy Keefe, who was the Clinical Ambassador for Transforming Health, said that the closure of the cath lab was a no-brainer, yet two years later, ever so much closer to an election, the Labor Party thought, 'Well, we need to look at this again.'

In June 2017, Premier Weatherill announced that the government was going to retain some cardiac, respiratory and oncology services at The QEH. Minister Snelling explained it in terms of, 'Well, some clinicians say this and some clinicians say that. Sometimes we choose this clinician's advice; now we have decided to choose that clinician's advice.' In spite of the backflip, apparently, five months later there had been no action. There had been no beds returned to the cardiac unit and there was no restoration of staffing.

Then last Friday, after five months of inaction, minister Malinauskas, under cover of a university announcement, removed the after hours cardiac emergency cover. That action was

explicitly contrary to the advice of Professor Horowitz. He was on the outer in 2015, he was back in in 2017, and apparently by November 2017 he is on the outer again. It was not just contrary to the advice of Professor Horowitz; it was also contrary to the advice of Dr Tom Soulsby. Last Friday morning, the head of the Emergency Department at the RAH said, 'Please don't downgrade the after hours cover for cardiac services at The QEH until you deal with a whole series of issues.' In less than 24 hours, the decision was implemented.

I put it to this house that this government has no credibility on clinician-led evidence-based reform. They are clinical advice shoppers. They will keep looking until they find clinical advice that is convenient. They will promote and prefer people until they find an ambitious mouthpiece for their policies. They suppress open discussion so the only voice they hear is the voice they want to hear. This government has no credibility on clinically informed evidence-based health policy. That is why I believe the people of South Australia, for the sake of their health, in March 2018 need to vote out this government. Whether it is minister Snelling, minister Malinauskas or the next Labor health spokesperson, I believe that they have no choice but to rid themselves of this corrupt regime.

In conclusion, I would like to acknowledge the hardworking committee in relation to Transforming Health. This report is the seventh report of the committee, that being six interim reports and the final report. It has been suggested to me that that is a record for this parliament in terms of reports from the one committee. Some people would regard such a prolific use of interim reports as not good practice, but let us discuss that when we talk about parliamentary committee reform in the years ahead.

The Hon. R.I. Lucas: Budget and Finance beat you; they do one every year for 10 years.

The Hon. S.G. WADE: The Hon. Rob Lucas suggests that Budget and Finance has done an interim report every year for 10 years. One could suggest that that is a series of clusters of interim reports in different parliaments, but let us wait until the academy hands out the Oscars in relation to the interim report tally. Anyway, what is definitely not subject to dispute is the diligence of the committee members. I would like to start with Tung Ngo, because this committee was politically challenging—sorry, the Hon. Tung Ngo. I apologise to the honourable member, the President and the council. The Hon. Tung Ngo was extremely diligent and an active participant in the committee, as were the Hon. Tammy Franks and the Hon. John Darley.

It was a pleasure to work with these colleagues because we traversed all sorts of issues and I think the committee worked extremely effectively. Of course, that is nothing to do with the Chair; that is all to do with the staff. I would particularly like to pay tribute to Guy Dickson, the secretary of the committee, and Sue Markotic, the research officer. I have only been in this parliament 11 years. Mount Gambier's *The Border Watch* was rude enough to call me a veteran MP, but one thing I have learnt is that the success of a parliamentary committee is very much dependent on the quality of the secretary and the research officer, and this committee was very fortunate to have two of the best.

I am sorry that I had to get a bit cross about the insulting remarks that the minister made in this house yesterday in terms of clinician-led evidence-based reform, but I think it is important to put on the record that this committee found that there is no such thing as clinician-led evidence-based reform under this government.

The Hon. T.A. FRANKS (20:54): I rise to briefly both note and support the final report of the Select Committee on Transforming Health as a member of the committee, and I certainly echo much of what the Hon. Stephen Wade just indicated. In particular, I would also like to thank the staff of the committee: the secretary, Guy Dickson, and the researcher, Sue Markotic. I also commend the collegiate way in which we went about working on this committee. I acknowledge the Hon. Tung Ngo and the Hon. John Darley as being very hardworking members of a smaller than usual committee.

This committee has had some seven reports, and this is the final one. When Transforming Health was announced, many in the community and certainly myself remember then minister Jack Snelling on the television set that night saying that he had not one reason for transforming health, but indeed he had 500 reasons that we needed to transform health.

Those 500 reasons, he stated, were the avoidable deaths each year that occur in South Australia. Time and time again we explored the issue of these so-called 500 avoidable deaths in

South Australia that were the impetus for Transforming Health. Time and time again we received no answers as to the workings to create this figure of 500 avoidable deaths that were in any way being held to account, that were in any way being measured and that were in any way being addressed by the rollout of Transforming Health.

Time and time again we heard of the processes of the rollout of this Transforming Health and the way of the workings. Certainly, the Hon. Stephen Wade has noted that there was a clinical ambassador program, people on the payroll to spruik Transforming Health. They were partly working for SA Health, in some cases also undertaking academic roles, but certainly on the payroll to spruik Transforming Health.

Those people were involved in a series of groups. The one that I remember the most was that which decided whether or not the Repat would close. The people who were part of that committee that decided the Repat would close were quite varied. There were clinicians, there were community members and there were many bureaucrats. What there was not were minutes that were kept of any particular votes. What there was not was any sign of a democratic process being followed. We were told in the hearings that the group worked to consensus. I asked how that consensus worked, and as a Greens member of this place I will share that the Greens do work to consensus internally in our party processes and there are many models of consensus.

I was very concerned and interested to hear what consensus process this was that the group that closed the Repat worked to. The consensus appeared to be, 'It's our way or the highway' and 'You will do what you're told' and 'The bureaucrats know best.' When any dissent was shown, that dissent was not respected, that dissent was never recorded and that dissent was never reflected. There were no votes taken and there was no secretary made available to these committees to ensure administration or indeed the basics of democracy minute taking and transparent decision-making. It was a sham. It was not like any consensus process I have ever seen employed, but certainly it got the result that some wanted.

I would say this was not transforming health; this was transforming the truth. This was creating and manicuring the outcome that the minister wanted. There was never any proof of these 500 avoidable deaths that can be held accountable. There seems no care from anyone involved in the rollout of Transforming Health to now give us any evidence that these so-called 500 avoidable deaths are now being avoided. That was dismissed almost out of hand as the Transforming Health juggernaut rolled through.

I will not labour the point too much because the Hon. Stephen Wade has covered much of the work, but nearing the end of Transforming Health we were told that the clinical standards, some 227 original clinical standards, that at the beginning of Transforming Health 52 of these were not being met. We were told in the course of Transforming Health that 10 of them had been achieved. Time and time again the committee asked clinical ambassadors, bureaucrats, representatives of the government, ministers in this place, 'What are the 10 that have been met in the course of Transforming Health from its commencement until just a few months ago?'

Time and time again we did not receive answers. Lo and behold, on the very final day and the very final witness from the department to the Select Committee on Transforming Health we were given a document that proclaimed, in fact, that there were now only five clinical standards yet to be met of that 227.

Before we got our hopes up too high, just a cursory glance showed that one of those clinical standards that had now been met and supposedly achieved was that the planned co-location of the Women's Hospital with the new Royal Adelaide Hospital would address the standard with regard to the health of women in the maternity unit needing emergency procedures. The co-location of the Women's Hospital with the new RAH is not expected to be completed until 2024, yet it has been ticked off as one of the clinical standards that have now been met under Transforming Health.

As I said, Transforming Health proved time and time again to be a sham. It was transforming the truth, not transforming health, and it was getting the outcome that was designed, which was to close the Repat and to laud the new RAH. When we changed the name of the new RAH and kept it as the Royal Adelaide Hospital I think that was one of the signs, although Mike Rann, the former premier, might have liked to have called it The Marj and have had a monument to his leadership.

Indeed, I think that is the legacy of his leadership—it was more about the spin and not about the substance.

Clinicians should always be involved with health decisions. They should have been involved with the building, design and construction of the new RAH. We have seen that that has been a failure, we have seen an enormous amount of money spent without listening to those who are at the coalface, those who should have been included in those decisions. We have seen this Transforming Health process—which we are now told is finished—abandoned as the shoddy piece of work it is, but no amount of spin will save the sinking fortunes of the current health bureaucracy.

Motion carried.

SELECT COMMITTEE ON CHEMOTHERAPY DOSING ERRORS

Adjourned debate on motion of Hon. A.L. McLachlan:

That the report of the select committee be noted.

(Continued from 15 November 2017.)

The Hon. S.G. WADE (21:02): I rise to speak to the motion that the report of the Select Committee on Chemotherapy Dosing Errors be noted. This is a very important and timely report that not only unpacks significant failures in the treatment of 10 South Australians with acute myeloid leukaemia, but also investigates the aftermath of those errors, including the appalling way the Weatherill Labor government and key figures in SA Health attempted to cover up and play down what happened in the weeks and months that followed the discovery of the errors.

Getting to the bottom of what happened and why has been and continues to be a bitter and painful journey for the 10 victims and their families. They are South Australians who have had to fight tooth and nail for information and understanding that they have every right to have and which the government should have freely provided to them at the earliest opportunity.

Notwithstanding that the underdosing errors occurred in late 2014 and early 2015, it was not until August 2015, after accounts of the underdosing first appeared in the media, that the process of working out what had gone wrong and why began in earnest. Until then this government and key people in the health department had done their best to keep what happened under wraps and, in some instances, buy the silence of the victims.

I am sure we all recall the sloppy and inaccurate assurances that the then minister for health and senior clinicians gave when the story first broke, including the minister's false claim that none of the victims had died. I am sure we all recall the Premier's claim at the time that the victims and their families were being given all the support they needed. The select committee's findings well and truly unpack the emptiness of that claim.

In response to the story breaking in the media, an independent review headed by Professor Villis Marshall was established. That review, completed in November 2015, confirmed that significant clinical governance failures had occurred and that senior staff had ignored SA Health's incident management processes and open disclosure policies.

This select committee was the next inquiry to be established. In March 2016, it was established and, it must be noted, established without the support of this government. Because of the hard work of the select committee and, more importantly, the courage and tenacity of the victims and their families, parliament's understanding and, for that matter, South Australia's understanding of what happened and why has significantly increased. For example, because of the work of the select committee, we now know that the direction given by the then CEO of SA Health that a recourse analysis be conducted was ignored. Through the work of the select committee we now know that the government and SA Health's failure to act to implement the recommendations of the earlier dosing failures left the way open for further errors to occur.

Through the work of the select committee we have begun to understand how SA Health's decision to roll out EPAS, its problem-plagued electronic patient health record system, derailed efforts to set up an electronic system for managing chemotherapy protocols. The committee's findings chronicle serial disobedience by both clinicians and administrators and the failure to

implement multiple reports, guidelines and directives. How, we must ask, did all this go on apparently unnoticed on the watch of this government?

We now know that the culture went far beyond this isolated chemotherapy blunder. Through the agitation of the victims, Mr Pehm of the Australian Commission on Quality and Safety in Health Care was tasked with a further investigation to follow on from the Marshall report. Mr Pehm made a finding that there was 'a breathtaking contempt for good clinical governance'. That led to another report. This one focused on the Central Adelaide Local Health Network that confirmed Mr Pehm's view and postulated that it would take five years to establish proper governance in the one network.

The committee's findings bring together these and other historic reports and paint a highly disturbing picture of a culture in our public health system that is completely unacceptable. Notwithstanding all of these discoveries and the government's promises to take appropriate action, a Crown Solicitor's report into disciplinary matters promised by the then CEO of SA Health back in mid-2016 remains unfinished. This is completely unacceptable. It is completely unacceptable and something that frustrates and torments the families who are currently enduring disturbing revelations coming to light as the ongoing coronial inquiry runs its course.

While as a council we are thankful for the work of the select committee, we cannot and must not think that this is the end of the matter. As a parliament, as a community, we have been here before. We must do all that we can to make sure that we do not find ourselves here again in a handful of years wondering why similar errors and cover-ups have happened once again.

I note that Crown law legal counsel acting for the minister before the Deputy Coroner in the coronial inquest continues to seek to exclude evidence from the coronial inquest. It is impossible for the families of the victims to reconcile that action with the government's so-called commitment to open disclosure. Understandably, the ministers want to know the full extent of the minister's instructions. On behalf of the victims' families, I call on the minister to do two things: to explain his instructions to legal counsel and to set a deadline for the completion and release of the Crown Solicitor's disciplinary report.

Finally, I want to conclude these brief remarks with a heartfelt thanks to those victims and their families who gave evidence to the committee, some of whom have since, sadly, died. I am compelled to particularly thank and honour Andrew Knox. A victim himself, he has risen up on behalf of his family, other victims and all South Australians to with great tenacity and great courage pursue these issues to make sure that what has happened to him does not happen to others. To him I say thank you; to him we are eternally indebted. I commend the motion to the house and thank the select committee for its work.

The Hon. A.L. McLACHLAN (21:09): I wish to thank all members who made a contribution. I state my thanks again to the members of the committee who served alongside me. I also echo the words of the Hon. Mr Wade and thank the families and the victims for their courage in attending the committee, often with great media interest, to tell their sorry tale. Not only do I thank them but I commend them for their courage. I also acknowledge, on behalf of the committee, their pain and suffering, which was immense. I hope that the work of this select committee will result in better healthcare delivery for all South Australians and, when an error is made, far better care and consideration of those affected.

Motion carried.

Bills

STATUTES AMENDMENT (ANIMAL WELFARE REFORMS) BILL

Introduction and First Reading

The Hon. T.A. FRANKS (21:11): Obtained leave and introduced a bill for an act to amend the Animal Welfare Act 1985 and the Dog and Cat Management Act 1995. Read a first time.

Second Reading

The Hon. T.A. FRANKS (21:11): I move:

That this bill be now read a second time.

Noting the late hour and the late state that we are in in this parliament, I will briefly outline the bill, but flag that this is something that the Greens will be both campaigning on and bringing to the new parliament. This bill is designed to stop shelters from euthanasing animals where there are alternatives, while ensuring that minimum standards of care are provided at animal shelters. This bill is about saving healthy animals, reforming animal shelters and ensuring that we have successful shelters that save the lives of our companion animals.

Underpinning the bill is a philosophy of smart sheltering, which is, overseas, commonly known as something called 'no-kill'. It has also been part of something called 'getting to zero'. No-kill, of course, is somewhat of a misnomer as all shelters will have to put down sometimes irredeemably ill and suffering animals; however, the shelters that take this smart sheltering approach have a holistic approach towards the care of their animals. This bill is about that approach of redemption.

There are often many reasons why animals do have to be put down. Incurable medical conditions, where an animal is suffering unendurable pain, is of course one. Unresolvable behavioural issues, like aggression or biting, can be another. We should do everything we can to reduce the toll of death to as low as it can be.

The smart shelter philosophy seeks to reduce to as close to zero as possible the number of abandoned, unwanted and surplus companion animals that have to be euthanased in our society. For an example of how such measures can make a real difference, we need look no further than our sister city, Austin, Texas, which became a no-kill city in 2011, and has since saved more than 90 per cent of their homeless companion animals each year.

Last year, while debating the government's Dog and Cat Management (Miscellaneous) Amendment Bill, this chamber heard how more than 10,000 dogs and cats are euthanased in this state every single year. This bill, if implemented, would drastically reduce that unacceptable figure. I acknowledge the work of the government. Indeed, that is why I have held off on moving this bill. I would have put the bill further into the parliamentary schedule, but the government's moves, some of which were very welcome, are now being bedded down and are something that the Greens have welcomed. They would have been part of a more comprehensive bill, but this bill takes that one step further.

Technically, in this state as well, we still do not consider greyhounds within that protective legislation. This bill does not forget that greyhounds are, indeed, dogs and that they should enjoy the same protections as their canine cousins. The bill is also about transparency, particularly with regard specifically to greyhounds.

I have spoken previously in this parliament about my intention to introduce legislation that will keep Greyhound Racing SA to its word to continue to publish figures, as they promised a year and several months ago now to this council when I put up a select committee of inquiry proposal to ensure that the greyhound racing industry was not seeing undue wastage. Just over a year ago, and now well over a year and one month ago, the greyhound racing industry, in response to that threat of a select committee, released figures of the numbers that were being euthanased each year, with a wish list for the following year and the year after that. Here we are, well over a year after those figures, with those two years of wish lists released, and we are still waiting for the additional figures. We are still waiting for the transparency that the greyhound racing industry promised. This bill will ensure that transparency.

Part 5B of this bill introduces special provisions relating to greyhound racing. It will be a requirement to lodge yearly reports with the minister detailing the number of registered greyhounds destroyed, approximate numbers of unregistered greyhounds destroyed, and the methods used and those reports are to be tabled in the parliament. It will also make explicitly clear that Greyhound Racing SA is subject to the Freedom of Information Act. Members who have paid attention in this place might be aware that many times I have put in freedom of information requests with regard to the number of dogs in the greyhound racing industry that are put down and the way that that is done, and time and time again have had those requests rejected.

These transparency measures will ensure that we do have the truth about how many greyhounds are killed each year and how many in the greyhound racing industry could be living long and healthy lives. The bill will also ensure that with regard to companion animals that where an

animal must be killed it is done in a way that is humane and compassionate, and it will develop a code of practice to further the object of the legislation, including a requirement not to kill if an animal can be practically rehoused, and establishing minimum standards of care to be provided at animal shelters and animal rescue organisations.

Accordingly, no cat or dog in this state should be killed if that animal could be placed in a suitable home. Animals in animal shelters require proper care, nutrition and shelter. Animal shelters and other persons involved with stray, abandoned, ill-treated, injured, sick or surrendered animals should make every effort and be supported to make that effort to provide every animal in their custody with individual consideration and care.

I note that the bill before us has been part of an extensive collaboration I have had with the Paw Project in this state and the fine work of Mia McKenzie. I would like to put on the record my gratitude to her and also the inspiration of Nathan Winograd and the No Kill movement in the United States. It takes leadership to tackle this issue and the dogs and cats that we love so much, that hold a special place in our society, deserve the best considerations and this bill takes the first steps that the government has taken and takes that journey further. I look forward to seeing further animal welfare reforms to support the dogs and cats of this state in the new parliament. With those few words, I commend the bill.

Debate adjourned on motion of Hon. J.S. Lee.

The Hon. S.G. WADE: Mr Acting President, I draw your attention to the state of the house.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): A quorum not being present, ring the bells.

A quorum having been formed:

Motions

SAFE SCHOOLS PROGRAM

The Hon. R.L. BROKENSHIRE (21:22): I move:

That this council—

1. Notes that the New South Wales and Tasmanian governments have removed funding for the so-called 'Safe Schools' program;

2. Notes that the so-called 'Safe Schools' program falls short of its intended anti-bulling stance; and

3. Calls on the government to scrap all so-called 'Safe Schools' funding in South Australia.

The Australian Conservatives congratulate the New South Wales and Tasmanian governments on removing this funding. I could speak on this for hours, but I will just summarise by saying I note that there are three speakers, and I appreciate them speaking to this motion. Another bill may come in to this house if we sit the optional week and I can further explore this issue.

There is a broad range of views on the Safe Schools program. If it is specifically about safe schools then obviously we would not have a problem about that, but if it is actually code for getting involved in other issues then we do not believe that a lot of families in this state want that. We saw a situation today in the federal parliament where there was not one amendment on legislation in the Senate. Any of us who are re-elected at the next election will start to see the consequences of no amendments on that over our next eight-year period—it will not need more than eight years to see those consequences.

Given that we are going into new dynamics, I believe we need to have a proper and thorough debate on the Safe Schools program and that there should be transparency around it, that parents should understand what it is really about and that the best thing at the moment would be for this government to actually say, 'No more Safe Schools.' I will put on the public record that I understand there are members of the Labor Party who totally agree with me. In fact, they have told me so.

The Hon. R.I. Lucas: Name them.

The Hon. R.L. BROKENSHIRE: No, I am not going to because I respect their confidentiality, but I will say that what they did say to me was that the Premier will not budge and that they have

tried to move Safe Schools program arguments in the caucus, but the Premier has said it is a no-go zone while he is Premier. The Premier does not own the parliament and there may be another leader of the Labor Party at some point in time between 2018—

Members interjecting:

The Hon. R.L. BROKENSHIRE: I would vote for you. Two could go in the lower house at once.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! Mr Brokenshire is being elongated by interjections.

The Hon. R.L. BROKENSHIRE: The point is that there may be a change of leader at some point in time—win, lose or draw. Then, if it is the Hon. Mr Malinauskas, maybe those members of the Labor Party who do not like the Safe Schools program—and there are several who do not—might be able to apply a little more influence, and I will nurture that influence.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. R.L. BROKENSHIRE: Can I say in the meantime, I do not like the Safe Schools program. Tens of thousands of South Australian families do not like the Safe Schools program and so my responsibility right at this point in time is to move this motion. I commend the motion to the house and I look forward to the debate in the next few moments.

The Hon. J.E. HANSON (21:27): I look forward to one day the Hon. Mr Brokenshire coming in with a list of people he has spoken to, but he is not going to show it to anyone. That has never happened in the history of democracies, ever.

A supportive and inclusive school environment is obviously critical to the students of South Australia and it is critical because it is critical to their wellbeing and their educational outcomes. Both those things need to be evenly balanced. It is a right for all young people to have both those things. If students do not feel safe at school, I think it is a fairly safe conclusion to draw that their learning is thus compromised.

beyondblue research has shown that 61 per cent of non-heterosexual people reported experiencing verbal abuse and 18 per cent reported physical abuse. LGBTI young people had been found to experience higher rates of mental health problems, greater barriers to accessing specialist mental healthcare services, are twice as likely to attempt suicide and more likely to engage in self-harm. All of this ultimately has flow-on effects in cost to government services, such as health, housing or employment.

Schools and preschools have responsibilities for supporting all children and young people's equal opportunities to optimum learning and wellbeing outcomes. That is regardless of their sexual orientation, intersex status or gender identity in accordance with the legislative requirements of the Equal Opportunity Act, the Statutes Amendment (Gender Identity and Equity) Act and the Sex Discrimination Act.

The revised Department for Education and Child Development Safe Schools Anti-bullying Initiative is based on the nine guiding principles of the National Safe Schools Framework. This framework was developed in 2003 and a revised framework was endorsed by all ministers for education in December 2010. These guiding principles emphasise the importance of student safety and wellbeing for effective learning in all school settings.

The Premier and the Hon. Susan Close, Minister for Education and Child Development, released the Public Education Action Plan on 22 October 2017, which states that the new anti-bullying strategy will be developed in 2018. The Safe Schools Anti-bullying Initiative will become part of this new strategy.

In relation to what the other states are doing, the Hon. Mr Brokenshire may be entertained to know that the Australian Capital Territory education department and the Victorian education department have continued with state-funded safe school programs.

The Hon. R.L. Brokenshire interjecting:

The Hon. J.E. HANSON: Do you have a list on them, too?

The Hon. R.L. Brokenshire interjecting:

The Hon. J.E. HANSON: Perhaps you talk to them, too. I can also confirm that at the conclusion of the commonwealth funding for the Safe Schools Coalition in June 2017, the program ceased operating in Tasmania. However, the Tasmanian Department of Education supports sexual and gender diverse young people through its policy, which is the Guidelines for Supporting Sexual and Gender Diversity in Schools and Colleges, its Respectful Schools and Workplaces Framework and through community grants to enable schools to address all forms of bullying.

Working It Out, a non-government organisation that has been providing support to Tasmanian schools for several years to develop inclusive environments for sexual and gender diverse young people, was also a community grant recipient. In regard to the motion as read out by the Hon. Mr Brokenshire—and we were almost graced with him simply stopping there which I think might have been beneficial for debate—I am unclear what is meant by 'falling short of its intended anti-bullying stance'. I am unsure of that because that was not spoken to and no data has been provided to back up that statement.

I would also like to clarify that the revised Safe Schools Anti-bullying Initiative has a focus on strife training. The initiative provides staff with the skills and confidence to talk with students about mutual respect and understanding towards each other and to tackle homophobic, transphobic and biphobic bullying in schools. The state government has made a three-year commitment to fund the Safe Schools Anti-bullying Initiative and has established a service agreement with SHine SA to implement staff professional development training across the state.

The Hon. R.L. Brokenshire interjecting:

The Hon. J.E. HANSON: I am tempted to go on, but I will not.

The Hon. T.A. FRANKS (21:32): I rise, unsurprisingly, to oppose what passes for a motion. I am not sure what the Safe Schools program is. I assume the member is referring to the Safe Schools program as opposed to the so-called safe schools program. Perhaps he has some information that he did not share with us because he certainly did not have any information to support his contention in this motion that the Safe Schools program in South Australia have its funding ceased in his presentation earlier.

I note that he intimated that, while Premier Jay Weatherill was very supportive of the Safe Schools program in this state, he believes that the potential future premier, the Hon. Peter Malinauskas, is not. I invite the Hon. Peter Malinauskas, Minister for Health, to make a personal statement if he feels that he has been slighted by the member. I do not know what the minister's view on the Safe Schools program is, but certainly it has been put on the record tonight by a member of this council that the minister does not support Safe Schools. I am sure that members of the community would appreciate that.

I also note that the Hon. Robert Brokenshire reflected upon the vote that passed through the Senate overwhelmingly today. Indeed, he bemoaned the lack of amendments to the marriage equality vote which has finally passed a house of parliament in this country at a federal level. It is a wonderful thing to reflect on. I look forward to the debate that sees marriage equality made law in this country, because with issues like that, when we remove the discrimination that we currently have in laws that occur to people who are transgender or same-sex attracted or queer, then we will actually remove the need for a program like the Safe Schools program because we will not have a heteronormative society.

Society will see people not as different but as human beings. That is the key here, and the more we remove that discrimination and the more we create that equality the less we will need Safe Schools programs. That is the only way the Greens will support the removal of a safe schools program: when we remove the discrimination and the inequality that causes the bullying.

The Hon. R.I. LUCAS (21:35): I rise to speak on behalf of Liberal members and I am indebted to the shadow minister for education, the member for Morialta, for providing us with

guidance in terms of how we might address the motion. The member for Morialta points out that during the recent budget estimates committees he established, from answers to questions put to minister Close, that there is an existing contract for the current program at a budget of $250,000 a year for the next three years.

The Hon. R.L. Brokenshire: Who is the contract with?

The Hon. R.I. LUCAS: The project is being delivered by SHine SA. The member for Morialta advises that that contract expires at the end of that three-year period. Minister Close said words to the effect that the SA Safe Schools program in her view is not really the same as in other states, that there is no curriculum delivery, for example, but it is mainly teacher training and advice. The member for Morialta advises that the original Safe Schools program has been discredited and that the materials that caused such offence when they were uncovered have largely been removed as a result of the review that was undertaken by the federal Liberal government.

The South Australian Safe Schools program may be less offensive than what was distributed previously and interstate but, even so, the South Australian Liberal Party favours an antibullying approach that will not just support LGBTIQ-identifying children but all children who are vulnerable to bullying. The member for Morialta notes that the New South Wales government in particular has developed what seems to be an excellent set of evidence-based resources for school communities to identify, prevent or respond to bullying. The member for Morialta advises that this sort of approach is the sort of approach that he, if he is in the fortunate position of being minister for education, would favour under a South Australian Liberal government.

In the words of the member for Morialta, I hasten to add that, whilst he is indicating the Liberal Party's support for the motion that is there, it is also support for a wider antibullying program modelled on the New South Wales Liberal government model which, as I said, he indicates includes an excellent set of evidence-based resources for school communities to identify, prevent or respond to bullying.

The Hon. R.L. BROKENSHIRE (21:38): I thank all colleagues who have contributed to the debate. I personally thank the Hon. Mr Justin Hanson because he raised something that I had not considered. He confirmed that this is actually not really a Safe Schools program at all but that this is the start of what will be mandatory gender fluidity programs in schools as a result of where we are heading federally.

I did not bring up anything about lesbians and gays—I do not actually personally like calling anyone a queer but that is part of the LGBTIQ or whatever it is, so it is not my naming. The fact of the matter is that this Safe Schools program is a disguise and a con for manipulating young people's minds on gender fluidity and other things. If they were serious about safe schools, it would be, as the Hon. Rob Lucas said, absolutely focused on protecting everyone and on having a cool, calm and collected environment in society and in schools.

When I went to school, there were kids who were academically quite intelligent and they were ridiculed, bullied and harassed because they were the brains of the school. There were those of us who preferred to get on a tractor at Urrbrae and go and do other farm work. We were just the farm kids. I did not take offence at that, but there was that. There were the nerds and the kids who were not that intelligent at school who were bullied and harassed.

There were the overweight ones and the skinny ones. Bullying took all forms. There were kids who had glasses. There was so much bullying and harassment right across the board. There was also probably more bullying because we came from across South Australia. Urrbrae Agricultural High School was a great school, but we came from across South Australia. Back in those days it was not a dual sex school; it was just a boys agricultural college. I have seen all forms of harassment.

The government, whether Labor or Liberal, should put something up on the website that is actually transparent, available to the parents who are ultimately responsible for their children, because the teachers are not. I have a daughter who is a teacher, but I do not want her being given privileges over and above the parents of the children because, at the end of the day, the parents of the children have the right and the responsibility to protect, enhance, develop and grow the wellbeing of their children.

I want to put on the public record, because it was a very clever bit of speech by my colleague the Hon. Tammy Franks when she mentioned a certain health minister—

The Hon. T.A. Franks: You mentioned him.

The Hon. R.L. BROKENSHIRE: No, I did not. I said 'future leader, future Premier'. There could be two or three, depending on what happens.

The Hon. T.A. Franks: You did actually say it.

The Hon. R.L. BROKENSHIRE: I named him?

The Hon. T.A. Franks: Yes, you did.

The Hon. R.L. BROKENSHIRE: If I named him—and we will see what the independent arbiter and umpire, *Hansard*, produces.

The Hon. J.E. Hanson: I think you are going to be disappointed.

The Hon. R.L. BROKENSHIRE: Alright. I do not believe that I did, but if I did—I did; okay. Well, I categorically withdraw that because, to put it on the public record, I have never spoken to the health minister about the Safe Schools program that I can recollect, but I have spoken to other Labor members.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Many Labor members. I do not know whether or not some members are asleep in the Labor caucus when things happen, but let me tell you this: there is not 100 per cent agreement in the Labor caucus. This is what I was alluding to, so I apologise to that particular member and the minister. I do not know whether he will become the premier or not. What I did say I stand by is that this current Premier does strongly support the existing Safe Schools program. Of course, as the Hon. Rob Lucas said, SHine SA—which I have no confidence in—has been awarded a lot of money. I had better double-check everything tonight: was it $250,000?

The Hon. R.I. Lucas: Two-fifty.

The Hon. R.L. BROKENSHIRE: Two-fifty; we got that right at least. They have been awarded $250,000 to develop this left-wing policy, but not everybody in South Australia is actually left wing. Many people come to us and say that they are not happy with this program. If it is broadened, if it becomes totally inclusive to all and if it teaches total tolerance to everyone, whether they are heterosexual, homosexual, bisexual, gender fluid, skinny, fat, glasses, or whatever, then we are happy. We are happy with that because that is representing all people, but if it is delving into putting question marks into young people's minds without the approval of their parents then we will never support that.

With those words, and again apologising if I named that minister, because I have never talked to him about this that I can recall—he is a good man and he has good values.

Members interjecting:

The Hon. R.L. BROKENSHIRE: He has got good values. The Minister for Health has excellent values, in my opinion. Having said that, the bottom line is that New South Wales has got rid of it, Tasmania has got rid of it and I, on behalf of a lot of South Australians, would like to rub this program out and start with a program that talks about caring for each other, irrespective of what we are, having a tolerant society and just about no bullying, no harassment, whatever the situation, let's work together as a community. That is what the program should be, but that is not what the program is.

I will finish with this: if they want me to load up my ute and bring material in here and dump it on the steps of parliament, there's a swag of material that confirms our concerns over this Labor government's so-called 'Safe Schools' program. I commend the motion to the house.

Motion negatived.

ENDOMETRIOSIS

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

That this Council—

1. Notes endometriosis is an illness where tissue similar to the lining of the uterus occurs outside this layer and causes pain and/or infertility and that there is currently no known cure;

2. Acknowledges endometriosis as a serious health concern, often resulting in fertility issues, multiple surgeries, education and employment absences, and a diminished quality of life for the girls and women affected;

3. Recognises the strain on the economy and health sector due to lack of research and expertise in the area of endometriosis and related conditions;

4. Supports the need for early intervention to protect teenagers and young women from infertility and chronic pain in later life;

5. Supports the need for better training and awareness in endometriosis for health professionals in the interests of early diagnosis and prevention of further health issues;

6. Recognises that women are at risk of suffering severe physical and mental health issues if endometriosis continues to be under-researched and under-funded;

7. Affirms that women's health issues like endometriosis should be more of a priority for funding and research; and

8. Calls on the South Australian Government to provide funding to extend the trial of the ME program in South Australian schools; an early intervention and education program developed by Endometriosis New Zealand teaching young women that not all pain is normal pain, and facilitating early diagnosis of endometriosis.

(Continued from 1 November 2017.)

The Hon. S.G. WADE (21:46): Endometriosis is a condition in which tissue that normally lines the uterus grows outside the uterus. It can grow around the pelvis, ovaries, fallopian tubes, bladder or bowels. During ovulation this misplaced tissue causes bleeding and also causes inflammation and pain.

As well as menstrual irregularities, endometriosis can lead to painful periods and reduced fertility. Endometriosis is remarkably common. One in 10 women are affected by it at some point in their lives. However, many women are unaware that they have the condition. On average the condition takes between seven and 10 years to diagnose. Often women have endured the pain of endometriosis for years without any form of relief. In some cases they endure in silence. In others, they have confided with doctors, who dismiss them because of an inadequate understanding of the condition.

While there is no cure, endometriosis can be treated. The main treatments include hormones and surgery, and sometimes women can benefit from receiving both. The Liberal team endorses the motion of the honourable member and thanks her for bringing it to the attention of the house. Despite the condition's prevalence, it has a remarkably low profile, perhaps reflected in the fact that it receives a very low level of funding.

For example, while the National Health and Medical Research Council allocated merely $837,000 to endometriosis-related research, the cost of treating endometriosis is high, an estimated $6 billion per year in Australia. Applying evidence-based treatments could reduce this cost dramatically. According to the Pelvic Pain Foundation chairperson and endometriosis expert, Dr Susan Evans:

> About 20 per cent of Australian teenage girls are missing school one to seven days every month because of their periods, without getting appropriate assessment and treatment. It is important to teach girls what is normal and what is not and encourage them to seek help from their GP early if they are missing school or finding periods distressing. Worldwide, an eight-year diagnostic delay from when a girl first presents with painful symptoms to a diagnosis of endometriosis is common.

Early intervention is critical, and this intervention can start in our schools and spare young girls and women from decades of pain and disruption.

An awareness program was trialled in 10 South Australian schools in August 2017, funded by the Pelvic Pain Foundation. The Menstrual Health and Endometriosis Program was brought to Adelaide from New Zealand, where it has run for the past 20 years. The program involves one-hour presentations to year 9 and 10 students; education sessions for school nurses, counsellors and principals; and the distribution of resources to students.

Endometriosis is receiving more attention in Australia. In June, the federal Labor MP, Gai Brodtmann, and the federal Liberal South Australian MP, Nicolle Flint, formed a bipartisan parliamentary endometriosis awareness group and work alongside organisations such as Endometriosis Australia, Pelvic Pain Foundation of Australia, the Worldwide EndoMarch Team Australia, Endometriosis Association Queensland and EndoActive Australia and New Zealand. The Liberal team welcomes the opportunity to support efforts to continue the good work carried out by South Australians and others locally and nationally to extend our support to women who suffer from endometriosis.

I noted earlier today that the government had filed an amendment to this motion. I appreciate the intention behind it; that is, that one would not want, in pursuing evidence-based practice, to presume on the results of the review. I suggest to the council that another way of modifying the motion to reflect that principle would be to leave out the word 'extend' and insert the words 'beyond the outcomes of'. In that context, I believe that my alternative amendment would provide the council with an opportunity support the spirit of the motion in terms of calling for ongoing funding and support for endometriosis-related programs and, on the other hand, stand ready to learn from the outcomes of the trial. I move to amend the motion as follows:

Leave out the word 'extend' and insert the words 'beyond the outcomes of'.

The Hon. J.E. HANSON (21:51): I also have an amendment that the government seeks to move. I will read that at the start, before I kick off. I move to amend the motion as follows:

Leave out paragraph 8 and insert a new paragraph as follows:

8. Calls on the South Australian government to review the evaluation results of the pilot Menstrual Health and Endometriosis (ME) program in South Australia when they are available.

Not to rehash too much of what has already been said by the Hon. Mr Wade, but I will proceed, generally, with the speech I have and attempt to cut it down a little as I go. I am advised endometriosis affects around one in 10 women and is recognised as a clinical condition with potentially serious outcomes for women if not identified and managed early. I am also told 26 per cent of girls aged 16 to 18 years are absent from school because of distressing symptoms relating to their period. Some of these women will go on to have fertility problems, and many will suffer from chronic pelvic pain. It can take more than eight years to diagnose women who first present with symptoms.

I am advised that currently there is no known cure but that there are effective treatments once a diagnosis is made. Early intervention is important to avoid fertility problems and is supported by the highest level of research evidence. These early interventions can be medical, with drugs or via surgery performed within a number of South Australian public hospitals, including the FMC, Noarlunga Health Service, Women's and Children's, Queen Elizabeth, Royal Adelaide, Lyell McEwin and Modbury hospitals. I am told that SA Health has clinical experts managing pelvic pain in young South Australian women by way of regular paediatric and adolescent gynaecology clinics operating at the Women's and Children's Hospital. There are other specialists in the private sector who also manage pelvic pain.

I am advised that research is currently being conducted at the Robinson Research Institute, focused on the immune and inflammatory pathways that contribute to the development of endometriosis, and that this research is relevant to the prevention of the illness. The exact cause of endometriosis, as I stated, is still unknown and further research would be of value. This could be explored within the South Australian Health and Medical Research Institute as a potential priority for future research and would ultimately require the support of the National Health and Medical Research Council, the primary funding body of Australian research.

I am advised a range of training opportunities are available for health professionals in women's health to assist in the diagnosis and management of endometriosis. The Royal Australian

and New Zealand College of Obstetricians and Gynaecologists has a Certificate in Women's Health, designed for medical practitioners who wish to increase their knowledge and practice, including the diagnosis and medical management of endometriosis.

Junior doctors undertaking rotations in three maternity units in Adelaide are encouraged to undertake the Certificate in Women's Health as part of their women's health postgraduate training. Further training in the form of a diploma is available for doctors planning a career in general practice with an interest in women's health. Also, vocational trainees in obstetrics and gynaecology are trained in the diagnosis and treatment of endometriosis over the six years of their training.

Increasing awareness amongst young women about endometriosis and what is not normal pain is supported as an effective strategy to prevent the long-term impacts on the physical and mental health of women. Schools and primary health care are well placed to provide girls and adolescents with this education.

I am told the Menstrual Health and Endometriosis Program was piloted in ten South Australian secondary schools in 2017 with funding provided by the Pelvic Pain Foundation. Nine of these were private schools and one was public. The pilot program is a world's best practice, well-health secondary school education program developed and rolled out nationally in New Zealand in 1995 and has been successful in raising awareness of endometriosis, shifting to its earlier diagnosis, and developing self-help strategies for managing pelvic pain. I am advised the program has been well received by both teachers and students.

I understand the pilot program in South Australia has been formally evaluated, and the results will be published in the next few months. The Pelvic Pain Foundation plans to enrol ten schools in 2018 and to take this opportunity to train Australian educators so that the program is self-sustaining into the future. Given the evaluation results of the pilot are expected in the new few months, it would be timely to consider the next steps with this knowledge of its impact, and the South Australian government is supportive of this course of action, which is the amendment I have put forward.

The Hon. K.L. VINCENT (21:57): I wish only to put on the record a few brief words in strong support of this motion. I thank the Hon. Ms Tammy Franks for providing a briefing to my staff on this issue where a number of people shared their experiences about the long, painful process they went through to seek and eventually secure a diagnosis of endometriosis.

It is very unfortunate that endometriosis is known to be such a common condition yet so often goes undiagnosed. While I of course do not intend to read my entire medical history into *Hansard*, I can safely say that while it was not endometriosis, I myself have been affected in the past and to some degree presently by a pelvic pain issue. I do not talk about that lightly or easily. It has been a very painful experience and a very long, drawn-out experience.

The reason I wanted to mention it was that when I first started to seek support for this particular diagnosis, in my early 20s, one of the very first things that my therapist said to me was that she was shocked, really, to see someone as young as I was then presenting openly with this condition. She went on to explain to me that it was not uncommon to see women in their 40s or even mid-50s who, only after traumatic childbirths or other issues, began to recognise that what they were going through was not normal and therefore to seek support.

Again, this is not easy for me to share, but I feel that I am required to, given that we are talking about encouraging more people to be open about their experiences and to seek the necessary support. To that extent I believe that South Australia would benefit enormously by ensuring that the ME program is provided in schools. This early intervention is crucial to teach young people that not all pain is normal pain and to ensure that help is sought early to prevent years of pain, both physical and mental, and years of potential lost opportunity.

I understand that a pilot program has already been completed in South Australia, and the Hon. Mr Hanson touched on that somewhat, and an evaluation will be available in early 2018. I hope that the government will seriously consider this evaluation. Considering the positive results that have obviously come out of the ME program in New Zealand, it seems that these programs are working, and an extended trial should be funded here in South Australia.

I understand, as most of us in this chamber tonight do, that more work of course needs to be done to raise awareness about endometriosis and pelvic pain in general, particularly around training for GPs. However, I also believe it is crucial to ensure that more young people are empowered by teaching them about their own bodies. I hope that with this education and increased awareness, we may finally see an end to endo.

The Hon. D.G.E. HOOD (22:00): I rise very briefly on behalf of the Australian Conservatives to strongly support this motion. I must confess that I had very little knowledge of this particular condition until I was an attendee at a forum on this topic hosted by the Hon. Ms Franks a couple of weeks ago, in the last sitting week. I was absolutely staggered to learn that one in 10 women suffer this potentially very serious condition. It really had me thinking. How many conditions are there where one in 10 people suffer a particular condition that can be seriously debilitating—not just a mild, almost non-symptomatic, or mildly symptomatic condition, but something that really substantially impacts on their life?

At the forum we heard testimonies, for want of a better word, or personal accounts from young women, women who should be in the prime of their life. One in particular was quite a notable South Australian, someone who everyone in this room I suspect would know and everyone listening to the video feed would know. She gave an account of how her daily life was absolutely debilitating because of this condition. I was really quite shocked by that.

We have done a little bit of research, although I must confess not a lot, into this condition and other conditions that affect roughly 10 per cent of the population in such a debilitating way. I may stand corrected but, as far as I am aware, there does not seem to be anything else that affects so many people that can be so debilitating. It is something that warrants substantial resource funding. One in 10 women suffer a condition that can potentially ruin their life, to put it in colloquial terms. To put it frankly, how can we put up with that? How can we tolerate that? In particular, Roman numeral VI in this motion hits home with me. It states:

> Recognises that women are at risk of suffering severe physical and mental health issues if endometriosis continues to be under-researched and under-funded;

We were told at this particular forum that an amount as small as $250,000 would initiate an education program in schools, which would alert young women—that is, women in late high-school years—to the possibility that this condition could be impacting upon them. They may have pain, they may have some sort of condition they do not understand, and this program that could be run in schools would at least give them the opportunity to identify what it might be. Again, that had me thinking.

I know a young woman, and she is probably not that young anymore to be frank, but when she initially started suffering this condition she was quite young, in her late teens. I have known her for a long time—she is a good friend of mine, a good friend of our family—and I wondered if she might have this condition. I reached out to her recently and gave her a call. I said, 'I have just been to this forum.' It was a few days after and I explained what I had learnt at the forum. She said, 'That sounds like me.' She has since been to a doctor. We have not yet had a diagnosis because it was only a couple of weeks ago, but my suspicion is that she is going to come back and say, 'That is exactly what I have, and finally we have a name for this and we know what we can do about it.'

This particular woman, who is now in her late 30s, has been to I do not know how many doctors, but multiple doctors—let's say a dozen doctors or thereabouts—over an extended period of time, seeking medical treatment. All of them have given her a different diagnosis. I am not critical of the medical profession, but she has not had the help she has needed. She has spent time in hospital. It is a massively debilitating condition for her. I hope to hear good news from her in the next few days that finally she has been able to identify the condition and is able to get some treatment. There is also another relatively young woman in my life that may well be suffering from this as well. It is not only a need; it is an urgent need. It is an important need. If the government were to channel fairly trivial amounts of money into this, it would make a very substantial difference to a lot of people's lives. Why are we not doing it?

The Australian Conservatives strongly support the motion and we are really hopeful that the government will now—or if not now, certainly immediately after the election, or whether it be a new

government—invest in this. I commit now that our party will be determined to see an impact on this issue because it affects so many women and they deserve help.

The Hon. T.A. FRANKS (22:05): I would really like to thank those who have made a contribution this evening: the Hon. Stephen Wade, the shadow minister for health; the Hon. Justin Hanson on behalf of the government; and the Hon. Dennis Hood from the Australian Conservatives. It would be fair to say that the Australian Conservatives and the Greens do not necessarily always see eye to eye but I am heartened by the fact that we have both taken this issue with the seriousness it deserves.

I also thank the Hon. Kelly Vincent, from Dignity, in particular for sharing her personal experience in this place, which is not the easiest thing to do. One in 10 women suffer from this condition. If you know 10 women, you more than likely know a woman who suffers from this condition and from pelvic pain, and to talk about these issues is difficult for those women. To get help, to get a diagnosis takes eight years, on average.

The amounts that we are talking about here with regard to the schools' program is, as the Hon. Dennis Hood mentioned, $250,000 a year, plus $25,000 in admin costs and $55,000 for that first year of administration set up. So, it adds up to a little over a quarter of a million dollars for something that affects one in 10 women in our society, for something that takes, on average, eight years to diagnose, for something that is a burden on our health system. In the November 2007 report, 'The high price of pain', it was estimated that applying evidence-based treatments could halve the cost of chronic pain to the Australian economy and save $17 billion per annum. With an estimated 500,000 women and girls in Australia with endometriosis, the cost for adult women alone is some $6.6 billion, so that would be a $3.3 billion saving.

We are talking about possible savings of billions for small investments at an early stage so that girls in particular and young women can know that all pain is not normal pain, and get that diagnosis at an earlier time in their lives. That not only saves the health budget but it of course saves those women pain and other various outcomes and trauma and situations where they get to a point where they are unable to have children, where they are unable to participate in the workplace, where they are unable to participate in schooling. We do not need to wait for the review to know that in Canberra, ACT, for example, it was found that 26 per cent of Australian teenage girls were missing school because of their period and, of those, 2 per cent reported time off school with every single period.

Girls are missing school, women are missing work and people's lives are being needlessly damaged. For a very modest investment, we could see that change. While I have some sympathy for the Liberal amendment—and I will support that version of wording—I say to the government that this is a program that has been working successfully for 20 years in New Zealand and for 20 years the South Australian government has done nothing about this. For 20 years, just across the ditch, we have had evidence that this works. But of course, the South Australian government yet again in the early intervention health sphere says, 'No, we must wait a little longer.'

These women who were waiting eight years should not be waiting longer as girls. They should have been given the information that they needed, the one-hour sessions that may well change their lives, much earlier. We can do it for a little over a quarter of a million dollars a year, which will save billions into the future. We should be doing it not in a year or two but in the new year as the school term starts.

With that, I commend the motion. I will support the Liberal amendment, which is worded better than the Labor amendment. I look forward to the Labor government paying more attention to this issue and taking it more seriously in the future because, as I reiterate, one in 10 women suffer from this condition.

Amendments carried; motion as amended carried.

Bills

LOCAL GOVERNMENT (FIXED CHARGES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 November 2017.)

The Hon. J.M.A. LENSINK (22:11): I rise to indicate support for this bill which amends the Local Government Act, which currently provides that fixed charges cannot be charged for certain categories of sites—those being at the moment caravan parks, residential parks and marinas. The bill amends this to include retirement villages, the reason being that retirement villages are often on a single title, and residents are given a licence to occupy their particular units. Councils do not actually provide direct services within retirement villages but do provide amenity for rubbish removal, road maintenance and so forth adjacent. The impact of this should be to reduce the amount of council rates being paid by retirement village residents overall, and therefore we support the bill.

The Hon. M.C. PARNELL (22:13): I had not put myself on the list, but I just want to say for the record that the Greens also will be supporting Hon. John Darley's bill for the reasons that he offered when he introduced it and also for the reasons that the Hon. Michelle Lensink has just elaborated.

The Hon. J.A. DARLEY (22:13): I would like to thank the Hon. Michelle Lensink and the Hon. Mark Parnell for their contributions to this bill and commend the bill to the chamber.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

The Hon. A.L. McLACHLAN: Mr Acting President, I draw your attention to the state of the council.

A quorum having been formed:

Third Reading

The Hon. J.A. DARLEY (22:16): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (DEFENCES - DOMESTIC ABUSE CONTEXT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2017.)

The Hon. A.L. McLACHLAN (22:17): I rise to speak to the Criminal Law Consolidation (Defences—Domestic Abuse Context) Amendment Bill. This bill was introduced by the Hon. Mark Parnell on 18 October and proposes amendments to the Criminal Law Consolidation Act. In essence, it seeks to implement a number of recommendations contained in the recently released South Australian Law Reform Institute's report on the operation of provocation defences in South Australia in domestic violence situations. It is our understanding that this report represents part one of the institute's consideration of the law on provocation, and that we can expect a further report dealing with expanded self-defence criteria to be released next year.

The Liberal Party traditionally supports the second reading vote and for a bill to go into committee, and we will be supporting the second reading this evening. In relation to the law of provocation, the Liberal Party acknowledges that this is an area where there needs to be considerable reform. It is looking forward to the second report of the South Australian Law Reform Institute. It believes that, when considering reform, both sections of the institute's report will be

required because it is an integral area of law which not only deals with provocation but also with self-defence and, importantly, as we have debated many times tonight, mandatory minimum sentencing requirements for certain convictions. I indicate that the Liberal Party will support the second reading.

The Hon. J.A. DARLEY (22:19): I understand this bill will create a new defence for individuals who have been victims of family or domestic violence. The bill is based on a recommendation from the South Australian Law Reform Institute and will enable those who have been victims of family or domestic violence, who commit an offence as a result of their victimisation, to use this as a defence against their crime.

Domestic violence is a scourge on our society, and whilst I am glad there is more awareness of the matter, it is clear that much more needs to be done. Many people do not understand domestic violence and often wonder why the victim does not leave. Physical violence is much easier to understand and empathise with; however, it is often emotional and psychological manipulation that weighs heaviest on a victim. Everyone knows that it is unacceptable to hit or beat someone, but when the abuse is silent and has no physical evidence, there may be doubts that it is occurring, even from the victim themselves. This is why I am pleased that the Hon. Mark Parnell's bill specifically includes psychological, social, cultural and economic factors in determining domestic abuse.

The bill also makes it clear that a person is still able to rely on the defence even if a person is responding to a threat that is not imminent and that the cumulative effect of the abuse is to be taken into consideration as evidence of abuse. This is very important because I know there are situations where it may seem that a person suddenly snaps for no apparent reason or reacts in a disproportionate manner to a seemingly innocent event. In these situations, a person may be painted out to be unreasonable or as having gone crazy. However, if a person is continually in a pressure cooker situation, it is absolutely understandable that they might suddenly respond or behave in a manner that might not seem rational. This is often simply frustration, fear and anger manifesting itself in a physical form.

Domestic violence victims may not always present as you would expect. They may seem intelligent and together on the outside but inside be filled with self-doubt. In my view, it is up to the community to support those who have the courage to speak out about their experiences and assist perpetrators to acknowledge the damage they have caused. That way, perpetrators can get help and be educated on what is a healthy, respectful relationship. Unfortunately, there are some perpetrators who see nothing wrong with their behaviour. This is disturbing. Even more disturbing is when bystanders choose to do nothing by turning a blind eye or, even worse, support the perpetrator.

People who commit these types of offences are often master manipulators. I have encountered situations where a perpetrator has managed to turn a family against the victim. This is why organisations such as the White Ribbon Foundation are so important, as they continue to educate and raise public awareness about the issue. As they say: stand up, speak out and act to stop domestic violence and abuse. Advance SA is very happy to support this bill and congratulates the Greens and the Hon. Mark Parnell on bringing this to the parliament.

The Hon. M.C. PARNELL (22:22): I will briefly sum up the debate. I would like to thank the Hon. John Darley and the Hon. Andrew McLachlan for their indications of support. I did say to members that I was keen to just have this bill go through the second reading stage rather than through committee, and that was in recognition of the fact that it is a very complex area of law and there is still a lot of work to be done, in particular the work of the South Australian Law Reform Institute that has been alluded to.

I want to put a couple of things on the public record. There were three organisations and individuals who contacted me after I introduced the bill who have made quite substantial submissions. The Law Society sent in a very thorough submission. They have analysed the bill in great detail. There is a six-page submission, which I am certainly not going to read in the report, but they, in conclusion, agreed that this was a complex matter and that more debate was needed. I am very grateful to Tony Rossi, the President of the Law Society, who said:

> …the Society recommends revised drafting having regard to the points raised in this letter and a process of ongoing consultation. The Society would be pleased to be involved in such a process.

I welcome that indication of support for ongoing debate. As I have said, I have not sought to push this to its final conclusion tonight because I know that more work is needed, but I am heartened by the fact that members of this place are keen to keep the debate going; that is important.

I also received correspondence from Michael O'Connell, the Commissioner for Victims' Rights. I will read a short paragraph that he wrote. He says:

> In relation to the bill's intent, I submit, controversy exists regarding the nature of and motivation for women's violence against their intimate partner. On the one hand, studies show women often resort to such violence in self-defence. Self-defence is frequently not a response to a one-off angry encounter, but prior there has been ongoing social isolation, recurring psychological and emotional abuse, which can be as destructive as physical abuse.
>
> On the other hand, too many victims of domestic violence are treated as perpetrators because of their reactive, self-defence violence. We should avoid criminalising women, in fact any victim who is fighting back, who is defending themselves, their children or their animals against their violent partner. Self-defence in the context of repeated domestic violence can be a justified response. It can reduce harm—it can save lives.

I am grateful to the commissioner, who participated in a round table that I organised and is keen to keep this debate going as well. The final submission I would like to put on the record is from Kellie Toole, who is a senior academic in the Law School at Adelaide University and someone whom I have relied on a fair bit for advice in this area. She has offered a few observations, which I will quickly put on the record. She says:

> I write in support of the Criminal Law Consolidation (Defences-Domestic Abuse Context) Amendment Bill 2017, as it relates to self-defence.
>
> The current law of self-defence has always been difficult to extend to women who kill abusive partners. It is a significant human rights problem when the major complete defence in our criminal justice system is difficult to apply in appropriate cases involving one of our society's most disadvantaged groups. There have been various attempts to redress this problem across Australia, but they have been beset by problems. For example, it has been necessary to describe women as experiencing a psychological problem instead of reacting rationally to a real threat to life; 'special' defences have been proposed which place women in abusive relationships in a special category outside the general law; and special defences have been created which have been co-opted by violent men in ways not intended by the legislature. This bill avoids the pitfalls that have marred previous reform efforts.
>
> Most importantly, this bill addresses the main impediment to abused women being able to successfully argue self-defence in appropriate cases, which is to clarify that self-defence can apply when a woman is responding to a threat that is not immediate. This is a real advance in understanding the effect of family violence, and the way women's reaction to violence often differs from men's reactions. It removes a gender bias in the law and improves equality before the law. It also has the benefit of providing an educative role about the extent, nature and effects of family violence.

Kelly Toole concludes:

> Real reform in this area needs to be accompanied by review of the mandatory minimum non-parole period for murder and abolition of the partial defence of provocation.

Both of those are big ticket items that this parliament needs to address next year. We know that the South Australian Law Reform Institute will be producing another report on the law of provocation, and we also know that mixed in with that will be the sticking point of mandatory minimum non-parole periods, especially in relation to murder, so there is a lot more work to do.

I am very grateful to members for offering their support tonight for the second reading of this bill and, on behalf of the Greens, I say to members that I will certainly be bringing these issues back next year. We will probably wait to hear what the South Australian Law Reform Institute has to say, but this is too important an issue for this parliament not to address it. We are keen to learn from the mistakes that have been made in other jurisdictions and get this law right.

Bill read a second time.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO REGIONAL HEALTH SERVICES

Adjourned debate on motion of Hon. G.E. Gago:

That the report of the committee, on an Inquiry into Regional Health Services, be noted.

(Continued from 27 September 2017.)

The Hon. J.S. LEE (22:29): As a longstanding Liberal member on the Social Development Committee, I rise to speak on the Inquiry into Regional Health Services. The committee received 71 written submissions from peak bodies, health advisory councils and Country Health SA Local Health Network, and we also heard from 58 individuals. I place on the record my sincere thanks to all those who generously gave their time in preparing comprehensive submissions and providing valuable evidence at both the hearings at Parliament House and on our regional visits.

It would be fair to say that the regional health services inquiry would probably not have taken place without the persistent efforts and subsequent motion moved by Mr Dan van Holst Pellekaan in the other place. I would like to take this opportunity to commend the hardworking member for Stuart who moved the important motion to investigate the impact of health services on regional communities. While the terms of reference were quite broad, the inquiry was guided by principles that all South Australians shall have equitable access to appropriate health care. We should have a health system that ensures that people are not left behind regardless of where they live, whether they reside in Adelaide or in a regional centre.

Eight years have passed since the commencement of the Health Care Act 2008, which sets out the new governance arrangements of South Australia's Country Health hospitals and health system. The subsequent dismantling of hospital boards and the set-up of health advisory councils (HACs) has created a number of challenges. Not all HACs have been able to implement the full scope of functions that the Health Care Act provides for. Not every member of the HACs was confident in their role.

Issues of concern raised by HACs included difficulty establishing a cohesive identity, confusion about their role, problems engaging with the local community, loss of influence and power, feeling disempowered by too many bureaucratic layers and no clear mechanism in place for coordinated reporting back by Country Health SA Local Network to health advisory councils.

One particular concern raised by many HACs was the lack of financial information being provided by Country Health SA Local Health Network. For instance, HACs were not able to contribute to service planning because they either do not have a say or have limited input into hospital budget planning. Evidence informed the committee that, in order to better meet the expectations of local communities, HACs should have greater input into the budget planning process because this would be beneficial to regional health service planning.

The committee heard about the unnecessary red tape and deferments in the management of procurement and building maintenance. This caused a great deal of grief and frustration for many HACs. Country folk are known for their resilience, generosity and community spirit. Fundraising is so important for country hospitals and I would like to thank those passionate individuals and businesses in the region who gave generously to support country health services. Unfortunately, they had little control over the use of the funds that they were able to raise.

In addition, HACs have indicated a general lack of confidence that the goods and services they intended to use the fundraising moneys for were in fact used for that purpose. This has to change. During our inquiry, the committee found that there were incorporated and unincorporated HACs. Incorporated HACs can access the gift fund account funds, but it is not as easy as it sounds. Why? It is because, in order to spend certain amounts of money, HACs must apply to the Country Health SA Local Health Network for approval. As a result, there are lengthy delays in the application process.

On top of the legislative requirements of the State Procurement Act, purchasing must be done according to SA Health procurement guidelines or through the cumbersome process at the Department of Planning, Transport and Infrastructure for building maintenance and minor works. An overwhelming majority of HACs indicated that they were burdened by the fees associated with using DPTI for building maintenance. There were claims by HACs that using the DPTI-mandated service caused disruption in service provision and also impacted on economic stability and the wellbeing of townships or regions because the contracts were taken away from local suppliers and tradespeople in the local community.

After hearing these concerns, the committee formed the view that HACs should be given greater autonomy over procurement decision-making, and the procurement should be streamlined.

The committee identified more work to be done to facilitate engagement between Aboriginal communities and also culturally and linguistically diverse populations in country areas which may encounter difficulties in accessing health services available to them.

The regional health inquiry was complex and it took approximately 18 months to complete. The inquiry provided the insight for the committee to come up with 49 recommendations. I would like to thank the members of the Social Development Committee for working diligently throughout the inquiry: the Presiding Member, the Hon. Gail Gago; the Hon. Kelly Vincent MLC; Mr Adrian Pederick MP, member for Hammond; Ms Nat Cook MP, member for Fisher; and Ms Dana Wortley MP, member for Torrens. I would especially like to acknowledge the member for Hammond, who is the only country member on the committee, for his strong advocacy and interest in this inquiry. His personal experience and insight was most helpful in the regional health inquiry.

Special acknowledgment goes to the amazing and hardworking secretary, Robyn Schutte, who worked tirelessly to coordinate the tight schedules for all members. I would also like to thank the two dedicated research officers, Dr Helen Popple and Ms Mary-Ann Bloomfield, for pulling the mountain of complex issues together, and of course the ever so diligent Hansard staff members, who recorded evidence in a cool, calm and composed manner, particularly working under pressure during our country visits.

In conclusion, I express my gratitude to all the doctors, nurses, ambos, admin staff, volunteers and HAC members who make immense contributions to improve our health system in country South Australia. I commend the report to the council and look forward to seeing the outcomes of the recommendations.

Motion carried.

Bills

VALUATION OF LAND (SEPARATE VALUATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

The Hon. R.I. LUCAS (22:37): I rise on behalf of the Liberal members to speak to the second reading of this bill. It has been my privilege to have worked with the Hon. Mr Darley on the Budget and Finance Committee for a number of years. His forensic knowledge of valuation has caused much grief to some witnesses before the committee, on occasion. There is nothing like having a former valuer-general on the committee when you are questioning the current Valuer-General. To use a colloquial expression, I 'dips me lid' to the Hon. Mr Darley's greater knowledge in relation to issues that relate to valuations.

I am familiar with some of the issues the Hon. Mr Darley seeks to address in this particular piece of legislation. It is the Liberal Party's position that we will support the second reading of the bill, but for reasons which I will outline, if the Hon. Mr Darley decides to pursue it through to the third reading, we will not be supporting the third reading this evening. I will explain one of the reasons for that now. One of the questions I have, with the hat of shadow treasurer on, is what, if any, impact these changes might have in relation to revenue that might be collected for the state. The honest answer I have is: I do not know.

Before we were in a position to support the third reading of a bill like this we would want to get some evidence or some statement from the Under Treasurer or the Treasury as to what the potential budget impact might be—it might be very small—and at the closing of the debate of the second reading I would be interested in the Hon. Mr Darley's perception of that and what he thinks the impact might be. From my viewpoint, the honest answer is that I am not sure.

The other issue is that we would be interested in getting evidence from the Under Treasurer or the Valuer-General, or a combination of both—ultimately from the government—about whether there are any unforeseen consequences of what we are being asked to support here. The one thing that I am aware of in relation to issues of valuation is that as you make a change in one area there are potential implications in other areas. This might be a case where there are none, but before I and

my party sign off on this at the third reading we would want to have had that evidence and be fully aware of what the arguments for and against might be.

The way the government generally approaches some of these debates is that we do not generally get a too-detailed response from the government to these sorts of private members' bills in terms of the arguments for and against and therefore I am not expecting that we are going to get a detailed analysis of the potential implications of the bill from whoever speaks on behalf of the government.

For those reasons, I indicate that the Liberal Party will happily support the second reading of the bill. As I said, if the honourable member does wish to pursue it through to the third reading we would be indicating that we will be opposing the third reading at this particular stage.

The Hon. M.C. PARNELL (22:41): I rise briefly to indicate that the Greens will be supporting the second reading of the bill. If the member were minded to move it through all stages, we would support the third reading as well.

The Hon. T.T. NGO (22:41): I rise to also support the second reading but indicate that the government will not be supporting the third reading.

The Hon. J.A. DARLEY (22:42): Firstly, I would like to thank all honourable members—the Hon. Rob Lucas, the Hon. Mark Parnell and the Hon. Tung Ngo. I can say that, from my understanding, the financial implications of the bill would be significant in terms of the fact that there would be 11,000 residents in retirement villages—and this is based on advice from the Valuer-General—who are currently being overcharged water and sewer rates to the extent of 770 per cent over what they should be charged. I suggest we put it to the second reading vote only.

Bill read a second time.

Motions

LABOR MEMBERS OF PARLIAMENT

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

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

(Continued from 9 August 2017.)

The Hon. J.M.A. LENSINK (22:43): I rise to put some remarks on the record in relation to this motion. There are some behaviours which have been taking place which need to be highlighted and placed on the parliamentary record. Over many years, the member for Croydon, currently the Speaker in the House of Assembly, has taken great delight in taunting people whose views he disagrees with.

The nature of these exchanges I would describe as follows. He always pretends that he is acting in the best interests of his electorate or particular aggrieved people. He frequently accuses those he disagrees with of being motivated by disregard for his electorate or a particular group of people. For those who engage in debate with him, he does his best to use their words against them and does not let the truth get in the way of his story and always has to have the last word. He often also resorts to the threat of legal action as a final way of silencing others, and I think this has been particularly effective with the media.

As my friend and former colleague the Hon. Robert Lawson used to say, the member for Croydon has spent more time in a courtroom representing himself than he ever did representing clients. There is also a disturbing targeting by the member of women. These have included female elected members of the previous City of Charles Sturt, including former mayor Kirsten Alexander, the current member for Adelaide, Ms Rachel Sanderson, and most recently, my Legislative Council colleague, Tammy Franks, and me among others.

I would also like to raise the matter of a Liberal staffer who works for the member for MacKillop, Ms Kristie McTernan, who was a candidate for the seat of MacKillop recently. She was subject to a tweet from him. After she had been unsuccessful, he said the following on Twitter: 'Candidate for MacKillop Lib pre-selection living in Brompton returns to Croydon roll after sojourning

in South-East. Reunited with partner.' Kristie says it (those comments) 'made me uncomfortable. Mr Atkinson's tweet was factually incorrect and creepy. How did he know I had moved back to that address? If it was from access to the electoral roll through his position as a member of parliament, I think it is totally inappropriate for him to be tweeting that sort of information.' I agree. I would add that there is a subtext that he is basically saying, I know where you live and what your electoral roll activity is.

The bill which has been before the parliament to amend our sex work laws has provided a particular opportunity to the member to engage in his preferred sport. After the Legislative Council select committee recommended the bill unamended, then it was passed by a clear majority in this place in July, he decided to stir up his own constituency. Despite the bill having been a matter before the House of Assembly since May 2014, tabled in the Legislative Council in July 2015 and then subject to a select committee for nearly two years, it took until July of this year for him to letterbox a number of suburbs in his electorate about the bill.

My colleague the Hon. Tammy Franks and I received an email from his office on 11 July asking us to check the contents of a document that he was about to letterbox. We were given an hour's notice to provide corrections. I responded with six points, and given the hour, I will not read them all. My final sentence was, 'I trust that you will correct these inaccuracies in the interests of not misleading our constituents.' I then got a response—I will not go through the entire contents—but he has basically accused me of being the author of the select committee report, which is not true, and a range of other things. He said:

> Your request that you and Mr Darley be given no more prominence in the letter than the 11 others who voted for your Bill reveals an uncharacteristically shy and modest side to you. In any event, I draw your attention to the sentence in the letter that reads: Some Liberal MPs and some Labor MPs, I am ashamed to say, voted for this. This addresses your objection. I will have more to say about the 11 others in due course and in a relevant context.

Which I suspect has not happened. But I note that the Hon. Mr Darley, the Hon. Ms Franks and I have featured by name many times prominently in his missives to his electorate and great omissions of other members who both supported the bill and had supported the contents of the select committee report in full. The member then demanded a few days later on 14 July that a number of MLCs attend street corner meetings organised by him in his electorate. My response to him was as follows:

> Thank you for your letter.
>
> It is generally not the practice of Members of Parliament to attend other political parties' street corner meetings.
>
> In any case, I am already in contact with a number of our constituents in those particular suburbs.

This was the response I then received from the member:

> In the interests of reasonable publication, I give notice that I will be issuing flyers and a D.L. with these remarks of and concerning you. This gives you an opportunity to comment on the remarks before they are letterboxed:
>
> The mover of the proposed law to legalise street prostitution is the deputy leader of the Liberal Party in the Legislative Council, Michelle Lensink, of Bridgewater. Michelle Lensink refuses to attend any of these public meetings in the affected area and she told me in writing:
>
> 'I (Michelle Lensink) am in contact with a number of constituents in those particular suburbs. (Athol Park, Mansfield Park, Woodville Gardens & Woodville North)'
>
> Has Liberal Party deputy leader Michelle Lensink been in touch with you in the past 14 years that she has been a Member of Parliament about her proposal to legalise street prostitution or any other matter?

I then replied:

> Once again, your communications are inaccurate, misleading and mischievous.
>
> My preference is that you publish my previous response to you in full.
>
> You may also wish to explain to our constituents why you failed to advise them of the proceedings of the select committee over the last two years so that they could make representations about their particular concerns with the Bill which is now before the House of Assembly.
>
> I note that you made no representations to the select committee either.

What the member has attempted to do is say to his constituents that it is, in effect, my job to communicate with all of them. We did get a couple of people phone my office. I also had other people who contacted me to say that they were very upset about his implication that I had not been in touch with them. He replied to the email, of course, asking me to outline where he had been dishonest, but also ignored the issue of his own failure to engage his constituents until very recently after the select committee had wrapped up and that matter had been voted on in the Legislative Council.

I took the view that this exchange of emails was all part of a game that I would not participate in. My office receives calls from people every day who need help with very serious problems and we have made them our priority. As I said, we did receive communications from people in the member's electorate who have been given incorrect information and also from several who expressed their anger and dismay at the local member's inaccurate statements. The Premier knew about the communications between the member for Croydon and myself. I have never heard from him about these matters.

We then come to the recent issue, which made it into the media last week. The original tweet from the Sex Industry Network was on 11 November. I never saw it because I have over 1,700 accounts that I follow and I am not the sort of person who spends a lot of time trawling through the feeds. The member replied to the tweet and tagged in the Hon. Ms Franks and myself. Because we had been tagged, it then became something that we were notified of. I found his actions offensive on several levels. Firstly, there is the image itself. Members of parliament should not be sending images like this for any reason in 2017; it is not acceptable for members of parliament and not for senior office bearers of parliament.

Secondly, in typical belligerent style, the implication of the member is that Ms Franks and I are somehow responsible for the Sex Industry Network's communications and that we are therefore seeking to mock people of strong religious convictions. This is also not correct. On Sunday 19 November, the Hon. Ms Franks sent a tweet to the member asking him to take responsibility for his behaviour. I also sent a similar tweet to the Premier and the Labor Party to take responsibility for his behaviour. The member printed an apology—I use that word advisedly—on Facebook, which is really just a self-justifying rant, which continues to peddle things that are not true. He says that:

> Tammy Franks & Michelle Lensink have long been advocates for the Sex Industry Network (SIN) in Parliament.

We are not advocates for the Sex Industry Network: we are advocates for a model of legislation. He says:

> They brought in a Committee Report…

Well, the committee brought in a committee report. Again, he has targeted two people who coincidentally (not) are the two women who served on the committee. He continues:

> They brought in a Committee Report and legislation that fully adopted the SIN position on reforming the law on sex-work in SA and they have a close and mutually supportive relationship with SIN.

Which is also not true.

> MPs who support the Lensink bill retweet SIN tweets with approval (but not this one).

I do not think I have ever retweeted any of their tweets, but I stand to be corrected on that. He goes on:

> Although I too want change in our sex-work law, I think the decriminalisation of street sex work without restrictions goes too far. SIN regards me as an adversary.

He then goes on to describe what he did, saying that SIN has been mocking traditional Christianity. He says:

> I received this tweet from SIN and it appears in our twitter feed—

and repeats his comments. He has just really justified his position, although he makes some reference to an apology towards the end of that post.

I think in some ways I am quite used to this behaviour from the member for Croydon, although he certainly crossed the line on this occasion, for which I was offended, but what I found equally

disturbing is that the Premier has not actually spoken to him, as far as I can tell. He had not spoken to him on Sunday when this news broke out. He said he hoped that he would put his phone away and understood that he had apologised. It is hard to understand whether he had actually read that particular apology to make a judgement for himself, but obviously as Premier it is his job to monitor the behaviour of his members.

On Monday 20 November, when the Hon. Ms Franks and I had called for the resignation of the Speaker, his comments were that he would not resign, as he had not done anything wrong. As reported in *The Advertiser* the next day he says:

> When I say I've done nothing wrong, I mean that in the very objective way that blokes think.

It is very hard to not see that as another slur towards all women. I was quite heartily sick of all this gutlessness from the Premier by this stage and sent a tweet on Monday night, because it had been reported that an apology had been made, which I did not read as an apology at all, particular not in combination with the member's comments. Then we finally received some form of apology on Monday night.

I point out that in any other workplace this sort of behaviour would result in a reprimand. It was good enough for the Premier to intervene when the Treasurer used foul language to Renewal SA employees, which he described as 'conversational swearing', yet when female colleagues have been attacked by him, he has done absolutely nothing. I am not quite sure who has authority to bring this person into line if the Premier and the Labor Party will not do so.

I used the word 'bystander' in my tweet on Sunday, because this is a very important context. White Ribbon has advice to men that includes the following:

> Holding other men accountable to women
>
> A critical step towards accountability is for men to hold other men accountable to women rather than relying on women to call men out when they are being sexist.

It also says in relation to men who are in positions of power:

> Men with influence and privilege can be powerful advocates for the prevention of violence against women. Senior male leaders can be effective champions for violence prevention in their organisations, using their personal influence.

I feel very let down by the senior members of the Labor Party on this matter. It is hard to see that if this had been a Liberal or a member of any other party that there would not be a full hue and cry coming from the Premier in particular, but I think he has been gutless on this occasion. I am very disappointed. I think the member for Croydon is not fit to be Speaker and he should have faced some form of reprimand other than the Premier saying that he was hopeful that the member would put his phone away.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (22:59): I rise to make a few comments on the motion moved by the Hon. Rob Lucas:

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

Most people would know me in this place as being pretty easy going, not being offended very often and pretty much letting things roll with the punches and getting on with the business of being a member of parliament. However, one action that I need to make some comment about has been the total denial of the member for Elder for her involvement and her understanding of the 'You can't trust Habib' flyer, and the disgraceful attack by the South Australian branch of the Labor Party on Caroline Habib at the last election in the electorate of Elder. Ms Annabel Digance, the member for Elder, often says, 'Oh, I didn't know anything about it'. Well, she has never said that to me, but she has said it to other people: 'I didn't know anything about it'.

In fact, when confronted when she was doorknocking she said she didn't know anything about it. Yet, in the four years that she has been a member of this parliament she has had ample opportunity to put on the record who did it, because we know that she knows who did it. Her husband used to confront volunteers prior to the election, saying, 'We've got dirt on your candidate, we're

going to destroy her', and a whole range of other adjectives that went with those sorts of attacks on a quality young woman.

The Labor Party often criticises the Liberal Party for not having enough women in parliament, yet they are very happy to stoop to a particularly low point to try to defeat—and did successfully defeat—Caroline Habib. I think we need to bring to the attention of the people of Elder this denial by the member for Elder. She constantly says that she knew nothing of it, yet her family did; she benefited from it. She has never said that it was wrong and has never acknowledged that it was an unprecedented attack on another women running for parliament.

We on all sides of politics try to encourage quality women to run for parliament, yet the Labor Party unleashed one of the most unpleasant attacks we have ever seen on another candidate. We see this pattern of behaviour on the eve of the election. There was an incident described by Mr Greg Digance, Annabel's husband, that one of their volunteers, their daughter, had been assaulted by a Young Liberal and they called the police. So the police are there and witness statements are being taken. I was fortunate enough to get the CCTV footage from that school after the election: it was absolutely false. But, again, here we have a pattern of behaviour of people denying that they know anything or making things up for their own benefit.

We look at the classic misleading of the electorate by Annabel Digance with the Repat. Often at a polling booth on polling day people would be saying, 'Here, vote for Annabel, she's a nurse. She'll look after you.' Of course, in her election propaganda there were plenty of photographs with Annabel Digance under the Repat sign saying, 'We're going to look after you.' We know that was all false: the Repat is now closed; she is the local member.

It bordered the electorate of Waite. It is somewhat concerning that the member for Waite and Minister for Veterans' Affairs was happy for that facility to close on his watch as well, but this is more about Annabel Digance and her saying one thing and doing another. It is a pattern that has emerged right the way through her time in this place. As I said, she has had four years to put on the record those who were responsible for the actions. She says that it was not her fault, she did not do it, others did it. Well, she had an opportunity—four years—to correct the record, to put on record who did it and to try to clear her name, but she won't—she is not game to.

Whatever the election result, something that Annabel Digance will take to her grave is that she was the person who benefited from a particularly nasty and unpleasant racial attack on another fellow candidate. Only two nights ago—she still cannot help herself—there was a forum with the Minister for Transport and the member for Waite in relation to the Springbank Road/Daws Road intersection. A member of the public, a woman, said that she had been doorknocked by the member for Elder, Annabel Digance, and she had told her that the new intersection would have an overpass. Minister Mullighan said, 'I have no idea where she would have got that from; there is no such thing happening.'

So, again, there is a pattern of Annabel Digance saying things that are not true to try to mislead the electorate of Elder into believing that she is actually out there fighting for them. Over four years, we have never seen any admission that she did anything wrong, or that she put on the record the people who were responsible. She could do that tomorrow, but I would be very surprised if she does. She has had four years—probably nearly 300 sitting days over those four years—in which she could have easily corrected the record, but she has chosen not to. I think that is a mark of the person who we see in the seat of Elder: that she will say anything to get elected. With those few words, I commend the motion to the chamber.

The Hon. T.A. FRANKS (23:05): I simply want to record a few words and particularly make note of the auspicious occasion of the valedictory speech that was given in the other place today by the Speaker—the outgoing Speaker—and outgoing member for Croydon, who is well known to me through his missives, both on Twitter and on email. Indeed, I wish to thank him. He was in the gallery just a few short minutes ago. I want to thank him because I know he will be paying great attention to the words in this council. He should pay great attention to the words of this council because, as he boasts on his bio, he boasts of bringing greater civility to this parliament in his role as Speaker. He would do well to learn from the current President, the presiding member of this place, because I think the civility in this place is a big step up from the civility exercised in the other.

I particularly wanted to thank the member for Croydon, the Speaker in the other place, not for his tweets of a faux vagina, sent to me at 11 minutes before 11am on the 11th of the 11th this year—when he, as I understand it, was late for the Remembrance Day ceremony to lay the government wreath—but for his response to the Equal Opportunity Commission complaint I lodged. In it, I had identified 16 incidents in which he had presided over slighting or slurring of me in the other place, where points of order had been raised about imputing an improper motive and he had dismissed them and where points of order had been raised about it being out of order and he had claimed that he was being entertained and so had dismissed the points of order.

There are those 16 incidents, but I note that the member for Croydon, the Speaker in the other place, has actually helped me identify a 17th. In his media response to my complaint, he noted that an incident in November last year, during a nuclear waste debate, was the only one he could identify through his significant trawling through five years of *Hansard* in the other place that he thought that perhaps I had been slighted under his watch as presiding member and, indeed, should have asked him for an apology.

In acknowledging that particular incident, which I had not yet identified because it did not name me by my full name—it simply used my Christian name, and I had searched for my surname—I note that I now have 17 incidents that I will frame in my complaint to the Equal Opportunity Commission. So, I thank the Speaker for his diligent research.

The Hon. R.I. LUCAS (23:08): I thank honourable members for their contributions to this particular motion. I rise to speak briefly in conclusion. In my earlier contribution, some time ago now, I raised a range of issues. I referred in that contribution and in some others to issues that relate to the government handling of the Gillman project. In doing so, it is illustrative of the government's actions—Labor MPs' actions and government actions as well—that we have just received one Auditor-General's report on the Adelaide Riverbank Festival Plaza development that raises significant damning criticism of the government.

Suffice to say that there were only two question times in two days to actually question ministers. My understanding is that questions directed to ministers in the House of Assembly today were diverted by minister Koutsantonis and Attorney-General Rau by referring them to minister Mullighan, who, of course, was not involved at the time of the decisions taken in relation to the Walker Corporation development.

The Auditor-General's report is damning. I do not propose to go through that at this late hour. In summary, he says on page 2, in relation to the negotiations the government had with the Walker Corporation, 'As a consequence, the integrity and probity of the process could not be clearly demonstrated.' He makes other damning criticisms of the process.

I want to place on the public record the information that has been provided to me about this particular process. One background point to note is that on the day the government entered the caretaker period prior to the 2014 election, which I think was 11 February 2014, it signed off on an agreement with the Walker Corporation, the first of a series of agreements with the Walker Corporation, which effectively, from the government's viewpoint, locked in any future government, whether it be a re-elected Labor government or, more particularly, a future Liberal government, to the Walker Corporation as a proponent of the redevelopment at the Riverbank precinct.

Soon after the election Attorney-General Rau became the responsible minister, and the information provided to me is that he was concerned about the processes that had been engaged in by the government leading up to the election and in particular processes overseen by minister Koutsantonis. The Attorney was so concerned about that that he actually appointed a private counsel, a QC, to provide him and the government with an opinion about all of the activities managed by the government and in particular minister Koutsantonis prior to this agreement entered into on 11 February, the day the government went into the caretaker convention mode.

We had the unprecedented step of a new minister appointing a QC. The government should really answer the question as to why the Crown Solicitor, for example, or Crown law, was not asked. It may well be that there was a judgement that there was a potential conflict of interest there. If that is the case, who was the QC and what was the cost of that particular opinion?

The advice I have been provided with, in terms of the independent QC's opinion, essentially was that the government was, to use a colloquial expression, locked in as a result of the discussions and negotiation and that initial agreement signed on 11 February 2014 and that there was therefore no alternative, because of the processes overseen by minister Koutsantonis and others leading up to the 2014 election, to proceeding with the Walker Corporation after the 2014 election.

Members have endeavoured to ask questions in the House of Assembly in relation to some of these issues, but as I said the minister and the government are obviously working on the basis that the parliament will close down in the next 24 hours, and if they ignore the questions they will not need to place on the public record what might be information embarrassing to the government.

I am also advised that minister Koutsantonis had a meeting with the Walker Corporation on 26 November. I am advised that no notes were kept of that meeting, which is highly unusual, and I think minister Koutsantonis needs to answer the question as to whether that is indeed correct and, if that is the case, why were no notes kept of that particular meeting? I do note that the Auditor-General comments generally about a lack of necessary documentation or the absence of documentation to support decisions that were made. Whether he is referring to this particular matter or not will be a matter that the Budget and Finance Committee will be able to explore with the Auditor-General in 10 days or so when he gives evidence to the committee.

It is important to know whether or not Mr Lang Walker raised serious concerns about the way the expression of interest process had been handled in that meeting with minister Koutsantonis. It is important to note that the Auditor-General does refer to the fact that Mr Rod Hook, who had been a member of the assessment panel established by the government, during that process had gone outside the process and had a separate meeting with Mr Lang Walker. It is important to hear from minister Koutsantonis as to whether or not he was aware of that meeting prior to it occurring. If he was, did he sanction it or approve it? Equally, for example, did he direct Mr Hook to speak to Mr Lang Walker outside of the formal process?

It is fair to say that the Auditor-General's Report is quite critical of the fact that a member of the assessment panel was meeting with one of the proponents outside the formal assessment process, and he makes that quite clear in his report that has been tabled. So there are many, many unanswered questions in relation to this process. Clearly, the government is not going to respond to these during question time. I intend to pursue those issues and many others that have now been provided to me by a number of whistleblowers within government in relation to this process.

As I said, the Auditor-General will appear before the Budget and Finance Committee on Monday week, and this will be one of a number of issues that we intend to pursue in some detail. With that, I thank honourable members for their support for this motion.

Motion carried.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE: GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT ACT

Adjourned debate on motion of Hon. J.E. Hanson:

That the report of the committee, entitled Inquiry into the Operation and Impact of the Graffiti Control (Miscellaneous) Amendment Act 2013 (SA) Amendments to the Graffiti Control Act 2001 (SA), be noted.

(Continued from 5 July 2017.)

Motion carried.

Bills

PARLIAMENTARY COMMITTEES (PUBLIC ASSETS COMMITTEE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2017.)

The Hon. R.I. LUCAS (23:17): I rise on behalf of Liberal members to indicate that we will be opposing the bill. In speaking to the bill, I indicate on behalf of Liberal members that we are sympathetic to some of the underlying principles that have driven the Hon. Mr Brokenshire to this measure. Essentially, it has been driven in large part by a small number of very significant privatisations that the Labor government have entered into but did so through a mechanism of avoiding a vote in parliament, and that was the Motor Accident Commission privatisation, which has so far netted $2.7 billion, and the Lands Titles Office privatisation, which has netted about $1.6 billion. One could also refer to others, namely, the privatisation of the South-East forests and the Lotteries Commission.

It never ceases to amaze me that Labor ministers, such as ministers Malinauskas, Hunter and Maher in this chamber, can stand up with a straight face and indicate that the Labor Party does not support privatisation. As the Hon. Mr Brokenshire and others have highlighted, the evidence and the proof is apparent to anyone who looks at this particular government's record. The stark difference is that the former Liberal government, when it went through the process of the ETSA privatisation, took that process through the parliament and, contrary to the claims of government ministers and others, it was supported by the parliament.

It was a vote of both houses of parliament. It was not able to be achieved without the support of two of a small number of Labor members in the Legislative Council, the Hon. Mr Cameron and the Hon. Mr Crothers, who crossed the floor and supported the privatisation. If all Labor members had stuck to the position, as espoused by some of their leaders at the time, the privatisation would not have been supported.

Putting aside the particular arguments, the process that was followed by the former government was the sort of process that the Hon. Mr Brokenshire is supporting; that is, with a significant asset such as the electricity assets or the Motor Accident Commission or the Lands Titles Office, the parliament should be required to vote on them. That is what happened with electricity but it did not happen and has not happened under this Labor government.

We have seen the sophistry of the government. We have all seen the pledge card from 2002 when the Labor Party then promised to oppose all privatisations, and when they got the taste of privatisation blood in their mouths they said, 'What we really meant when we said that was that we didn't support the privatisation of certain assets,' and so they then started to redefine their original promise. It did not really mean all assets; it only meant certain important assets.

More latterly, it is, 'We are now only talking about essential utilities.' They started saying it was essential services. They then got hung, drawn and quartered on that one to say, 'Hold on, compulsory third party is an essential service; it is actually a requirement of the law, and the Lands Titles Office is pretty much an essential service,' so it is now just essential utilities. Of course, we know, if they are re-elected, heaven forbid, that they already have a secret plan to privatise SA Water. How do we know that? Because the Treasury has already commissioned $100,000 worth of secret consultancy work, which they have never released, into how to privatise SA Water: how to go about it, what to do and what the asset would be worth.

We also know that, under the water minister, the SA Water board has also looked at how they would privatise SA Water. So, the only party that has actually spent taxpayers' money on investigating the privatisation of SA Water is the current Labor Party and their Labor government. Given their record with the Motor Accident Commission, the Lands Titles Office and so on, and given that they promised that they would never privatise any asset at all, it is quite clear, if re-elected, they would be seeking to privatise SA Water.

The Liberal Party understands the principle that drives this bill that is being developed. However, from our viewpoint, we see some very significant practical issues that have led us to say that we cannot support the bill. In relative terms, the member has set this at a very low threshold. Compared to $5.2 billion for electricity assets, $2.7 billion for the Motor Accident Commission and $1.6 billion for the Lands Titles Office, the member has set the threshold at $50 million.

Whilst that is a lot of money for each of us as individuals, there are any number of government assets—land, commercial property, buildings, hospital car parks and a variety of other assets like that—which would potentially be valued at more than $50 million. For all of those sorts of assets,

there will be a requirement to go through this process; that is, the establishment of the committee in the first instance, inquiries and reports, and then motions to go through both houses of parliament.

I have not had a chance to take high-level legal advice, but there is the interesting question of whether government agencies like Funds SA and WorkCover Corporation, which manage their own funds investment strategy—clearly they are government entities with significant funds and assets—take investment decisions in relation to the sale of assets.

The Motor Accident Commission, for example, recently went through a process of the sale of their property holdings. I think it was about $500 million or $600 million, but there is a range of other assets that they regularly transact. There was the decision in relation to the State Administration Centre, which is still a process that is going through, I think, in terms of the sale. There is the Riverside building, and a range of other assets like that. For all those reasons, we see practical difficulties in relation to support for a bill of this particular kind.

The final point I would make, and I think I referred to this before, is that this has been an unfulfilled goal for this particular parliament. I, together with one of my colleagues, have been having some discussions with the Attorney-General and other members of the government about potentially looking at a realignment and restructuring of the committees of the parliament.

Sadly, that never got to a stage where something could be presented to the parliament for discussion. I would hope that whoever is in government after March next year will look at various proposals for committee reform. For that purpose, that is another reason why I think it would be foolish at this stage to be establishing another committee prior to that particular discussion and debate.

For those reasons, I indicate that, whilst Liberal members understand and indeed probably support the underlying principles that the member is driving at in relation to this bill, because of the practical implementation of this, we are not in a position to support it.

The Hon. M.C. PARNELL (23:27): I just want to quickly put on the record that the Greens support what the Hon. Robert Brokenshire is trying to do here, at the risk of giving him a heart attack; it is not that often. I will temper my support somewhat by saying that we support the establishment of a committee to look at flogging off public assets, absolutely. We do not in this chamber get to participate in the Public Works Committee, for example, which deals with big items of expenditure, and so I think it is a good initiative to have a committee that deals with big items of revenue that arise from selling off public assets. So, I absolutely support having a committee.

It appears that the honourable member does not have the numbers tonight, so he probably will not get into committee. If we were to get into committee, there are two areas of the bill that I would have some concerns with. The first one is the membership of the committee. The honourable member has three from each house. I think the government of the day would probably put all of their own people in the lower house. For the upper house, we know the government has not controlled the upper house since the 1970s and they are not going to control it after the next election, so it might be a bit of a mixed bag. There might be some tweaking needed on the membership to get the balance right.

The one aspect that I really do not like is extra pay. I was very pleased when we got rid of pay for committee work. I would oppose the idea of giving someone an extra $27,000 for chairing a committee that may never meet, because if the government of the day does not try to sell off any public assets worth more than $50 million, the committee will never meet and yet the chairperson is going to get an extra $27,000 salary. I would be opposing that part of it, but let's not quibble about the detail. If the idea is that we should have a parliamentary committee that can scrutinise the proposed sale of public assets, then the Greens are all for it.

I note that the Liberal Party have said on several occasions that if they were to be successful in the next election, they would do an overall review of all the committees. That is something that I would welcome. It is not just a committee to deal with issues like this, we also need a committee for the proper scrutiny of bills. There is a range of worthwhile inquiries that could be done if we had a revamped committee system. For now, suffice it to say that the Greens are supporting the honourable member in his attempt to create a new public assets committee.

The PRESIDENT: Before the Hon. Mr Brokenshire takes the microphone, I would like to draw his attention to the state of dress of everyone in this council. We are now on live stream and there could be thousands of people watching you get up and speak, and I think their expectations would be a little bit more formal.

The Hon. R.L. BROKENSHIRE (23:30): Thank you for your guidance, Mr President. It is 11.30pm, and I will not be wearing a tie in here after about 10pm if I am re-elected; I will have my sleeves up like this and I will be representing the people.

I have a son out on a header at the moment, I have sheep in the shearing shed, I have someone having three more hours' sleep before they start to milk. That is the real world out there, trying to battle through before this 20 to 40 millimetres of rain that will dump on the crops and put black tip on the wheat and cause problems for people. So, after 10 o'clock at night, unless my party orders me to, I will take off my tie, I will roll up my sleeves and I will be focused on trying to get work through.

Alternatively, we could do this in a sensible and sane manner and we could sit next week, the alternative sitting week, and actually look at this in the better light of a new dawn. However, that is up to the government of the day, that is trying to push—

The PRESIDENT: In this chamber, Mr Brokenshire, you are paid to be a member of parliament, not a farmer.

The Hon. R.L. BROKENSHIRE: I hear what you are saying, but I do not apologise for not wearing a tie. What I do apologise for is two major parties that do not listen to those people who are not sleeping tonight, right now; they are so focused on watching us debate this issue, because it really does hurt the people of South Australia.

We have seen broken promises by this government. We have seen work done for the Labor Party, as the Hon. Rob Lucas said, or whoever gets into government, to potentially privatise SA Water. We have seen the sale of the LTO, which never in my wildest dreams did I imagine would ever be sold. We have seen ForestrySA sold, we have seen the lotteries commission, we have seen the MAC. The list goes on.

The bottom line is that we are in a diabolical position, because if you add all that up the figure that has been privatised by this Labor government—which made a promise and a pledge to the people of South Australia that there would be no privatisations under a Labor government, a promise they have broken several times—the bottom line is that if you added it up it is over $4 billion not of government money but, as Leon Byner, the radio presenter, has said several times, and he is correct, it is the people of South Australia's assets, sold without their approval. That is what I am here for.

I want to thank the Hon. Mark Parnell for saying that he agrees in principle with what we are trying to do. Unlike the populist ego-politics of the leader of SA-Best, Mr Xenophon, we are not proposing simplistic situations for reform ourselves; that is, whilst we would not oppose but would support a review of ministers and MPs and the like, we are talking about micro or macro reform that will make a difference to South Australia, not the stuff that just grabs a headline.

I want to give the example of the Motor Accident Commission. They are now going to deliver at least $2 billion to this state government, the Labor government that privatised it, and the next government, whatever colour that government is. Most of it has come in now and it has all gone into recurrent. When it is finished we will not be back in the black, we will be in big trouble, because none of it has gone off core debt. We have $14 billion of core debt. SA Water alone, which the Hon. Rob Lucas talked about Labor wanting to sell if they are re-elected, has had one way or another a total of $6 billion of debt transferred to it—gone across. That is still debt to the people of South Australia.

Whilst the science professor of the cabinet, the Hon. Mr Ian Hunter, can waffle on time and time again about the fact that water will be dearer under a Liberal government, and whatever else, the fact is that water prices have gone through the roof under this government and so has the debt. Enough is enough, and the people of South Australia have said that. I will not put this past a second reading speech, but I am going to get a vote on the record because I was not reassured by the Liberal Party, the alternative government, that they are not going to still run down the track of privatisation either.

We know the Labor government are, and have, and will continue to because it is all about holding power and glory for them at any cost—that is what it is about. The Liberal opposition could have put forward an amendment that said, '$50 million is too low—way too low—because we cannot interfere with off-balance sheet corporations and subsidiaries of the state government like Funds SA.' Well, make it $100 million, but there was no amendment, so $50 million is enough.

Frankly, given the gross irresponsibility of this government in what it has privatised, I think $50 million is plenty. When I talk to the people of South Australia, I ask, 'Do you know one of the other things that this government wants to sell?' I say, 'It's actually the State Administration Centre, where the cabinet actually work from.' They said, 'Really?' They do not believe that that should be sold. I said, 'It will be the parliament that will be sold if we are not careful. They will sell this off and lease it back.' Where will they start and stop?

Why do they not go and talk to the Canadian superannuation fund? It is not a philanthropist and never will be, but it has a responsibility to not South Australians but to their superannuants in Canada. That is why they bought the LTO. I have a letter from the Treasurer, and I am not very confident about his response about how he is going to protect all the transactions from going through the roof on property or, indeed, protect the intellectual property within the LTO. Having said that, the bottom line is: where do you start and where do you stop when you become grossly irresponsible and flog off assets?

You stop by giving the parliament, the people's house, the voice of South Australia, an opportunity to correct bad management by the government of the day, namely, in this situation, the Labor government. Whether you get $27,000 as a committee chair or whatever, I would be happy if that gets knocked out; it will not worry me. The whole idea of that was to keep the vibrancy within the committee structure. I am going to call a divide on the second reading because I want to make this an issue that the people have a voice on as we head to the election. They are not happy. They hate privatisation, and they want to see what the parliament is going to do.

Can I just finish with this: up until about 2000, there was a convention in this house. There was a committee of the parliament that looked into funding grants. That is another one we have to look at after the next election, with the pork-barrelling that is going on right now in South Australia, buying votes. A very high-profile minister (he has retired now but he was a high-profile minister) went out and breached every convention of this parliament and broke confidentiality to expose an agreement that the Liberal government at that time had to get a new business or expanding business into this state. Even with scrutiny, they break protocols and procedures.

I would suggest that when we get reform—micro or macro—and we get more effective and efficient and more focused on the best interests of the people of South Australia, we will be a better parliament and the state will progress much better. I am very strong on this. I know that people out there in voter land do not want to see any more privatisation.

We are not going to hold it up. If it goes through both houses, after coming through the committee, and it says that it is in the best interests of the people of South Australia to sell that asset, then I would expect the parliament would say to the people of South Australia, 'We have taken on the inquiry that the government put to us and we recommend that they do sell it.' Likewise, if they say no, then we protect the people of South Australia. I think it is a sensible bill and I commend it to the house.

The council divided on the second reading:

Ayes.....6
Noes 14
Majority 8

AYES

Brokenshire, R.L. (teller)	Darley, J.A.	Franks, T.A.
Hood, D.G.E.	Parnell, M.C.	Vincent, K.L.

NOES

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

Second reading thus negatived.

LOCAL NUISANCE AND LITTER CONTROL (ILLEGAL DUMPING ON CONSTRUCTION SITES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2017.)

The Hon. T.T. NGO (23:44): I rise to indicate that the government will not be supporting the Local Nuisance and Litter Control (Illegal Dumping on Construction Sites) Amendment Bill 2017, which seeks to double penalties for illegal dumping activities undertaken on construction sites as opposed to dumping anywhere else.

The advice that the government has from the independent regulator that is charged with tackling illegal dumping, the Environment Protection Authority (EPA), is that construction sites do not pose a particular problem, nor has the industry raised this as an issue with the EPA. A more common issue reported to the EPA is the dumping of construction waste on roads and public land which this proposed amendment may exacerbate.

It is the assumption of the proponent of the bill that the new Local Nuisance and Litter Control Act 2016, which only commenced operation on 1 February 2017, is insufficient to address illegal dumping on construction sites. There is no evidence to support this. The environmental benefit of the proposed amendments, noting that such material would be confined by fencing around the site and cleaned up by the owner or builder, will be negligible.

However, there would be negative environmental and community impact if material that would otherwise be dumped on a construction site, and cleaned up from that site, is dumped elsewhere such as on public roads, public land or other private property. Clean up may be more costly or more difficult and there may be a heightened risk to the public and the environment of exposure to harmful waste. Neither outcome, of course, is desirable, and the new Local Nuisance and Litter Control Act 2016 was introduced to reduce the incidence of illegal dumping in all these scenarios.

The new act has increased the expiation for the illegal dumping from $315 to $1,000; in other words, the expiation fee has tripled for this offending. This increase will deter offending and any further increase should be considered in the context of whether this large increase is determined through evidence and in good time to be insufficient. The new act also introduces vehicle owner responsibility so that dumping associated with a vehicle is much more straightforward to prosecute. This reform also enhances the effectiveness of surveillance in areas of repeat offending whereby vehicles can be used to readily identify alleged offenders.

I have been told that the EPA has previously made contact with relevant stakeholders regarding the issue that the bill seeks to address—illegal dumping on construction sites. However, no interest was shown by stakeholders in relation to intervention by a regulator. Additionally, illegal dumping on private property, including construction sites, will be discouraged by the installation of appropriate fencing and it is the responsibility of the developer that a property cannot be accessed easily.

The Environment Protection (Waste Reform) Bill passed recently by this place and the other place came into force on 28 November 2017. The bill provided the EPA with a better suite of powers to track and prosecute those in our community who illegally dump. The bill before the house also

requires further thought. As I said earlier, it proposes stricter fines for constructions sites but why should these sites be treated any differently to others?

The Hon. R.L. Brokenshire: I'll answer that.

The Hon. T.T. NGO: Okay, that is excellent. Additionally, the changes proposed by the bill concerning the Commissioner for Consumer Affairs might be redundant. My understanding is that the matters canvassed can already be raised or referred to the commissioner.

The Hon. J.M.A. LENSINK (23:50): I will be brief. This bill addresses the matter of increasing levels of illegal dumping, which is taking place on construction sites, by increasing fines and some of the disciplinary sanctions. There is a new offence for disposing of litter on a construction site, with a higher expiation fee, including on-the-spot fines between $420 to $2,000. In his second reading contribution, the mover of this bill stated that local councils have identified that some 'small operators are the most likely source of illegally dumped construction and demolition waste'.

The mover also identified that a number of stakeholders, including the Housing Industry Association and Consumer and Business Services, have identified illegal dumping as a particular problem which is costly for the industry. We have determined that, on balance, we will support this piece of legislation which will address those matters, and look forward to the committee stage of the debate.

The Hon. M.C. PARNELL (23:52): This is a curious bill, and I will say at the outset that the Greens are not able to support it. Certainly the issue of illegal dumping is one that has vexed state and local government authorities for a long time, and I have no doubt that the honourable member is right in saying that construction sites are prime locations for illegal dumping. The position that we have come to is that, if there are to be differential penalties for the location of illegal dumping, we are not convinced that the main game is construction sites.

If you want to have higher penalties, why not include people who illegally dump waste in sensitive wetlands, or in rivers and streams, or in national parks. There are of a whole range of other locations where the dumping of rubbish might actually cause more harm than the dumping of waste on a construction site. It is interesting to ask whether we should have differential penalties. The honourable member has a number of examples of where this has been a problem, and I do not doubt for one minute that they are live examples.

When it comes to actually changing the law and having special penalties for different types of dumping, we are not convinced that this is the main problem, but in the future we would be interested in looking at the idea of higher penalties for dumping that causes real harm to the environment, such as dumping in wetlands, creeks and natural areas. We will see what the will of the house is in terms of whether this progresses beyond the second reading tonight, but whilst the Greens acknowledge what the honourable member is trying to achieve, we are not able to support the bill in its current form.

The Hon. R.L. BROKENSHIRE (23:54): I thank all honourable members for their contributions. I like the Hon. Mr Ngo, but I find there is a lot of hypocrisy there on behalf of his government. The fact is they have to offset the bottom line balance sheet of the budget with a huge zero waste fund that they are not spending, just like the Victims of Crime. Because of their actions, history will show that they have caused more and more illegal dumping.

I am embarrassed, frustrated and annoyed that on the main Victor Harbor road, which is a tourist destination road, we see more and more rubbish being dumped there. The reason people are dumping that rubbish is because this government has had bad policy when it comes to disposal of waste, to a large extent. I want to be fair. I am always very fair to minister Hunter. There are some things he has done that are good, but there are some things he has done that are very, very bad. That is why we have this illegal dumping.

I thank my colleague the Hon. Mark Parnell for what he had to say. We do not want to see asbestos dumped out here to the north in waterways and open spaces either. I thank my colleagues from the opposition for indicating that they do support the intent of the bill and should they get into government on 17 or 18 March then that will give us an opportunity to progress this.

What I have seen here tonight is that the numbers are not quite here to go to a vote, but this is a good step forward. The staff in my office—whom I thank—and I have done a lot of consultation with the building industry and others and they want to see this. This is hurting the businesses that build, members of the Master Builders Association and members of the Housing Industry Association. It is hurting first-home buyers and it is costing, in some cases, tens of thousands of dollars a year to the bigger builders.

Where they used to put one or two mini skips on to a building site, I believe now they put as many as four, maybe even five, just to accommodate illegal dumping. So, they are de facto rubbish collectors and that is costing their businesses, their clients and customers who are building these homes, a lot of money. What it says to Australian Conservatives is that there is a problem. That has been recognised by both the Liberal opposition, the Greens and, clearly, Australian Conservatives.

When we get back after the election we will be looking at either further pursuing this or looking at a select committee that can specifically look at every issue to do with waste and how we can better manage this in South Australia. It has clearly opened a door and acknowledged that there are a lot of people in this parliament, in the Legislative Council, who do agree with Australian Conservatives that there is a problem that needs to be fixed. At least we now have a proper debate on it, we have some recognition and as we go forward into the next term of parliament we will have an opportunity to fix this matter once and for all. With that, I thank my colleagues for their contribution and I look forward to improving this, given our successful re-election in 2018.

Second reading negatived.

PASSENGER TRANSPORT (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 May 2017.)

The Hon. J.M.A. LENSINK (23:59): I rise to make some remarks in relation to the bill, which amends the Passenger Transport Act, principally to address matters of concern to the honourable member in relation to the dollar point-to-point transport service transaction levy.

The amendments do a number of things. One of them places a sunset clause of six years to cover costs of compensation to the driver's package. He also seeks to clarify the amount of money held in the Metropolitan Taxi-Cab Industry Research and Development Fund and how it is spent, particularly targeting transparency in reporting and some amendments to the Passenger Transport Standards Committee membership.

I apologise to honourable members in advance. I may well have needed to put amendments to this, but in relation to these my understanding is that the amendments to the Metropolitan Taxi-Cab Industry Research and Development Fund are clause 4 of the bill. The matters to do with the ministerial appointments to the Passenger Transport Standards Committee are clause 5, and the sunset clause is clause 7. So, the Liberal Party's position is that we support clause 4, we do not support clause 5 and we do not support clause 7.

I will be seeking to vote accordingly and I will hurriedly seek the advice of the Clerk in a moment as to whether we formally need to move that way or whether we just vote that way in committee. With those remarks, if we are unsuccessful in amending them, then obviously we will not be supporting the third reading.

The Hon. T.T. NGO (00:01): I rise to speak on behalf of the government to say that we do not support this bill because none of these measures will advantage either the industry or consumers. These measures will not simplify the administrative processes associated with the collection of the levy or the disbursement of those funds which will be used to benefit the industry and consumers. Furthermore, none of these measures have been informed by or are consistent with the findings or recommendations of the 2016 independent review of the taxi and chauffeur vehicle industry.

This bill falls short of what is wanted, required or expected by the industry and the public. That is, the amendment to introduce an expiry date of 1 May 2023 for the point-to-point transport

service transaction levy would result in the revenue expected to be collected over a six-year period to fall short of the cost of the initiatives it is intended to deliver.

The levy will support the industry assistance package, reduction in annual fees and charges across the passenger transport industry, increase compliance resources, as well as the introduction of a lifting fee for people with disabilities who are confined to a wheelchair and consequently must travel by accessible taxi. The levy will fund compensation payment to taxi licence holders and lessees, help offset the cost of fee reductions across the industry, and fund additional compliance and enforcement resources.

Surplus funds from the levy will also be directed to adopting new technologies that will facilitate the delivery of a more sustainable and efficient South Australian Transport Subsidy Scheme. If the amendment to impose an expiry date on the levy were to pass, then it will be the industry and the community that will be the losers. Industry will be hampered in their efforts to deliver better, responsive and cost-effective services to all consumers, particularly those who rely on access taxis and the South Australian Transport Subsidy Scheme.

Furthermore, the bill introduced by the honourable member requires the funds from the levy to be paid into the Passenger Transport Research and Development Fund, which cannot be used to provide for measures such as industry assistance payments, the lifting fee or removing or reducing the cost of accreditation for drivers and operators.

The state government is fully aware of the challenge facing the industry in the 21st century and the need to be able to respond and adapt to the evolving needs of consumers and has introduced its own bill in the other place, which was passed and is currently before this house for its consideration. The government's bill is far more comprehensive than the one proposed by the honourable member and makes amendments that will provide substantial long-term benefits to both industry and the public.

The government's bill does not tinker around the edges but has been designed to ensure that the Passenger Transport Act 1994 remains relevant in the face of significant technological innovations that have and are continuing to reshape the passenger transport industry. In particular, the government's bill introduces measures to ensure taxi centralised booking services, which will become transport booking services, are responsible for the collection of the $1 levy.

This initiative will support the efficient and effective collection of the levy which, honourable members will recall, funds the industry assistance package, reduction in annual fees and charges across the passenger transport industry, increased compliance resources, as well as the introduction of a lifting fee for people with disabilities who are confined to a wheelchair and subsequently must travel by accessible taxi.

With that, the government bill will deliver what is wanted, required and expected by the industry and the public. For those reasons, I urge members of this chamber not pass this bill that was put forward by the Hon. Mark Parnell but instead throw its support behind the government's proposed legislation.

The Hon. M.C. PARNELL (00:07): I thank the Hon. Tung Ngo and the Hon. Michelle Lensink for their contributions. In relation to the Hon. Tung Ngo's remarks, it goes without saying that once you have raised a permanent tax you can always find good things to spend it on, and that is clearly the case here.

The government has now identified a range of worthwhile initiatives that a permanent $1 transport levy can be applied towards, but that was not the point. The point was that the levy was initially introduced to compensate the taxi industry. We calculated that six years would be enough money to recoup all the compensation required for taxi licence plate holders and lessees, and it is at that point that this bill provides that that tax will come to an end.

The Hon. Tung Ngo said that, if this bill were to pass, the industry would be the big losers. Well, they do not know their own self interest because the industry is right behind this: both taxi and Uber want this tax to come to an end. You can normally back self interest in these things, but the government clearly knows better than industry about what is best for industry, because industry does not want this tax to last forever.

The third point that the Hon. Mr Tung Ngo made was that members should get behind the government's bill rather than the Greens' bill. Last time I looked, the government's bill was not on the priority list; it is not going to happen. It was not one of the orders of priority for today and, unless there is a change of heart, it probably will not be tomorrow, so members are being urged to get behind a bill that is going nowhere.

I thank the Hon. Michelle Lensink for her contribution. There are some aspects of the bill that the Liberal Party have said that they will support, but the call that I will make is that the main game was clause 7 and that is not one that the Liberal Party can support. Clause 7 was the sunset clause, the six-year clause, so I am disappointed that that is not going to get through. As a result, I will not be dividing on the second reading and I do not imagine that we will get into committee, so I will let the bill go into the sunset, including the sunset clause.

What I will say, in conclusion, is that we are already starting to get emails and correspondence from Uber drivers and Uber passengers, taxidrivers and taxi passengers, and I think members of all parties should expect that this will be an election issue. We have many thousands of people who rely on these services and who are unhappy about the permanent nature of this tax.

Members of all parties should start to expect to get correspondence from constituents asking them whether they will agree to ending this tax when it has done the job that it was raised to do. I am disappointed that the bill will not be advancing any further tonight. I look forward to being proven wrong tomorrow as to whether the government's transport bill will in fact be debated.

Second reading negatived.

ELECTORAL (CANDIDATE DECLARATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 November 2017.)

The Hon. A.L. McLACHLAN (00:11): I rise to speak to the Electoral (Candidate Declarations) Amendment Bill 2017. I speak on behalf of the Liberal Party in relation to this private member's bill. I indicate that we support the second reading, but the Liberal Party's view is that it is not inclined to support the bill at the third reading.

The bill, in our view, is well-intentioned, and the Liberal Party, probably more than any other party in this state, has suffered from members being elected under the Liberal banner or flag and then subsequently deciding to support another party or become Independent. However, we feel that this bill, if enacted, would be an unnecessary imposition on the free and natural flow of democratic processes.

The public can ask a member of parliament or a new candidate to declare their position. Should they give an unsatisfactory answer, they can vote accordingly or, even if they refuse, electors can make up their own mind. The media can discuss the answers of the candidate or MP and ultimately the community can make their judgement.

The community elects representatives for a variety of reasons. We never really know how an individual casts their vote, other than in accordance with their own conscience. Therefore, we do not think that imposing this sort of condition on an individual as a candidate will be the paramount factor in an election. I appreciate that it may be one factor, but people cast their vote for a variety of reasons, so we do not think it is helpful to make it binding.

Ultimately, the Liberal Party does not believe that it should interfere with this time-honoured democratic tradition. Whilst it has great sympathy for the bill, it will not be able to support it at the third reading but, as I indicated, it will support the second reading.

The Hon. M.C. PARNELL (00:14): The Greens' position is quite similar to that of the Liberal opposition. The starting point, I think, is that the questions that the honourable member proposes be asked of candidates are absolutely legitimate questions—absolutely they are. The question before us, though, is whether the Electoral Commission ought have a formal role in delivering the answers to the question to the community, or whether in fact that is a role the media can play.

We fall on the side of it being a matter for the media. We have no problems at all, whether it is the media asking us as Greens, or whether the media is asking Mr Xenophon, for example, 'If you have people elected, and if no party has an absolute majority, which side might you support?' The public will judge the answers that are given or not given, and the answers fall into three categories: one, is, 'We'll support that side,' the other answer is, 'We'll support the other side,' there might be an answer, 'We support no side,' or there might be an answer, 'We'll wait and see.' At the end of the day the public will decide whether they are satisfied with the answers, and that potentially will impact where their primary vote goes.

It is more a role for the media than it is for the Electoral Commission. I think the honourable member knows this, but I will just point it out as well: there is a problem when you have an additional requirement on potential candidates on the basis of the party that they represent. What I mean by that is that there is more paperwork to fill out if you are not Liberal or Labor. You have an extra document you have to fill out.

The Hon. S.G. Wade: It's only one.

The Hon. M.C. PARNELL: The Hon. Stephen Wade interjects, 'It's only one.' But, the point is that it's a matter of principle: why should someone have an additional administrative load in order to run for parliament because they don't represent one of the old two parties?

The consequence of not filling out the form presumably is that your nomination won't be accepted. The commissioner must insist on this form being completed. It is not an optional form, so in other words we are imposing a barrier to people entering the contest on the basis of the fact that they do not represent one of the old two parties. There is a fundamental flaw democratically in that process.

I guess the Liberal Party has said that they will support the second reading but not the third. I am easy either way: if people want a committee debate tonight we can do that, but the Greens position is that, whilst we accept the legitimacy of the questions being posed, we don't think that this is the right avenue to extract the answers from unwilling candidates, and that is what the honourable member is targeting: unwilling candidates who are not prepared to say to the community what they will do if they are elected and if there is a hung parliament.

The Hon. R.L. BROKENSHIRE (00:17): I thank honourable colleagues who contributed to the debate. Due to the time in the election cycle we will not be able to now go through a committee and third reading, but I am interested to test the floor of the house on a second reading on the principles of this. I note with a lot of interest that there was a no show from the government on their position on this, which makes me quite cynical as to what sort of skulduggery, potentially, the government might get up to.

I saw some good contribution tonight, but since I introduced this bill there has been another dynamic come in, and that is the fact that the Hon. Mr Nick Xenophon, who was in this house (not far from where I am speaking now), saying to the people of South Australia, 'Give me a chance to fix poker machines and all the bad things that we all know occur with problem gambling.' We see more machines now, I understand, than when he first came in on that platform.

He left this place with about six years of his term to go, from memory, because he was going to then fix it better in Canberra. He went to Canberra for at least two terms and then he found that he could not fix it better in Canberra, so he might come back and fix it here, with what I see from some as an armchair ride from some of the media—not all media but from some. So he is now coming back here and is projected to be a serious force at the next election.

So, that actually strengthens my argument for what this piece of legislation is all about. At the end of the day, when the election is over and a new government is formed and the people have settled back into their lifestyles on a day-to-day basis in this state, they are going to say, 'I didn't expect this or that to happen.' I know from history that that is the case. It is already on the public record, but, in 2002, a family that I know extremely well, a very good family—and I do not want to speak badly of the deceased, but they lived in Hammond and they liked the then member, the late Hon. Peter Lewis—went to the polling booths and handed out how-to-vote cards and all the rest of it because they liked that person. That is good; that is what democracy is all about.

However, they asked him a question. It was: 'We are conservatives. If we work for you, are you going to put a Liberal government back into office?' I understand that the answer was that he would. We know the history: he walked down the hallway and Mr Randall Ashbourne and Kerry, his wife at the time—I think her name was Kerry—somehow got him into an office, and all that changed.

They were horrified, then, that they had actually assisted that person to effectively put in a socialist government. They did not like socialist governments. I am not a friend of socialist governments either, so I can well and truly, as a farmer, understand why they did not. As farmers, we do not see socialist governments help us very often, unless we were going back to the hoe and the old methods under the communist regime. That is the only time they would probably be happy with us. My son is out there with the contractors on the header right now, and I do not want him going back to a scythe.

We need to be transparent with the people. Australian Conservatives have no problem whatsoever when we have gone through the whole election cycle and have been out campaigning for months. You watch the polls, you listen to it all and you meet with the people. We will know a week before who the people really want to see in government. At the moment, I am not sure. The polls are tight, but we will see.

The Hon. Mark Parnell raises a very good point. He is prepared to support the second reading. We can only go to a second reading now, but we can then bring all this back in after the next election. My concern for the people of South Australia, right now with the new dynamics, is that I, as an individual, and our party as a party and every other individual and party should be transparent to the people. Sometimes they love us and sometimes they definitely do not love us, but they will make a balanced decision and they will have expectations.

What I have seen with Mr Xenophon, time and time again, is that he will not make a decision because he will want to make a deal. He has admitted that. That is something I would say anywhere because that is the truth. He has worked on deals and backflips and flip-flops and all that during the whole time he has been in, if you analyse him. However, on this occasion, if the media are right and if the projections are right, this deal is not going to be a deal about whether or not we put a $70 cheque out that cost about $455 million from memory—a large figure that went on to an accumulating deficit in the federal parliament and the commonwealth government—to give a one-off cheque to offset energy charges that he helped drive up because he is such a strong promoter of renewable energy at the expense of base load power when you transition.

However, on this occasion it will be a lot bigger than that—much bigger—because he may be the kingmaker or the white knight that came back here. He does not want to be the premier and he does not want to be a minister—he said that—but he actually wants to be a de facto premier so that he can manipulate, control and backflip on a Labor or Liberal government that is going to try to govern.

It is totally different to what we do on the crossbenches up here. We are watchdogs. We assess things on merit. We do the best we possibly can subject to one provision, and that is that we put the people first in the upper house and work with the government of the day. For every crossbench member, it is the same. This is really our role, but the dynamics have changed, which has actually strengthened my reasons for putting this piece of legislation forward. So I am going to call the division on the second reading. I give notice of that. And we will see what happens from there. Then, if re-elected, one of my pledges to the people, which I will honour 100 per cent, is that I will bring this back up again, and we will have four years to work through it.

In the meantime, taking on the Hon. Mark Parnell's point, I say to the media: we do not have the time to actually finalise this, but we will see the majority intent of the Legislative Council, the people's house, on this particular principle. Therefore, if you take the point of the Hon. Mark Parnell, from the Greens, a point I have some empathy with, then I say to the media: challenge all of us in the last week before the election.

Traditionally, on the Friday night when we get to the very, very pointy end, up until now, going by all of my memory as someone who is pretty loving of politics, I sit there, watching the 6 o'clock news and the 7 o'clock news on that Friday night. There have been two groups, two parties, that

have been interviewed—the Liberal Party and the Labor Party—because they have been the options for government.

So, to take the Hon. Mark Parnell's point, if the media are going to do that then they should either stick to that tradition, or I ask them, in the interests of democratic process, to go to every party that is of relevance in this state on that Friday night, namely Liberal, Labor, Australian Conservatives, the Greens, Advance SA, Dignity and SA-Best, and ask us all to sum up what we are going to do for the people the next day when they vote.

I think that is at the moment the only fair and democratic way. If they just go to Liberal and Labor and to SA-Best, then what they are actually consciously or subconsciously saying is that only SA-Best is the third option. I do not see that as democratic, and at that point in time they should, as the Hon. Mark Parnell said, ask us all: 'You have seen it where it is. You have seen the polling every week of the election. If you do have the balance of power in the lower house, who will you put into government?' We should all say so and tell the truth to the people of South Australia. With that, I commend the bill to the house.

Bill read a second time.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE

Adjourned debate on motion of Hon. G.E. Gago:

That the report of the committee, on domestic and family violence, be noted.

(Continued from 18 May 2016.)

Motion carried.

Bills

CRIMINAL LAW CONSOLIDATION (ASSAULTS CAUSING DEATH) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 February 2016.)

The Hon. A.L. McLACHLAN (00:31): I rise to speak to the Criminal Law Consolidation (Assaults Causing Death) Amendment Bill. The bill was introduced by the Hon. Robert Brokenshire on 24 February 2016 and mirrors an earlier bill he tabled in the parliament back in 2014. Whilst the Liberal Party appreciates and acknowledges the motivations of the Hon. Robert Brokenshire in introducing this bill, we will not be supporting it. We will support the second reading, but we will not support the third.

The bill seeks to introduce a mandatory minimum sentence of eight years' imprisonment, and a maximum of 25 years, for any offender who commits an assault whilst intoxicated, which causes the death of a victim. The minimum sentence of imprisonment cannot be reduced or mitigated in any way whatsoever.

Experience in other jurisdictions has shown that introducing mandatory minimum sentences does not curtail the prevalence of the crimes it is aimed at. Further, it can also create difficulties in the justice system. For example, in New South Wales, legislation similar to this bill before the chamber was passed in 2014. It has had far-reaching unintended consequences, which in one case saw a 15-year-old boy charged with the accidental death of his younger brother.

Likewise, the Northern Territory introduced mandatory sentences for property offences back in 1997. However, after attracting national attention and criticism, including from the United Nations, these laws were repealed in 2001. Of particular note, there was actually an increase in property offences in the Northern Territory while those laws were in place. It is extremely important that we in South Australia learn from the experiences in other jurisdictions.

Furthermore, it is equally important to acknowledge that juvenile persons with mental illness or a cognitive impairment, and Indigenous members of our community, are often disproportionately impacted by mandatory sentencing. Indeed, Indigenous overrepresentation in our prison system is highest in Western Australia and the Northern Territory, where mandatory sentences have operated the longest.

This is one of the many reasons why the Law Council of Australia called for the abolition of mandatory sentencing, claiming its abolition would help close the gap in Indigenous overrepresentation in the prison system. Whilst these laws may seem like an attractive and simple solution to combating particular crimes, experience has shown that they are not the answer.

The Hon. M.C. PARNELL (00:33): The Greens will also be opposing this bill for precisely the reasons that the Hon. Andrew McLachlan outlined. In fact, it is consistent with the approach we took to an earlier bill this evening or, rather, last night. Minimum mandatory sentencing does not work. It is not something that the Greens ever support. We prefer judicial discretion, so that the sentencing judge can hear all the evidence, all the circumstances and make an appropriate decision, so we will not be supporting this bill tonight.

The Hon. J.A. DARLEY (00:34): I rise to indicate Advance SA's position on this bill. I understand this bill will see a minimum gaol sentence of eight years imposed against those who cause a death by making physical contact while intoxicated. The bill addresses what is colloquially known as a one-punch attack. The problem we as a community have with alcohol-fuelled violence is alarming. My office undertook research a few months ago and found that, in the last few years, more people have died as a result of being attacked by a person who is impaired by drugs or alcohol than soldiers who have died while serving our country at war. This is disturbing.

The fact that there is a cohort of people out there who think it is okay to attack someone once they have had a few drinks or otherwise is alarming, and I agree with the Hon. Robert Brokenshire that something needs to be done. However, I believe the focus should be on education and early intervention. The government has focused their efforts on this issue and there seems to have been a slight improvement. I hope it is something that will continue over summer when a higher number of people are out and about.

I do not think that mandatory sentencing is the answer. The courts need to have the discretion to impose sentences that they believe are appropriate. These are often complicated matters and applying a broad brush approach can itself lead to injustices. Whilst I acknowledge that there is a problem here, Advance SA believes that preventative measures through mentoring, education and early intervention programs for substance abuse would be much more effective than simply locking people up.

The Hon. R.L. BROKENSHIRE (00:36): In summing-up, I thank all honourable members for their contribution. As I said when I introduced this bill, it mirrors the New South Wales legislation. I will never forget and I am sure a lot of my colleagues and many people in Australia will never forget the coward punch death of a young lad who was simply walking through a shopping centre with two female friends. The late David Hookes, a magnificent South Australian and Australian, left a hotel and was pursued by a security guard. I am not aware of all the facts but effectively he was punched, knocked down, and he died, and that is tragic because he would still be commentating today on the Ashes test which starts tomorrow or Saturday.

An honourable member: Saturday.

The Hon. R.L. BROKENSHIRE: Saturday. This legislation only mirrors legislation brought in by a Liberal government in New South Wales. I have dealt with constituents who have been victims of a coward punch. Just to summarise, without going into all the details again, about this time of year heading toward Christmas, a gentleman came into town to support his wife at a fundraising function. He was doing nothing wrong. He was walking along North Terrace to get some money from an ATM so that he had money to contribute to the evening.

He was very badly provoked by some drunks who had, coincidently, left Adelaide Oval after watching cricket all day. The bottom line was he was severely injured and could have been a victim who died. Fortunately, he did not. But because the people who attacked him had a smart lawyer, and because the police were still putting their prosecution case together, and because the smart lawyer

said, 'You're in trouble here, mate; plead guilty and we will get you off with a minor sentence,' by Monday he was in court, he pleaded guilty and got off. Fortunately, that father and husband is, as I said, here today but he may not have been. I do not get a chance to watch the TV news that often at night but, when I do, there are not many weeks when I do not see that a coward punch has caused a death somewhere in Australia. In fact, I think there was another one just in the last few weeks.

The Australian Conservatives will continue to pursue this. We never will agree that the courts get it right all the time. We agree that they are learned and experienced people, but we do not want to leave it up to the courts all the time. Why? Because the voters of South Australia say to us that they are not happy with some of the court's decisions. As I said yesterday in the debate on domestic violence, using the examples of Emily and Evie, we need some minimum mandatory sentencing.

I have heard the current voice of the parliament, which is that they are not wanting to support minimum mandatory sentencing. However, there will be a change in the make-up of the parliament after 17 March 2018. We give notice to this parliament and the next parliament that the Australian Conservatives are going to, with more vigour than ever before, push for minimum mandatory sentencing on certain serious offences.

I particularly highlight paedophilia, rape, domestic violence and coward punches, just to name four. We will see what happens. Whilst we have had a lot of tough talk about law and order by this government and whilst this government has very effectively stolen what was always one of the platforms of the Liberals, which was that the Liberals were tough on law and order, the reality is that we have seen a decrease in car theft not because of the Labor government being tough on law and order but because of improvements in technology making it harder to steal cars.

But when it comes to offences against a person, this government has seen an increase overall in offences. We have to do something to stop the so-called badge of honour of thugs high on drugs or alcohol, or for whatever reason they are doing it, running around attacking innocent people who are simply going about enjoying what they should, and that is the freedom of being able to go anywhere and everywhere with their friends and family in Adelaide and in South Australia.

I will not be putting this one to a vote on the second reading, but if I am re-elected—and I know Australian Conservatives' policy is exactly with me on this—I will certainly be pursuing minimum mandatory sentencing. The lawyers will still make lots of money because they will still be able to defend these perpetrators to stop them from getting seven or eight or nine years, but one thing is for sure: if they coward punch and kill people or if they commit serious prescribed domestic violence, neither the lawyers nor the courts, the jury or the judges will have any discretion on minimum mandatory two-year sentences or the like.

Finally, if you do your homework on what happened with the coward punch situation that a strong Liberal government brought in in New South Wales, there has now been a reduction there, I understand, because it is not a badge of honour to risk two years' imprisonment.

Second reading negatived.

RIGHT TO FARM BILL

Committee Stage

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: I would like to make a few comments in relation to this bill. It is very late in the evening, and we are actually now in the last day of sitting before the next election. The Hon. Robert Brokenshire introduced this bill, and I spoke on the second reading perhaps 12 months or two years ago, quite some time ago. I think he called for a vote on 18 May 2016, or somewhere around that time.

We have always supported the principle of the Hon. Robert Brokenshire trying to give some certainty to farmers. I have just been reading some notes that we prepared for our party room and it is interesting that this is virtually the same bill that, I think, he introduced prior to the 2014 election,

and before that I think there was a Right to Farm Bill that he introduced before the 2010 election. He has been consistent on this particular issue.

The Liberal Party has a number of concerns around some of the planning changes. One in particular that I am quite concerned about is the buffer zones when you have a change of land use, whether it is from farming to residential or industrial, or a change of agriculture from broadacre grain growing to viticulture or horticulture. They are some real issues that I do not think the member's bill deals with in any great detail.

He also does not really address mining in this particular piece of legislation. I know that he has a mining ombudsman's bill, but this does not address mining. Given the real issues that are confronting me as the shadow minister at the moment, of course we have agreed not to deal with the mining bill because of the concerns in the rural community and the lateness in the parliamentary year. It is quite complex, and I think it is probably better to deal with a lot of the issues that the honourable member was trying to deal with.

I will quickly refer to a couple of submissions. I indicate that we will support the bill, but also indicate that we are concerned about the interaction between agriculture and other industrial activities and changes of land use, and, from an opposition point of view, we are not committing to implementing the honourable member's bill.

I have a 2016 letter from Grain Producers SA, where they say they have their own subcommittee and are looking through the issues around the right to farm. They say they support the intent of the Right to Farm Bill, but it is not clear exactly what farming activities are protected. They ask:

> Are all farming activities going to need to be prescribed activities, what does that mean and will that place another regulatory burden on what farmers can and can't do on their properties? We would be interested in seeing more detail around the Bill.

I do not believe we have had that much more detail. They say:

> The objects of the Bill could possibly go further and specify the need to provide protection of farming activities over a list of other activities such as incursions from mining operations, nuisance claims for example. Will this Bill provide protection for farmers from nuisance complaints and actions about noise, stubble burning, waste, etc. particularly those arising from the interface between farming and expanding urban centres, or for changes in land use?

I do not think the honourable member's bill really addresses that. The GPSA then goes on to talk about some changes in Queensland:

> An example of such a review is in Queensland which recently passed the Regional Planning…Interests Act 2014 and Regional Planning Interests Regulation 2014.

It goes on:

> Under this Act, Queensland local government planners, State regional planners, farmers or policy makers, are committed to considering the following nine principles to achieve a healthy agricultural sector at the regional and local level.

Those nine are:

1. Agriculture in the economy
2. The natural resource base
3. Lot sizes for productive agriculture
4. Land Use conflict:
    1. Avoid land use conflict
    2. Manage existing land use conflict
5. Sustainable natural resource management
6. Diversified agricultural enterprises
7. Infrastructure for agriculture and supply chains
8. Support services for agriculture
9. Multiple values of agricultural land

They cite that as one example. There will be a new government of whatever persuasion after the election, so maybe the honourable member may like to progress this a little bit earlier in the cycle.

There are examples in other states where this has been dealt with. I have some clippings here from *The Weekly Times* that discuss issues about pigs and chickens that have been dealt with recently in Victoria. Headlines include: 'Chook rules ease', 'Right Fight Win', 'Proposals offer clarity for pig operations' and 'Right-to-farm victory cuts farmers' red tape'. There are examples of the good work being done in other states. We should not look to reinvent the wheel. Given the lateness of the parliamentary sitting and that there is no prospect of this progressing any further, maybe I could urge the honourable member to bring this back earlier in the cycle.

The Hon. R.L. Brokenshire: You won't have to urge me. It'll be back day one.

The Hon. D.W. RIDGWAY: That will be good, if it is back day one; I think it is important. As I said, we will support it. I have this year's Primary Producers SA Policy Document 2018 State Election. They list a number of headings: NRM; Water planning and management; Electricity (a massive concern to Primary Producers); Mining and Gas; Research, Development and Extension and Science and Technology; PIRSA and SARDI; SafeWork SA; Financial Issues; Telecommunications; Transport; and Health and Education. But nowhere in this particular document from Primary Producers SA do they talk about the right to farm. Clearly, it is an issue, but it is not a front-of-mind issue. It is not something that the peak farming body that represents horticulture, agriculture, viticulture—all of them—has seen as an important issue.

I am just trying to circumvent things a little to say the opposition will support the bill. We think there is a lot more work that needs to be done, but we are happy to support it in the lead-up to the election. I urge the honourable member to put it on the agenda early in the cycle rather than leave it for a couple of years and then two years later bring it to a vote.

The Hon. M.C. PARNELL: I will put on the record the Greens' position. I thank the Hon. David Ridgway for his contribution because, though he does not always, today he made a lot of sense. The question that I think needs to be posed is: what are the main impediments facing farmers and farming communities? What are the impediments to their right to farm? I think the Hon. David Ridgway pointed out mining (that is a good example), urban sprawl, and that there is no shortage of economic impediments. The question therefore becomes: to what extent is the pressure from neighbours, in relation to environmental pollution or nuisance, a real impediment to the right to farm?

The structure of the bill is that there are things called 'protected farming activities'. They are protected if the farmer is complying with a code of conduct, which is going to be prescribed in the regulations or, in any other case, if the farmer is complying with generally accepted standards and practices for that particular farming activity. That goes to the heart of the problem I think: what are generally accepted standards and practices? Generally accepted by whom? The bill also is not limited geographically. I understand where the member is coming from. He has seen situations—we all have—where you have people who are farming, and urban encroachment comes in and, all of a sudden, people complain about the smell, the noise and whatever.

I will give you another example of a farming operation. Near the Marion swimming pool, not that far from my house, there are grapevines. In fact, there are very few grapevines left in—

The Hon. R.L. Brokenshire: Patritti's grapes, actually.

The Hon. M.C. PARNELL: —Patritti's grapes—the metropolitan area. One common practice in relation to growing grapes is to protect your crop from birds. One mechanism is gas guns: the firing of a loud noise to scare birds away. Under this bill, it could well be said that that is a common practice and that a generally accepted standard for that particular farming activity is a gas gun. I tell you what, there would be a lot of residents of Marion—

The Hon. D.W. Ridgway: They shouldn't have bought their houses there.

The Hon. M.C. PARNELL: —who would not be happy if the guns were going off. The Hon. David Ridgway interjects that they should not have built houses there. I think the houses were built there about 50 or 60 years ago. They have been there a long time.

The Hon. D.W. Ridgway: And the grapes, too.

The Hon. M.C. PARNELL: And the grapes have been there a long time as well. Anyway, the point that I am making is that there is some nuance that is required in this. If what the honourable member is trying to do is to protect farming operations from things like urban sprawl and mining, then let us have a look at that.

I think there is general acceptance that, at this hour on this day, we are not going to get this too much further, but the Greens will not be able to support it, mainly because we do not know what these generally accepted standards and practices are. Also, it rather stands in the way of improvement because, if you think of things that were common practice 50 years ago—the way chemicals were used; spray drift was completely ignored—they were all accepted practices of the time, but as time goes on standards improve. They improve for environmental health and safety, for worker health and safety, and for neighbour health and safety.

I would not like to see that improvement stalled simply because a right to farm bill locks in current practices effectively forever. So yes to what the member is trying to achieve, but no to the mechanism that has been chosen. The Greens will not be able to support it at this stage, but we look forward to the debate on day one when he is re-elected. When parliament resumes, we expect to see this very early on the *Notice Paper*.

Clause passed.

Clause 2.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 1 [Broke–1]—

Page 2, lines 4 and 5—Delete clause 2 and substitute:

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

I will speak to this amendment and the subsequent amendments as well because they are all consequential. The reason that I tabled this today was that the government have made some significant changes to the planning act since I tabled this bill, and in order to comply with that particular legislation it was necessary for me to table these amendments. I thank parliamentary counsel, the unsung heroes of this place, for their diligent work again in getting this to happen. These amendments are consequential, but the thrust of this is that, to get the Right to Farm Bill to work mechanically, we needed to move these amendments.

The Hon. D.W. RIDGWAY: The amendments were only filed today. We have had a couple of years of the bill, so we are a bit surprised. The opposition has not looked at these, so unfortunately we cannot support them.

The Hon. I.K. HUNTER: As the Leader of the Opposition has just said, these amendments were only submitted today and, as such, as is usual practice in this place, honourable members like to go away and have a think about them, so I move that we report progress.

Progress reported; committee to sit again.

CONSTITUTION (ELECTORAL REDISTRIBUTION) (APPEALS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 November 2017.)

The Hon. A.L. McLACHLAN (01:00): I understand that there are no other speakers on this bill, which is of a very technical nature, so this is my summing-up of the second reading, which consisted of my own speech. I was going to congratulate my own fine words but, before we go into committee, I do add that the government supports this bill. It has some technical amendments which the Liberal opposition agree with, so I am not expecting the committee to take more than the blink of an eye. I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. J.E. HANSON: I move:

Amendment No 1 [Hanson–1]—

Page 2, lines 15 and 16 [Clause 3(2)]—Delete subclause (2) and substitute:

(2) Section 86(2)—after 'elector' insert:

or a registered officer on behalf of a registered political party

The Hon. A.L. McLACHLAN: The Liberal Party supports all the amendments that are going to be moved by the Labor Party.

Amendment carried.

The Hon. J.E. HANSON: I move:

Amendment No 2 [Hanson–1]—

Page 2, after line 21 [Clause 3(3), inserted subsection (5a)]—Insert:

; and

(c) sent by the Commission to each person who made a representation to the Commission under section 85.

Amendment carried.

The Hon. J.E. HANSON: I move:

Amendment No 3 [Hanson–1]—

Page 2, line 23 [Clause 3(3), inserted subsection (5b)]—Delete 'or registered political party'

Amendment carried.

The Hon. J.E. HANSON: I move:

Amendment No 4 [Hanson–1]—

Page 2, after line 25—Insert:

(4) Section 86—after subsection (9) insert:

(10) In this section—

registered officer and registered political party have the same respective meanings as in the *Electoral Act 1985*.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Third Reading

The Hon. A.L. McLACHLAN (01:05): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (INTENSITY OF DEVELOPMENT) 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) (01:05): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation incorporated into *Hansard* without my reading it.

Leave granted.

This is a relatively simple bill because of matters that have arisen in the Newland electorate as a result of some proposed developments. Gordon Avenue, a street within the Newland electorate in St Agnes, is a cul-de-sac. There are 27 dwellings on that street and on the same street there are two substantially large blocks. Most of the blocks of course are 800 square metres or 1,000 square metres. One block is 6,500 square metres and a second block is of a similar, if not slightly smaller, size. A proponent has purchased the 6,500 square-metre block and is proposing to build 24 dwellings on that block.

Those quick at maths will see that it is almost a 100 per cent increase in the number of houses on that street. They will also realise that there is still another very large, similarly sized block with scope for approximately the same number of dwellings to be built on top. Assuming everyone else does a two-for-one development on their blocks, as they might ordinarily be entitled to, you are starting to get to a point where you might have 100 dwellings on that small cul-de-sac in St Agnes, which was never intended to carry that many houses.

Currently, councils do not have the ability to look at a development, look at a street and assess the total number of dwellings in the event that all blocks were developed to the potential of the zoning in that area. This bill seeks to give councils the power to have a forward look, to essentially determine the carrying capacity of a street to see how that might be evenly and fairly spread across all landholders in a street, and then to make a decision on a proposed development on that basis. The first provisions of the bill seek to do that.

The second part seeks to clarify powers that already exist under the act. The act already gives councils the power to enforce decisions of the Development Assessment Commission, and that is not explicitly stated in the bill. The member for Newland's bill seeks to clarify this to ensure councils know they have the power to enforce conditions of the Development Assessment Commission decisions, and that they have their suite of powers, being able to do everything they would do to enforce the conditions of a decision they made. They also apply to Development Assessment Commission decisions. It is a relatively simple bill and I commend it to the house.

The Hon. M.C. PARNELL (01:06): This is a curious bill. It has come to us late in the piece. I have discussed it with Mr Kenyon in another place, and my reaction to him was that he has posed some good questions—questions that the planning system should deal with better than it does. When I say that he has posed good questions, one of those questions is that the nature of the planning system is that each individual application for development is assessed on its own merits and is rarely looked at in the overall context of: what does it mean for the neighbourhood or for the wider environment?

One thing this bill seeks to achieve is that those cumulative effects should be taken into account. The mechanism that he has chosen to use in this bill is that there are prescribed percentages of allotments and prescribed proportions of dwellings. If a developer comes along and is proposing a development whose intensity is greater than the prescribed proportion, which in this bill is 25 per cent, then there is a chance that the development will not be approved. The object of the exercise, according to the bill, is that development that would otherwise be appropriate in the zone can be rejected if the development would result in a greater intensity that is desirable for the district.

It is a shame the honourable member is not in this chamber to be able to answer questions, and I am not sure whether the minister is going to be of much assistance, but it struck me, as I was looking at it, that there is a major technical flaw in the bill—at least I think there is. It is something on which some further advice might need to be sought. Mr Kenyon, when he introduced the bill in the lower house, talked about applications for large numbers of allotments or large numbers of houses being thrust upon a street that is not able to cope with that intensity of development.

It seems to me that the loophole is that if a developer, rather than carving up, for example, a six-hectare lot into 30 or 40 smaller allotments, if they staged their development and kept the number

of allotments below the threshold, which in this is 25 per cent, then they could lodge an application for 10 allotments, and then they could come back a week later and lodge another application for another 10 allotments and then another 10 allotments.

Looked at individually, none of those would infringe the bill, as I understand it, and therefore the whole purpose of the bill would be undermined. I might have the wrong end of the stick with that, but that is my quick understanding of how it might work. I think there are some serious problems with it but, as I said to Mr Kenyon, he has asked the right question, I am just not convinced he has the right answer. I will be guided, in part, by what other members say.

One test for bills is: does the bill do good? Another test is: does it do harm? And if a bill has loopholes that you can drive a truck through, then maybe it will do no harm because people will get around it anyway, but then we have to ask ourselves whether that is the smartest thing to be doing, to be passing legislation that effectively can be so easily undermined.

I am prepared to admit that I may have misunderstood it, but putting on my lawyer hat—how would I get around this measure—I think a staged development would possibly undermine the intent of the bill. If the minister has any answers to those questions that might assist us in progressing the bill tonight.

The Hon. J.M.A. LENSINK (01:10): I rise to make some remarks in relation to the bill which has come from the House of Assembly. At the stage when it was addressed by our spokesperson, the member for Unley, he indicated support, which we still do provide for this. Notwithstanding some particular concerns that we have, we are sympathetic to the concept of it.

The bill essentially is attempting to make some assessment of what the carrying capacity is of particular areas and has arisen in respect of a specific development in the promoter's electorate. I can understand the concerns that have arisen that there could be a large number of dwellings located on sites that would be inappropriate. I have to say that I am surprised that there are not instruments under the planning process that could already address this, whether they are through zoning or other areas.

I think it is a bit rich of a government member to be promoting a bill in relation to this, given what particular communities in Liberal electorates have just undergone through the major development status that the government supported for Life Care for its aged-care facilities, where they clearly had developments that were much larger in scale than the adjoining properties. We do support the concerns in this particular area. However, we have received amendments which have just been filed today by the government.

The government is well aware that our process is that we have a joint party meeting every Monday and any amendments need to be considered at that and, therefore, they would have had to provide those to us prior to that meeting—the week before—in order for us to be able to give them due consideration and do our own due diligence. It is hard to see that the bill can progress under those circumstances because these just have not been given adequate notice; but we are supportive of the general concept of the bill.

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

STATUTES AMENDMENT (YOUTHS SENTENCED AS ADULTS) BILL

Committee Stage

In committee.

Clause 1.

The Hon. M.C. PARNELL: When we debated this bill a bit earlier today, I had hoped that having put a number of cogent matters on the record the government might see reason and might have decided that, given every stakeholder had raised serious objections to the bill, they might pull the bill. Clearly, that has not happened. Here we are at 1.15am and we are going to proceed through committee.

We will see how we go. I have a small number of questions. I do not expect to delay the house long, but of course we have a number of members in this chamber—22 at last count and 21 of

them entitled to ask questions—so it may be a long debate if other members have questions. I will start with the obvious one and that is to ask the minister: what consultation did the government undertake before introducing this bill into parliament? Which stakeholders did they talk to, and what other consultation was undertaken?

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that at an early stage there was consultation within government. At a later stage, there was consultation with various interested parties, and I am advised they included a range of the parties that the honourable member read views from during the second reading stage.

The Hon. M.C. PARNELL: I thank the minister for his answer. My understanding was that of most of the organisations that have weighed in to this debate, it was not that they were consulted before the bill was introduced into parliament, they have responded to the bill after it was introduced. But I will ask a supplementary question in relation to that. I put five organisations on the record and I read contributions that they had made into *Hansard*. Has the government responded directly to any of the stakeholders in relation to their concerns?

The Hon. K.J. MAHER: My advice is that there was not a response to individual interested parties.

The Hon. M.C. PARNELL: The minister's answer is that there was not a response to individuals. Is he saying that the only response that has been provided is what has been provided in parliament in this debate? Is that the only response that has been given?

The Hon. K.J. MAHER: I am advised that the comments the Attorney made in the second reading speech and during the debate on this covered a lot of the issues that the government thought needed to be covered.

The Hon. M.C. PARNELL: One of the submissions that I referred to in my second reading contribution was from the Council for the Care of Children. I pointed out in that contribution that the heads of four government departments are part of that council, and on council letterhead the advice was to not support the bill.

I think I named the agencies before. We have the Department for Education and Child Development, the Department for Communities and Social Inclusion, the Aboriginal Affairs and Reconciliation division of the Department of State Development and the Department for Health. My question is: have the CEOs of any of those departments, or have representatives of any of those departments, resiled from the submission that they made as part of the council in relation to this bill?

The Hon. K.J. MAHER: My advice is that we are not aware either way whether they have expressed support for what the council wrote or whether they did not express support for what the council wrote. We are not aware either way.

The Hon. M.C. PARNELL: I take it from the minister's answer that from the government's point of view, the only information that you do have is that the heads of the four most important agencies are opposed to the bill; is that correct?

The Hon. K.J. MAHER: No, that is not what I said and that is not correct.

The Hon. M.C. PARNELL: Does the government accept that the body, the Council for the Care of Children, which includes the executives of those four departments, is against this bill and that the minister said that no-one has resiled from it? None of those agencies have written in saying, 'That was a terrible mistake. The council does not speak for us.' The minister has to acknowledge, I think, that the key agencies of government do not like this bill. Have I got that wrong or is that a clear implication from the fact that the Council for the Care of Children has opposed the bill?

The Hon. K.J. MAHER: I do not think that is a fair characterisation. I can understand the rhetorical point the honourable member is trying to make but I do not have any information as to whether they do or do not resile from what was written, their participation in writing what was written or their participation afterwards. I just do not think it is fair to characterise it in the way the honourable member is doing.

The Hon. M.C. PARNELL: Let me phrase the question another way: who has written to the government saying the bill is a good idea? Which stakeholders have supported the bill other than, perhaps, the police?

The Hon. K.J. MAHER: I am advised that a number of members of the public have written in support of the bill as well as internal stakeholders like, as the honourable member suggested, SAPOL.

The Hon. M.C. PARNELL: It is interesting that these members of the public have written to you. I cannot speak for other members of parliament, but not one of them has written to me saying, 'Please support this bill. It is a wonderful initiative.' I will proceed on a different line of questioning. Can I ask what the government's position is in relation to statutory recognition of the United Nations Convention on the Rights of the Child?

I pointed out earlier that in another bill that is currently on the *Notice Paper* before this council, the government intended to legislate for the Convention on the Rights of the Child to be formalised as a requirement for administrative decision-makers in South Australia to have to comply with. What is the government's current intention in relation to that convention?

The Hon. K.J. MAHER: I have some advice on that. The Hon. Mark Parnell has cited various submissions and raised various international human rights treaties and resolutions, which it is said that this bill is at odds with or at least undermines in respect of the treatment of young offenders. Many academic theses and probably PhDs have been written about the effect and implications of international law on Australian domestic law. I have information, and I will seek to be as concise as possible in answering the question.

I firstly note in passing that treaties and instruments in relation to the treatment and sentencing of youth offenders are not drafted in absolute terms, as is sometimes presented. These treaties and instruments include recognition of the need to properly protect society, but more fundamentally, it is a well-established principle of Australian law that the provisions of an international treaty to which Australia is a party do not form part of Australian law unless those provisions have been validly incorporated into Australian domestic law by statute.

There are numerous statements of the principle to this effect in the judgements of the High Court. In brief, international treaties, as with international agreements or resolutions, are not binding unless expressly incorporated into Australian law. This is also made clear by section 3(1) of the Administrative Decisions (Effect of International Instruments) Act 1995 (South Australian legislation) insofar as administrative decisions and procedures are concerned. Both the state and federal parliaments are entitled to enact legislation that is otherwise within their legislative competence that may have the effect of modifying what is set out in an international treaty agreement or resolution.

The Hon. Mark Parnell has raised the 1995 decision of the High Court in Minister of State for Immigration and Ethnic Affairs v Teoh and its implications for this bill. The advice of the government is that that decision concerned the issue of whether the ratification of an international convention created a legitimate expectation that the executive would act in accordance with the terms of the convention even in the absence of legislation to give effect to it, thereby giving an interested person a right to be heard before a decision-maker acted differently.

Not only is this decision not relevant to the context of this bill, the High Court has largely disapproved of the doctrine of legitimate expectation in later decisions, in 2003 in re Minister for Immigration and Multicultural and Indigenous Affairs; Ex parte Lam, and in any event section 3(2) of the Administrative Decisions (Effect of International Instruments) Act 1995 (South Australia) makes clear that an unincorporated national instrument does not give rise to any legitimate expectation in respect of executive action.

The Hon. Mark Parnell has otherwise raised the effect of the Administrative Decisions (Effect of International Instruments) Act 1995. In addition to the subsection I have already mentioned, section 3(3) provides that the act does not prevent a decision-maker from having regard to an international instrument if the instrument is relevant to the decision.

The Hon. M.C. PARNELL: I thank the minister for repeating what I said this morning. That was the little lesson we had in international law.

The Hon. K.J. Maher: Do I get a high distinction?

The Hon. M.C. PARNELL: The minister does not get the high distinction. He correctly said that these international treaties do not form part of domestic law unless they are validly incorporated into Australian law. The government at the present moment appears to have an intention to incorporate the treaty into domestic law. It is in a bill before parliament that miraculously has not appeared on the priority list, but it is in a bill before parliament. My question was: what is the government's intention? Is it the government's intention to validly incorporate into Australian law the international treaty?

The Hon. K.J. MAHER: It would not surprise the honourable member that the advisers that we have with us for the purposes of the bill that is confronting this chamber cannot speak for the intention, but certainly I look forward when we return here after March to progressing business that will be before us then.

The Hon. M.C. PARNELL: I sometimes wonder whether we overanalyse these things, but it strikes me that it is incredibly convenient that the Prevention and Early Intervention for the Development and Wellbeing of Children and Young People Bill 2017 has not found its way on to the priority list because that bill, if enacted, would be completely at odds with the bill that we are now debating. They are inconsistent pieces of legislation.

The piece of legislation that I referred to, the prevention and early intervention bill (let's call it that), specifically says that the convention on the rights of the child becomes part of South Australian law to the extent that prescribed service providers will seek to give effect to the rights that are set out in that convention, and the bill before us is trashing the convention. Every one of the commentators, the stakeholders, have said—

The Hon. R.I. Lucas: There's something for everybody, Mark. Just pick the one you like.

The Hon. M.C. PARNELL: —this bill is at odds. The interjection that there is something for everyone—there is a school of thought that sometimes these international treaties are biblical in their nature: if you want to find something to support a position, you will find it in the Bible; if you want to find a contrary position it is in there as well. I do not see them the same way, and certainly the stakeholders do not see it the same way.

The minister clearly cannot answer the question, but I just make the point, whether I am overanalysing it or whether the government has had a lightbulb moment and realised that it was about to do itself in by legislating to validate an international treaty in the same breath as it is legislating to trash that treaty. I will leave that line of questioning there.

Another question is: given that the Northern Territory royal commission findings came out after this bill had been presented to parliament, and given that that is the most recent and the most comprehensive analysis of juvenile justice, what consideration has the government given to the findings and recommendations of that royal commission?

The Hon. K.J. MAHER: My advice is that, as the member correctly states, this was with us and introduced before the findings from the Don Dale royal commission were handed down. Certainly by its very nature what is presented in a bill that was drafted before then does not look at the specific findings, but as with anything that is handed down it certainly helps to inform—and I am sure the royal commission will help inform all states and jurisdictions—future policy in this matter.

The Hon. M.C. PARNELL: I accept what the minister is saying: of course this bill in its original form cannot reflect the findings of a royal commission report that was handed down afterwards but, for goodness sake, there is the opportunity for the government to amend its own bill, as it does in probably 50 per cent of bills, maybe less than that number, but a huge proportion of bills have government amendments.

My question is: why didn't the government see fit to make any changes whatsoever in response to the most comprehensive set of recommendations in relation to juvenile justice in recent times?

The Hon. K.J. MAHER: My advice is that there are many things within the NT royal commission that are familiar, and those issues are addressed in how governments administer these

policies. As I have said, whenever there is a major finding handed down, it is common practice for jurisdictions to see how they apply policies, going forward.

The Hon. M.C. PARNELL: I thank the minister for his answer, which I do not find convincing, but I accept what he is saying. On a different tack, if the pattern of child offending and crime that we have seen in the past is repeated in the future, does the government have any idea of how many children might be covered by this legislation? Is there any estimate of the number of offences in an average year, for example? Are there any statistics at all that might shed some light on how many children are being treated as adults and who would be sentenced as adults under this bill?

The Hon. K.J. MAHER: My advice is that this bill will not apply to the vast majority of young offenders, who will continue to be dealt with as young offenders in accordance with the usual established principles of youth sentencing. This bill is confined to the very small group of the most serious young offenders to be dealt with by the Supreme Court or the District Court as adults. I am informed by the Office of Crime Statistics and Research that research identified only 16 young offenders likely to be sentenced as an adult in the District Court or Supreme Court in the three-year period from 2014 to 2016.

For the sake of completeness and because it might pre-empt further questions, I will give all the information I have on this. The research shows that of the 16 identified young offenders, 10 were definitively sentenced as adults. These 10 cases involved murder, criminal neglect, murder and assault, murder and attempted murder, murder and various assaults where a total of eight assault offences or causing harm offences were committed, rape, unlawful sexual intercourse, serious criminal trespass, robbery and kidnapping and, finally, persistent sexual abuse of a child.

In two cases, the young offender was not dealt with as an adult. In two cases, the sentencing remarks indicate that the offender was aged 18 or more at the time of defence. In two cases, relevant sentencing remarks could not be found, and these records were not readily available. So, the impact of the bill will be very limited and confined to the most serious young offenders, who are more likely to pose a real risk to the safety of the community.

The Hon. M.C. PARNELL: I thank the minister for putting those statistics on the record. Is he able to further break those figures down, either in relation to the 16 cases in three years (that was the first figure he gave), or to the 10 he had narrowed it down to? Is the minister able to provide any indication of how many of those were young people who identify as Aboriginal or Indigenous?

The Hon. K.J. MAHER: My advice is that I cannot give these as definitive figures because we are looking at the sentencing remarks. But of the sentencing remarks that I have mentioned before, it appears from those sentencing remarks that two were identified as Aboriginal.

The Hon. M.C. PARNELL: I thank the minister for putting those on the record. I know at this stage that honourable members are keen for a more detailed and more forensic examination of the bill. There is an expectation, perhaps, that all of the propositions and criticisms of the bill in all of the stakeholders' submissions would be put, one by one, to the minister for a response.

My feeling at present is that that is probably not the way to proceed. I am very grateful that the Legislative Council only once in my 12 years has ever pulled the rabbit out of the hat, saying that the honourable member no longer be heard, so I know that I would get the opportunity if I desired it to ask all of those questions, but I think given the lateness of the hour and given the fact that the Liberal Party is now supporting the legislation and that we do have some amendments that need to be processed, I am going to leave my questioning at clause 1 there.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Amendment No 1 [Employment–1]—

Page 3, after line 2—Insert:

(1) Section 3(2a)(a) and (b)—delete paragraphs (a) and (b) and substitute:

regard should be had to the deterrent effect any proposed sanction may have on the youth

This bill intends that section 3 of the Young Offenders Act 1993 has no application in sentencing of a young offender who is being sentenced as an adult offender before a higher court. This amendment intends to make this point clear and dispel any possible doubt. The present section 3(2a) of the Young Offenders Act to be amended by this bill still includes a reference to sentencing by a court on a youth who is being dealt with as an adult; however, the proposed new section 3(4) of the Young Offenders Act 1993 provides that section 3 does not apply to a court imposing sanctions on a youth who is being dealt with as an adult.

There is a tension between the sections 3(2a)(b) and the proposed section 3(4). Section 3(2a)(b) is now unnecessary and should be repealed to avoid any confusion on the part of the sentencing court or elsewhere. That is what this amendment does.

Amendment carried.

The Hon. A.L. McLACHLAN: I move:

Amendment No 2 [McLachlan–1]—

Page 3, line 7 [clause 4, inserted section 3(4)]—After 'reason' insert ', including, for example, the gravity of the illegal conduct'

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Schedule 1.

The Hon. M.C. PARNELL: I just take the opportunity, so that we do not have any surprises very soon. I did mention earlier that I would be dividing. I will now just divide on the third reading; I wanted to put that on the record. I know that it is often common for a rapid-fire progression through, and then we have an argument about whether there were enough voices, so I am putting on the record at this point that it is my intention to divide at the third reading.

Schedule passed.

Title passed.

Bill reported with 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) (01:45): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 17
Noes..... 3
Majority..... 14

AYES

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

NOES

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

Third reading thus carried; bill passed.

MOTOR VEHICLES (SUITABILITY TO HOLD LICENCE) AMENDMENT BILL

Introduction and First Reading

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

LABOUR HIRE LICENSING BILL

Final Stages

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

STATUTES AMENDMENT (EXPLOSIVES) BILL

Final Stages

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Introduction and First Reading

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

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (PUBLIC MONEY) AMENDMENT (2017) BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

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

Final Stages

The House of Assembly agreed to the bill without any amendment.

Resolutions

WATER RESOURCES MANAGEMENT

The House of Assembly agreed to the Legislative Council's resolution.

At 01:53 the council adjourned until Thursday 30 November 2017 at 11:00.